

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Commissioner Stephen O’Neal, on behalf of ANC 6C, are signatories to the Amendment.

Accordingly, it is this 22nd day of February, 2018, **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, except for the following modifications:

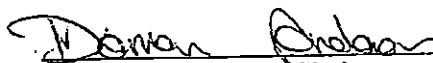
Section 2 (Summer Garden Hours) – “12 p.m.” shall be replaced with “12 a.m.”

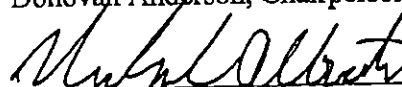
Section 3 (Termination) – This Section shall be modified to read as follows: “Applicant agrees that in the event three residents from separate addresses deem noise after 10:00 PM (including, but not limited to, noise from speakers or other amplification devises) unduly disruptive and file a written complaint or complaints to either ABRA of the ANC to that effect, the parties shall amend the agreement to remove the provision authorizing the extension of hours.

The parties have agreed to these modifications.

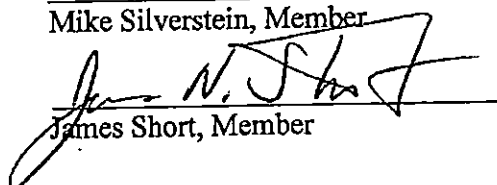
2. All terms and conditions of the original Settlement Agreement not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6C.

District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


Nick Alberti, Member

Mike Silverstein, Member


James Short, Member

Donald Isaac, Sr., Member

Bobby Cato, Member

Rema Wahabzadah, 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).

Addendum to Voluntary Agreement

This addendum to the Voluntary Agreement executed on January 17, 2016 is made and entered into as of May 23, 2017 by and through DC Live, LLC t/a XO (hereinafter "XO" or the "Applicant") and the Advisory Neighborhood Commission 6C (hereinafter "ANC") and shall supersede any terms in any other agreement.

The Parties agree as follows:

- 1. Tavern Hours:** XO agrees that the hours of operation shall be from 10 AM until 2 AM Sunday – Thursday and 10 AM until 3 AM on Friday and Saturday. The ANC agrees that XO may apply for extended holiday hours for indoor operation of the establishment on holidays recognized by the Alcoholic Beverage Regulation Administration ("ABRA") Extended Holiday Hours program, provided, however, that XO may sell and serve alcoholic beverages until 4 AM on such extended holiday evenings but shall not operate for 24 hours on these holidays. Patrons shall be encouraged leave the premises peacefully and quietly without disturbing the residents in the surrounding neighborhood.
- 2. Summer Garden Hours:** XO agrees that the hours of operation for the Summer Garden area shall not extend beyond 12:00 PM, Monday – Thursday and 1:00 AM on Friday, Saturday and Sunday.
- 3. Termination:** Applicant agrees that in the event three residents from separate addresses deem noise after 10:00 PM (including, but not limited to, noise from speakers or other amplification devices) unduly disruptive and file a written complaint or complaints to either ABRA or to the ANC to that effect, the extension of hours detailed in this addendum will terminate immediately.
- 4. Renewal:** Applicant agrees that the extension of hours detailed in this addendum will terminate at the end of each calendar year, and be automatically renewed in the absence of action by the ANC to express the intent to refuse renewal.

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this 23rd day of May, 2017

Applicant:

Advisory Neighborhood Commission 6C:

