ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
CHEVY CHASE WAKEFIELD FORT GAINES

c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015
https://anc3e.org

--DRAFT RESOLUTION--

Whereas, this Resolution amends the Settlement Agreement ("Agreement") entered into between ANC3E and Le Kavacha Bistro, LLC ("Le Kavacha") on April 19, 2021 and shall be referred to as the "First Amendment" to the Agreement.

Whereas, pursuant to Paragraph 6 on Page 4 of the Agreement, Le Kavacha has submitted a written request to the ANC seeking a modification of the Agreement.

Whereas, currently, "Entertainment" is defined as "karaoke only for the Inside of the Establishment." *See* Entertainment Endorsement on Page 3 of the Agreement.

Whereas, the Agreement expressly prohibits any "Live Entertainment" on the "Outside" of Le Kavacha. The Agreement reads as follows on Page 3:

> Outside Entertainment. Applicant agrees that no music, karaoke, television, or other forms of entertainment will be played in the Sidewalk Cafe seating area or in any other location except for karaoke inside the Establishment. This provision, however, shall not prevent Applicant from subsequently applying for permission to provide additional entertainment not currently permitted.

Whereas, La Kavacha seeks to modify the Entertainment Endorsement in the Agreement. Specifically, La Kavacha wishes to provide certain forms of entertainment for patrons of the restaurant on its Sidewalk Café seating area outside of the Establishment.

Now, therefore, be it RESOLVED as follows:

1. "Outside" hours on Page 2 of the Agreement for "Live Entertainment" shall be modified to the following: 4 PM to 9 PM for Sunday through Thursday and Noon to 10 PM for Friday and Saturday.

2. "Entertainment Description" on Page 3 of the Agreement shall be modified to read as follows: "Entertainment Description. Entertainment is defined as "a singer, band, or musical ensemble, poetry reading, trivia, karaoke, DJ, comedy show, or

drag show. Entertainment does not include playing a television, radio, or other prerecorded music."

3. "Entertainment Noise" on Page 3 of the Agreement shall be modified to read as follows:

   - **Entertainment Noise:** If Applicant chooses to provide Entertainment Indoors, Applicant agrees that, in addition to the terms enunciated in the Noise and Privacy section, Applicant agrees to keep its doors closed when Entertainment is being played inside the Establishment but may open its window panels during such times, provided that the Entertainment shall at no time exceed lawful limits. 1/ 2/ 3/ 4/ Furthermore, no Entertainment shall be discernible from the far side of Wisconsin Ave.

4. "Additional Endorsements" on Page 3 of the Agreement shall be modified to read as follows:

   - **Outside Entertainment.** If Applicant chooses to provide Entertainment Outdoors on the Sidewalk Cafe, Applicant agrees that, in addition to the terms enunciated in the Noise and Privacy section, and notwithstanding anything else in law or this agreement, no Entertainment shall be hearable either on the west side of Wisconsin Ave or in front of Tenley Hill.

The Commission supports this First Amendment to the Agreement, conditioned upon the hours specified above; and be it further resolved The Commission approved this resolution at its meeting on September ___, 2021, which was properly noticed and at which a quorum was present.

The resolution was approved by a vote of x-x-x. Commissioners Cohen, Bender, McHugh, Quinn and Hall were present.

ANC 3E

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