

2002-4-18-002

VOLUNTARY AGREEMENT CONCERNING ISSUANCE OF LICENSE FOR SALE OF ALCOHOLIC BEVERAGES

THIS AGREEMENT, made and entered into this 15th day of APRIL 2002, by and between _____, Trading as TOM TOM (hereinafter the "Applicant"), and Advisory Neighborhood Commission 1C, (hereinafter the "Protestant"), witnesses:

Whereas Applicant has filed an application (29242) with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the renewal of a class "CR" License for the premises known as TOM TOM located at 2333 18th ST NW, Washington, DC.

Whereas Protestant has filed before The Board a protest opposing the granting of this renewal,

Whereas in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching voluntary agreements, the Parties hereto desire to enter into a voluntary agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestant's concerns and to include this agreement as a formal condition of its application, and (2) Protestant will agree to the issuance of the renewal of the license and withdrawal of the Protest *provided* that such agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such agreement,

Whereas Applicant has recently taken or intends to take certain measures designed to ameliorate Protestant's concerns,

Now agree therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Hours. The hours of operation shall be:

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

Roof: as allowed by law
Patio:

(If hours are different on different floors please indicate)
If different from above, hours when alcohol will be served:

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

Inside:
Roof:
Patio:

2002 APR 18 PM 1:26

2. Seating. Seating capacity will not exceed: *current c of o limitations*

Interior table:

Interior bar:

Patio(s):

Roof:

(Please indicate by floor, if more than one floor will have seating)

3. Noise/Music/Dancing. Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with DCMR 905. The doors and windows of the premises will be kept closed at all times during business hours when music is being played or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises. There shall be no music played on the roof.

4. Trash/garbage/rodents. Applicant shall maintain regular trash garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and eliminate the rat population.

5. Exterior including public space. (a) Applicant shall assist in the maintenance of the alleyway and the space in front of the establishment to at least 18 inches outward from the curb as need to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects. Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to cause patrons to leave those areas at closing.

(b) Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the dumpster.

6. Items specific to establishment: *NO OUTSIDE SPEAKERS*

7. Bar/Pub Crawls. Applicant agrees not to promote or participate in bar or pub "crawls."
8. Consideration. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees leaving the establishment to keep conversations and noise down from 11:00 PM to 7:00 AM.
9. Modification. This agreement can be modified only by the ABC Board, or by mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC 1C, if Applicant desires to modify the terms of this agreement, prior to implementing the changes Applicant shall receive written agreement from ANC-1C after a majority of the commissioners shall have voted in favor of changes at a full public meeting.
10. Regulations. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.
11. ~~Withdrawal of protest. Protestant agrees to the issuance of the renewal of the license and the withdrawal of their protest provided that the present Voluntary Agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.~~

APPLICANT:



PROTESTANT:

Advisory Neighborhood Commission 1C

By:

IRAS AKRIN

By:



ANDREW MISCUK - CHAIR

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)

2333, Inc.)
t/a Tom Tom)

Application for a Retailer's Class)
CR License (renewal))
at premises)
2333 18th Street, N.W.)
Washington, D.C.)

Application no. 29242
2002-90

Iras Askarinam, on behalf of 2333, Inc., and Andrew Miscuk, Chairperson, on behalf of the Advisory Neighborhood Commission 1C, Signatories

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Opper-Weiner, Esquire, Member
Audrey Thompson, Member

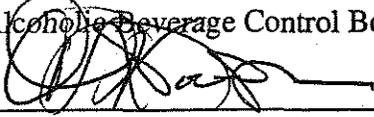
ORDER ON VOLUNTARY AGREEMENT

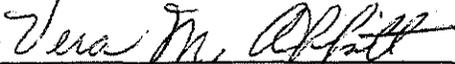
This matter came before the Board for approval on April 24, 2002. The signatories to the attached voluntary agreement dated April 15, 2002, submitted the agreement to the Board in accordance with 23 DCMR Section 1513 (June 1997).

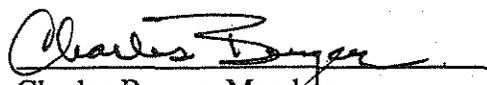
Having determined that the agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 22nd day of May 2002, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and **INCORPORATE** the text of the same into the Order.

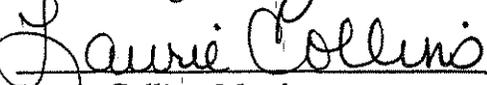
2333, Inc.
t/a Tom Tom
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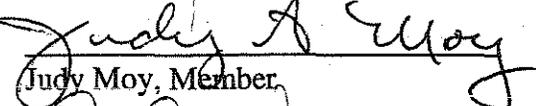
District of Columbia
Alcoholic Beverage Control Board

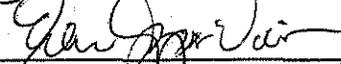

Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member


Ellen Opper Weiner, Esquire, Member


Audrey E. Thompson, Member