

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

In the Matter of:)
)
Safeway, Inc.)
t/a Safeway)
)
Application for Renewal of a)
Retailer's Class B License)
)
at premises)
2845 Alabama Avenue, S.E.)
Washington, D.C. 20020)
)

Case No. 11-PRO-00088
License No. ABRA-060504
Order No. 2011-509

Safeway, Inc., t/a Safeway (Applicant)

Robin Hammond Marlin, Commissioner, Advisory Neighborhood Commission (ANC) 7B

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON DISMISSAL OF APPLICATION AND PROTEST OF ANC 7B

The Application filed by Safeway, Inc., t/a Safeway, for renewal of its Retailer's Class B License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 12, 2011, in accordance with D.C. Official Code § 25-601 (2001).

On December 12, 2011, pursuant to Title 23 of the District of Columbia Municipal Regulations ("23 DCMR") § 1602.3 (2004), the Board dismissed the Application, because the Applicant failed to appear at the Roll Call Hearing. Also, the Board dismissed the Protest of ANC 7B, because its protest claim falls outside the possible grounds outlined in Title 25 of the District of Columbia Official Code and Title 23 of the District of Columbia Municipal Regulations.

Section 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." 23 DCMR 1605.2 (2008). As

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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).

Instead, ANC 7B acknowledged that it filed a protest, because unsanitary conditions, selling of non-licensed foods, shortage of cashiers, failure to maintain restrooms in a sanitary manner, discourteous staff, shortage of or no hand carts available, scales constantly in need of repairs, refrigeration units not always held at 40 degrees fahrenheit, and soiled carpet at the entrance of the store.

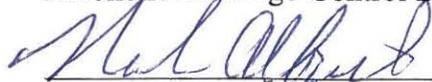
The Applicant and ANC 7B may file a Request for Reinstatement with the Board within ten (10) days from the date of this Order.

ORDER

The Board does hereby, this 14th day of December, 2011, **DISMISS** the renewal Application of Safeway, Inc., t/a Safeway, and the Protest of ANC 7B. Copies of this Order shall be sent to the Applicant and ANC 7B.

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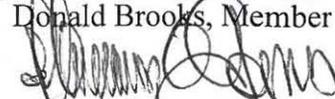
District of Columbia
Alcoholic Beverage Control Board



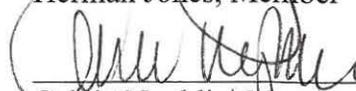
Nick Alberti, Interim Chairperson



Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, 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.