

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

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In the Matter of:	)	
	)	
Sahara Market, LLC	)	Case No.: 24-PRO-00075
t/a Sahara Market	)	24-PRO-00076
	)	License No.: ABRA-128673
Application for a New	)	ABRA-128674
Retailer’s Class B License/	)	Order No.: 2025-006
New Retailer’s Class CR License	)	
	)	
at premises	)	
1901 Michigan Avenue, N.E	)	
Washington, D.C. 20018	)	

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**BEFORE:** Donovan Anderson, Chairperson  
Silas Grant, Jr., Member  
Teri Janine Quinn, Member  
Ryan Jones, Member  
David Meadows, Member

**PARTIES:** Sahara Market, LLC t/a Sahara Market, Applicant  
  
Jeff Jackson, Designated Representative, on behalf of the Applicant  
  
Stephanie Rones, Counsel, on behalf of Queens Chapel Civic Association  
Counsel, Protestant

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

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**INTRODUCTION**

The Alcoholic Beverage and Cannabis Board (hereinafter, “Board”) approves the Application for a New Retailer’s Class B License and a New Retailer’s Class CR License filed by Sahara Market, LLC t/a Sahara Market (hereinafter “Applicant”) where the Applicant demonstrated that its proposed operations would not have a negative impact on any appropriateness factors at issue in this case.

## ***Procedural Background***

The Notice of Public Hearing advertising Sahara Market’s Application was posted on May 24, 2024, and informed the public that objections to the Application could be filed on or before July 8, 2024. *ABCA Protest File Nos. 24-PRO-00075, 24-PRO-00076, Notice of Public Hearing [Notice of Public Hearing]*. The records of the Alcoholic Beverage and Cannabis Administration (“ABCA”) indicate that Queens Chapel Civic Association has filed a protest against the Application. *ABCA Protest File Nos. 24-PRO-00075, 24-PRO-00076, Roll Call Hearing Results*.

The parties came before the Board’s Agent for a Roll Call Hearing on July 29, 2024, where the above-mentioned objector was granted standing to protest the Application. On August 7, 2024, the parties came before the Board for a Protest Status Hearing. At the Protest Status Hearing, the Board requested from the parties to consolidate the protest hearings for the Application for a New Retailer's Class B License and a New Retailer’s Class CR. On August 14, 2024, a Board Order was issued to this effect. Finally, the Protest Hearings in this matter occurred on September 18, 2024, and October 4, 2024. The Protestant proceeded to file a proposed findings of fact and conclusions of law on November 18, 2024 that was also considered by the Board. *See Protestant’s Proposed Findings of Fact and Conclusions of Law (Protestant’s PFFCOL)*.

Based on the issues raised by the Protestant, the Board may only grant the Application if the request will not have an adverse impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Official Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2025).

## **FINDINGS OF FACT**

The following statements represent the Board’s findings of fact based on the evidentiary record. In reaching its determination, the Board considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board’s official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

### **I. Background**

1. Sahara Market has submitted an Application for a New Retailer's Class B License and an Application for a New Retailer's Class CR License located at 1901 Michigan Avenue, N.E., Washington, D.C. 20018. *Notice of Public Hearing*.
2. ABCA Investigator Jerrita Millington conducted the investigation of the Applications and prepared the Protest Report submitted to the Board. *ABCA Protest File Nos. 24-PRO-00075, 24-PRO-00076, Protest Report (Aug. 2024) [Protest Report]*.
3. The proposed establishment is located in an MU-3A zone. *Id.* at 4. There are no ABCA licensed establishments within 1,200 feet of the proposed location. *Id.* at 3. There are no schools, recreation centers, or public libraries located within 400 feet of the proposed location. *Id.* There

is one daycare center approximately 230 feet, door to door, from the front entrance of the establishment. *Id.*

4. The establishment's proposed hours of operation and hours of alcoholic beverage sales, service, and consumption are the same, Sunday through Saturday from 11:00 a.m. to 12:00 a.m. *Id.* at 5. However, per the Settlement Agreement entered between the establishment and Advisory Neighborhood Commission (ANC) 5B, the Applicant's hours of operation on the Class CR License have been limited to 7:00 a.m. through 11:00 p.m. from Sunday to Saturday, and 11:00 a.m. through 10:30 p.m. from Sunday to Saturday on the alcoholic beverage sale. *ABCA Protest File Nos. 24-PRO-00075, 24-PRO-00076, Settlement Agreement [Settlement Agreement]*. For the Class B License, the hours of operation are limited to 11:00 a.m. through 8:00 p.m. from Sunday to Thursday, and 11:00 a.m. through 10:00 p.m. from Friday to Saturday on the alcoholic beverage sales. *Id.* The establishment is not seeking any endorsements at this time. *Protest Report* at 5.

5. ABCA investigators visited the establishment on five occasions between August 12, 2024 and September 9, 2024. *Transcript (Tr.)*, Sep. 18, 2024. The establishment is located in a shopping center that includes six other stores, three of which are food service establishments. *Protest Report*, Exhibit 8. On all five occasions, no ABCA violations were observed. *Tr.* at 36. Since the establishment is applying for its alcohol licenses for the first time, there are no violations on its investigative history. *Protest Report* at 7. Furthermore, Investigator Millington contacted the Office of Unified Communications (hereinafter, "OUC") for the Calls for Service between August 20, 2023 and August 20, 2024 and there were no substantiated complaint affiliated against the establishment. *Tr.* at 37-38.

6. Sahara Market's proposed location will be at the Avondale Shopping Center in Ward 5, surrounded by new high-rise buildings, local shopping streets, and a quiet residential neighborhood. *Protest Report* at 5. Sahara Market will offer grocery items for sale consistent with Class B stores such as Wegmans, and a small eat-in section where patrons may sit-in and enjoy restaurant services. *Tr.* at 32. Eighty percent of the space will be designated for grocery sales and the remaining twenty percent will be reserved for the small restaurant. *Id.* at 104. Since the establishment was undergoing construction, Investigator Millington was unable to conduct a walk-through due to its unsafe conditions. *Id.* at 31-32. Lastly, the establishment has a large parking lot directly in front of the premises, sufficient street parking, and two bus stops, one bus stop located on a side street, Eastern Avenue, and the second bus stop on the main street, Michigan Avenue. *Id.* at 35-36, 48. The parking lot can contain over thirty cars. *Id.* at 48.

## **II. Dr. Emmanuel Irono**

7. Dr. Emmanuel Irono is the owner of Sahara Market. *Id.* at 75. He owns a restaurant in about five other locations in the D.C., Maryland, and Virginia metropolitan areas including East Capitol Street, N.E., and Skyland, N.E. *Id.* at 75. He has been in the restaurant industry for over twenty years. *Id.* at 76. In addition to owning restaurants, he has owned several small businesses and has been awarded accolades for the services he has provided through his businesses. *Id.* at 86. He has been recognized as the Company of the Year from the D.C. Chambers of Commerce, Administrator's Award of Excellence from the Small Business Administration, and the Who-is-Who in Small Business Modest Advantage Business in the region. *Id.* In 2021, the Office of

Contracting and Procurement (OCP) debarred Dr. Irono from performing District government contracts due to false information provided in one of his contract solicitations. *Id.*, at 88, *Protestant's PFFCOL* at 36. Dr. Irono was debarred for six years. *Tr.* at 97. Dr. Irono maintains that an employee falsely testified regarding this incident and he continues to pursue remedies in Court, rendering this matter not final. *Id.* at 92-94.<sup>1</sup>

8. Dr. Irono aims to model Sahara Market like a “mini Wegman” [*sic*] that would serve as a grocery store while offering “fruits and hot foods” in a small section of the store. *Id.* at 80. Like he has done at his East Capitol Street, N.E., establishment, he intends to convert Sahara Market into a state-of-the-art marketplace and restaurant where the “community can congregate . . .” *Id.* at 87, 99. Dr. Irono has signed a ten-year lease with Broad Street Realty at the Avondale Shopping Center where Sahara Market will be located. *Id.* at 103.

### **III. Derrel Simpson**

9. Derrell Simpson testified in favor of Sahara Market’s applications. He grew up in Ward 5 close to the proposed location for Sahara Market. *Id.* at 145. Mr. Simpson along with other members of the Queens Chapel Civic Association and ANC 5B attended the food tasting event Dr. Irono organized at his East Capitol Street location. *Id.* at 144. He and other attendees toured the facility, took pictures, and tasted many of the food items on the menu. *Id.* at 140. He also tasted some baked goods and coffee that Dr. Irono intends to replicate at Sahara Market. *Id.* at 150-151. Approximately ninety-seven people attended and a significant number expressed support for Sahara Market. *Id.* at 144. Prior to the food tasting event, on June 10, 2024, Dr. Irono was invited to present at a Queens Chapel Civic Association general body meeting but was not provided the opportunity to speak. *Id.* at 158. Mr. Simpson believes that Sahara Market would be a great addition to the community and he looks forward to patronizing the business. *Id.* at 150.

### **IV. Terry Burka**

10. Terry Burka testified in favor of Sahara Market’s applications. He currently serves as the property manager for Broad Street Realty at the Avondale Shopping Center. *Id.* at 163. Broad Street Realty owns approximately fifteen centers in the D.C. area with an asset value of over \$500 million. *Id.* at 163, 166. Mr. Burka and his team evaluated Sahara Market’s tenancy application along with its tax returns, balance sheets, Profit and Loss statements, and credit reports. *Id.* at 163. They also evaluated Sahara Market’s Certificate of Organization to confirm its LLC registration and compliance with other regulatory requirements. *Id.* at 165. Sahara Market’s whole application package and business model was considered favorable with Broad Street Realty and it exceeded several threshold tests by a wide margin. *Id.* at 165. Mr. Burka believes Sahara Market would be able to “properly and economically conduct business under the lease” in the Avondale Shopping Center. *Id.* at 178. The Avondale Shopping Center is also the only location out of the fifteen shopping centers that Broad Street Realty owns that does not require on-site security because of

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<sup>1</sup> The Board does not view this matter as requiring a finding of disqualification under D.C. Official Code § 25-301(a)(1) where the Respondent is still contesting negative findings and even if true, one blemish on the Applicant's record should not prohibit him from pursuing his chosen profession; especially, where there have been no criminal penalties associated with the violation and the related penalty is approaching its end date.

the calm surrounding neighborhoods. *Id.* at 167. He believes the Shopping Center has sufficient parking and Sahara Market would be a great addition to the strip of businesses in the Center. *Id.*

## **V. Charlotte Lewis**

11. Charlotte Lewis testified against Sahara Market’s applications. She is the President of the Queens Chapel Civic Association and she has resided in the Queens Chapel neighborhood since 1964. *Transcript (Tr.)*, Oct. 4, 2024. Ms. Lewis expressed several concerns with Sahara Market entering the neighborhood: (1) that the establishment’s alcoholic beverage sale may attract “outside influences” into the community which would “disrupt the peace, tranquility, and harmony in the community;” (2) that Dr. Irono has not been fully transparent in his application and the type of business he intends to operate in the neighborhood; (3) that Sahara Market would increase vehicular traffic in the neighborhood resulting to parking issues on the side streets; (4) that Sahara Market would be the sixth active business in the shopping center thereby increasing commercial trucks passing through the neighborhood to make deliveries; (5) that Sahara Market, if it proceeds to open an outdoor café or obtain a carry-out and delivery endorsement, it would increase foot traffic which would affect the drop-offs and pick-ups for the daycare center approximately 230 feet from the establishment; and (6) that there may be possible rodent infestation and trash issues due to Sahara Market’s operations. *Id.* at 13-18. Although the Settlement Agreement entered between ANC 5B and the establishment addresses some of the issues raised in Queens Chapel Civic Association’s protest, Ms. Lewis believes that the Settlement Agreement is not thorough. *Id.* at 18-19. The Commissioners in ANC 5B do not reside in the communities closest to the proposed location therefore, she believes the issues likely to arise do not directly impact the Commissioners. *Id.* at 19. She also believes that Sahara Market’s license applications are incomplete and intentionally misleading therefore, she would not support the Settlement Agreement. *Id.* at 34. Ms. Lewis urges the Board to deny Sahara Market’s Retailer’s Class B and CR applications.

## **VI. Dr. Larry Thurston**

12. Dr. Larry Thurston testified against Sahara Market’s applications. He is a member of the Queens Chapel Civic Association and he has been a resident of the community for almost thirty-six years. *Id.* at 48. He led a survey in the community from June 10, 2024 through July 7, 2024 to determine if: (1) the establishment’s proposed hours of operation provided “convenient retail services” for the day to day needs of the residents; and (2) the presence of the establishment would have minimal impact in the community. *Id.* at 49. Approximately one hundred and fifty homes were canvassed and for both questions, he received an overwhelming response that disapproved of the establishment entering the neighborhood. *Id.* at 50. In addition, members of the community expressed concerns about parking, loitering, increased traffic, and possible rodent and trash issues. *Id.* at 52. Based on the survey results, Dr. Thurston urges the Board to deny Sahara Market’s license applications.

## **VII. Deborah Jackson**

13. Deborah Jackson testified against Sahara Market’s applications. She is a member of the Queens Chapel Civic Association and has been a resident of the community for almost twenty-

five years. *Id.* at 97. Ms. Jackson expressed concerns about Sahara Market exacerbating traffic issues if it enters the neighborhood. *Id.* She is concerned that the establishment would attract large crowds and parking would overflow from the parking lot to residential streets competing with the residents' parking who are mainly senior citizens. *Id.* at 98. In spite of the accessible public transportation across the parking lot from the establishment, she is concerned that more patrons would drive their personal cars to the shopping center exacerbating parking concerns in the neighborhood. *Id.* at 104. She is also concerned that Sahara Market has not provided a plan to address the trash and noise issues likely to arise from the establishment. *Id.* at 100. Broad Street Realty has limited resources for waste disposal which has affected how establishments in the shopping center dispose hazardous waste. *Id.* She has observed some establishments dispose hazardous waste in residents' trash cans on Michigan Avenue. *Id.* She has also observed excessive trash overflowing from bins which has caused rodent issues in nearby homes. *Id.* at 100-101. She would like for Sahara market to propose a comprehensive plan that would address the trash issues. *Id.* Finally, Ms. Jackson is not satisfied with the plans Sahara Market intends to implement to control noise. *Id.* at 101. She visited the East Capitol Street, N.E. restaurant for the food tasting and she heard noise emanating from the restaurant across the street. *Id.* She has inquired from Dr. Irono the mechanical drawings and equipment on how to accommodate the eighty-person occupancy on his application as well as control noise in the establishment. *Id.* at 116-117. She is not satisfied with the responses Dr. Irono has provided thus far. *Id.* Ms. Jackson is not convinced that Sahara Market's plans meet the minimum requirements for appropriateness therefore, she urges the Board to deny the license applications.

#### **VIII. Dr. Brian Relford**

14. Dr. Brian Relford testified against Sahara Market's applications. He has resided in the Queens Chapel community for approximately five years and he pastors the Union Wesley African Methodist Episcopal Zion (hereinafter, "Union Wesley AME") Church directly across the street from the Avondale Shopping Center. *Id.* at 131. He testified in his own personal capacity. *Id.* at 132. Dr. Relford attended the June 10, 2024 general body meeting where Dr. Irono was invited to conduct a presentation for the Queens Chapel Civic Association. *Id.* at 135. The meeting was held at his church, Union Wesley AME. *Id.* Approximately one hundred people attended and an overwhelming number expressed disapproval of the establishment. *Id.* at 136. People expressed disapproval because: (1) they were apprehensive about the alcoholic beverage sales that may attract social vices to the neighborhood; (2) the restaurant component would likely increase vehicular traffic concerns in the neighborhood such as parking issues; and (3) the overall property value in the neighborhood may decrease due to the rodent infestation and trash issues likely to arise. *Id.* at 136-137. Dr. Relford is not in support of the Board approving Sahara Market's applications.

