

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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MEETING

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IN THE MATTER OF: :
 :
Sahara Market, LLC :
t/a Sahara Market :
1901 Michigan Ave NE : Protest
Retailer B & CR - ANC 5B : Hearing
License No. 128673 :
License No. 128674 :
Case #24-PRO-00075 :
Case #24-PRO-00076 :
 :
(Application for a :
New License) :
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Friday
October 4, 2024

The Alcoholic Beverage and Cannabis Board met via Webex videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
EMANNUEL IRONO, Applicant
JEFF JACKSON, Applicant Counsel
STEPHANIE RONES, Queens Chapel Civic Association Counsel
BRIAN RELFORD, Protestant
CHARLOTTE LEWIS, Protestant
DEBORAH JACKSON, Protestant
LARRY THURSTON, Protestant

1 P-R-O-C-E-E-D-I-N-G-S

2 1:33 p.m.

3 CHAIRPERSON ANDERSON: Good afternoon
4 everyone, and welcome to the afternoon session of
5 the ABCA Board. My name is Donovan Anderson, I'm
6 Chairperson of the Board.

7 Joining me this afternoon are two
8 other board members, Mr. James Short, and Mr.
9 Silas Grant. The Board has three members in
10 attendance to conduct business this afternoon and
11 so therefore we have a quorum to operate.

12 We have one case this afternoon on our
13 calendar. And so let me call the one and only
14 case that is on our calendar for this afternoon.

15 It's Case No. 24-PRO-00075, and Case No. 24-PRO-
16 00076, Sahara Market, License No. 128673 and
17 128674.

18 Good afternoon Mr. Orellana. Can you
19 please elevate the rights of the parties in this
20 case?

21 MR. ORELLANA: Good afternoon.
22 Stephanie Rones your access has been elevated.
23 Jeff Jackson your access has been elevated. Dr.
24 Emmanuel Irono your access has been elevated.
25 Charlotte Lewis your access has been elevated.

1 And that appears to be all Chairman.

2 CHAIRPERSON ANDERSON: Thank you. And
3 Ms. Rones, do you have a camera? If you can turn
4 your camera on ma'am. Okay.

5 All right. Good afternoon everyone.
6 We are continuing this hearing. This is a
7 continuation of the hearing for Sahara Market.
8 And -- where's my notes? I'm sorry. Hold on.

9 And just like that I lost my notes.
10 Oh, here's my notes.

11 This hearing started off on September
12 18th, this is an application for a new license.
13 The hearing started on September 19th, we were
14 unable to complete the hearing that day. And so
15 therefore we're going to conclude it today. And
16 today we are going to, the Protestants will have
17 an opportunity to present their case.

18 And I want to repeat -- I want to -- I
19 know there are some discussion about the
20 instructions that were provided at the --
21 regarding the Protestant's case. So just, I am
22 going to repeat the instruction that was given at
23 the status hearing for this case.

24 And the instructions basically are,
25 the Board does not intend to hear testimony on

1 matters that are not relevant to this case. I
2 know that we have the paper -- as you are aware,
3 all our hearings are now conducted virtually.
4 You'll have one hour to present your case and
5 you'll only be allowed to call five witnesses.

6 And so, Ms. Rones, how many witnesses
7 do you have? I guess before starting let me have
8 the parties identify themselves for the record.

9 Let me start with you Mr. Jackson.
10 Please spell and state your name for the record.

11 MR. JACKSON: Okay. It's Jeff Jackson
12 J-E-F-F, last name J-A-C-K-S-O-N, representing
13 the Applicant.

14 CHAIRPERSON ANDERSON: And the
15 Applicant, Dr. Irono can you please spell and
16 state your name for the record.

17 DR. IRONO: My name is Dr. Emmanuel
18 Irono. I'm the owner. E-M-M-A-N-U-E-L I-R-O-N-
19 O, Irono. Thank you.

20 CHAIRPERSON ANDERSON: Thank you. Ms.
21 Rones, please spell and state your name for the
22 record. You're on mute, Ms. Rones. Unmute
23 yourself please. Ms. Rones unmute yourself. You
24 need to unmute yourself, Ms. Rones. I cannot
25 hear you. Okay. You can speak now, ma'am.

1 MS. RONES: Yes, good afternoon
2 everybody. My name's Stephanie Rones. I am
3 Counsel for the Queens Chapel Civic Association.

4 There was a little bit of a mix up, and I'm not
5 seeing my five witnesses listed. The only
6 witness that I see listed is Charlotte Lewis. So
7 --

8 CHAIRPERSON ANDERSON: All right. Who
9 are the witnesses? I mean, are they sitting in
10 this -- were they sent -- we can -- who are the
11 people? And I can --

12 Mr. Orellana can you please put the
13 link in the chat, and we will look. Are they
14 waiting online to log in?

15 MS. RONES: I believe so. Do you want
16 me to give you the names?

17 CHAIRPERSON ANDERSON: Yeah, what are
18 their names so if we see them we can elevate
19 them.

20 MS. RONES: Okay. I see Charlotte
21 Lewis and Mr. Larry. What -- the people that are
22 missing are Shirley Smith, Pastor Brian, and
23 Deborah.

24 Ms. Lewis, were you able to send the
25 link to them?

1 MS. LEWIS: Yes, I did.

2 CHAIRPERSON ANDERSON: They're on the
3 line. I see Deborah Jackson. There's a Brian
4 Relford.

5 MS. RONES: Correct.

6 CHAIRPERSON ANDERSON: Is there anyone
7 else, ma'am?

8 MS. RONES: Well, um.

9 MS. LEWIS: Shirley Smith.

10 MR. ORELLANA: There's no Shirley
11 Smith in the attendee waiting area.

12 CHAIRPERSON ANDERSON: Well we can
13 start, and if you need to contact her then people
14 are going to be testifying in order. Unless
15 she's the first witness you plan to call now.

16 MS. RONES: No, she's next to last.

17 CHAIRPERSON ANDERSON: All right,
18 fine. Then by that time we'll find her. So all
19 right. We don't need to identify the witnesses
20 until you call them.

21 Prior to starting this hearing, are
22 there any preliminary matters that either Mr.
23 Jackson, do you have any preliminary matters that
24 you want to raise?

25 MR. JACKSON: We get through this

1 today.

2 CHAIRPERSON ANDERSON: We are going to
3 get through this today, sir. We are going to
4 finish this because as I stated, the Protestors
5 have one hour to present its case in chief.

6 Ms. Rones, do you have any preliminary
7 matters you want to raise before we start, ma'am?

8 MS. RONES: No, sir.

9 CHAIRPERSON ANDERSON: All right. And
10 who's your first witness, ma'am?

11 MS. RONES: I'd like to make a
12 statement before calling a --

13 CHAIRPERSON ANDERSON: Oh, I'm sorry.
14 Did you not do an opening statement prior to
15 presenting your case?

16 MS. RONES: Yes. No.

17 CHAIRPERSON ANDERSON: You never did
18 that? Okay. If you did not, if you didn't do an
19 opening then you are welcome to go ahead ma'am
20 and do that.

21 MS. RONES: Okay. Great. As I said,
22 my name is Stephanie Rones. I am Counsel for the
23 Queens Chapel Civic Association. I would like to
24 say that the Queens Chapel Civic Association
25 feels as if it is at a distinct disadvantage

1 because of the incompleteness of the application.

2 We feel as if we're protesting a
3 moving target because there's a lot of
4 information that we deem necessary that has not
5 been completed by the Applicant. For example,
6 does the Applicant have a 50 percent partner? If
7 so, what are the particulars about this partner?

8 This is the kind of information we find
9 necessary in order to respond to the application.

10 Be that as it may, I would like to
11 make some general comments about the Queens
12 Chapel neighborhood and then I will present five
13 witnesses. My general comments are that this is
14 an area, Ward 5, that is known for its quiet
15 calmness, and serenity. The homes in this
16 neighborhood are now selling for 500,000 up to
17 1.6 million.

18 The area is highly desirable because
19 of the fact that it's quiet and calm and people
20 keep their homes and their lawns up. People move
21 to this neighborhood because it's so quiet. We
22 are a drama-free community, and we would like to
23 keep it that way.

24 Now if you give me a second we can
25 proceed with my witnesses. Okay. The first

1 witness I would like to call is Ms. Charlotte
2 Lewis.

3 CHAIRPERSON ANDERSON: All right. Ms.
4 Lewis?

5 MS. LEWIS: Good afternoon.

6 CHAIRPERSON ANDERSON: All right. Let
7 me ask a question. Is the person behind you, is
8 that person going to testify also?

9 MS. LEWIS: Yes. This is Dr. Larry
10 Thurston, Mr. Donovan.

11 CHAIRPERSON ANDERSON: All right.
12 That's fine. Ms. Lewis, can you raise your right
13 hand please?

14 MS. LEWIS: Yes.

15 CHAIRPERSON ANDERSON: Do you swear or
16 affirm to tell the truth and nothing but the
17 truth?

18 MS. LEWIS: Yes I do.

19 CHAIRPERSON ANDERSON: All right. I
20 just want to say to Ms. Rones, the Board doesn't
21 intend to hear redundant testimony, relevant and
22 redundant testimony. So I just want to make sure
23 that each person who testifies, they're not
24 saying the same thing.

25 Each person who testifies should give

1 a different perspective, and not necessarily the
2 same testimony. Okay.

3 Go ahead ma'am.

4 MS. LEWIS: Good afternoon, my name is
5 Charlotte Lewis. I am a Queens Chapel resident.

6 CHAIRPERSON ANDERSON: I'm sorry, hold
7 on, hold on.

8 Ms. Rones has to ask you questions
9 ma'am. You can't read a statement. So she has
10 to ask you questions. You can't read a
11 statement, ma'am. So she has to ask you
12 questions.

13 MS. LEWIS: Do you have the
14 instructions, Mr. Donovan? I would appreciate
15 you giving those to me please. Thank you.

16 CHAIRPERSON ANDERSON: What
17 instructions, ma'am? They're not the
18 instructions ma'am.

19 MS. RONES: I'll be happy to ask her
20 questions.

21 CHAIRPERSON ANDERSON: Yeah. All
22 right. I just want to -- this is how it goes.
23 The attorney calls a witness, and the attorney
24 asks witness questions of the witness. So you
25 can't read a statement, and you shouldn't have a

1 statement in front of you to read from. So, and
2 this is for all witnesses.

3 Questions are asked, and then the
4 witness will testify and answer the questions
5 that are being asked. Okay? And I think that's
6 what we actually did, when we did -- when Mr.
7 Jackson presented its case. I mean, Mr. Jackson
8 asked questions of the witnesses, and the
9 witnesses responded.

10 We did not have anyone who read any
11 statements or just testified. Yeah. It has to
12 be questions. You ask the question, and the
13 person needs to -- you need to answer the
14 question that was asked. Okay?

15 Go ahead. Do you have a question that
16 you want to ask Ms. Rones?

17 MS. RONES: Yes. Can you hear me?

18 MS. LEWIS: Yes, I can.

19 MS. RONES: Okay. MS. Lewis, what is
20 your name?

21 MS. LEWIS: Charlotte Lenner Lewis.

22 CHAIRPERSON ANDERSON: And where do
23 you live?

24 MS. LEWIS: On Crittenden Street in
25 the Queens Chapel Community.

1 MS. RONES: And how long have you
2 lived in this neighborhood?

3 MS. LEWIS: Since 1964.

4 MS. RONES: What position do you hold
5 in regards to your residential area?

6 MS. LEWIS: I am the president of the
7 Queens Chapel Civic Association.

8 MS. RONES: And can you tell us some
9 of the things that the Civic Association is
10 involved with?

11 MS. LEWIS: We're involved with
12 everything that affects the Queens Chapel
13 community in terms of working with the District
14 Agencies, specifically the Police Department,
15 Department of Transportation, and we are vigilant
16 about anything that affects the community.

