

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

In the Matter of:)

Spero, LLC)
t/a Reverie)

Case No.: 17-PRO-00088
License No.: 108125
Order No.: 2018-045

Applicant for a New)
Retailer's Class CR License)

at premises)
3210 Grace Street, N.W.)
Washington, D.C. 20007)

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

ALSO PRESENT: Spero, LLC, t/a Reverie, Applicant

Angie Fetherston, Owner, on behalf of the Applicant

Ester du Toit, Designated Representative, on behalf of Abutting
Property Owners, Kathleen Mendes, Ester du Toit, Abe Totah, Velis
Vourhoutiotis, Pamela Tortoro, Madeleine Crohn, Jenard D.
Simpson, Svitlana Maslova, and Carl Anderson

ORDER GRANTING APPLICANT'S MOTION TO DISMISS

The Alcoholic Beverage Control Board grants the Applicant's motion to dismiss all of the above mentioned Protestant Abutting Property Owners. The Protestants fail to qualify as abutting property owners because, even though, all of the units are located in the same building as the Applicant, none of the units shares a wall or ceiling with the proposed restaurant. *Mot. to Dismiss*, 1-5.

The Board heard oral arguments on the Applicant's motion on January 31, 2018.

"It is . . . well-settled that the issue of standing may be raised at any time during the protest process, and that the Board may reevaluate the standing of parties *sua sponte*." *In re S&A Deli, Inc., t/a Good Hope Deli & Market*, Case No. 14-PRO-00018, Board Order

No. 2014-222 (D.C.A.B.C.B. May 15, 2014) citing *In re Watergate Hotel Lessee, LLC, t/a Watergate Hotel*, Case No. 13-PRO-00005, Board Order No. 2013-417, 17 (D.C.A.B.C.B. Oct. 2, 2013) (Order Denying the Motion for Reconsideration).

Section 25-601(1) grants standing to “abutting property owner[s]” to protest the issuance of a new retail license. D.C. Code § 25-601, (1). “[A]s 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 [23 DCMR] § 101.2.” *In re Park Place, Inc., t/a The Park Place at 14th*, Case No. 13-PRO-00153, Board Order No. 2014-026, 2 (D.C.A.B.C.B. Jan. 15, 2014). Previously, the Board has held that a property that is separated by an alley and does not share a property line cannot be deemed abutting for the purposes of standing. *In re States & Letters Restaurant, LLC, t/a The Dabney*, Case No. 15-PRO-00020, Board Order No. 2015-286, 2 (D.C.A.B.C.B. Jun. 3, 2015).

Similar to the Board’s holding that properties that do not share a property line and that are separated by alley do not constitute abutting properties, condominiums and apartments that do not share a wall or ceiling with the licensed establishment cannot constitute abutting properties. Consequently, because none of the units of the Abutting Property Owners meets this standard, they do not qualify for standing.

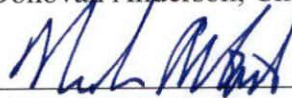
ORDER

Therefore, the Board, on this 31st day of January 2018, hereby **GRANTS** the motion to dismiss all of the Abutting Property Owners. A copy of this Order shall be sent to the Parties.

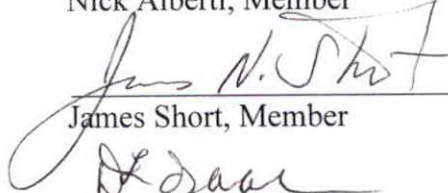
District of Columbia
Alcoholic Beverage Control Board



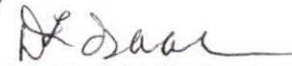
Donovan Anderson, Chairperson



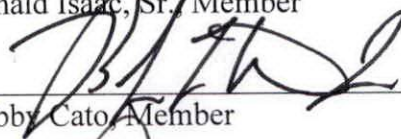
Nick Alberti, Member



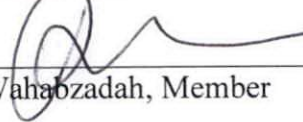
James Short, Member



Donald Isaac, Sr., Member

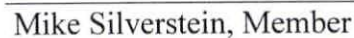


Bobby Cato, Member



Rema Wahabzadah, Member

I dissent from the position taken by the majority of the Board.



Mike Silverstein, 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).