#### **IX. Jerrita Millington**

15. Jerrita is an Investigator for ABCA who was assigned to investigate Sahara Market after the protest petition was filed. *Id.* at 29. She has worked at ABCA for close to two years. *Id.* at 28. Investigator Millington and other ABCA investigators visited the establishment on five different days from August 12, 2024 through September 9, 2024 and no ABCA violations were observed. *Id.* at 35-36. She found the surrounding area to be well-lit, clean, and organized. *Id.* at

36. She also observed sufficient parking in the parking lot and on the side streets. *Id.* at 37. Investigator Millington did not inspect inside the establishment because of the ongoing construction that deemed the premises unsafe. *Id.* at 31-32. In concluding her investigation, she requested from OUC the Calls for Service from August 20, 2023 through August 20, 2024 regarding Sahara Market’s address. *Protest Report* at 6. There were six calls logged, however, none of them were affiliated with the establishment. *Id.*

## **X. Settlement Agreement**

16. ABCA’s records currently show that a Settlement Agreement was established between Sahara Market, LLC t/a Sahara Market and ANC 5B on September 11, 2024. *Settlement Agreement* at 1. Among other provisions, the Settlement Agreement prohibits the establishment from seeking a carry-out and delivery endorsement as well as an entertainment endorsement. *Id.* at ¶ 2. The Agreement also limits the establishment’s proposed hours of operation and hours for alcoholic beverage service on the Class CR License to the following: 7:00 a.m. through 11:00 p.m. from Sunday to Saturday, and 11:00 a.m. through 10:30 p.m. from Sunday to Saturday respectively. *Id.* at 3. For the Class B License, the hours of operation are limited to 11:00 a.m. through 8:00 p.m. from Sunday to Thursday, and 11:00 a.m. through 10:00 p.m. from Friday to Saturday for the alcoholic beverage sales. *Id.* In the event the establishment obtains a Sidewalk Café or Summer Garden endorsement, the Agreement limits the hours of operation to Sunday through Thursday from 11:00 a.m. to 7:30 p.m., and Friday through Saturday from 11:00 a.m. to 9:30 p.m. for alcoholic beverage sales. *Id.*

17. Next, the establishment commits in the Settlement Agreement to taking “reasonable steps to mitigate noise from: (1) the interior of the establishment, (2) noise emanating from the opening of the entry and exit doors, and the (3) from any sidewalk café/summer garden.” *Id.* at § 5. Lastly, the establishment commits to measures to ensure that its surrounding areas are clean and free of litter such as: (1) policing the surrounding areas such as the sidewalk, tree boxes, abutting public places, and alley to “assure refuse and other materials are promptly removed;” (2) obtaining a dumpster that would be placed at the rear of the building; (3) installing an enclosed dumpster area; and (4) ensuring trash collection is no fewer than twice a week. *Id.* at § 7.

## **CONCLUSIONS OF LAW**

18. The Board may approve an Application for a New Retailer's Class B and an Application for a New Retailer's Class CR License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Official Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2025). Specifically, the question in this matter is whether the establishment is “appropriate for the locality, section, or portion of the District where it is to be located.” D.C. Official Code § 25-313(a). The Board determines the “appropriateness standard” when it considers whether the establishment would have an adverse impact on the: (1) peace, order, and quiet; (2) residential parking and vehicular and pedestrian safety; and (3) real property values of the area located within 1,200 feet of the establishment. D.C. Official Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2025).

## **I. The Burden of Proof Lies with the Applicant to Prove its Case Through Substantial Evidence.**

19. The burden of proof in this matter is assigned to the Applicant. D.C. Official Code § 25-311(a). “. . . [T]he Applicant in meeting its burden may rely on the record as a whole, which includes information provided in the Protest Report and the Protestant’s case, and not just what the Applicant presents during its case-in-chief.” *In re The New 7307, t/a Premier Lounge*, Case No. 22-PRO-000222, Board Order No. 2022-701, ¶ 1 (D.C.A.B.C. B. Oct. 19, 2022) *citing Esgar Corp. v. Commissioner of Internal Revenue*, 744 F.3d 648, 655 (10th Cir. 2014); *see also Washington Metro. Area Transit Auth. v. Dist. of Columbia Dept. of Employment Services*, 992 A.2d 1276, 1283 (D.C. 2010) *citing Dale v. S & S Builders, LLC*, 188 P.3d 554, 561 (Wyo. 2008) (saying in determining whether a party met its burden during an administrative hearing the court will look at the “record as a whole”). The Board further notes that where there is an “absence of evidence on an essential point [this] supports denial rather than granting of an application.” *Conrad v. Dist. of Columbia Alcoholic Beverage Control Bd.*, 21-AA-748, 2023 WL 163964, at \*5 (D.C. Jan. 12, 2023).

