

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

In the Matter of:)
)
Rhythm & Eats Bar Japonais, LLC)
t/a Bar Japonais)
)
Application for a New)
Retailer’s Class CT License)
)
at premises)
1520 14th Street, NW)
Washington, D.C. 20005)
)

Case No.: 23-PRO-00056
License No.: ABRA-124706
Order No.: 2023-397

Rhythm & Eats Bar Japonais, LLC, t/a Bar Japonais, Applicant

Matthew Minora, Counsel, on behalf of the Applicant

Joe Florio, Chairperson, Advisory Neighborhood Commission (ANC) 2F, Protestant

Todd A. Sinkins, Designated Representative, on behalf of a Group of Five or More Individuals, Protestant

Todd A. Sinkins, Designated Representative, on behalf of 1400 Church Street Condominium Unit Owners Association, Protestant

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Jeni Hansen, Member
Edward S. Grandis, Member

**ORDER ON DISMISSAL OF 1400 CHURCH STREET
CONDOMINIUM UNIT OWNERS ASSOCIATION’S PROTEST**

The Application filed by Rhythm & Eats Bar Japonais, LLC, t/a Bar Japonais, (Applicant), for a New Retailer’s Class CT License, having been protested, came before the Alcoholic Beverage and Cannabis Board (Board) for a Roll Call Hearing on July 24, 2023.

On July 24, 2023, the Board dismissed the Protest of 1400 Church Street Condominium Unit Owners Association because 1400 Church Street Condominium Unit Owners Association did not meet the standing requirements needed to file a protest. Specifically, D.C. Official Code § 25-601 sets forth those persons that may file a protest and Condo Associations are not listed among them. It has long been recognized that persons who have standing to file a protest are: (1) An abutting property owner; (2) A group of no fewer than 5 residents or property owners, (3) A citizens' association, (4) An affected ANC; (5) the Mayor; (6) the designated custodian of federal property; or (7) The Metropolitan Police Department District Commander.

1400 Church Street Condominium Unit Owners Association may file a Motion for Reconsideration within ten (10) days from the date of this Order if it disagrees with the findings of the Board.

Additionally, the Board's agent advised the Group of Five or More Individuals at the Roll Call Hearing that four (4) more individuals must appear at the Protest Status Hearing to be granted standing as a Group of Five or More Individuals. The Group of Five or More Individuals was originally granted conditional standing at the Roll Call Hearing.

ORDER

The Board does hereby, this 26th day of July 2023, **DISMISS** the Protest of 1400 Church Street Condominium Unit Owners Association. Copies of this Order shall be sent to the Parties.

The Board advises the parties that the protests of the ANC 2F and the Group of Five or More Individuals remain, and the Protest Status Hearing is set for August 16, 2023, at 10:30 a.m. and the Protest Hearing for September 13, 2023, at 1:30 p.m.

District of Columbia
Alcoholic Beverage and Cannabis Board

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Donovan Anderson
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Donovan Anderson, Chairperson

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James Short
Key: 547ac373f322de6cc8d1b3323d2f41cc

James Short, Member

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Bobby Cato
Key: 256d2fca1fbc146d714b75bd7817c20d

Bobby Cato, Member

Jeni Hansen, Member

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Edward S. Grandis, Member
Key: 5027bda7f03fD040ec14adeb52541cc5

Edward S. Grandis, 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 14th 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).