

VOLUNTARY AGREEMENT

This Voluntary Agreement (the "**Agreement**") is made and entered into as of the ____ day of April, 2015, by F&A Enterprises, Inc., DBA Wagshals Liquor and Deli, the applicant in DDOT #10177244 ("**Wagshals**"), and Advisory Neighborhood Commission 3E ("**ANC**") (Wagshals and ANC 3E each being a "**Party**" hereunder or collectively, the "**Parties**".)

WITNESSETH:

WHEREAS, Wagshals has sought permission from the District of Columbia Public Space Committee (PSC) to operate a sidewalk café in the rear of its 4857 Massachusetts Avenue, NW location, which is located within the boundaries of ANC 3E; and

WHEREAS, Wagshals seeks to cover its sidewalk café with a glass structure ("**Enclosure**") that would fully enclose the café, but would be substantially retractable; and

WHEREAS, ANC 3E believes that to the extent possible, sidewalk cafés should be open air, serving as a transition zone between the interior of a restaurant or bar and the street, and, hopefully, promoting liveliness and vibrance in the area around the café; and

WHEREAS, no harm is done to street vibrance by enclosing a sidewalk café when weather conditions are unfavorable to outside seating; and

WHEREAS, Wagshals has indicated its willingness to keep its Enclosure open whenever weather conditions favor outside seating; and

WHEREAS, ANC 3E agrees to support Wagshals's application in this matter, in reliance in part on Wagshals's agreement to certain restrictions contained herein that will help promote street vibrance in the area around Wagshal's sidewalk café;

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

1. **Enclosure to be Open When Conditions Permit.** Wagshals hereby agrees that it will keep its Enclosure as open as possible during business hours, closing it only when necessary to to avoid discomfort to patrons or neighbors .
2. **Attendance at ANC Meetings.** Should the ANC receive complaints from constituents or otherwise become aware of possible compliance issues with the foregoing section, one or more ANC members may ask Wagshals to attend an ANC meeting. Should Wagshals receive such a request, it will make every reasonable effort to ensure that a member of its management staff 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 issues.

4. **Miscellaneous Provisions.**

PSC Adoption: The Parties agree to ask PSC to issue the permit for the sidewalk café

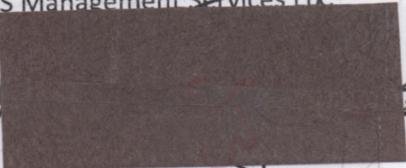
subject to the conditions herein.

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, assigns, and successors.

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

WAGSHALS Management Services LLC

By:

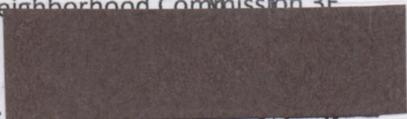


operations director

Title:

Advisory Neighborhood Commission 3E

By:



Name: *John B...*

Title: *Chair*