17 MS. RONES: And what would you say,
18 your community has come to a consensus in regards
19 to the Applicant, Sahara Market, moving into the
20 Queens Chapel neighborhood?

21 MS. LEWIS: When the placards were
22 posted on May 24th the community was greatly
23 concerned and continues to be greatly concerned.

24 It's not clear in any of the meetings or
25 discussions that have been had as to really

1 what's coming to the 1901 Michigan Avenue
2 location.

3 The community clearly does not want
4 any business or intrusion in the community that
5 will disrupt the peace, tranquility, and harmony
6 in the community. We're very concerned about
7 outside influences coming in, and the community
8 has been very concerned about the application
9 Sahara Market, the placards that were posted on
10 May 24th.

11 MS. RONES: And why is that?

12 MS. LEWIS: Because they don't know
13 what to expect, to be honest. We've had a number
14 of meetings involving Dr. Irono, and in each
15 meeting there has never been any clear
16 understanding of what he intends to do with the
17 business at 1091 Michigan Avenue.

18 The placards clearly stated beer,
19 wine, and spirits. Carry-out -- I'm sorry.
20 Restaurant and a café, outdoor café. The
21 community is concerned about all of that.

22 MS. RONES: Why is the community
23 alarmed about this entity moving into the
24 community?

25 MS. LEWIS: Well number one, the

1 space. The building at 1901 Michigan Avenue is
2 about 4000 square feet. And Dr. Irono has not
3 been clear as to what he plans to do with that
4 space. I think we've met, we met June 10th and
5 again in July with him, and other than showing
6 the community pictures of computer renderings,
7 it's not been clear.

8 One minute he talks about a mini-
9 Wegmans, the next minute he's talking about
10 African coffee, the next minute he's talking
11 about a market where residents can bring -- can
12 come and buy fruits and vegetables.

13 And the citizens just aren't clear
14 about what he plans to do. They're most
15 concerned about the alcohol component, and what
16 kind of clientele that will attract.

17 MS. RONES: Now has the community
18 expressed any concerns about noise, traffic, and
19 trash?

20 MS. LEWIS: All of that, yes. Number
21 one, with the traffic, they're concerned about
22 the number of parking spaces at the Avondale
23 Shopping parking lot. There are actually 46
24 spaces there, four of which are designated for
25 handicap accessibility only. So that means 44

1 spaces for general parking.

2 Last Saturday, we have pictures of
3 that lot being full. And so they're wondering,
4 with six active businesses already in place, what
5 intrusion will a restaurant parking bring to the
6 community with respect to the traffic and
7 parking.

8 They do not want any parking -- we do
9 not want any parking on our side streets because
10 that would pose a huge inconvenience to
11 residents, and it would just be a major
12 disruption to the community. They're concerned
13 about commercial deliveries, the alcohol, and the
14 carry-out and delivery component, and outside --
15 an outside café.

16 Where would that be housed? How would
17 it disrupt foot traffic? How would it disrupt
18 nearby daycare facilities? There have been other
19 centers -- I'm sorry. Go ahead.

20 MS. RONES: Is there a daycare
21 facility in the immediate vicinity?

22 MS. LEWIS: Yes there is. The YMCA,
23 which has been there about 20 years, is directly
24 behind the building at 1901 Michigan Avenue. It
25 works with underaged, school-aged children year

1 around. And the children use, or the daycare
2 facility often cordons off, I think that's
3 Allison Street, so that the kids can utilize that
4 for play and recreation.

5 MS. RONES: Do you know what hours the
6 daycare is open?

7 MS. LEWIS: They begin dropping off
8 students, children around 7:30, and parents start
9 picking up at 5:00.

10 MS. RONES: Okay. And how do you
11 think that this particular business will enact
12 the children at the daycare center?

13 MS. LEWIS: Dramatically in that the
14 space, particularly if there's an outdoor café
15 component as an example, the community is
16 concerned where that would go, where that would
17 be housed, and how that would run off foot
18 traffic as well as an area for the children, a
19 safe area for the children.

20 MS. RONES: Do you have any other
21 concerns about this proposed business?

22 MS. LEWIS: Yes. Neighbors expressed
23 in the June 10th meeting about a rodent
24 infestation. Clearly right now the community is
25 clean. We don't have any problems with that.

1 But with a restaurant or market, whatever is
2 determined to go there, the neighbors are very
3 concerned about rodent infestation in the
4 community.

5 MS. RONES: Okay. Just a second. Let
6 me return to the issue of the daycare. Do you
7 recollect that the daycare was listed on the
8 incomplete application?

9 MS. LEWIS: No, it was not. The
10 facility that was listed is four miles away.
11 It's no where -- I think Bambini. I may have
12 that wrong, the name incorrect, but the name of
13 the facility that was listed in the application
14 is just wrong. It's not housed in this
15 neighborhood at all.

16 MS. RONES: So you're saying that the
17 Applicant neglected to include the nearby
18 daycare?

19 MS. LEWIS: That's correct.

20 MS. RONES: Now that's amazing. Do
21 you have any recollection of any trash problems
22 at this site?

23 MS. LEWIS: Yes. The Dollar Tree
24 store is the anchor store at the other end of the
25 shopping center. We have had ongoing problems

1 with that store with the trash. And the
2 neighbors worked with former Councilmember Kenyan
3 McDuffie's staff and came up with a -- we worked
4 out a plan.

5 That has improved, but there's still
6 trash problems because of the outside containers.

7 The nail salon, that would be -- it's two doors
8 from the proposed Sahara Market, we have video of
9 the nail salon dumping its trash in the church
10 receptacles that are outside as well as in
11 residential trash cans. And that's been a
12 problem.

13 So we clearly are concerned that with
14 a restaurant component, and alcohol, or beer,
15 wine, and spirits facility coming in what that
16 will do to add to that problem, the trash
17 problem.

18 MS. RONES: Do you have any other
19 further concerns about the proposed market?

20 MS. LEWIS: Yes. The Avondale Shops
21 is zoned for low density, commercial facility.
22 And Sahara Market, as its placards indicate is
23 not low density. The agreement that Dr. Irono
24 and the ANC settled on was clearly did not take
25 this community into consideration.

1 Because number one, none of the
2 commissioners live in the community. And so
3 anything negative that would follow that business
4 would be at the behest of the community to
5 contend with.

6 The settlement agreement leaves it to
7 the community to police compliance. And that is
8 totally unfair to the Queens Chapel and North
9 Woodridge communities. We clearly do not see
10 that this facility in any way meets the day to
11 day needs of the residents.

12 MS. RONES: What makes you think that
13 it would not meet the needs? I mean what is the
14 MU3 zone in your estimation designed for?

15 MS. LEWIS: Well, something that's low
16 density that doesn't have the traffic that
17 proposed facility would attract. We are -- the
18 neighbors have clearly stated that with a
19 facility that would have carry-out and delivery
20 of alcohol, that is a haven for the college
21 students to come into the neighborhood.

22 We are not the 12th Street business
23 district, as the ANC likes to compare. And so if
24 you were in this community at night, it's very
25 quiet. That shopping center pretty much closes

1 down at about nine o'clock.

2 And so to have any business there
3 that's open until midnight seven days a week
4 would be a clear disturbance to the residents of
5 the community. This is a blended community of
6 senior citizens, young families with young
7 children, and homeowners who've lived here for a
8 long time, and who want to maintain the serenity
9 of the community.

10 This is clearly not what we want. I
11 know that Broad Street Realty has been a witness
12 for Dr. Irono, Sahara Market, but Broad Street
13 hasn't done anything to really service the needs
14 and the concerns of the Queens Chapel and North
15 Woodridge communities.

16 MS. RONES: Thank you. No further
17 questions.

18 MS. LEWIS: Thank you.

19 CHAIRPERSON ANDERSON: Mr. Jackson.

20 MR. JACKSON: Good afternoon, Ms.
21 Lewis. How are you?

22 MS. LEWIS: Good afternoon, Mr.
23 Jackson.

24 MR. JACKSON: Ms. Lewis do you recall
25 any time that you met with Dr. Irono and myself

1 in mediation to discuss your issues?

2 MS. LEWIS: Yes. The two of you came
3 and --

4 MR. JACKSON: Mediation. Mediation.

5 MS. LEWIS: Excuse me?

6 MR. JACKSON: Mediation.

7 MS. LEWIS: What was the question?
8 You had no mediation with us Mr. Jackson. And
9 you know that.

10 MR. JACKSON: Okay.

11 MS. LEWIS: You didn't ask for it.

12 MR. JACKSON: I'm asking you. Do you
13 recall being at the mediation hearing and you
14 refused to discuss any of your issues that you
15 had with us?

16 MS. RONES: Objection. I'm making an
17 objection.

18 CHAIRPERSON ANDERSON: What's the
19 nature of the objection, Ms. Rones?

20 MS. RONES: Mediation is confidential.

21 CHAIRPERSON ANDERSON: I mean, that's
22 not what he said Ms. -- I'm going to overrule the
23 objection. All he said, do you remember that you
24 didn't -- you refused to discussed any of our
25 issues, not what was talked about. Was -- the

1 question was that he had just asked a question
2 were you there and is it true that you didn't
3 want to address our issues. That's all.

4 I don't care -- I don't want to hear
5 what the issues are. He was just asking a
6 general question, so I'll allow the question if
7 she can answer.

8 MS. LEWIS: If I may, let me try to
9 address the question.

10 In the mediation, Mr. Jackson, on
11 behalf of the Queens Chapel community we were not
12 a part of the ANC settlement agreement. When we
13 began the protest they were a Protestant, Queens
14 Chapel was a Protestant.

15 We have met with the ANC members and
16 discussed our concerns, and the two entities
17 don't agree. And so yes in the mediation hearing
18 I did not, on behalf of the community, enter into
19 any discussion around settlement because we were
20 not prepared to settle.

21 MR. JACKSON: Okay. Even though you
22 wasn't prepared to settle the issues that you
23 just discussed, at any time did you share those
24 issues with us so we can try to mediate those
25 issues?

1 MS. RONES: Objection.

2 CHAIRPERSON ANDERSON: What's the
3 nature of the objection Ms.?

4 MS. RONES: Question goes to the
5 substance of the mediation.

6 CHAIRPERSON ANDERSON: Ms., he's not
7 asking the substance. He's just asking -- he's
8 asking a general question to say did you share
9 with us what the concerns are. He didn't say
10 what the concerns are. He's just asking a
11 question, did you? And she's -- it's a yes or no
12 answer, ma'am. I --

13 MS. RONES: Are you saying during the
14 mediation?

15 CHAIRPERSON ANDERSON: He said -- this
16 is what he said, during the mediation did you
17 share what your objections were?

18 All right. I need --

19 MS. LEWIS: I may, if I may Mr.
20 Donovan --

21 CHAIRPERSON ANDERSON: Hold on Ms. --
22 Ms. Lewis.

23 MS. LEWIS: Excuse me.

24 CHAIRPERSON ANDERSON: Ms. Lewis, Ms.
25 Lewis, Ms. Lewis please. When there's an

1 objection Ms. Lewis, I'm addressing Ms. Rones and
2 Mr. Jackson. Once I've made a ruling then I will
3 say whether or not you need to answer the
4 question ma'am. Okay? So that's how it works.

