

AGREEMENT

Made this 19th day of June 2006 by and between The Big Cheese, LLC, T/A Comet (the Applicant) and Advisory Neighborhood Commission 3F, North Cleveland Park, Forest Hills, and Tenleytown (the ANC).

WHEREAS, pending before the District of Columbia Alcoholic Beverage Regulation Administration, is the Applicant's application for a Retailer's Class "CR" liquor license for its premises at 5037 Connecticut Avenue, N.W., Application # 61098 and License #74897; and

WHEREAS, both Applicant and the ANC ("the parties") desire to enter into an agreement commemorating certain understandings regarding Applicant's operating plans;

NOW, THEREFORE, in consideration of the premises above recited, and the mutual covenants and promises set forth below, the parties agree as follows:

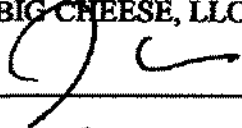
1. Applicant shall operate a *bona fide* restaurant on its premises.
2. The restaurant shall have a maximum of 120 for the exclusive use of dining patrons, including up to 15 seats at the bar.
3. Applicant's hours of operation will be 10 a.m. to 12 midnight, Monday through Sunday.
4. Applicant shall offer food service to its patrons at all times it is open. At no time shall a patron be able to purchase an alcoholic beverage from the Applicant and not be able to purchase food from the Applicant.
5. Applicant plans to offer take-out food service, but will not offer delivery service and will not have delivery trucks. Applicant will not provide alcoholic beverages on a take-out basis.
6. Applicant shall respond to any complaint made by a resident in the immediate neighborhood within 48 hours.
7. Applicant shall not install or utilize any equipment for the showing of videos or video games or juke boxes.
8. Applicant shall not present any form of live entertainment and no form of recorded music other than soft background music for dining.
9. Applicant will post no signs advertising liquor sales, happy hours, or the like.
10. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act. Applicant shall ensure that its trash is removed in a timely manner. Applicant shall ensure that trash receptacles remain closed and free of vermin at all times. Applicant will limit noise after closing when disposing of trash and bottles in the receptacles.

11. Applicant shall maintain its ventilating system in proper working order at all times and shall immediately address any neighborhood concerns regarding odor.
12. Applicant shall be responsible for maintaining the public space bordering the restaurant.
13. Applicant shall comply with Section 5(d)(3) of the D.C. Noise Control Act as it pertains to businesses and ensure that noise from all mechanical equipment (air-conditioning, refrigerator, heat pump, fan, or other mechanical equipment regardless of location) shall be prohibited in excess of sixty (60)dB when measured at the property line or as close to the property line as is practical.
14. An ABC licensed manager, conversant with all aspects of this agreement, shall be on site at Applicant's premises during all hours of operation.
15. Any and all contemplated changes to Applicant's operation, as set forth herein, will be brought to the attention of the ANC prior to implementation and will be implemented only after ANC approval.
16. In consideration of and in reliance upon the commitments reflected in paragraphs 1-15 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for Retailer's Class "CR" license.
17. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause to gain the Applicant's compliance with the terms of this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

APPLICANT, BIG CHEESE, LLC

By (signature):



Name (print name):

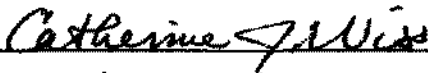
James Alefantis

Title (print title):

M.M. Big Cheese, LLC

ADVISORY NEIGHBORHOOD COMMISSION 3F

By (signature):



Name (print name):

Catherine J. Wiss

Title (print title):

Chair, ANC 3F