

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

In the Matter of:

Yegna Restaurant and Lounge, Inc.
t/a Asefu's Palace

Application for a New
Retailer's Class CT License

at premises
1920 9th Street, N.W.
Washington, D.C. 20001

Case No.: 17-PRO-00029
License No.: 105977
Order No.: 2017-396

Yegna Restaurant and Lounge, Inc., t/a Asefu's Palace (Applicant)

Brad Gudzin, Commissioner, SMD 1B02, Advisory Neighborhood Commission (ANC)
1B, Protestant

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Jake Perry, Member
Donald Isaac, Sr., Member

ORDER DENYING MOTION TO CHANGE GEOGRAPHIC DESIGNATION

ANC 1B has filed a motion under § 1607.3 to shrink the geographic boundaries under review as part of ANC 1B's protest from a section (1,200 feet) to a locality (600 feet).

In establishing the geographic area under review, the Board may select an area of 600 feet, 1,200 feet, or 1,800 feet. 23 DCMR § 1607.7. In making this determination, the Board shall consider, among other factors, ". . . the overall characteristics of the area, including population, density, and general commercial and residential activities" and "[g]eographical factors, such as parks, rail lines, major thoroughfares, bodies of water, cemeteries, and unimproved or unused property, which may tend to define physically an area to be considered." 23 DCMR §§ 1607.6, 1607.8 (West Supp. 2014).

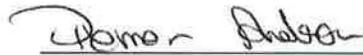
In re Pulse Nightclub, LLC, t/a Pulse Nightclub, Case No. 14-PRO-00021, Board Order No. 2014-311, 8(D.C.A.B.C.B. Aug. 6, 2014). Previously, the Board also indicated that it may "consider reducing the size of the protest area when the licensee will only be open to the workers located in an office building, and not the general public." *Id.* at 8 n. 14.

ANC 1B's argument in favor of its motion is unpersuasive. First, the ANC's argument that the standard or enlarged protest zone "fails to consider . . . localized circumstances" is implausible, as all of the potential zones consider the immediate surroundings. Second, ANC 1B has provided no compelling evidence justifying a reduction in the protest area or otherwise shown that the establishment is unlikely to have an impact 1,200 feet away from the premises. Consequently, the Board denies the motion to change the geographic area under review.

ORDER

Therefore, the Board on this 19th day of July 2017, hereby **DENIES** the motion filed by ANC 1B. Copies of this Order shall be sent to the parties.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

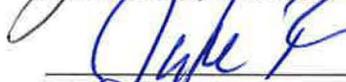
Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Jake Perry, Member



Donald Isaac, Sr., 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).