

hearing on 1/12/05

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B



November 16, 2004

Mr. Charles Burger
Chairperson, Alcoholic Beverage Control Board
941 North Capitol Street, NE, 7th Floor
Washington, DC 20002

Re: ABC Application No. 32220, Tan Inc., T/A Larry's Lounge & Coffee House, 1840
18th Street NW

Dear Mr. Burger:

At its regular meeting on November 10, 2004, the Dupont Circle Advisory Neighborhood Commission (Commission or ANC 2B) considered ABC Application No. 32220 by Tan Inc., T/A Larry's Lounge & Coffee House, located at 1840 18th Street NW.

With eight of nine Commissioners in attendance, a quorum at a duly called public meeting, the Commission approved the following motion by a vote of 8-0:

ANC 2B supports ABC Application No. 32220 by Tan Inc., T/A Larry's Lounge & Coffee House, located 1840 18th Street NW, for a license renewal. ANC 2B agrees to enter into discussions with the applicant concerning whether the applicant's existing voluntary agreements should be retained, modified, or dissolved. ANC 2B agrees to participate in a mediation process sponsored by the Alcoholic Beverage Control Board if the above-referenced discussions between ANC 2B and the applicant are not successful.

Commissioner Major Giese is the Commission's representative on this matter. Commissioner Giese may be reached at (202) 232-5018 or at Major.Giese@DupontCircleANC.net for additional information or assistance.

ON BEHALF OF THE COMMISSION.

Sincerely,

Handwritten signature of Darren A. Bowie.

Darren A. Bowie
Chairperson

Voluntary Agreement
Dupont Circle Neighborhood Commission 2B (the ANC)
and
Tan, Inc (owners)

This agreement relates to application number 32220 by Tan, Inc pending before the Alcoholic Beverage Control Board of the District of Columbia for a Class CT license at 1840 18th Street, NW.

Prior to the opening of Larry's Lounge and Coffee House, the trade name for the establishment proposed by Tan, Inc, the parties will convene a meeting of the ANC liaisons of ANC 2B 01 and the owners. Larry Ray, the ANC Commissioner shall select up to eight liaisons, and the owners may select up to eight additional persons to attend. All those invited to attend will be residents or owners of a business located in ANC 2B 01. At the meeting, the participants will discuss matters of mutual concern.

The ANC recognizes that:

1. Businesses are an an important part of the life of the community.
2. Tan Inc, the owners of the Straits of Malaya, 1836 18th Street, is an important part of the community and has worked closely with members of the community to ensure that its business operates in a matter consistent with the needs of the community.
3. A neighborhood lounge and coffee house can be an important addition to the cultural life of the community and welcomes the plans of Tan Inc to establish a neighborhood gathering place.
4. The owners of Tan Inc are residents of ANC 2b 01 and commends them for the successful establishment of their business.

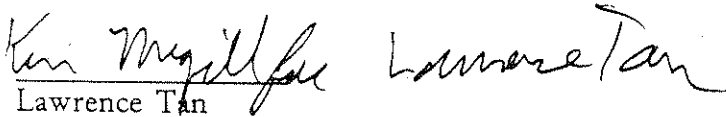
The owners recognize that:


1. They are bound by all laws and regulations governing ABC licensed establishments.
2. The neighborhood is seeking to have no trash pick up in the area after dusk or prior to seven a.m. Monday through Friday or before nine a.m. Saturday or Sunday. The owners will seek to have its trash collected during the hours preferred by the neighborhood.
3. It is important for its patrons to recognize that the neighborhood is a residential as well as a business area and will encourage its patrons to leave the establishment quietly.
4. That two thirds of T Street is a residential area and will locate the primary entrance and exit to the business at 1840 18th Street.

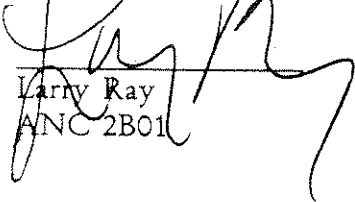
The parties agree to meet, at the request of either party, at a mutually agreeable time and place to discuss matters of mutual concern. Such meetings shall be arranged in the same manner as the initial meeting prior to the opening of the establishment.

The parties agree that the ANC will support the application by Tan Inc for Larry's Lounge and Coffee House and that this agreement may be used by the ANC as grounds for the ANC to petition the ABC Board.

By:


Lawrence Tan
President, Tan, Inc.

 - 7/26/93.
Ken McGill
Secretary-Treasurer, Tan, Inc.