5 MS. LEWIS: It's been answered. Thank
6 you.

7 CHAIRPERSON ANDERSON: So right now,
8 right now I'm speaking to Ms. -- your lawyer made
9 an objection, and I am responding to whether or
10 not you have to answer the question, or whether
11 or not you don't have to answer the question,
12 ma'am. Okay?

13 All right. As you were saying, Ms.
14 Rones.

15 MS. RONES: As I was saying, that goes
16 to the substance and the direct discussion that
17 was held at the mediation which is confidential.

18 CHAIRPERSON ANDERSON: And I -- my
19 take on the question Ms. Rones is that the
20 question has been asked, did you tell us what
21 your objections were, not what -- not the
22 substance. I think what he's saying is that we
23 had a mediation, and you didn't tell us so -- you
24 didn't even tell us what your concerns are so how
25 are we supposed to address the issues if you

1 never shared with us.

2 I think that's all he's asking. I
3 don't -- if he started to ask questions about
4 what was discussed, or if the response of that
5 what was discussed then I'm going to -- you are
6 correct. I'm not going to allow her to answer
7 the question.

8 But I think the question that has been
9 asked can easily be answered by yes or no without
10 us discussing about the substance of the
11 mediation. So the -- I'm going to direct the
12 witness to answer the question if she can answer
13 the question.

14 Are you able to answer the question?

15 MS. LEWIS: I request that the
16 question be repeated.

17 CHAIRPERSON ANDERSON: What was the
18 question Mr. Jackson?

19 MR. JACKSON: The question was, during
20 the mediation did you ever discuss your issues
21 that you had with the establishment coming into
22 your area?

23 MS. LEWIS: I answer this way, that
24 when Mr. Irono requested a meeting with members
25 of Queens Chapel Civic Association.

1 MR. JACKSON: I'm talking about the
2 mediation.

3 MS. LEWIS: Mr. Jackson if you will
4 allow me to answer you please.

5 CHAIRPERSON ANDERSON: All right. All
6 right. Hold on. Hold on. Ms. Lewis.

7 MR. JACKSON: Give me that respect.

8 CHAIRPERSON ANDERSON: Hold on, Ms.
9 Lewis.

10 MS. LEWIS: Because I'm trying to
11 answer the question.

12 CHAIRPERSON ANDERSON: I think the
13 question he asked Ms. Lewis is about, he asked at
14 the mediation. So your answer should be
15 responsive to the mediation ma'am.

16 MS. LEWIS: No we did not.

17 CHAIRPERSON ANDERSON: MS. -- all
18 right. I'm sorry. Mr. Jackson what was the
19 question that you asked?

20 MR. JACKSON: The question was, during
21 the mediation that was held by ABRA at which the
22 ANC attended, and which you was there, and in
23 which the representative for ABRA stated do you
24 want to discuss your issues that you had with the
25 establishment. Did you ever discuss your issues

1 that you had with the establishment?

2 MS. RONES: Objection.

3 CHAIRPERSON ANDERSON: What was the
4 nature of the objection?

5 MS. RONES: Asked and answered.

6 CHAIRPERSON ANDERSON: I think MS.
7 Rones, your witness stated that -- the question
8 was asked, and your witness was not being
9 responsive and so therefore she said what was the
10 question and he's just repeating the question.
11 So.

12 MS. RONES: Mr. Chairman, I think she
13 stated no. Her answer was no.

14 CHAIRPERSON ANDERSON: She never --
15 she never said, Ms. Rones she never answered the
16 question ma'am. I said to her the answer can be
17 strictly yes or no.

18 MS. RONES: And she said no.

19 CHAIRPERSON ANDERSON: She never
20 answered the question. Ms. Rones, Ms. Rones
21 please. She never answered the question, ma'am.

22 What she was -- she was talking about
23 what happened prior to the mediation and Mr.
24 Jackson said that's not the question. So the
25 question is that during mediation, did she -- did

1 the Civic Association express what they're
2 concerns were with the establishment.

3 And she can answer the question yes or
4 no. It's a simple yes or no answer.

5 Ms. Lewis, are you able to answer the
6 question? Yes or no.

7 MS. LEWIS: I'm not able to answer the
8 question in the context that it was asked because
9 Mr. Donovan, Mr. Donovan.

10 CHAIRPERSON ANDERSON: Yes Ms. Lewis.
11 Go ahead. You're answering the questions to the
12 best of your knowledge, ma'am, and recollection.
13 That's what we're asking.

14 MS. LEWIS: In the mediation Queens
15 Chapel did not participate with the settlement
16 agreement. But we did have an opportunity to
17 talk with Dr. Irono after the mediation. And a
18 lot was discussed in that July meeting.

19 Mr. Jackson was not in that meeting.
20 Dr. Irono was there, and a lot was discussed.
21 And Dr. Irono, we expressed a lot of concerns,
22 and he promised to get back to us and he never
23 did.

24 CHAIRPERSON ANDERSON: Okay.

25 MS. LEWIS: So that's when it was

1 discussed.

2 CHAIRPERSON ANDERSON: All right.

3 Any other questions --

4 MS. LEWIS: And I want the record to
5 reflect that.

6 CHAIRPERSON ANDERSON: Do you have
7 another question Mr. Jackson?

8 MS. Rones I need you to mute your line
9 -- I need you to mute your line, but you need to
10 remember when you're about to speak to open your
11 line. Okay. Because there is interference,
12 okay?

13 All right. Go ahead.

14 MR. JACKSON: Ms. Lewis is there any
15 other alcohol related establishment within your
16 ward or your -- within your district?

17 MS. LEWIS: Yes there are.

18 MR. JACKSON: And did you support
19 those establishments?

20 MS. LEWIS: What do you mean support
21 them?

22 MR. JACKSON: Meaning did you -- did
23 you support them to get a liquor license?

24 MS. LEWIS: With Whelan's Liquors they
25 were already there. There was no need to support

1 them one way or the other. And with Michigan
2 Liquors, I opposed that because of where they
3 are. I opposed it.

4 MR. JACKSON: And did you ever enter
5 into a settlement agreement with any of those
6 establishments?

7 MS. LEWIS: I didn't need to. I was
8 not asked to.

9 MR. JACKSON: Also Ms. Lewis, you
10 stated that there's a daycare inside of the YMCA?

11 MS. LEWIS: The YMCA is considered a
12 daycare. It works with underaged children. And
13 it's been there for 20 years. And it was omitted
14 from Dr. Irono's application. The very existence
15 of it was omitted.

16 MR. JACKSON: Okay. You said you had
17 a chance to review the settlement agreement. Is
18 that correct?

19 MS. LEWIS: Yes.

20 MR. JACKSON: Did you see in the
21 settlement agreement that that was addressed in
22 the settlement agreement?

23 MS. LEWIS: Words like might -- might
24 -- very, very elusive words were used. I can't
25 reflect right now.

1 MR. JACKSON: Did you see that the
2 trash issue was also discussed in the settlement
3 agreement?

4 MS. LEWIS: Yes, but it was with words
5 like may, and there was no -- nothing concrete to
6 require the proprietor of Sahara Market to
7 maintain cleanliness around the market, in front
8 of the market, and behind the market. Behind the
9 building.

10 MR. JACKSON: Do you know what a
11 settlement agreement does and who enforces the
12 settlement agreement?

13 MS. LEWIS: I do, Mr. Jackson.

14 MR. JACKSON: Okay.

15 MS. LEWIS: But I would also -- a
16 settlement agreement leaves --

17 MR. JACKSON: Just for your -- not --

18 MS. LEWIS: A settlement agreement,
19 this settlement agreement that you're referring
20 to leaves it to the community to make sure that
21 the proprietor is in compliance.

22 MR. JACKSON: No it doesn't. All
23 settlement agreements, for your knowledge, all
24 settlement agreements are enforced by ABRA.

25 MS. LEWIS: So you're -- oh okay. All

1 right. Thank you. Because I'm so ignorant I
2 didn't know that.

3 MR. JACKSON: Also -- okay. Also do
4 you recall a Board order being drafted on August
5 the 14th consolidating the protests because you
6 all had the same issues as the ANC.

7 MS. LEWIS: That was the Board's
8 decision, yes.

9 MR. JACKSON: Okay.

10 MS. LEWIS: That's why we met with the
11 ANC.

12 MR. JACKSON: Okay. So if the same
13 issues was addressed with the ANC, so is it fair
14 to say that your issues was addressed at that
15 same time?

16 MS. LEWIS: No, they're not -- no.
17 That's -- it's not fair to say that. And you're
18 not going to say that.

19 MR. JACKSON: Is it fair to say --

20 MS. LEWIS: It's not fair to say that.

21 MR. JACKSON: Okay.

22 MS. LEWIS: No, it's not.

23 MR. JACKSON: Okay. Is it fair to say
24 that if these issues was brought up during
25 mediation we wouldn't be at this point now?

1 MS. LEWIS: That's not true.

2 MR. JACKSON: How long have you been
3 president of the Queens Chapel Citizen
4 Association?

5 MS. LEWIS: Since 2018.

6 MR. JACKSON: Are you familiar with
7 Tim Thomas?

8 MS. LEWIS: I am.

9 MR. JACKSON: Are you aware that Tim
10 Thomas -- is he the vice president of the
11 Citizens Association?

12 MS. LEWIS: No, he's not.

13 MR. JACKSON: Okay. What is his
14 position?

15 MS. LEWIS: Tim Thomas right now is a
16 resident, and he is the Ward 5 Committee man.

17 MR. JACKSON: Okay. Are you aware
18 that he's supporting this establishment coming to
19 this area as well?

20 MS. LEWIS: Well it's interesting that
21 he's supporting it because he worked with us this
22 summer to investigate facts. But as a private
23 citizen, that's his prerogative.

24 MR. JACKSON: Were you invited to a
25 tasting at Dr. Irono's other establishment so you

1 could see how he would be operating?

2 MS. LEWIS: No, I was not. No.

3 MR. JACKSON: Were you invited?

4 MS. LEWIS: I was not invited, no.

5 MR. JACKSON: Okay.

6 MS. LEWIS: I knew nothing about it.

7 MR. JACKSON: So if all of your issues
8 was addressed, is it fair to say that you would
9 have entered into a settlement agreement?

10 MS. LEWIS: No, we would not because
11 of the application status.

12 MR. JACKSON: Okay.

13 MS. LEWIS: We can't enter into an
14 agreement, Mr. Jackson I want to be clear. We
15 could never enter into an agreement based on a
16 false application with mistruths.

17 MR. JACKSON: No further questions.

18 CHAIRPERSON ANDERSON: All right. Ms.
19 Lewis, I -- you said that you couldn't enter into
20 an agreement -- Ms. Lewis, you can't be talking
21 to anyone. This is, you're under cross-
22 examination so you can't have a conversation with
23 anyone else, ma'am.

24 I'm not saying you are, but I'm just
25 saying I saw you looking back. I just want to

1 make sure that you're not communicating with
2 anyone.

3 You made a comment that because of the
4 application status. What do you mean, the
5 application status? I don't understand, ma'am.

6 You're on mute ma'am. You need to --

7 MS. LEWIS: Mr. Anderson.

8 CHAIRPERSON ANDERSON: Yeah.

9 MS. LEWIS: No, I'm not muted. Mr.
10 Anderson the careful investigations that the --
11 that a team of us conducted this summer, we
12 looked at both applications very closely. Both
13 of the applications that Mr. Irono, Dr. Irono
14 submitted. And none of the applications -- well
15 let me say this, let me strike that.

