

VOLUNTARY AGREEMENT

This Voluntary Agreement (the “**Agreement**”) is made and entered into as of the 18th day of March, 2010, by The Knowles Marr Group, LLC, the applicant in ABRA-083794 (“**Knowles**”), and Advisory Neighborhood Commission 3E (“**ANC**”) (Knowles and ANC 3E each being a “**Party**” hereunder or collectively, the “**Parties**”).

WITNESSETH:

WHEREAS, Knowles has sought permission from the District of Columbia Alcoholic Beverage Administration (ABRA) to serve beer and wine at a restaurant called “Pete’s New Haven Style Apizza” (“**Pete’s**”) it plans to open at 4940 Wisconsin Avenue, N.W., which is located within the boundaries of ANC 3E; and

WHEREAS, Knowles seeks to serve beer and wine at outdoor café seating outside Pete’s (“**Café**”) on both the Wisconsin Avenue and Fessenden Street sides of 4940 Wisconsin Avenue in addition to service inside the restaurant; and

WHEREAS, ANC 3E agrees to support Knowles application in ABRA-083794 (“**Application**”), in reliance in part on Knowles’s agreement to certain restrictions contained herein that will reduce potential burden on nearby residents;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the Parties agree as follows:

1. **Limited Hours for Fessenden Side of Café.** Knowles hereby agrees that, notwithstanding any other permission from ABRA or any other agency, it will end operation of all Café seating and other operations on the Fessenden Street side of Pete’s (“**Fessenden Seating**”) by 10 pm on weeknights and 11 pm on weekends.
2. **Modification.** Knowles may ask the ANC at any time to modify this Agreement to permit Fessenden Seating up to the hours set forth in any ABRA or other agency order, decision, or license. Such a request shall be made in writing. The ANC may ask Knowles to appear at a meeting to present the request to the community. If the ANC agrees to modify the Agreement, such modification may come only pursuant to a formal ANC resolution and a writing signed by the parties.
3. **Attendance at ANC Meetings.** Should the ANC receive complaints from constituents related to Pete’s operations, one or more ANC members may ask Knowles to attend an ANC meeting. Should Knowles receive such a request, it will make every reasonable effort to ensure that an officer or senior staff member attends the meeting (or, if impracticable, the next practicable meeting) and works in good faith with the ANC and the community reasonably to address such complaints.
4. **Miscellaneous Provisions.**

Waiver: The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party’s right subsequently to enforce

and compel strict compliance with every provision of this Agreement.

Binding on Survivors: All covenants, stipulations, promises, agreements, and provisions in this Agreement shall apply to, bind and be obligatory on the parties hereto, their heirs, executors, administrators, personal representatives, and successors.

Severability: If any provisions of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable.

Assignment and Subcontracts: Neither party may assign any rights or delegate any duties under this Agreement without the express prior written consent of the other party.

Headings and Paragraphs: Headings in this Agreement are for convenience only and shall not affect the meaning of this Agreement. References in this Agreement to any Section or paragraph are to the applicable numbered section of this Agreement unless otherwise noted.

Counterparts: This Agreement may be executed simultaneously in one or more counterparts, by original or facsimile signature, and when executed by all parties shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement as of the date and year first written above.

He KNOWLES LLC ^{Marr}

By: 
Name: Joel Mehr
Title: OWNER

Advisory Neighborhood Commission 3E
By: 
Name: _____
Title: Chair