

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

In the Matter of:)	
)	
Pezzo Forte, Inc.)	
t/a Tuscana West)	
)	
Application for Renewal of a)	Case No. 13-PRO-00039
Retailer's Class CR License)	License No. ABRA-082284
)	Order No. 2013-334
at premises)	
1350 I Street, N.W.)	
Washington, D.C. 20005)	

Pezzo Forte, Inc., t/a Tuscana West (Applicant)

Matthew M. Moore, Esq., on behalf of 3501 I Street Associates, LP (Landlord)

BEFORE: Nick Alberti, Acting Chairman
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

**ORDER DENYING 3501 I STREET ASSOCIATES, LP'S REQUEST FOR
REINSTATEMENT**

The Application filed by Pezzo Forte, Inc., t/a Tuscana West, for renewal of its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 3, 2013, in accordance with D.C. Official Code § 25-601 (2001).

On June 3, 2013, pursuant to Title 23 of the District of Columbia Municipal Regulations (23 DCMR) § 1602.3 (2004), the Board dismissed the Protest of 3501 I Street Associates, LP, (Landlord), because its claim falls outside the protest grounds outlined in Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations. The Landlord filed its protest based on issues in dispute with the Applicant, who is also the tenant. *See* Board Order No. 2013-276.

On June 14, 2013, Matthew M. Moore, Esq., on behalf of 3501 I Street Associates, LP, submitted a Request for Reinstatement asserting that the Landlord considers itself an abutting property owner to the licensed premises and it represents the other tenants located at 1350 I Street, N.W., Washington, D.C. Mr. Moore claims that these other tenants also abut the licensed premises.

Pezzo Forte, Inc.
t/a Toscana West
Case No. 13-PRO-00039
License No. ABRA-082284
Page 2

23 DCMR § 1605.2 requires the Protester to state “why the matter being objected to is inappropriate under one (1) or more of the appropriateness standards set out in D.C. Official Code §§ 25-313 and 25-314 and § 400 of this title.” As determined by statute, the appropriate grounds to file a protest are: (1) effect on peace, order, and quiet; (2) effect on real property values; (3) effect on residential parking needs and vehicular and pedestrian safety; (4) proximity and effect on schools, recreation centers, day care centers, and public libraries; (5) ability to attract school-age children before, during, and after school; or (6) creation of an overconcentration of licensed establishments. D.C. Code § 25-313 (2004); D.C. Code § 25-314 (2007), 23 DCMR § 400 (2008).

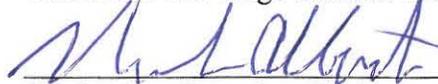
Even if the Landlord does abut, 3501 I Street Associates, LP failed to state in its protest letter, dated April 25, 2013, the appropriateness requirements set out in 23 DCMR §§ 400, 1605.2; D.C. Official Code § 25-313 (2004), D.C. Code § 25-314 (2007), which is a requirement to have standing as a protestant. Therefore, based upon the above, the Board does not find good cause to reinstate the Protest of 3501 I Street Associates, LP pursuant to D.C. Official Code § 25-601.

ORDER

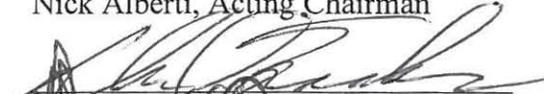
The Board does hereby, this 10th day of July, 2010, **DENY** the reinstatement of the Protest of 3501 I Street Associates, LP. Copies of this Order shall be sent to the Applicant and Matthew M. Moore, Esq., on behalf of 3501 I Street Associates, LP.

Pezzo Forte, Inc.
t/a Tuscana West
Case No. 13-PRO-00039
License No. ABRA-082284
Page 3

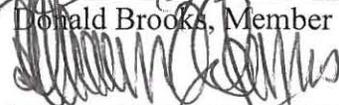
District of Columbia
Alcoholic Beverage Control Board



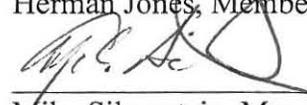
Nick Alberti, Acting Chairman



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.