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, between ANC 3E and Dancing Crab LLC (the "Applicant") at paragraph 4 required 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.

In response to a request from the Applicant in the Summer of 2014, the deadline to make the escrow deposit was extended by an agreement executed on August 6, 2014 by the Applicant and on August 8, 2014 by ANC 3E to allow more time to develop proposed streetscape improvements.

Subsequently, members of ANC 3E and local business owners have begun to explore additional ideas for streetscape improvements that will require more time to determine if they might be viable.

Under the circumstances, ANC 3E and the Applicant agree to again 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 10 days after a certificate of occupancy for the premises is issued, 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 ratified this revision at its November 13, 2014 meeting. The revision was ratified by a vote of 4-0-0. Commissioners Jonathan Bender, Matthew Frumin, Tom Quinn and Sam Serebin 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: November 11, 2014

ANC 3E

By: _____
Matthew Frumin, Chairperson
Date Signed: November 11, 2014