## **II. The Establishment is Appropriate for the Neighborhood.**

20. Under the appropriateness test, “the applicant shall bear the burden of proving to the satisfaction of the Board that the establishment for which the license is sought is appropriate for the locality, section, or portion of the District where it is to be located . . . .” D.C. Official Code § 25-311(a). In determining appropriateness, the Board must consider whether the Applicant’s future operations will satisfy the reasonable expectations of residents to be free from disturbances and other nuisances—not just whether the Application complies with the minimum requirements of the law. D.C. Council, Bill 6-504, the “District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986,” Committee on Consumer and Regulatory Affairs, 38 (Nov. 12, 1986); *see Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013) (“However, in mandating consideration of the effect on peace, order, and quiet, § 25-313(b)(2) does not limit the Board’s consideration to the types of noises described in § 25-725.”). As part of its analysis, the Board should evaluate each “unique” location “according to the particular circumstances involved” and attempt to determine the “prospective” effect of the establishment on the neighborhood. *Le Jimmy, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 433 A.2d 1090, 1093 (D.C. 1981). Furthermore, the analysis may also include the Applicant’s efforts to mitigate or alleviate operational concerns, the “character of the neighborhood,” the character of the establishment, and the license holder’s future plans. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982) (saying that the Board could rely on testimony related to the licensee’s “past and future efforts” to control negative impacts of the operation); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985) (saying the Board may consider an applicant’s efforts to “alleviate” operational concerns); *Citizens Ass’n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 410 A.2d 197, 200 (D.C. 1979); *Gerber v. D.C. Alcoholic Beverage Control Bd.*, 499 A.2d 1193, 1196 (D.C. 1985); *Sophia’s Inc. v. Alcoholic Beverage Control Bd.*, 268 A.2d 799, 800-801 (D.C. 1970).



**a. The Applicant will not have a negative impact on peace, order, and quiet.**

21. The Board is persuaded that Sahara Market will not have a negative impact on the peace, order, and quiet of the neighborhood where the Applicant has demonstrated that it will not create or exacerbate any issues related to noise, loitering, trash, rodent issues, and other appropriateness factors under consideration.

22. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726.” D.C. Official Code § 25-313(b)(2); *see also* D.C. Official Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider “noise, rowdiness, loitering, litter, and criminal activity.” 23 DCMR § 400.1(a) (West Supp. 2025). In *Holiday Liquors*, the Board held that “a showing of inappropriateness should be based on evidence that neighborhood problems emanate from, are traceable to, or are otherwise exacerbated by the establishment and its patrons.” *In re Holiday Family Liquor, Inc., t/a Holiday Liquors*, Case No. 21-PRO-00025, Board Order No. 2021-518, (D.C.A.B.C.B. Sept. 29, 2021) *citing* *LCP, Inc. v. Dist. of Columbia Alcoholic Beverage Control Bd.*, 499 A.2d 897, 903 n. 4 (D.C. 1985) (finding that Patton’s patrons were the source of noise, litter, vandalism, public urination and defecation, illegal parking, and other issues). A simple speculation that an Applicant’s alcoholic beverage sales may correlate with increased criminal activities, loitering, noise, or rowdiness without sufficient proof does not make the establishment inappropriate in the neighborhood. *In re Holiday Family Liquor, Inc.*, Board Order No. 2021-618 at 10.