16 The applications contained mistruths
17 and serious omissions. And so based on that, and
18 the ANC knows that because we met with them and
19 discussed these concerns, we could not enter into
20 any kind of a settlement agreement on that basis.

21 CHAIRPERSON ANDERSON: But what were -
22 - I'm -- what were the -- what was missing? I
23 guess I'm trying to find out. Because, what is
24 it that you're saying was missing from the
25 application?

1 MS. LEWIS: That's almost laughable
2 Mr. Anderson because so much was missing in both
3 applications. Things were whited out, left
4 unanswered, blank lines, a lot of
5 inconsistencies. And it wasn't just myself
6 looking at the applications, it was a team of us.

7 CHAIRPERSON ANDERSON: But --

8 MS. LEWIS: We cross-referenced the
9 applications.

10 CHAIRPERSON ANDERSON: But are you
11 aware that -- are you aware that ABRA is the one
12 that would issue a license, and that our agency
13 would not issue a license until the Licensee, or
14 the Applicant complies with all relevant rules
15 and regulations? Are you aware of that ma'am?

16 MS. LEWIS: Mr. Anderson, that's
17 what's so befuddling. Because based on the
18 published ABRA rules it clearly says a completed
19 application cannot be submitted. An application
20 cannot be submitted until it's completed.

21 Yes, the application was submitted,
22 both of them, ABRA issued letters of deficiency
23 ten days before the placards were released, yet
24 the placards were released and posted.

25 And so this community has a lot of

1 concern about the quality of the applications
2 that Mr. -- that Dr. Irono submitted.

3 CHAIRPERSON ANDERSON: I guess the
4 question I'm asking you ma'am, are you aware
5 that, I mean our folks can -- are you aware that
6 an application can be submitted without a
7 Certificate of Occupancy? Are you aware of that
8 ma'am?

9 MS. LEWIS: Well that's just the --
10 that's the duplicity. Because your published
11 rules say a complete application. And in one of
12 the letters of deficiency, I think it was May
13 14th, was sent to Mr. Jackson, and it spelled out
14 the things that were deficient. And as late as
15 July 2nd those deficiencies to my knowledge were
16 not complied with.

17 CHAIRPERSON ANDERSON: But aren't you
18 aware though that we are the regulatory agency
19 ma'am, and that we -- the Agency would never
20 issue a license until all deficiencies -- I said
21 issue a license.

22 MS. LEWIS: That's good to know.
23 That's good to know Mr. Anderson.

24 CHAIRPERSON ANDERSON: That --

25 MS. LEWIS: Because -- because it's

1 not clear.

2 CHAIRPERSON ANDERSON: I'm sorry, hold
3 on ma'am. Hold on. Hold on.

4 MS. LEWIS: It's not clear.

5 CHAIRPERSON ANDERSON: But I'm --

6 MS. LEWIS: It's not clear.

7 CHAIRPERSON ANDERSON: But I wanted --
8 that the Agency will never issue a license until
9 any perceived deficiencies are addressed. So if,
10 even if the Agency, even if the Board today --

11 Ms. Rones you need to mute your line
12 ma'am because there's interference coming in from
13 your line. Anytime your line is muted there's no
14 interference.

15 But I'm asking this question to let
16 you know that the Board will never issue a
17 license until all, everything is completed. That
18 until the Licensee -- so what I was saying is
19 that even if -- even if the Board was to approve
20 the license, the license will not be issued until
21 any deficiencies are addressed. Are you aware of
22 that ma'am?

23 MS. LEWIS: Mr. Anderson, Mr.
24 Anderson. I'm going on the fact that your
25 published rules stated and state that a complete

1 application must be submitted. It doesn't say
2 anything about after the fact. It says
3 submitted.

4 And so that's what we're going on.
5 Okay?

6 CHAIRPERSON ANDERSON: So you're not -
7 -

8 MS. LEWIS: I'm not going to you know,
9 I know you're trying to educate me. But we went
10 by what we read.

11 CHAIRPERSON ANDERSON: But did you --
12 did anyone from your civic association ask the
13 Agency about the process of issued license ma'am?

14 MS. LEWIS: We sure did.

15 CHAIRPERSON ANDERSON: Okay.

16 Ms. Rones, put your hand down ma'am.
17 Unless you're objecting to something that
18 they're being asked, you will get an opportunity
19 ma'am at -- once the Board has asked questions to
20 ask redirect questions of your witness ma'am.
21 Okay? So please put your hand down unless you're
22 raising an objection ma'am.

23 You're on mute Ms. Rones. Ms. Rones,
24 you're on mute. You need to unmute yourself.

25 MS. RONES: If I may Chairman, my next

1 witness will --

2 CHAIRPERSON ANDERSON: No, Ms. -- no,
3 Ms. -- we haven't -- we're not done with this
4 witness yet Ms. Rones.

5 MS. RONES: I'm just saying to
6 expediate and stay within the parameters of the
7 time.

8 CHAIRPERSON ANDERSON: You -- Ms.
9 Rones just trust me. You have 48 minutes and 19
10 seconds, so I timed you on your direct exam. So
11 what I'm going to do, I'm going to time you on
12 your direct examination. For the cross
13 examination, all this that's going back and
14 forth, that's not taking -- that's not taking
15 away from your time ma'am.

16 So what I'm timing you on is when you
17 call a witness, the direct examination. And so
18 right now you had Ms. Lewis, you asked her 12
19 minutes and 41 seconds. That's how long you
20 questioned her on direct and so you still have 48
21 minutes and 19 seconds for your other four
22 witnesses ma'am.

23 So this is not taking away from your
24 time. Okay? All right.

25 Do we have any questions by any other

1 Board Member?

2 Yes, go ahead Mr. Grant.

3 MEMBER GRANT: Good afternoon everyone
4 involved in the hearing. I just wanted to ask
5 Ms. Lewis, maybe one or two questions.

6 The first is, there was a line of
7 questions from Mr. Jackson to you about other
8 licenses in the area and you stated that you were
9 not asked to weigh in on those and there were
10 some situations where they were already in
11 existence.

12 Just generally speaking I wanted to
13 give you the opportunity to express if possible,
14 what would a successful license application look
15 like? Is it possible to have a successful
16 restaurant with a liquor license in that area?
17 And if so, what would that look like for you?

18 MS. LEWIS: Thank you, Mr. Grant. Let
19 me just say this, that the reason that the
20 community is so concerned about a beer, wine,
21 spirits store in the community is because of
22 prior experience with a store, an alcohol store
23 that was there.

24 So when the community, and they've
25 wanted for years, something in the 1901 shopping

1 center, to the benefit of the entire community.
2 A restaurant where they could go down, sit down,
3 that's a coffee shop, where -- because we have a
4 very blended community. That I think is more in
5 line with what the community would like.

6 Now the concern is that the kind of
7 establishment that is being requested by Sahara
8 Market would bring in very much like his East
9 Capitol Street location. He's said that to the
10 community when he first met with us. And so
11 right then and there, that has put the community
12 on edge.

13 The community does not want any
14 business in that shopping center that's going to
15 be open seven days a week until close to
16 midnight, and a business that will attract the
17 activity, foot traffic, and I'll say pedestrians,
18 the traffic that will disrupt the serenity of the
19 community.

20 I don't know if I'm -- that's a long
21 answer, but I hope that within that answer you
22 get an idea of what the community could accept.

23 MEMBER GRANT: Thank you for that.
24 Just one other question. I know that in the
25 first part of this hearing that occurred a few

1 weeks ago Mr. Darrell Simpson spoke about his
2 experience at the tasting. And he referenced a
3 handful of names of people who either live in
4 Queens Chapel or in the surrounding area. Had
5 you had an opportunity to talk to any of them
6 given that you were not invited and did not
7 attend? Did you talk to any of the people that
8 he named or any other people he may not have
9 named that went to the tasting?

10 MS. LEWIS: No I really didn't because
11 I talked to the neighbors before, and I do know
12 that one of the neighbors that was in attendance
13 specified, wrote in on a survey that we
14 circulated this summer that they would like a
15 restaurant. And so if that neighbor, and that
16 neighbor was at the testing and so I -- at the
17 tasting, I'm sorry. So I knew how that neighbor
18 felt.

19 I was not invited. It was clear when
20 I heard about it in the September 18th hearing
21 that the invitees were very selective and that's
22 fine. I was excluded for probably obvious
23 reasons. And I hope that the neighbors enjoyed
24 themselves.

25 MEMBER GRANT: Thank you. No further

1 questions.

2 MS. LEWIS: Thank you.

3 CHAIRPERSON ANDERSON: Any other
4 questions by any other board members? Go ahead
5 Mr. Short.

6 MEMBER SHORT: Thank you Mr. Chair.

7 I guess Ms. Lewis the question I would
8 ask is if, just if, if the dialogue were open
9 again, and you were to sit down with the owner of
10 the application being applied for a liquor
11 license there at 1901 Michigan Avenue NE, what
12 would you say to him or ask him from the
13 community, from your point of view as the
14 President of the Civic Association of Queens
15 Chapel Community Civic Association? What would
16 be, if you would give me your top subjects that
17 might be acceptable to you?

18 You mentioned hours earlier, you
19 mentioned trash pickup earlier, you mentioned
20 things that bring you pause. What things could
21 this app -- could this licensee say to you and
22 the community through you that might give you
23 reason to make it acceptable to your community if
24 you could?

25 MS. LEWIS: Thank you, Mr. Short. You

1 know, when I agreed to meet with Dr. Irono in
2 July with religious leaders, I went to that
3 meeting with the expectation that he would be
4 honest with us.

5 I have had a chance to talk with him
6 on video and face-to-face three times. And at no
7 time has he given us the same answer. At no time
8 has he given us a straight answer. So the
9 skepticism is that we don't know where he's
10 coming from.

11 His lack of transparency with us has
12 been voluminous. And so to ask me what I would
13 say to him, I would say to him the same things
14 that I said in July. And that was to withdraw
15 your applications as you have submitted them and
16 submit them properly. Submit them completely and
17 submit them honestly.

18 He knows what this community could
19 bear. We've told him that. He's seen the
20 community. We're clearly not East Capitol
21 Street. We don't want a lot of night life over
22 here, and we know that -- we are astute enough to
23 know that if the Board gives him a license less
24 than what he asked for initially in the placards,
25 he's just going to come back at some point and

1 reapply.

2 And so we want him to be honest with
3 us, and be transparent with us, and to clearly
4 hear us. Because this is a very special kind of
5 community. And we don't want an intrusion in the
6 community. And we feel at this point that that's
7 what's going to happen.

8 And so I know I've taken a bit of time
9 to answer your question, but I've answered it to
10 the best of my ability.

11 MEMBER SHORT: I do thank you Ms.
12 Lewis and thank you in your service to our
13 community there in Michigan Park. I just wish we
14 could work this out some way because if we could,
15 it seems like it would be a benefit to the
16 business person who wants to open a restaurant
17 type business there, and it would be a benefit to
18 the community if the two of you could sit down
19 and work it out.

20 And I guess that's another reason why
21 we're here today. And Queens Chapel again, it is
22 a special community. I do know about it. I've
23 been near Washington D.C. all of my 78 years.
24 And I've spent a lot of time in that area.

25 I'll just say to you and to the

1 licensee, there's still time to work this out.

