

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

In the Matter of:)	
)	
Parc Deux Restaurant Partners, LLC)	
)	
Applicant for a New)	Case No. 11-PRO-00092
Retailer's Class CR License)	License No. ABRA-088243
)	Order No. 2012-068
at premises)	
1601 14 th Street, N.W.)	
Washington, D.C. 20009)	
)	

Parc Deux Restaurant Partners, LLC (Applicant)

Pastor Vernon A. Shannon and Keith Spinner, on behalf of John Wesley African Methodist Episcopal Zion Church

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Jeannette Mobley, Member

**ORDER DENYING JOHN WESLEY AFRICAN METHODIST EPISCOPAL ZION
CHURCH'S REQUEST FOR REINSTATEMENT**

The Application filed by Parc Deux Restaurant Partners, LLC for a new Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on January 3, 2011, in accordance with D.C. Official Code § 25-601 (2001).

John Wesley African Methodist Episcopal Zion Church's (Church) protest letter indicates that its property, located at 1615 14th Street, N.W., Washington, D.C, abuts the Applicant's establishment. However, according to the District of Columbia Geographic Information System (GIS), the Church does not abut the Applicant's property. Yet, a neighbor of the Church provided a photograph showing that the properties do abut. In addition, the applicant's attorney visited the site and agrees that the properties appear to abut. The Board concedes that the Church abuts the Applicant's property.

On January 11, 2012, through Board Order No. 2012-011, the Board dismissed the Protest of the Church, because, according to GIS, its property does not abut the Applicant's establishment under D.C. Code § 25-601(1); failed to state a claim under the appropriateness requirements set out in the 23 DCMR § 400; and failed to meet the standing requirements under D.C. Official Code § 25-601, because churches do not have standing.

On January 22, 2012, Keith Spinner, on behalf of the Church, requested to be reinstated for the following reasons:

1. Pastor Vernon A. Shannon stated in his letter, dated December 15, 2011, that the Church abuts the Applicant's property; therefore, it has standing to protest, pursuant to D.C. Official Code § 25-601, and at the Roll Call Hearing the Board's agent stated that it appears that the properties do abut.
2. Their protest is based on the threat to peace, order, and quiet of the neighborhood. The sale of alcoholic beverages on the sidewalk, seven days a week, especially on Sunday, will lead to excessive noise and adversely impact its neighbors and parking availability, the property value of the church, and overconcentration within the immediate neighborhood. There are at least two other restaurants currently operating within one block of the Applicant's property and a pending application for another restaurant. The Church has concern about trash, loitering, and pedestrian safety.

On January 30, 2012, the Applicant filed a Response in Opposition to Motion for Reinstatement of Protest by the Church.

23 DCMR § 1605.2 requires the Protestant 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 properties do abut, the Church failed to state in its protest letter, dated December 15, 2011, the appropriateness requirements set out in the 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.

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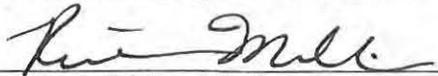
Therefore, based upon the above, the Board does not find good cause to reinstate the Church pursuant to D.C. Official Code § 25-601.

ORDER

The Board does hereby, this 15th day of February, 2012, **DENY** the reinstatement of John Wesley African Methodist Episcopal Zion Church. Copies of this Order shall be sent to the Applicant and John Wesley African Methodist Episcopal Zion Church.

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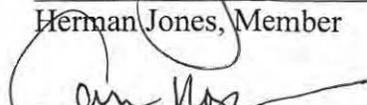
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Calvin Nophlin, Member

I dissent from the Board's decision.


Jeannette Mobley, 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.