23. The Applicant has demonstrated appropriateness and that the establishment will not have a negative impact on the peace, order, and quiet of the neighborhood. First, the establishment has not requested an entertainment endorsement in its application and the Applicant has agreed not to seek an entertainment endorsement in the future per the Settlement Agreement. *Supra*, at ¶ 16. Therefore, it is unlikely that amplified music and other issues related to nightclub activity will occur at this business. Second, the proposed restaurant would be only twenty percent of the establishment’s entire business operation with the main objective of providing sit-in for patrons to enjoy their dinner when they visit to shop for groceries. *Supra*, at ¶ 6. The Applicant intends to model the establishment like a “mini -Wegman” [*sic*] consistent with other Class B grocery stores where eighty percent of the floor space will be reserved for grocery sales. *Id.* The alcoholic beverage sale would be miniscule compared to the food operation of the establishment; as a result, it is unlikely that this business will encourage crowd control or public intoxication issues that may be the experience when alcohol service is the primary focus of a business model. *Id.* Third, Mr. Burka testified that out of Broad Street Realty fifteen locations in the DC area, and the Avondale Shopping Center is the only location that does not require on-site security because of the serene environment and little to no crime in the area. *Supra*, at ¶ 10. For these reasons, the Board finds that Sahara Market has met its burden demonstrating that its business practices would not have a negative impact on the peace, order, and quiet of the neighborhood.

24. Next, the Board is not persuaded of the Protestants claims regarding inappropriateness where they are pure speculation. The survey presented by Mr. Thurston is pure conjecture where there appears to be no factual basis provided for the underlying opinions. *Supra*, at ¶ 12. Alcohol beverage licenses are not popularity contests and pure speculation by residents is not sufficient

evidence of negative impact in the neighborhood. Likewise, Ms. Lewis's concern that the Applicant's restaurant selling alcoholic beverage may attract "outside influences" into the neighborhood disrupting the neighborhood's peace, order, and quiet and Dr. Relford's similar concerns that the restaurant's alcoholic beverage sales may attract social vices to the neighborhood are mere speculations. *Supra*, at ¶¶ 11, 14. These testimonies do not directly trace any bad actions to the Applicant's current business practices and are not based on evidence. Unlike *LCP* where the Board found that the Applicant's patrons were the source of vandalism, public urination, and defecation therefore denying the Applicant's license renewal application, the Protestants before us raise speculations and do not tie concrete evidence to the Applicant's practices or patrons. *LCP, Inc.*, 499 A.2d at 903 n. 4.

25. Next, the Board is not persuaded that the business poses a trash or litter concern. The Board considered Ms. Jackson's testimony that Broad Street Realty provides limited resources for waste disposal and that businesses in the shopping center dispose hazardous waste into residents' trash cans. *Supra*, at ¶ 13. The Board also considered her concern that Sahara Market has not provided sufficient plan to address the volume of trash that would be generated from its restaurant and grocery sales. *Id.* Nevertheless, under the Settlement Agreement, the establishment has agreed to implement several measures to alleviate trash concerns. The establishment has agreed to: (1) policing the surrounding areas such as the sidewalk, tree boxes, abutting public places, and alley to "assure refuse and other materials are promptly removed;" (2) obtaining a dumpster that would be placed at the rear of the building; (3) installing an enclosed dumpster area; and (4) ensuring trash collection no fewer than twice a week. *Supra*, at ¶ 16. The establishment has also agreed to contract with a third-party company to provide vermin and rodent control for its business. *Settlement Agreement* at § 8. As a result, in light of this obligation on this business, it cannot be credibly argued that the business lacks appropriate plans to address trash and litter. Furthermore, the actions of separate businesses in the shopping center or patrons of these businesses have no bearing on the Applicant's conduct or the conduct of its patrons. In light of this reasoning, the Board is satisfied that the establishment will take measurable efforts to keep its environment clean; therefore, the Board finds in favor of the Applicant on this issue.

26. Lastly, the Protestants raise concerns that Sahara Market would likely attract noise to the neighborhood disrupting the peace and tranquility in the surrounding neighborhood that consists mainly of senior citizens. The Board disagrees. First, Sahara Market does not seek a dancefloor, live music, cover charge, or entertainment endorsements and according to the Settlement Agreement, these endorsements are prohibited. *Settlement Agreement* at § 5. Next, Sahara Market is not seeking a Sidewalk Café or Summer Garden endorsement at this time; as a result, the establishment will generate minimal patron activity outside the premises. *Id.*, *Supra*, at ¶ 16. Next, Sahara Market has agreed in the Settlement Agreement to apply "reasonable steps to mitigate noise from: (1) the interior of the establishment, (2) noise emanating from the opening of the entry and exit doors, and the (3) from any sidewalk café/summer garden." *Supra*, at ¶ 16. Finally, ABCA investigators observed the establishment and its surrounding areas on five separate occasions and no noise issues were observed. *Supra*, at ¶ 15. The Board is persuaded that Sahara Market's operations will not create any disturbing noise.