2 And that's all that I have to say right now.

3 Thank you, Mr. Chairman for allowing
4 me to speak.

5 CHAIRPERSON ANDERSON: Thank you Mr.
6 Short.

7 Ms. Rones do you have any redirect, or
8 do you want to call another witness?

9 MS. RONES: Next witness.

10 CHAIRPERSON ANDERSON: Okay. Hold on.
11 Who's your next witness?

12 Thank you -- I'm sorry, Ms. Lewis
13 thank you for your testimony.

14 Who is the next witness?

15 MS. RONES: Dr. Larry Thurston.

16 CHAIRPERSON ANDERSON: All right, so
17 as I stated before ma'am you have, you still have
18 48 minutes and 19 seconds towards the
19 presentation of your case. Go ahead.

20 MS. RONES: Dr. Thurston, good evening
21 how are you today?

22 DR. THURSTON: Just fine. Good
23 afternoon.

24 MS. RONES: Can you tell the Board
25 where you live and how long you have resided?

1 DR. THURSTON: I'm a resident of
2 Queens Chapel, and I've been a resident here for
3 almost 36 years now.

4 MS. RONES: Wow, that's a long time.
5 Well have you done a survey of the neighborhood
6 to discern whether or not they would support or
7 not support this proposed business?

8 DR. THURSTON: Yes. I believe June
9 10th through July the 7th, QCCA, the Queens
10 Chapel Community Association conducted a survey
11 basically to determine if the proposed
12 establishment were consistent with a property
13 that's zoned MU3-A. That's a low density
14 property.

15 Basically MU3-A zones are intended in
16 part to be low density, mixed use development and
17 provide convenient retail and personal services
18 for the day to day needs of the local
19 neighborhood as well as residential and limited
20 community facilities with a minimum impact upon
21 surrounding residential development.

22 QCCA conducted its survey as I said
23 between June the 10th of this year and July of
24 this year to determine if those proposed
25 establishments were consistent with the property

1 zone MU3-1. And our survey results are found and
2 what has already been provided to the parties in
3 this proceeding as QCCA Exhibit I believe double
4 E which presents the results of the survey as
5 well as the survey questions in the survey
6 instrument.

7 The first question that was asked was,
8 excuse me, does this establishment and the hours
9 of operation requested provide convenient retail
10 service for your day to day needs and the needs
11 of the local Queens Chapel and North Woodridge
12 communities. This response was coded one equals
13 zero and zero equals yes.

14 Question two of the survey was, do you
15 believe that the Applicant will have a minimal
16 impact upon the surrounding residential Queens
17 Chapel and North Woodridge communities. This
18 question was coded one equals no, and zero equals
19 yes.

20 These -- those two questions are
21 consistent with what's property zone MU3-A. The
22 Exhibit EE, if I can shorten some terms here
23 provides the results of the survey. QCC Exhibit
24 AA is a chart of the responses to the survey.
25 Question excuse me, discharge shows that, the

1 respondents 149 overwhelmingly believe that these
2 proposed establishments would not provide
3 convenient and retail services for their day to
4 day needs. There was one non-response to
5 question one.

6 Regarding question two, an
7 overwhelming majority, 145 of the respondents
8 believe that these proposed establishments would
9 negatively impact the Queens Chapel and North
10 Woodridge communities.

11 The survey as I said was designed to
12 determine if this establishment is consistent
13 with property zone MU3-A. Based on the survey
14 results, the establishments do not conform to
15 what we believe is a property zone MU-3A.

16 QCCA believes this relevant and
17 important because the Board's decision regarding
18 these establishments should be consistent with,
19 and not contrary to the zoning with these
20 establishments.

21 Further, if I might, the -- these
22 results are consistent with Mr. Borrego's online
23 survey and his ABCA license request report on
24 Sahara Market. Mr. Borrego is the single member
25 District Commissioner for ANC 5B01.

1 Mr. Borrego's online survey can be
2 summarized as follows: Of the 88 individuals who
3 completed the survey, 71 were opposed to Sahara
4 Market's public proposal. That, in his
5 estimation that was roughly 81 percent.

6 Commissioner Borrego stated this
7 roughly aligns with feedback participants
8 expressed in the June 6th joint 5A1, 5A02, and
9 5B01 meetings. Mr. Borrego surmised that of the
10 71 who were opposed to the Sahara Market public
11 proposal eight expressed statements which
12 appeared to indicate that if the proposal was
13 modified they would view the business more
14 favorably.

15 Mr. Borrego states, "This indicates
16 that if a reasonable settlement could be reached
17 roughly 29 percent would be in favor." QCC
18 interprets this results to suggest that an
19 overwhelming majority, 71 percent, would still
20 oppose these applications even if they were
21 modified.

22 Mr. Borrego's report summarize some of
23 the specific concerns of the 71 who are opposed
24 to this establishment. Twenty-one percent had
25 concerns with hours. Seventeen percent had

1 concerns with parking and traffic. Twenty-nine
2 percent had problems with safety, crime, and
3 loitering.

4 Noise was an issue for 11 percent of
5 those. Lack of plans and uncertainty of plans,
6 another 11 percent had concerns. Waste
7 management, trash, rodents, 10 percent of those
8 respondents had concerns. Church, school,
9 daycare proximity, 12 percent had concerns.

10 And other concerns all fell under but
11 not limited to what he considered incompatibility
12 with the community, business viability, and
13 general opposition of 34 percent.

14 As an individual who helped conduct
15 the QCCA survey neighbors expressed some of these
16 same concerns to me. Neighbors in both Queens
17 Chapel and North Woodridge communities cited
18 current problems of littering and parking in
19 their communities. They also cited the hours of
20 operations and traffic concerns and potential
21 rodent problems with the proposed establishment.

22 One neighbor described the North
23 Woodridge community as a desert for rodents.
24 This can all change with the proposal, or with
25 approval excuse me of ABRA 128674.

1 MS. RONES: Doctor, can you explain to
2 me in a short term whether or not your survey
3 shows that the community approved and desired
4 this type of business?

5 DR. THURSTON: No. Overwhelmingly
6 both the survey we conducted, which was an in
7 person survey as well as what Mr. Borrego
8 conducted on his online survey suggests that the
9 communities, both Queens Chapel and North
10 Woodbridge are opposed to ABRA 128673 and ABRA
11 128674.

12 MS. RONES: Okay. Is it your opinion
13 that the ANC Commissioner in this District
14 entered into a settlement agreement that was
15 opposed to what his constituents desired?

16 CHAIRPERSON ANDERSON: Ms. Rones,
17 that's irrelevant. The Agency received -- I mean
18 the Agency received a settlement agreement not
19 from the ANC Commissioner, but from the ANC.
20 They receive a notice stating that the ANC voted,
21 this is the vote, all the Commissioners voted.

22 So I'm not going to have a witness
23 talk about whether or not -- I mean the Civic
24 Association can give its position but I'm not
25 going to have testimony about whether or not the

1 ANC representative signed a settlement agreement
2 that his community -- because I'm not quite sure
3 if the community for the ANC is the same
4 community for the civic association.

5 Okay. So he can testify -- I'm sorry.
6 I apologize. I should stop your time.

7 He can testify about what his
8 citizens, members of his association, what
9 they're position is, but I'm not going to have
10 him testify whether or not the ANC Commissioners
11 signed a settlement that was not representative
12 of what -- of the ANC as a whole.

13 But he can testify as he wants about
14 his membership. Okay?

15 MS. RONES: Very well.

16 CHAIRPERSON ANDERSON: Go ahead,
17 ma'am.

18 MS. RONES: Let me change my line of
19 questioning and ask the Doctor, did you have an
20 opportunity to review the application?

21 DR. THURSTON: Yes.

22 MS. RONES: What did you find was
23 missing from the application?

24 CHAIRPERSON ANDERSON: I'm going to
25 object to that. We already have testimony. I

1 believe it's -- both witnesses are sitting in the
2 same room. And so I -- we've already -- you've
3 already -- we've -- I -- we already know what's
4 wrong with it. I don't need this witness to tell
5 me what he finds wrong with it.

6 I assume that Ms. Lewis already shared
7 with the Board why it is that the Civic
8 Association objects to the application because
9 they found it was deficient. So I don't need
10 another witness to say why they believe it was
11 deficient ma'am. So let's move on from that
12 question.

13 MS. RONES: Okay. I'll withdraw that
14 part. No further questions.

15 CHAIRPERSON ANDERSON: And I'm not
16 trying to kill it, I just as I said before, we
17 had testimony from Ms. Lewis, she represented the
18 Association and she -- I asked her, and she
19 articulated why is it that she believed that the
20 application was not complete.

21 We don't need to have any other
22 witness testify why it is that -- because they're
23 -- both witnesses are from the same association.

24 So my belief is that the Association reviewed
25 the application, and the Association found

1 deficiencies, and they've already shared with the
2 Board what the deficiencies are. Okay.

3 Mr. Jackson, did you have a question
4 you wish to ask? Do you have any questions sir?

5 MR. JACKSON: Yes.

6 Good afternoon Doctor.

7 DR. THURSTON: Good afternoon Mr.
8 Jackson.

9 MR. JACKSON: First of all Doctor, how
10 many homes did you visit in that survey?

11 DR. THURSTON: Actually I can't tell
12 you how many I visited but if you would reference
13 QCCA Exhibits EE, AA you would see that roughly a
14 total of 150 homes in the Queens Chapel, North
15 Woodridge communities were surveyed in person.

16 I can tell you, most of what was --
17 responses that we got in North Woodridge I
18 personally did myself. I -- the information is
19 available in QCCA Exhibit EE. It gives the names
20 and addresses and the responses of each of the
21 individuals who responded to the survey.

22 So we did not -- I didn't do any
23 further analysis. And I was only one of several
24 who conducted the in person survey.

25 CHAIRPERSON ANDERSON: Are you there

1 Mr. Jackson?

2 MR. JACKSON: Yes.

3 CHAIRPERSON ANDERSON: You disappeared
4 from my screen sir. That's why I'm asking the
5 question.

6 MR. JACKSON: I'm sorry. Am I on?

7 CHAIRPERSON ANDERSON: Okay. Now you
8 are. Go ahead. I'm sorry.

9 MR. JACKSON: Yes. Okay.

10 CHAIRPERSON ANDERSON: I'm sorry Mr. -
11 - Dr. Thurston. I apologize. I just want to
12 make sure that everyone is online when they are
13 testifying.

14 MR. JACKSON: You mentioned how many
15 people that did not support. How many people did
16 support the establishment?

17 DR. THURSTON: The responses that we
18 got, and I believe it's in QCCA Exhibit EE, 145
19 basically said no. There was one non-response,
20 and another -- I believe that was 149 who said it
21 did not meet their day to day retail needs. And
22 there was I believe one non-response.

23 There were 145 who indicated that the
24 establishment would cause significant and
25 negative impact on the community if the

1 applications were approved. And as I said
2 earlier, those results are consistent with what
3 Mr. Borrego did in his online survey.

4 MR. JACKSON: Okay. Were you aware
5 that another -- we have on Exhibit 2A, did you
6 have a chance to look at Exhibit 2A that we
7 provided, and we had 97 people in the same
8 community that supported the establishment.

9 DR. THURSTON: No. We -- I never saw
10 what you are referencing. I never saw that. Now
11 I know Mr. Simpson during his testimony
12 referenced somewhere on the order of 80 people
13 who were at this taste, but I never received,
14 never saw anything that anyone in those numbers
15 supported your client's application.

16 And since folks have invoked Mr.
17 Thomas' name, Mr. Thomas had ample opportunity to
18 take the survey that we conducted that was in
19 person and you know, give his support. No one
20 supported the applications in the survey that we
21 took.

22 We -- I didn't discriminate. I
23 personally knocked on doors in the heat in the
24 midday. I personally knocked on doors during the
25 evenings. And the only thing that I presented to

1 folks, what was on the placards that are a part
2 of QCC's Exhibits A and B.

