

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

In the Matter of:

TBC P Street Hotel, LLC
t/a The Avery

Application for a New
Retailer's Class CB Bed and Breakfast License

at premises
2616 P Street, NW
Washington, D.C. 20007

Case No.: 22-PRO-00082
License No.: ABRA-121441
Order No.: 2022-599

TBC P Street Hotel, LLC, t/a The Avery, Applicant

Sidon Yohannes, Counsel, on behalf of the Applicant

Gwendolyn Lohse, Commissioner, Advisory Neighborhood Commission (ANC) 2E,
Protestant

Karen Cruse, on behalf of Citizens Association of Georgetown (CAG), Protestant

Makhbuba Lund, on behalf of a Group of Six Individuals, Protestant

Robert Hetem, Designated Representative, on behalf of a Group of Seven Individuals,
Protestant

Rev. Rodney A. Teal, on behalf of Jerusalem Baptist Church, Protestant

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

ORDER ON DISMISSAL OF JERUSALEM BAPTIST CHURCH'S PROTEST

The Application filed by TBC P Street Hotel, LLC, t/a The Avery (Applicant), for a New Retailer's Class CB Bed and Breakfast License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on August 8, 2022.

On August 8, 2022, the Board dismissed the Protest of Jerusalem Baptist Church because Jerusalem Baptist Church failed to appear at the Roll Call Hearing and 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 churches 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.

Jerusalem Baptist Church 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 Seven Individuals at the Roll Call Hearing that two (2) more individuals must appear at the Protest Status Hearing to be granted standing as a Group of Five or More Individuals. The Group of Seven Individuals was originally granted conditional standing at the Roll Call Hearing.

ORDER

The Board does hereby, this 10th day of August 2022, **DISMISS** the Protest of Jerusalem Baptist Church. Copies of this Order shall be sent to the Parties.

The Board advises the parties that the protests of ANC 2E, CAG, the Group of Six Individuals, and the Group of Seven Individuals remain, and the Protest Status Hearing is set for September 14, 2022, at 10:30 a.m. and the Protest Hearing for October 5, 2022, at 1:30 p.m.

District of Columbia
Alcoholic Beverage Control Board

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Donovan Anderson
Key: ac420b96b56d5f0944b730053d1dccc8

Donovan Anderson, Chairperson

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James Short
Key: 247ac373f020efac8116302a2134dec

James Short, Member

Bobby Cato, Member

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Rafi Aliya Crockett, Member
Key: b569e21845e1f5e4216155a5c1291cc

Rafi Crockett, Member

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Jeni Hansen, Member
Key: 6217293d0f64474b1105d9c2441960

Jeni Hansen, Member

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Edward Grandis, Member
Key: 5027bda7ff9f0040ec148deb52541ce5

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 Regulation 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).