**b. The Applicant will not have a negative impact on residential parking needs and vehicular and pedestrian safety.**

27. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment upon residential parking needs and vehicular and pedestrian safety . . . .” D.C. Official Code § 25-313(b)(3); *see also* D.C. Official Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider the availability of both private and public parking, any parking arrangements made by the establishment, whether “[t]he flow of traffic . . . will be of such pattern and volume as to . . . increase the [reasonable] likelihood of vehicular [or pedestrian] accidents . . . .” 23 DCMR § 400.1(b), (c) (West Supp. 2025). In this case, there is no evidence that the establishment’s patrons will be monopolizing residential parking or that any current or future patrons will foster dangerous traffic conditions. In addition, there are two bus stops that run along the Eastern Avenue side street, and the Michigan Avenue main street, which are walking distance from the establishment. *Supra*, at ¶ 6. Furthermore, as Investigator Millington and Mr. Burka testified, the establishment has ample parking in the parking lot directly in front of the premises designated for the Avondale Shopping Center’s patrons. *Supra*, at ¶¶ 10, 15. In light of the availability of these parking and public transportation resources, it is not reasonable to presume that the proposed establishment will have a negative impact on residential parking and vehicular and pedestrian safety. Therefore, the Board is not persuaded that the presence of Sahara Market in the area single-handedly impacts residential parking or traffic safety.

**c. The Applicant will not have a negative impact on real property values.**

28. In determining whether an establishment is appropriate, the Board must examine whether the establishment is having a negative effect on real property values. D.C. Official Code § 25-313(b)(1). The Board has noted in the past that the presence of blight may have a negative impact on property values. *In re Historic Restaurants, Inc., t/a Washington Firehouse Restaurant, Washington Smokehouse*, Case No. 13-PRO-0031, Board Order No. 2014-107, ¶ 48 (D.C.A.B.C.B. Apr. 2, 2014) *citing In re Rail Station Lounge, LLC, t/a Rail Station Lounge*, Case No. 10-PRO-00153, Board Order No. 2011-216, ¶ 62 (D.C.A.B.C.B. Jun. 15, 2011). In this case, the Applicant has demonstrated that the establishment is well-lit, clean, and organized. *Supra*, at ¶ 15. The record shows no evidence of building code violations or blight. Therefore, the Board finds in favor of the Applicant on this issue.

**III. The Application Satisfies All Remaining Requirements Imposed by Title 25.**

29. The Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their initial protest. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) (“The Board’s regulations require findings only on contested issues of fact.”); 23 DCMR § 1718.2 (West Supp. 2025). Accordingly, based on the Board’s review of the Applications and the record, the Applicant has provided sufficient information necessary for the Board to make a determination on the Applications and the Applicant has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

## **ORDER**

Therefore, the Board, on this 15th day of January 2025, hereby **APPROVES** the Application for a New Retailer's Class B License and the Application for a New Retailer's Class CR License at premises 1901 Michigan Avenue, N.E., Washington, D.C. 20018 filed by Sahara Market, LLC t/a Sahara Market.

**IT IS FURTHER ORDERED** that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision. The omission of any testimony or evidence in the Board's Order indicates that such testimony or evidence was contravened by the evidence or testimony credited by the Board, had no or minimal weight on the Board's findings and conclusions, was irrelevant, was not credible, was not truthful, was repetitious, was too speculative, or was otherwise inappropriate for consideration.

The ABCA shall deliver a copy of this order to the Parties.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac430b06c00d5f0e4b730003d1dccc8

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Donovan Anderson, Chairperson



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Silas Grant, Jr., Member

*Teri Janine Quinn*

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Teri Janine Quinn, Member



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Ryan Jones, Member

*David Meadows*

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David Meadows, 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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 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 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).