3 And as I said, those who responded
4 overwhelmingly said that this establishment does
5 not need their needs, and additionally they said
6 this establishment would negatively impact the
7 tranquility, peace, and quiet of our two
8 neighborhoods.

9 MR. JACKSON: Okay. Another question
10 sir. What evidence do you have for the people
11 that was against in the establishment coming
12 there to show that it would have an adverse
13 impact on peace, order, and quiet? What evidence
14 do you have with the business isn't open?

15 DR. THURSTON: I'm not sure if I
16 actually understand your question.

17 MR. JACKSON: You stated that people
18 was not in support of the establishment coming
19 there because you mentioned crime, you mentioned
20 rodents, you mentioned a couple of other things.

21 And I would like to ask you what evidence do you
22 have to support that?

23 DR. THURSTON: Well just that the
24 nature of the survey whether or not it's
25 beneficial to the neighborhood and whether or not

1 it would cause negative harm in the neighborhood.

2 Now in terms of negative harm and specific
3 concerns, the survey that we conducted, that QCCA
4 conducted, did not specifically answer those
5 questions.

6 What it did answer was that this --
7 your client's applications are inconsistent with
8 a property that's zoned MU-3A. But Mr. Borrego's
9 study and his online survey who was a party to
10 your settlement agreement. His report suggests
11 that specific concerns of the community, and I
12 will list them again.

13 He stated that 22 percent had concerns
14 with hours. Parking and traffic 17 percent had
15 concerns. Safety, crime, and loitering 29
16 percent had concerns. Eleven percent of his
17 online respondents said noise was a concern.
18 Lack of plans, uncertainty of plans, another 11
19 percent. Waste management, trash, and rodents,
20 10 percent of the respondents indicated they had
21 concerns. Proximity to church, school, and
22 daycare centers 12 percent had concerns.

23 And then under that there were other
24 issues that he included but not limited to
25 incompatibility with the community, business

1 viability, and general opposition. That was 34
2 percent. That's the evidence that is found in
3 the report of Commissioner Borrego.

4 MR. JACKSON: Was you aware that all
5 of Mr. -- Commissioner Borrego's concerns was
6 addressed in the settlement agreement?

7 DR. THURSTON: Yeah. I understand
8 that there were concerns that were addressed in
9 the settlement agreement however QCCA believes
10 that the foundational basis of any settlement
11 agreement should be based on the application that
12 is before this Board. In almost my 20 years as
13 an economist with the Office of the People's
14 Counsel, any settlement that the People's Counsel
15 entered into with a utility was based on the
16 application before the Public Service Commission.

17 What is before this Board is ABRA
18 128673 which you can find in QCCA Exhibit A, and
19 ABRA 128674 which you can find in QCCA Exhibit B.

20 If I can shorten some of the -- well in ABRA
21 128673 the Applicant is only requesting a beer
22 and wine store.

23 ABRA 128674 is a request for a Class C
24 restaurant with two endorsements, carry-out and
25 delivery, and a sidewalk café only. This is

1 confirmed in QCCA's Exhibit U which is Section 3
2 of the Applicant's application.

3 This exhibit clearly shows under the
4 column listed on premises, the Applicant checked
5 as to class, beer, wine, and spirits. The type
6 as restaurant, and endorsements on the alcohol,
7 carry-out and delivery, and sidewalk café are
8 checked.

9 In the column for off premises, for
10 class only beer and wine is checked. For type
11 only beer and wine retailer is checked. The
12 Applicant clearly did not check the boxes for
13 grocery, grocery 25 percent, or grocery full
14 service.

15 After a careful review of the
16 Applicant's application in the settlement
17 agreement between Sahara Market and ANC 5B0 --
18 5B, QCCA does not believe that the settlement
19 agreement is in the best interest of the Queens
20 Chapel and North Woodridge communities. QCCA
21 does not agree with the statement in the
22 settlement agreement that it would mitigate the
23 effects of one, retail property values, Roman
24 Numeral II, the peace, order, and quiet of the
25 neighborhoods including noise and litter.

1 Three, residential parking needs and
2 vehicular pedestrian safety or the proximity to
3 schools, daycare centers, or other similar
4 facilities. Five, the operation and clientele of
5 schools, children using facilities in proximity
6 to the establishment will unduly be attracted
7 while present at or going to or from school,
8 daycare centers or other similar facilities at
9 issue and to eliminate the need for a protest
10 hearing regarding the Application.

11 That's in the settlement agreement.
12 QCCA has specific concerns with the references to
13 schools and daycare facilities. The only
14 schools, daycare, and recreation facilities
15 before the Board are found in QCC I.

16 QCC I is the Applicant's response to
17 the name, address, and distance in feet of
18 schools, recreation centers, and daycare centers
19 from the proposed establishment. The Applicant
20 listed distances of Bunker Hill Elementary as
21 3996 feet from the establishment. Applicant
22 measured Bunker Hill Middle School as 5808 feet
23 from the establishment.

24 The Applicant measured Our Redeemer
25 Preschool as 1056 feet from the establishment.

1 The Applicant measured North Michigan Park
2 Recreation Center as 3699 feet from the proposed
3 establishment. The Applicant measured, and I may
4 not be pronouncing this right, Bambini Child
5 Development as 29,568 feet from the proposed
6 establishment. This is more than four and a half
7 miles from 1901 Michigan Avenue NE.

8 In response to how the distances were
9 measured the Applicant simply stated, Google.
10 Well QCCA Exhibits J through 9 are the linear
11 distances from the proposed establishments.

12 The child development North Michigan
13 Park Recreation Center, Our Redeemer preschool,
14 Brookland Middle School and Bunker Hill
15 Elementary School, the linear distances from the
16 proposed establishment and Bambini -- if I'm
17 pronouncing it right -- Child Development is
18 23,601 feet. North Michigan Park Recreation
19 Center is 3308 feet. Our Redeemer preschool is
20 just 577 feet from the proposed establishment.
21 Brookland Middle School is 4373 feet, and Bunker
22 Hill Elementary School is 21 -- 2134 feet from
23 the proposed establishment.

24 Clearly based on the Board's rule that
25 measuring distances should be linear the

1 Applicant has overstated the distances between 25
2 and 83 percent. This is flawed and misleading
3 information.

4 QCCA Exhibits O through T show the
5 schools, daycare centers, and neighborhood park
6 in a geographic area that would be most impacted
7 by the proposed establishment. QCCA Exhibit O is
8 a Google map showing linear distance between the
9 proposed establishment and the YMCA of
10 essentially zero feet.

11 The proposed establishment abuts the
12 YMCA which is classified as a daycare facility.
13 QCCA Exhibit P is a Google map showing the linear
14 distance between the proposed establishment and
15 the Rhema Christian Center School as less than
16 150 feet. This school is directly across the
17 street from the proposed establishment in the
18 1800 block of Michigan Avenue.

19 QCCA Exhibit Q is a Google map showing
20 the linear distance between the proposed
21 establishment and the Whitefriars Hall as 1086
22 feet. This is, Whitefriars Hall is classified as
23 a religious school.

24 QCCA Exhibit R is a Google map showing
25 the linear distance between the proposed

1 establishment and Chance Academy located at
2 Northeaster Presbyterian Church at 22nd and
3 Varnum Street NE as 1165 feet from the proposed
4 establishment.

5 QCCA Exhibit S is a Google map showing
6 the linear distance between the proposed
7 establishment and a neighborhood park operated by
8 the DC Department of Parks and Recreation as 1124
9 feet. This neighborhood park is bounded by
10 Varnum Street, 18th Street, Bunker Hill Road, and
11 Michigan Avenue NE.

12 QCCA Exhibit T is a Google map showing
13 the linear distance between the proposed
14 establishment and the Saint Anselm's Abbey School
15 located at 4101 South Dakota Avenue NE as 1631
16 feet from the proposed establishment. QCCA
17 believes this information is relevant in making a
18 decision as to the appropriateness of these
19 establishments.

20 The Board needs the most current and
21 accurate and appropriate information on schools,
22 daycare centers, and recreation centers in the
23 geographic area that will be most impacted by
24 this proposed establishment. Those facilities in
25 QCCA Exhibit I are not the best data, nor is it

1 consistent with the statute that requires
2 measuring distance between establishments
3 linearly.

4 More troubling, the Applicant omitted
5 schools, daycare, and recreation facilities in
6 its application.

7 CHAIRPERSON ANDERSON: Dr. Lewis are -
8 - hold on, hold on. Dr. Lewis -- I mean you're
9 reading something that, I thought you were asked
10 a question. I mean this has been going on for --
11 you're reading a report sir.

12 DR. THURSTON: No, I'm reading -- I am
13 responding to Mr. Jackson's question about the
14 settlement agreement and whether or not I read
15 it. And I'm laying the foundation for what I
16 observed in my review of both the settlement
17 agreement and the application.

18 CHAIRPERSON ANDERSON: All right, but
19 you're reading from some document because you're
20 reading verbatim from the -- I mean, it's -- I
21 understand you're answering the question sir, but
22 clearly you're reading from some prepared
23 document. And that's not -- that's not
24 acceptable when somebody's asking you a question
25 sir. So -- but all right.

1 Were you done sir or is there another
2 question to ask?

3 DR. THURSTON: If I might.

4 MR. JACKSON: Yes, I have another
5 question.

6 DR. THURSTON: There are several
7 provisions that are in the settlement agreement
8 that are not relevant to the two applications
9 that were submitted.

10 CHAIRPERSON ANDERSON: All right. All
11 right sir, hold on. Hold on sir. I don't need
12 you to say what is or what isn't relevant in the
13 settlement agreement. A settlement agreement was
14 provided by the ANC. It was reviewed by our
15 legal office, and the Board voted to adopt the
16 settlement agreement because we look at
17 provisions that are enforceable.

18 Okay. So as far as the Board is
19 concerned the settlement agreement, if this
20 license is granted the settlement agreement is
21 basically, is the maximum requirement that has to
22 be -- so they cannot do anything that's more than
23 what's in the settlement agreement.

24 So let's not talk about what's
25 relevant or not relevant in the settlement

1 agreement sir. You -- we have this hearing, and
2 you're telling us why is it that you are
3 protesting this -- the issuance of this license.

4 So we don't need to -- we know that if you had
5 agreed, if your organization had agreed with the
6 settlement you would have signed off on the
7 settlement.

8 You elected not to and that is your
9 right. You have -- that's why we're at the
10 hearing today because there was a settlement
11 agreement signed by the ANC that a civic
12 association that also has the right to challenge
13 if they disagree with it and that's why we're
14 here today.

15 Okay. So let's kind of move this
16 along. Okay.

17 MR. JACKSON: Okay.

18 CHAIRPERSON ANDERSON: Go ahead.

19 MR. JACKSON: Yes, I only have two
20 more questions.

21 Have you ever went to ABRA and asked
22 to explain to you the application process?

23 DR. THURSTON: No I did not go to
24 ABRA, but I read the rules, the statutes. A lot
25 of Title 25 and a lot of Title 23 on the

1 application process, what's required of the
2 Applicant, what's required in the application.
3 And while Commissioner Donovan may not want me to
4 say this, but you know, to QCCA it's clear that
5 unless all information has been provided then
6 hearings won't go forward.

7 MR. JACKSON: Okay. Are you aware
8 that each application is vetted by ABRA, and also
9 they do a measurement on their own GIS mapping?

10 DR. THURSTON: I mean --

11 CHAIRPERSON ANDERSON: Hold on, hold
12 on. Hold on, hold on. Ms. Lewis you're on the
13 phone. You need to step out of the room ma'am.

