



ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015
www.anc3e.org

Amendment to the September 11, 2013 Voluntary Agreement between ANC 3E and Dancing Crab LLC Relating to Public Space Application 84464

The September 11, 2013 Voluntary Agreement, paragraph 4, required Dancing Crab LLC (the "Applicant") to pay \$50,000 into an escrow fund to support streetscape improvements on a schedule that would have required making such a deposit at approximately this time.

The Applicant contacted the ANC to request that the time for making such a deposit be postponed given challenges confronted in the permitting process for the improvement of the building generally which have delayed reopening of the business. The Applicant also proffered preliminary proposals for potential streetscape improvements. ANC 3E appreciates the outreach from the Applicant and considered the preliminary proposals as a good faith effort to commence the process.

Under the circumstances, ANC 3E and the Applicant agreed to replace the body of paragraph 4 (sub-paragraphs a through c remain unchanged) with the following provision:

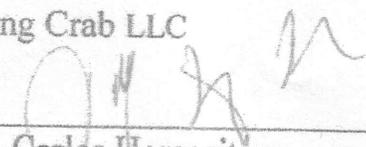
Within two days of receiving a certificate of occupancy for the premises, , the Applicant shall deposit the sum of \$50,000 into an escrow fund in the District of Columbia ("Escrow"). Within 90 days of the execution of this agreement, the ANC, in consultation with the Applicant will identify one or more streetscape improvements ("Designated Improvements") on the Applicant's block. The Designated Improvements shall be reasonably capable of implementation by the Escrow. The Applicant shall begin to seek all government approvals necessary for the Designated Improvements within 2 days after the ANC transmits the Designated Improvements to the Applicant. The Applicant shall make all commercially reasonable efforts to complete the Designated Improvements within 90 days of the funding of the escrow account.

ANC 3E approved this revision at its meeting on July 17, 2014, which was properly noticed and at which a quorum was present. The revision was approved by a vote of 3-0-0. Commissioners Jonathan Bender, Matthew Frumin and Tom Quinn were present.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year stated below:

Applicant:
Dancing Crab LLC

By: 

Carlos Horcasitas

Date Signed: August 6, 2014

ANC 3E

By: 

Matthew Frumin, Chairperson

Date Signed: August 8, 2014