

Exceptions Are the Rule

Political Compromise Leads to a Varied Singles Ban Policy in Ward 6

BY PETER J. WALDRON, PHOTOS BY ANDREW LIGHTMAN

What Tom Madison didn't factor in his decision to buy a home north of H St. NE three years ago were his itinerant neighbors, Paula and her blind, homeless companion, who socialize and sleep in the alley behind his home. The alley is a hub of public drinking and drug life for many of its daily inhabitants.

Madison, while sympathetic to their struggles, deals daily with the squalor at the rear of his residence. On a recent visit, trash was strewn everywhere: carryout chicken bones, clothing lying across backyard fences, and dozens of black plastic bags holding empty beer bottles made up the alley's detritus. Two men sat on broken folding chairs, nodding off in the warm summer air.

Madison says there are regularly six to eight people in the alley, with the numbers often swelling to twenty or more, all part of a public drinking culture that includes illegal drugs sales, loitering and public urination.

The sale of single beers and malt liquors grew as an issue in the mid 1990s when Hill residents began to fight back to protect their quality of life. While voluntary agreements were negotiated between licensed alcoholic beverage operators and Neighborhood Advisory Commissions limiting these sales, many of the small Mom and Pop businesses refused to cooperate, their arguments bearing some legitimacy, as they cited economic harm. The result was a forged patchwork of compacts that lacked real teeth for enforcement.

Prohibition of Singles with Exceptions

On December 24, 2008 the DC Council passed bill 37- 846, sponsored by Council member Tommy Wells, banning the sales of single beers, malt liquors and ales of 70 ounces or less as well as half pints of spirits in Ward 2 & 6 as well as an Advisory Neighborhood Commission (ANC) in Mt Pleasant. The Alcohol Beverage Regulatory Commission (ABRA), charged with enforcement, allowed licensed operators to sell off their inventory and did not begin enforcement until February 10. The law not only prohibits the sale of these products, but also their display.

The law, however, has a surprising provision that allows for exceptions if the operators meet certain criteria (www.abra.dc.gov) and gives ANCs unprecedented power in the matter of alcohol licensing, requiring that an operator seek the approval of its local ANC among other conditions and that it be fully in compliance with ABRA regulations and not have



any violations within a year's period.

According to Fred Moosally, ABRA's Interim Director, inspectors visited Ward Six licensed establishments 169 times with nine cited violations, four of which were for the sales of half pints.

Moosally stated that ABRA is "pleased by the number of establishments that came into compliance quickly. The enforcement effort has worked smoothly."

ANC 6A's Hard Line

ANC 6A which includes the H Street NE corridor has taken a hard line and approved no exceptions, a position consistent with the single sales battles which led

to an H Street Moratorium.

ANC Chair Joe Fengler (ANC 6A02) who has led efforts against exceptions to the legislation, reports the new law is "working well," though acknowledging that ANC 6A "has not approved any application presented." On the matter of economic hardship, Fengler continued: "If the business model of a store is to sell 80 percent of its sales as singles, they need to find a better model. That is not the type of establishment that works in our community" adding, of the possibility of future exemptions: "No exceptions."

Mary Beatty (ANC 6A05), Chair of 6A's ABL committee, has a more accommodating perspective. Beatty's committee recommended with substantial backing of the community, that Capitol Liquors be allowed to only sell high end half pints "such as Maker's Mark" that are valued at more than \$5.99. But at its May meeting, the full ANC 6A rejected the recommendation of its committee by a 5-2-1 vote.

Beatty says that according to the testimony at a City Council hearing of Mount Pleasant neighborhood representatives, the singles ban restored peace and order. Service calls to the police dropped from 1434 to 834 once the moratorium took affect and disorderly arrests fell from 486 to 240.

Anwar Saleem, Executive Director of H

Commissioner Anne Phelps (6C04) serves as Chair of the



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**PUBLIC MEETING
Washington Navy Yard
Restoration Advisory Board**

The Washington Navy Yard (WNY) Restoration Advisory Board (RAB) is a Navy/Community group that meets to discuss environmental restoration activities at WNY.

The next meeting of the RAB will be **Wednesday, September 2, 2009 at 6 p.m. at the WNY, in Building 212.** The WNY is located at 900 M Street, SE, Washington, D.C. Access to the WNY for this meeting will be through the 6th Street gate at the corner of M and 6th Streets SE. The entrance to Building 212 is on Harwood Street.

Members of the public are always welcome to attend RAB meetings. However, because the WNY is a secure installation, anyone wishing to attend this meeting must pre-register no later than **Tuesday, September 1, 2009.**

To pre-register and get directions for the meeting, or if you would like more information about the RAB, please contact **Armalia Berry-Washington, at (202) 685-3273** or by email at **armalia.berry-washin@navy.mil.**

John Genderson, one of the owners of Schneider's Liquors, which obtained an exemption to sell Belgian Ales.



Tom Madison and his children stand in the alley at the rear of his home, which is a hub of public drunkenness.

Street Main Street, is among those supporting the ban: "I don't have a problem with it. There are not as many bottles and cans in the streets. If you are going to do it, do it equally. Do it for everybody. No exceptions. No discrimination."

Laissez Faire In Southwest's 6D

ANC 6D in Southwest has a live and let live attitude and has granted exceptions to the businesses that have applied. ABC Chair Coralee Farley, a 30 year resident, when asked if there was a racial component to the ban responded, "Possibly," and suggested that special arrangements be made for access to bathrooms at local restaurants to solve the problem of public urination.

Farley points out that many of those perceived to be vagrants and troublesome are unemployed and have scant prospects for finding work and suggests that getting people to live more productive lives is where these efforts and energy should be directed.

Won Lei Kim, six year owner of the Friendly Food Market, was granted an exception. He says that single sales account for 40 percent of his business and that alcohol sales are 80 percent. Kim says business "is good. I cooperate all the time with the neighborhood." Asked about people hanging out, Kim responds: "Sometimes two or three people." ABC Chair Farley insists that Kim is a good business neighbor and keeps the area outside his store neat and clean.

Division at ANC 6B

ANC 6B has granted the preponderant number of exemption applications. Commissioner Neil Glick (ANC 6B08) takes issue with these approvals and feels that exceptions belie the purpose of the law, expressing frustration with his fellow commissioners: "ANC 6B is representing the businesses and not the neighbors. I have no respect for the other commissioners."

When reached for comment, Chair David Garrison (ANC6B01) reacted: "Neil feels strongly about this. He can be a lonely voice on the Commission. The law provided for exceptions. We must be consistent and even handed. If (the application) meets the requirements, I am prepared to be supportive."

Nuanced Course at ANC 6C

Anne Phelps, Chair of ANC 6C's ABL committee, believes that the exception process is working, and that only three liquor stores applied for an exception. Two were approved with H Street Liquors, opposed by over forty neighbors, being rejected. Phelps added: "I would say that we have seen a neighborhood decrease in littering and loitering as a public nuisance issue."

Schneider's Liquors, operating on the Hill since 1949, is known for its extensive inventory of quality wines, beers and ales. Though it did not previously sell singles, Schneider's applied for and was granted an exemption to the ban. The owners, Jon

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and Rick Genderson, who both live on the Hill, said that they don't sell singles in the tradition sense. "The reason Schneider's sought the exception was to "sell the wonderful Belgium ales sold in bottled units of 25.4 ounces." Schneider's had the support of over 100 residents.

Phelps discounted any racial or class discrimination as motivation pointing out that ANC 6C is composed of four African Americans and five whites: "We are a diverse group. We haven't had a breakdown by race on these votes and have voted pretty close to unanimously," adding: "It is the law. It's fair to grant them (the stores) a hearing. We look at each application."

Has It Worked?

Paul Pascal, an attorney representing the DC Association of Alcohol & Beverage Wholesales, is measured in his assessment of the change in the law and its effect on his clients, many of which are Korean-operated corner stores: "It's had an impact on craft beers and half pints. Built into the Ward 6 bill is the exception process. I am pleased with that. This shows that stores that work with the community are getting exempted."

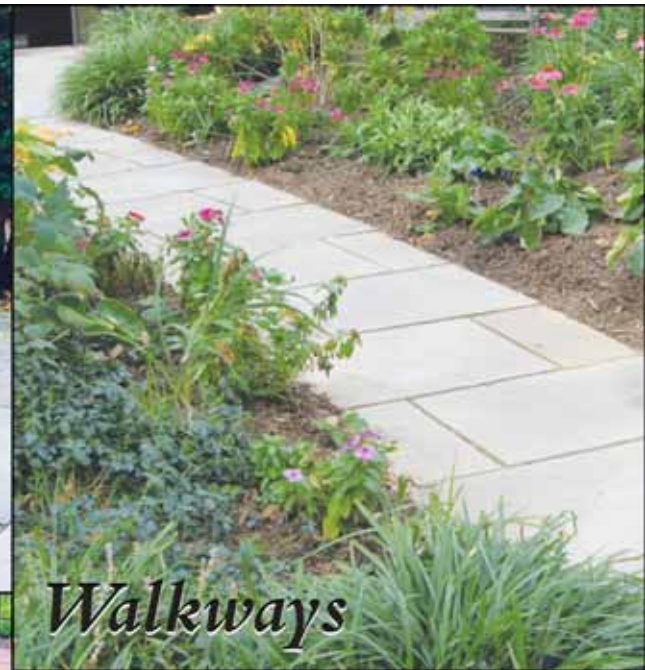
Chuck Burger, a long time Hill resident and businessman, has a singularly different perspective as a former Chair of ABRA: "I feel that ABRA is abdicating its responsibility. It is bad government. It should be the responsibility of the city to set a standard that is applied equally. ANCs have enough to do."

Councilmember Tommy Wells who proposed the legislation and first sought restrictions on single sales while serving on ANC 6B in the mid '90s, feels the ban is working. "I have a lot of confidence our ANCs. This is a tool to combat the disorder in a neighborhood."

And how do residents feel about whether the new law with its exception process is working? Tom Madison says that the single sales ban resulted in "a big improvement," even as he and his neighbors continue to patiently work to contain the wdysfunction in their alley. ★



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