14 I'm sorry Doctor. Dr. Thurston. Go
15 ahead.

16 DR. THURSTON: Can you ask that
17 question again please?

18 MR. JACKSON: Yes. Are you familiar
19 or are you aware that each application is vetted
20 by ABRA? All the concerns that you have, are you
21 aware that each application is vetted by ABRA?

22 DR. THURSTON: I'm not sure if I know
23 that each application is vetted by ABRA. What I
24 can tell you is that in response or before your
25 request I received a letter dated July the 2nd of

1 this year that the applications, both 128673 and
2 1268 -- 126874 were deficient.

3 I am also in receipt of a letter dated
4 May 14th to you outlining the deficiencies in the
5 two applications. Additionally, my recollection
6 of the letters of deficiency and/or your response
7 to me is that these applications are pending.

8 I understand the word pending means
9 that they're not going anywhere until all of the
10 information has been provided that is required.

11 MR. JACKSON: Are you aware that I do
12 not have to provide you with the deficiencies,
13 that's an ABRA request?

14 DR. THURSTON: And we never requested
15 the deficiencies from you. What I did do is get
16 that information in a FOIA request about the
17 letters of deficiency. The letters of deficiency
18 addressed to you were dated May the 14th. That
19 was 14 days before the placards were posted at
20 1901.

21 July the 2nd of this year I'm in
22 receipt of a letter in response to, for your
23 request that there's still many main documents
24 that are missing and that the two applications
25 are pending. Pending, my understanding of the

1 word pending is meaning that they're on hold.
2 That doesn't mean that they're ready to be posted
3 on a placard or hearings for the two
4 applications. That's my understanding of what
5 the word pending meaning, and that's how I
6 interpreted pending.

7 MR. JACKSON: Okay. I'm going to move
8 on because your understanding of what the
9 deficiencies are incorrect --

10 CHAIRPERSON ANDERSON: Mr. Jackson.
11 Mr. Jackson. Ask a question if you have a
12 question sir, not statements.

13 MR. JACKSON: Okay. I'm sorry. I'm
14 sorry. Okay. We're going to move on.

15 Are you an expert when it comes to
16 zoning regulations?

17 DR. THURSTON: No, I'm not an expert
18 on zoning but I think I have enough intelligence
19 to read the zoning regulations, and I quoted them
20 verbatim, and the survey that QCCA conducted
21 essentially asks what was in the zoning for a
22 property under MU-3A.

23 MR. JACKSON: Are you aware that all
24 of that's commercial zoning mixed use?

25 DR. THURSTON: I understand that is

1 commercial mixed use. That's what MU-3A is. And
2 specifically low density which meets the daily
3 needs of the local community. And those
4 establishments are required not to significantly
5 and negatively impact the community in which
6 they're located.

7 Based on the QCCA survey, the property
8 based on what the community believes, it does not
9 meet the standards of property, commercial
10 property zone MU-3A.

11 MR. JACKSON: Okay. So the Subway
12 shop over there and the vape shop

13 CHAIRPERSON ANDERSON: All right. All
14 right. Mr. Jackson, all right.

15 MR. JACKSON: Okay. I understand.
16 Let me move on. Okay.

17 CHAIRPERSON ANDERSON: No one -- we
18 have no experts here. No one has been identified
19 as an expert. So let's move on from what is the
20 definition of the MU zone. I don't need that
21 testimony. Let's move on sir.

22 MR. JACKSON: All right. I
23 understand.

24 Okay. Last question. That shopping
25 area is zoned for what?

1 DR. THURSTON: We just answered that
2 question. It's MU3 --

3 CHAIRPERSON ANDERSON: Mr. -- Dr.
4 Thurston. A question is asked sir. You either
5 answer is yes or no. You don't ask him questions
6 sir. You answer the questions sir. It's up to
7 your lawyer to object if it was answered already
8 sir. So are you able to answer the question sir?

9 DR. THURSTON: Yes. Mr. Jackson,
10 could you ask that question again?

11 MR. JACKSON: That shopping area is
12 zoned for what?

13 DR. THURSTON: It is zoned MU-3A.

14 MR. JACKSON: Commercial mixed use?

15 DR. THURSTON: That's -- M, mixed use.
16 Yes.

17 MR. JACKSON: Okay. Thank you. No
18 further questions.

19 CHAIRPERSON ANDERSON: Fine.

20 Dr. Thurston, have you seen Exhibit 4A
21 that was a part of the case report which was --
22 it's the GIS map that says that there are no
23 schools or recreational -- as far as ABRA is
24 concerned, that ABRA says there are no schools,
25 recreational centers, or public libraries located

1 within 400 feet of the establishment, and that
2 the YMCA Calomiris Daycare Center at 1906 Allison
3 Street NE occupies the same building, but is
4 approximately 230 feet door to door from the
5 front entrance of the establishment.

6 Have you seen that list sir?

7 DR. THURSTON: I have not seen --
8 actually the investigators report I did not see.
9 I personally did not see the investigator's
10 report.

11 CHAIRPERSON ANDERSON: All right.

12 DR. THURSTON: I'm trying to answer
13 your question. That was to be given to the
14 parties at least two days before this proceeding.

15 In terms of the map that you referenced. From
16 an earlier document what I do remember, it had a
17 footnote and said something to the affect that
18 this can't be used for official use.

19 That aside, the Rhema Christian School
20 which is directly across the street from this
21 proposed establishment didn't fall -- didn't come
22 under or was not found in the Google search that
23 your investigator conducted.

24 It's obvious that some kids on that
25 church lot, because there's playground equipment.

1 I made a phone call to the church and inquired -
2 - I'm trying to answer the question -- and got a
3 response from the church clerk that they do in
4 fact have a school. The school was in existence
5 in the 2023-2024 school year. It's currently in
6 existence for the '24-'25 school year, and they
7 are currently leasing space from the YMCA.

8 Now why your system did not pick up
9 that school, I don't know, and I can't say.

10 CHAIRPERSON ANDERSON: But are you
11 aware sir, that the distance however is not
12 applicable because the -- that they are
13 requesting a B license and a CR license sir? Are
14 you aware that you can have a restaurant next to
15 a school? You can have a supermarket next to a
16 school.

17 And so although a restaurant or a
18 supermarket, also a B and a CR sells alcohol
19 that's it's irrelevant? Are you aware of that
20 sir?

21 DR. THURSTON: No. What I am under
22 the understanding though that the Applicant not
23 only is requesting a Class C restaurant, but a
24 carry-out and delivery endorsement which would
25 allow him to sell beer, wine, and spirits.

1 While not the letter of the law,
2 surely the spirit of the law, the establishment
3 that has an endorsement, a carry-out and delivery
4 endorsement selling beer, wine, and spirits is
5 just another name for Class A retail liquor
6 store. And it's my understanding that a Class A
7 retail liquor store, new license, cannot be
8 located within 400 feet of a school, a daycare
9 center, or recreational facility operated by the
10 D.C. Department of Parks and Recreation.

11 CHAIRPERSON ANDERSON: But you are
12 aware -- but the -- they are -- they -- the type
13 of license that's being requested is a B and a
14 CR. And a B and a CR, that's not a Class A sir.

15 And your stating that you're -- sir, with all
16 due respect this is the Agency that interprets
17 our law and I'm hoping that the Board with the
18 legal advice that's been provided to us
19 interprets our law sufficiently sir.

20 But I just want to -- I just want to -
21 - I'm asking if you are aware that at least the
22 license that's been requested is a B and a CR,
23 and not a Class A where the distance to a school
24 is not relevant. Okay.

25 DR. THURSTON: Without trying to be

1 combative with you Chairman Donovan, I
2 respectfully, with the carry-out and delivery
3 endorsement the Applicant would effectively
4 operate as a liquor store.

5 CHAIRPERSON ANDERSON: All right. All
6 right. Did you see the settlement agreement sir,
7 that the settlement agreement prevents them from
8 having the carry-out and delivery endorsement
9 sir? Did you see the settlement agreement?

10 DR. THURSTON: Yes.

11 CHAIRPERSON ANDERSON: So therefore if
12 the license is granted they will not be able to
13 do carry-out and delivery. Because that
14 endorsement was not granted, was not provided as
15 per the settlement agreement.

16 DR. THURSTON: Yes. I do. I have
17 reviewed the settlement agreement. And yes there
18 was an agreement that they dropped the carry-out
19 and delivery. The specific cite, things that are
20 not enforceable by ABCA or ABRA, one of which
21 essentially states that the Board can't restrict
22 the Applicant from applying for anything that's
23 operational that they can do under the law.

24 That simply means that they can apply
25 a change of -- apply for a carry-out and delivery

1 which they can -- are required under the statute.

2 The specific statute I don't -- I have in front
3 of me, but I don't think you're too happy with me
4 reading from my document.

5 CHAIRPERSON ANDERSON: But let me ask,
6 are you also aware sir, that if the license is
7 granted with the settlement agreement, the
8 settlement agreement that's signed, it stays with
9 the license for the duration of the license
10 unless they apply to the Board four years down
11 the road to remove it?

12 So therefore whatever the prohibition
13 to have a carry-out and delivery endorsement, if
14 this license is granted, will remain with the
15 license in perpetuity unless it's negotiated to
16 be removed. Are you aware of that sir?

17 DR. THURSTON: No, I'm not.

18 CHAIRPERSON ANDERSON: All right.

19 DR. THURSTON: That's --

20 CHAIRPERSON ANDERSON: I just wanted
21 to inform you that that provision in the license,
22 in the settlement agreement will remain in
23 perpetuity with the license unless an application
24 is filed four years down the road to remove it
25 and we'll go back through this process again.

1 Okay?

2 Any other questions by any board
3 members? Go ahead Mr. Grant.

4 MEMBER GRANT: Dr. Thornton, thank you
5 for --

6 DR. THURSTON: Thurston.

7 MEMBER GRANT: -- being with us.

8 MS. RONES: Thurston.

9 MEMBER GRANT: I'm sorry. Thurston.
10 Please forgive me.

11 DR. THURSTON: Go on.

12 MEMBER GRANT: Please forgive me for
13 that.

14 DR. THURSTON: It's all right.

15 MEMBER GRANT: Dr. Thurston, just one
16 quick question. Is there a scenario that is
17 feasible in your opinion where there could be a
18 licensee that is effective in going through this
19 license application process that could be a good
20 neighbor and be sufficient to your standards to
21 operate as a licensee at that location?

22 DR. THURSTON: I'm going to try to
23 give you my short answer. And there are a number
24 of problems that we found with the application.
25 It's hard, and I think I prefaced this in my

1 earlier testimony that settlement agreements that
2 I am accustomed to with the Office of the
3 People's Counsel are based on a complete
4 application that was filed by one of the
5 utilities.

6 It is the position of the Queens
7 Chapel Civic Association that the application is
8 incomplete. With an incomplete application it's
9 hard to determine what we are settling on, and
10 what we are negotiating.

11 If we don't have all the information
12 before us we are at a disadvantage. And anything
13 that we may agree on may come back to bite us.
14 So in the absence of a complete and clean and
15 what I would say honest application, then honest
16 settlement discussions could go forward on
17 whatever is going to be at 1901 Michigan Avenue
18 NE.

19 MEMBER GRANT: Just as a quick follow
20 up for my clarity. So I think we can safely
21 state that at the baseline, having what you
22 consider to be a complete application is at least
23 one part of satisfying your need in order to get
24 to a point where we have a sufficient neighbor
25 that has a license.

