

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

**In the Matter of:** )  
 )  
600 T, LLC )  
t/a 600 T )  
 )  
Applicant for a Substantial Change to a )  
Retailer’s Class CT License )  
 )  
at premises )  
600 T Street, N.W. )  
Washington, D.C. 20001 )  
 )

Case No.: 24-PRO-00091  
License No.: ABRA-100515  
Order No.: 2024-150

**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Silas Grant, Jr., Member

**PARTIES:** 600 T, LLC, t/a 600 T, Applicant  
  
Matthew Minora, Counsel, on behalf of the Applicant  
  
Craig Kujawa, Protestant

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**ORDER DENYING MOTION FOR REINSTATEMENT**

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The Application filed by 600 T, LLC, t/a 600 T (Applicant), for a Substantial Change to a Retailer’s Class CT License, having been protested, came before the Alcoholic Beverage and Cannabis Board (Board) for a Roll Call Hearing on March 4, 2024. On that date, Protestant Craig Kujawa was dismissed for not qualifying as an abutting property owner. Subsequently, the Protestant filed a motion for reinstatement that was opposed by the Applicant.

The basis of the reinstatement request is that the the Board’s Agent erred in not finding the Protestant an abutting property own in accordance with D.C. Official Code § 25-601. In this case, the Protestant owns a condominium in a building that abuts the establishment’s address of 600 T Street, N.W. *Motion Requesting Reinstatement of Dismissed Protest*, at 1. The Protestant admits that his unit is on the “second floor,” and it does not “share[] a ceiling nor wall with either the interior or summer garden” of the establishment. *Id.* at 2.

In light of these facts, the Board agrees with the Applicant that under these circumstances, the Protestant is not abutting. *Applicant’s Response to Protestant’s Motion*

*For Reinstatement*, at 1-2. It is longstanding precedent that the Board will not consider empty vertical space when it determines whether a property is abutting; as a result, the Protestant's arguments on this point are unavailing and the Board is not persuaded to change its precedent.

As noted in *Po Boy Jim 2* in 2019,

Mr. Schlom owns condominium Unit 302 and Mr. Marin owns Unit 402 in their building. The building where the Petitioners reside shares a lot line with the building where the establishment is located. *Based on pictures of the buildings, the Applicant's premise occupies a two story building, while the Petitioners' units are located on the third and fourth floors of a four story building. The floor of Unit 302 appears to run along the roof of the Applicant's building, while Unit 402 is located completely above the Applicant's premises.*

An abutting property owner is granted standing to protest the renewal of a liquor license under D.C. Official Code § 25-601(1). Under § 101.2, two properties are deemed to be abutting when their property lines touch. 23 DCMR § 101.2 (West Supp. 2019). In *Reverie*, the Board determined that "condominiums and apartments that do not share a wall or ceiling with the licensed establishment cannot constitute abutting properties." *In re Spero, LLC, t/a Reverie, Case No. 17-PRO-00088*, Board Order No. 2018-045, 2 (D.C.A.B.C.B. Jan. 31, 2018). The Board notes that this interpretation conforms with § 101.2 *because the property lines of a condominium or apartment do not constitute the entire building. In light of this precedent, Mr. Schlom's Unit abuts the Applicant's establishment, while the other Unit does not.*

*In re Po Boy Jim 2, LLC, t/a Po Boy Jim*, Case No. 19-PRO-00062, 2 (D.C.A.B.C.B. Jul. 10, 2019) (emphasis added).

Similar to Mr. Marin's unit in *Po Boy Jim 2*, the Protestant here has a condominium and does not own the entire lot occupied by his condominium. It does not share a wall or ceiling with the establishment and is located above the summer garden located on the ground. Consequently, the two properties cannot be deemed abutting, and the Protestant cannot qualify as an abutting property owner.

## **ORDER**

Therefore, the Board does hereby, this 27th day of March 2024, **DENY** the Protestant's motion for reinstatement. Copies of this Order shall be sent to the Parties.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocx.com  
*Donovan Anderson*  
Key: ac43cb9866d5f0e46730069d1dccc8

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Donovan Anderson, Chairperson

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*James Short*  
Key: 547ae379820d6eac8d12352ad2948ec

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James Short, Member



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Silas Grant, Jr., 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 and Cannabis Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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).