Larry Ray
ANC 2B01

VOLUNTARY AGREEMENT

This Voluntary Agreement entered into this **14th day of March, 2001**, by and between Tan, Inc., t/a Larry's Lounge (hereinafter referred to as Applicant), and Dupont Circle Advisory Neighborhood Commission 2B (hereinafter referred to as ANC 2B), pursuant to 35 DCR No. 26, Section 1513:

WHEREAS, Applicant's Application No. 3220 for a renewal Class "CT" Retailer's License at premises 1836 18th Street, N.W. is pending before the District of Columbia Alcoholic Beverage Control Board (hereinafter referred to as the "Board"); and

WHEREAS, premises 1836 18th Street, N.W. is within the jurisdictional boundaries of Dupont Circle ANC 2B; and

WHEREAS, Dupont Circle ANC 2B reviewed the renewal application at its duly called meeting on Wednesday, March 14, 2001 and a quorum being present; and

WHEREAS, the Applicant and ANC 2B, mutually desiring to enter into this Voluntary Agreement;

NOW *THEREFORE*, Applicant and ANC 2B set forth their mutual agreement with the intent to be bound thereby, as follows, and request that the Board approve and incorporate the text of this voluntary Agreement in its order granting Application No. 3220:

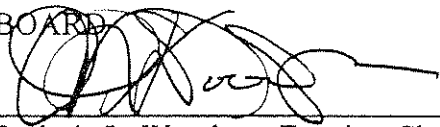
- 1) Applicant agrees from the date of adoption of this agreement and throughout the term thereof, not to allow outdoor seating on T Street public space area of the premises after 11:00 P.M. on Sunday through Thursday nights or after midnight (12:00 A.M.) on Friday and Saturday nights. If a Sunday night is prior to a legal holiday on Monday, then seating in such area is allowed until midnight. This area includes the public space that extends north of the building line along 18th Street, NW.
- 2) Not to use or open the door which fronts on T Street after 9:00 P.M. except for emergency purposes.
- 3) Not to allow live music, as defined under the ABC regulations.
- 4) As prohibited by ABC regulations, no exterior speaker will be placed on premises or on public space.
- 5) To place a notice beside the door on the T Street side of premises, which asks patrons not to use the door after 9:00 P.M.

Tan, Inc.
T/a Larry's Lounge & Coffee House
Page two

Accordingly, it is this 18th day of April 2001, **ORDERED** that:

1. The opposition of Camille Cholst and Vince Micone, Chairperson, on behalf of Dupont Circle Advisory Neighborhood Commission (ANC) 2B, be, and the same hereby is **WITHDRAWN**;
2. The application of Tan, Inc., t/a Larry's Lounge & Coffee House, for a retailer's class CT license (renewal) at premises 1840 18th Street, NW, Washington, DC 20009, be, and the same hereby, is **GRANTED**; and
3. The above-referenced agreement between the parties, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and;
4. Copies of this Order shall be sent to the Protestant and the Applicant.

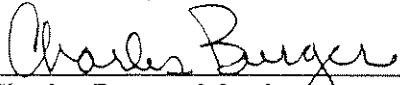
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD



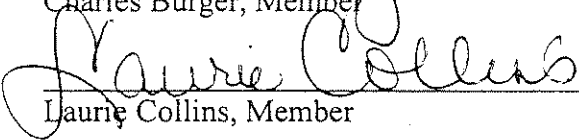
Roderic L. Woodson, Esquire, Chair



Vera Abbott, Member




Charles Burger, Member



Laurie Collins, Member

Judy Moy, Member



Ellen Oppen-Weiner, Esquire, Member

Audrey Thompson, Member

THIS VOLUNTARY AGREEMENT (Agreement) made this 7th day of Oct, 2002, by and between Tan, Inc., t/a Larry's Lounge and Coffee House ("Applicant") and Advisory Neighborhood Commission 2B ("Protestant").

WITNESSETH

WHEREAS, the Alcohol Beverage Control Board has required a substantial change application applying to Applicant's Class CT License to allow Applicant to operate and serve alcoholic beverages on its outdoor café adjacent to 18th Street and T Street (the "Outdoor Café"); and

WHEREAS, Protestant has protested Applicant's request for a substantial change; and

WHEREAS, Applicant has previously entered into two Voluntary Agreements with ANC 2B governing certain aspects of the Applicant's operation, dated July 26, 1993, and March 14, 2001; and

WHEREAS, Applicant and Protestant wish to reaffirm the validity and enforceability of such Voluntary Agreements, except as expressly replaced and superceded herein, and enter into this Voluntary Agreement to resolve issues governing the Applicant's operation of its Outdoor Café; and

WHEREAS, Larry's Lounge has been an important and unique part of the cultural life of the community and wishes to continue to work closely with members of the community to ensure that its business operates in a manner consistent with the needs of the community; and

WHEREAS, the parties have agreed to enter into this Agreement and to request the Alcohol Beverage Control Board to approve the Applicant's application conditioned upon Applicant's compliance with the terms of this written Agreement.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the parties agree as follows:

1. Hours of Operation for the Outdoor Cafe. The Outdoor Café shall close and be cleared of patrons by 11:00 p.m. Sunday through Thursday evenings, and at midnight on Friday and Saturday. This restriction on hours of operation replaces and supercedes the provisions concerning hours set forth Paragraph 1 of the Voluntary Agreement dated March 14, 2001.
2. Noise. Applicant will comply with the D.C. Noise Control Act and take reasonable steps to ensure that operations on the Outdoor Café are not disruptive to residents of adjacent properties.
3. Binding Effect. This Voluntary Agreement shall be binding upon and enforceable against the Applicant, its successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first above written.

APPLICANT:

Tan, Inc.

By:

Kenneth A. McGill

PROTESTANT:

ANC 2B

By:

James M. Moore

REVIEWED AND APPROVED this ____ day of _____, 2002:

Roderic L. Woodson, Esq., Chairman

