



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



July 24, 2009

Peter Feather, Chair
Alcohol Beverage Control Board
941 North Capitol Street, NE, Suite 7200
Washington, DC 20002

Re: DC Express (1504 East Capitol Street, NE) request for an exception to single sales restriction

Dear Board Members,

Thank you for the opportunity to submit additional information regarding the application of DC Express for an exception to the singles sales restriction. As we understand it, the law lists four criteria to be considered with respect to granting an exception: (1) any infraction in the past 12 months, (2) the impact an exception would have on the enforceability or effectiveness of the ban, (3) the ANC's opinion regarding the impact on the community and (4) evidence of participation in the community – such as attendance at meetings of the ANC or community organization. Our supplemental information will pertain to the last three criteria.

Impact an exception would have on enforceability or effectiveness of the ban

In our Commission, we have four liquor stores within a seven minute walk from DC Express:

- Bella (Class B), 101 15th Street, NE – less than 0.1 miles and two minutes away
- S&T (Class B), 201 15th Street, NE – less than 0.2 miles and three minutes away
- J&K (Class B), 234 15th Street, NE – less than 0.3 miles and five minutes away
- Viggy's Liquor (Class A), 409 15th Street, NE – less than 0.4 miles and seven minutes away

The distance between Eastern Thrifty Market, located at 1620 A Street, NE and Express Liquors is approximately 0.2 miles and three minutes away. This establishment is located in ANC 6B. Our Commission only has great weight on the establishments within the confines of our Commission. The distance between Bella and S&T liquor stores are closer to DC Express than the distance between Eastern Thrifty Market which is located in ANC 6B. Please see attachment #1 for a map overview.

It is our position that if DC Express was granted an exception to the singles sales restriction, the argument of “close proximity” will be used by remaining three Class B liquor stores and one Class A liquor store in this residential corridor to seek an exception to the single sales restriction using similar rationale. Accordingly, our Commission requests that you deny an exception to single sales restriction because it would impact the enforceability and effectiveness of our ban on the remaining four stores in this area.

ANC opinion regarding the impact on the community

Our Commission has a very transparent process established to hear requests for exceptions to the single sales ban. We invite the applicant to make a presentation at our Alcohol Beverage Licensing committee. This committee consists of residents that volunteer their time to serve our community. The Alcohol Beverage Licensing committee then makes recommendations for the Commission to consider at our regularly scheduled public meetings. Each recommendation is reviewed at our Commission's public meeting and voted upon by the Commissioners.



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In the case of DC Express, the Alcohol Beverage Licensing committee scheduled to hear Mr. Abebe Bekele's request for a single sales exception for DC Express on April 21, 2009. Mr. Bekele was not present at the time this item was discussed by the committee. The residents that attended the committee meeting expressed their opposition to the granting an exception. The general discussion for not supporting the exception request dealt with the negative effect on the peace, order and quiet in the neighborhood. It was noted that prior to the ban, customers would purchase beer at DC Express and then go the Chinese restaurant next door to buy dinner. These customers would then dine outside leaving their trash and empty beer bottles and containers in public spaces. The combination of single beers and take-out food increased loitering and public urination. The Alcohol Beverage Licensing committee unanimously recommended that our Commission not approve the single sales exception request.

At our May 14, 2009, Commission meeting the recommendation from Alcohol Beverage Licensing committee was considered. Mr. Abebe Bekele was present and was given time to explain his request for single sales exception. After much discussion between the Mr. Abebe Bekele, residents that attended our Commission meeting as well as the Commissioners themselves, our Commission voted 7-0-1 to adopt the Alcohol Beverage Licensing committee's recommendation to not approve the single sales exception request. Accordingly, our Commission requests that you deny an exception to single sales restriction because an exception will negatively effect on the peace, order and quiet in the neighborhood.

Evidence of participation in the community

Aside from Mr Abebe Bekele's participation at our May 14, 2009, Commission meeting, we have no other examples or instances of his participation in the community. Accordingly, our Commission requests that you deny an exception to single sales restriction due to the lack of participation in our community.

In summary, approving the an exception to single sales restriction will have impact the ability to enforce the single sales ban on four other stores, negatively impact the peace, order and quiet in the neighborhood and reward a store owner that has not participated in the community. While we understand the economic competition between Eastern Thrifty Market and DC Express may appear compelling, it is our understanding that there is no provision or mechanism in the current law to grant an exception based on economic conditions. Our Commission has fought long and hard over the last seven years to enact legislation that implements single sales restriction to improve our neighborhood. Accordingly, we review each exception carefully, and in this case, we request that the Alcohol Beverage Control Board deny the request from DC Express for an exception to single sales restriction.







On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Cc: Mr. Fred Moosally, Acting Director, Alcohol Beverage Regulation Administration
Councilmember Tommy Wells

Attachment #1



-  RETAILER A
-  RETAILER B
-  RETAILER CN 01
-  RETAILER CR 01
-  RETAILER CR 02
-  RETAILER CT 01

