

Accordingly, it is this 30th day of October, 2019, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Settlement Agreement not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6B.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member



Raft Crockett, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

FIRST AMENDMENT TO VOLUNTARY AGREEMENT

THIS First Amendment to Voluntary Agreement ("Agreement") is made on this 15th day of October 2019 by and between Advisory Neighborhood Commission 6B ("ANC") and PQ Capitol Hill, Inc. t/a Le Pain Quotidien ("Licensee") at 666 Pennsylvania Avenue, SE, Washington, DC 20003 (ABRA-080832) (collectively, the "Parties"). This Amendment updates the Voluntary Agreement dated January 13, 2009 and approved by the ABC Board on January 28, 2009 (Board Order No. 2009-022).

RECITALS

WHEREAS, Licensee and ANC 6B entered into a new Voluntary Agreement dated January 13, 2009 relating to Licensee's application for a Retailer's Class D Restaurant ABC license at an establishment located at 666 Pennsylvania Avenue, SE, Washington, DC 20003;

WHEREAS, the original Voluntary Agreement dated January 13, 2009 provided for a maximum of thirty-two (32) seats on Licensee's sidewalk cafe; and

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this First Amendment to the Voluntary Agreement conditioned upon Licensee's compliance with the terms of this written Amendment and the previously executed Voluntary Agreement, Board Order, and ABC License; and

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually understood and agreed by and between the undersigned Parties to amend the previously executed Agreement as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. The second sentence of section 4, "Floors Utilized and Occupancy," is stricken and replaced by the following: "Establishment shall not exceed 99 patrons inside and 41 on the sidewalk cafe."
3. The first sentence of section 5, "Sidewalk Cafe," is stricken and replaced by the following: "Applicant will provide for sidewalk cafe seating for no more than 41 patrons."
4. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Cooperative Agreement, Board Order, and license are expressly reaffirmed and remain in full force and effect.

[signatures on the following page]

IN WITNESS WHEREOF, the Parties have affixed hereunto their signatures.

LICENSEE:

PQ Capitol Hill, Inc. t/a Le Pain Quotidien
ABRA-080832
666 Pennsylvania Avenue, SE
Washington, DC 20003
(202) 459-9147

PQ Capitol Hill, Inc.

By:


Peter C. Noyes, Secretary

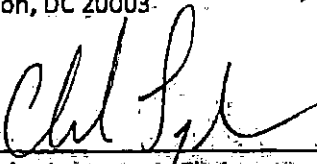
Date:

10/7/19

ANC:

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003

By:


Chander Jayaraman, Chairperson

Date:

10/15/19