

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

In the Matter of:)	
)	
Park Place, Inc.)	License Number: 075548
t/a The Park Place at 14th)	Case Number: 13-PRO-00153
)	Order Number: 2014-026
Application to Renew a)	
Retailer's Class CN License)	
)	
at premises)	
920 14th Street, N.W.)	
Washington, D.C. 20005)	

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

ALSO PRESENT: Park Place, Inc., t/a The Park Place, Applicant

Makan Shirafkan, of the Law Office of Shirafkan, on behalf of the Applicant

John Patrick Brown, Jr., of Greenstein, DeLorme & Luchs, P.C., on behalf of 1400 K Co., LLC, Abutting Property Owner

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER REINSTATING 1400 K CO., LLC AS AN ABUTTING PROPERTY OWNER

The Alcoholic Beverage Control Board (Board) received an Application to Renew a Retailer's Class CN License (Application) from Park Place, Inc., t/a The Park Place (Applicant). The Application was timely protested by 1400 K Co., LLC, (1400 K) under the "abutting property owner" provision of § 25-601. D.C. Official Code § 25-601(1).

In Board Order No. 2013-586, the Board dismissed 1400 K, because it did "not share a common wall" with the Applicant. In re Park Place, Inc., t/a The Park Place at 14th, Case Number 13-PRO-00153, Board Order No. 2013-586 (D.C.A.B.C.B. Dec. 4, 2013).

Subsequently, 1400 K filed a Motion for Reconsideration, which has been challenged by the Applicant.

The Board agrees with 1400 K that its protest merits reinstatement, because the property line of 1400 K's lot abuts the property line of the Applicant's lot. The Board notes that § 25-601 does not describe a "common wall" as a necessary condition to qualify as an abutting property owner. § 25-601(1). Furthermore, § 101.2 of Title 23 of the D.C. Municipal Regulations states, "In establishing the distance between one or more places . . . the distance shall be measured linearly by the Board and shall be the shortest distance between the property lines of the places." 23 DCMR § 101.2 (West Supp. 2014). Consequently, as a matter of law, when two lots have property lines that touch, those lots are considered abutting under § 25-601, because there is no distance between the lots in accordance with § 101.2.

Here, the Applicant is located at 920 14th Street, N.W., which has been designated Square 218, Lot 813, while 1400 K is located at 1400 K Street, N.W., which has been designated Square 218, Lot 79. *1400 K's Mot. for Recon.*, 1. As 1400 K's Exhibit B shows, these two lots share property lines; therefore, the lots are considered abutting. *Id.* at Exhibit B.

We also reject the Applicant's challenge to 1400 K's ownership of the lot and timeliness of the Motion for Reconsideration. *Applicant's Response*, 2. The Certificate of Amendment provided by 1400 K demonstrates that it is the true owner of the property. *1400 K's Reply*, Exhibit E. Furthermore, based on the date of service of the Board's Order on December 5, 2013, 1400 K's submission of the Motion for Reconsideration on December 16, 2013, was timely. *Id.* at Exhibit F; 23 DCMR §§ 102.1 (West Supp. 2014).

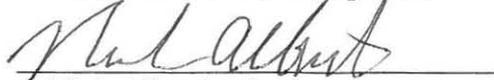
ORDER

Therefore, the Board, on this 15th day of January 2014, hereby **REINSTATES** the protest of 1400 K Co., LLC, and grants standing to 1400 K Co., LLC, as an abutting property owner. The ABRA shall distribute copies of this Order to the Applicant and the Protestants.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member

Under 23 DCMR § 1719.1 (2008), 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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, under 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration under 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).