1 DR. THURSTON: Correct. I mean, it's
2 -- if you don't have all of the necessary
3 information then one party is disadvantaged. And
4 that's the one who's not making the proposal. So
5 you know, it's almost like okay, we're going into
6 a fight with one hand tied behind our backs and
7 our opponent has both of his fists available to
8 him.

9 It's not a fair fight. And you know,
10 any settlement agreement can't be fair when one
11 party is not being forthcoming with the other.

12 MEMBER GRANT: Got you. And I guess
13 what I'm trying to get to, because you stated
14 that the complete application is necessary for
15 you to be satisfied, at least one component. But
16 are there any additional items, if we got to the
17 point where the application was considered to be
18 completely filled out, are there any other
19 elements that you believe need to be in place
20 regardless of the Applicant, right? If
21 somebody's going to occupy that space and hold an
22 alcohol license, what else would you need for it
23 to be sufficient?

24 DR. THURSTON: Did -- I guess at a
25 minimum it needs to have all of the required

1 documents and information that your Board
2 requires. It also needs to be truthful and
3 honest. And you know, then one can enter into
4 settlement discussions with the Applicant.

5 MEMBER GRANT: Okay. Thank you again
6 for your time, and please forgive me again for
7 mispronouncing the name.

8 DR. THURSTON: That's all right.

9 MEMBER GRANT: Mr. Chair, I'm complete
10 with the questions.

11 CHAIRPERSON ANDERSON: Thank you Mr.
12 Grant.

13 Mr. Short. You're on mute, Mr. Short.
14 Mr. Short you need to unmute yourself sir.

15 MEMBER SHORT: Good afternoon Dr.
16 Thurston.

17 DR. THURSTON: Good afternoon Mr.
18 Short.

19 MEMBER SHORT: Your testimony has been
20 quite compelling.

21 DR. THURSTON: Thank you.

22 MEMBER SHORT: How many years have you
23 lived in the Queens Chapel Community Civic
24 Association?

25 DR. THURSTON: I believe this month it

1 will be 36 years.

2 MEMBER SHORT: Have you always resided
3 in the District of Columbia?

4 DR. THURSTON: I am a third-generation
5 Washingtonian. I was raised in Anacostia,
6 basically Barry Farms, and Sheridan Terrace. I'm
7 a proud graduate of Anacostia High School, and I
8 attended George Washington University.

9 MEMBER SHORT: Great credentials. Dr.
10 Thurston, are you related to any other Dr.
11 Thurston's who've been in the District of
12 Columbia?

13 DR. THURSTON: Not that I'm aware of.

14 MEMBER SHORT: I knew another that was
15 at 19th and Benning Road years ago when I lived
16 in Langston Terrace NE. But at any rate, you
17 again, let's get back to the application.

18 It is your contention that the
19 application, and your organization's contention,
20 the application was not fully complied with. Is
21 that correct?

22 DR. THURSTON: That is correct. And I
23 believe in order 2024-560 the Board addressed
24 that issue and in our motion to deny. And in
25 that motion basically stated that the application

1 is sufficiently complete.

2 What was lacking in the order was a
3 definition of sufficiently complete. The order
4 did not explain what was sufficient and necessary
5 to make the application sufficiently complete,
6 and why.

7 But more importantly the order did not
8 address what was necessary or unnecessary in the
9 application, what information was unnecessary to
10 make the application sufficiently complete and
11 why.

12 MEMBER SHORT: Dr. Thurston, I'm --
13 this is just my thought as a board member, I'm
14 only one board member. But at any rate, should
15 the Applicant agree to fully fill out an
16 application, are there any other issues that you
17 would have other than that application not being
18 fully filled out to hold up this applicant?

19 DR. THURSTON: I'm not sure if I
20 understand the whole application process. But
21 what's before this Board is not a complete
22 application. In the absence of it, it would be
23 difficult for me to say what the Queens Chapel
24 Civic Association would be willing to sit down
25 and engage in settlement with the Applicant.

1 MEMBER SHORT: Well I do appreciate
2 your testimony, and I do appreciate your answers.

3 Hopefully my vote will be that I don't see any
4 reason why we don't have a completed application
5 to the satisfaction of the community. That's
6 just my opinion. I'm only one board member. But
7 let me finish sir.

8 Again, apparently there has not been
9 any direct communication between the Queens
10 Chapel Community Civic Association and the
11 Applicant or its attorneys. Is that correct?

12 DR. THURSTON: That is not correct.
13 Dr. Irono and Mr. Jackson attended what I believe
14 were -- was the June 10th meeting at Union Wesley
15 AME Church. Not in person or face to face but
16 the members of the Queens Chapel Civic
17 Association participated in the joint Zoom call
18 with ANC 5A02 and ANC 5B02.

19 And I didn't attend the meeting, but
20 Dr. Irono attended a meeting at Union Wesley AME
21 Church with -- in July --

22 CHAIRPERSON ANDERSON: Ms. Lewis, you
23 cannot speak ma'am. Ms. Lewis, Dr. Thurston is
24 testifying. No one else can speak. Do not
25 provide any information ma'am. Come on Ms.

1 Lewis, we have been doing very good. Come on.
2 All right.

3 DR. THURSTON: And that July meeting I
4 did not participate in but there were discussions
5 with Dr. Irono and members of the Queens Chapel
6 Community as well as I think the Imam that's
7 located just on the other side of Eastern Avenue
8 in Maryland.

9 MEMBER SHORT: Well the testimony of
10 Dr. Irono at the last hearing we had, he came off
11 as a very honest and a great person who wants to
12 work with the community. And apparently he
13 worked out something there on Capitol Hill which
14 I understand is no where near like Queens Chapel
15 and it's a different side of town so to speak.

16 I just, it's just my opinion, my
17 personal opinion that if Dr. Irono is as honest
18 as he came off, and I think he is, that he would
19 sit down or he would be willing to complete that
20 portion of his application that could satisfy you
21 as a community.

22 And if that happened would you have
23 any other hold ups to his application?

24 DR. THURSTON: This is probably not
25 the response you want but, in Dr. Irono's

1 application, in his section three with reference
2 to schools, daycare centers, and recreation
3 facilities he chose a daycare facility that was
4 over four and a half miles from his proposed
5 establishment.

6 That's not a mistake. He passed
7 possibly dozens of daycare centers, and he
8 overlooked the daycare facility that would abut
9 his establishment. So you know, it's --

10 MEMBER SHORT: I understand. I
11 understand Dr. Thurston. I truly understand.
12 But again, if those corrections can be made on
13 the application, and in light of our legal
14 section as our Chairman was saying passed muster
15 with them. But to satisfy the community, should
16 Dr. Irono decide, and he and his attorney's
17 decide to give another application or give
18 another shot at pleasing the community.

19 The only other thing that I heard that
20 seems like it's a hold up might have been hours.

21 But that's what I heard as a board member. But
22 I'll just simply say this. I'm not going to
23 prolong this any longer. We've -- this is the
24 second hearing after the first one, which we had
25 to hold this because we couldn't get everything

1 done the first night, or the first day of the
2 hearings.

3 But hopefully this doesn't linger much
4 longer. But I'm one who has professed since I've
5 been a board member for 12 years, and I am for
6 strong, vibrant, safe business in communities.
7 And I'm for the maintenance and maintaining
8 communities such as Queens Chapel Community Civic
9 Association. So that they both can be side by
10 side and everybody benefits.

11 And so that's going to be the last
12 thing that I have to say on this matter at this
13 time. And Mr. Chairman, I thank you for allowing
14 me to speak and I'll thank all the people that
15 are participating today in this hearing. Thank
16 you.

17 CHAIRPERSON ANDERSON: Thank you.

18 All right, Ms. Rones do you have any
19 redirect? You're on mute Ms. Rones. Ms. Rones.

20 I cannot hear you Ms. Rones.

21 MS. RONES: Can you hear me now?

22 CHAIRPERSON ANDERSON: Yes, ma'am.

23 MS. RONES: I'd like to ask Dr.
24 Thurston a follow up question.

25 CHAIRPERSON ANDERSON: Go ahead,

1 ma'am.

2 MS. RONES: In your reading of the
3 application and all of the other documents did
4 you have an understanding as to what the security
5 plan, along with some of the other reference
6 plans would be in terms of how the operation
7 would conduct its business?

8 DR. THURSTON: In reviewing the
9 settlement agreement I did have the opportunity
10 to look at -- I can't remember off hand, I think
11 it's provision six of the settlement agreement
12 that references safety.

13 There were two specific issues, I
14 believe provision six, roman numeral four and
15 five where the parties had agreed to what the
16 Applicant would do with its cameras and videos.
17 It also stated that it would do a written safety
18 plan, but the word plan was missing.

19 My understanding of the statute, there
20 are at least eight elements, minimum required
21 elements that a safety plan would have. And the
22 two that the Applicant had, and I again, it
23 refers to the safety provisions. Those two
24 provisions would have no impact on minimizing or
25 mitigating concerns regarding safety. Only those

1 elements that would be in the safety plan which
2 we have not seen.

3 MS. RONES: Did you have any issues
4 with the referenced trash plan?

5 CHAIRPERSON ANDERSON: All right. I'm
6 sorry, go ahead.

7 DR. THURSTON: Yes. The -- and again,
8 I'm not sure which provision it is but QCCA is of
9 the opinion that the plan for trash will have
10 little or minimal impact on the community. The
11 Department of Health has specific recommendations
12 for businesses when it comes to rodent control.

13 One is to have a metal container for
14 excuse me -- for grease to be disposed of. It
15 also recommended in particular for a food
16 establishment that they have a trash compactor to
17 mitigate the impact of rodents.

18 Another specific recommendation that
19 the Department of Health has was that trash
20 should be either refrigerated or placed in a
21 rodent-proof container and -- before being placed
22 out for trash collection. So you know, their
23 provisions in the settlement agreement, QCCA does
24 not believe those are sufficient to ensure that
25 the rodent population will no longer -- will come

1 here.

2 As I stated earlier, one resident said
3 that we are currently a desert for rodents. This
4 could all change with the approval of this
5 application.

6 MS. RONES: No further questions.

7 CHAIRPERSON ANDERSON: Dr. Thurston,
8 thank you very much for your testimony.

9 I know you have more witnesses, this
10 is going on five -- this has been going on for
11 two hours so I'm going to take a 15 minute break.
12

13 I need us to -- all right. Moving
14 forward, this hearing is not about the complete
15 application. I mean this hearing, you're
16 protesting this hearing on the reasons of peace,
17 order, and quiet. So I need -- I don't need to
18 have any more testimony about whether or not the
19 application is complete.

20 We don't need to have any further
21 testimony about deficiencies in the application.

22 I will only need to have testimony --

23 MS. RONES: I'm sorry. The responses
24 will be direct.

25 CHAIRPERSON ANDERSON: Everyone still

1 needs to be on mute. Everyone's phones need to
2 be on mute. So we don't need to have any further
3 testimony -- everyone's phone needs to be on mute
4 please. Mute your lines.

5 All right. So we don't need to have
6 testimony because this has been contested on
7 peace, order and quiet. That's the focus. So we
8 need no further testimony on the incompleteness
9 of the application. That is not relevant for --
10 the Agency's the one who will determine if the
11 application is complete and whether or not -- if
12 this license is approved whether or not we will
13 issue a license, that is up to the Agency.

14 The interpretation of what an M, the
15 zone, that's up to the Agency to make a
16 determination. Regarding the distance, what's
17 around, whether or not a license a can be issued
18 because of the -- because of the recreational
19 center, a daycare center, or a school. That is
20 within the confines of the school.

21 I mean, if they're issues with the
22 measurement I mean yes, we can have testimony if
23 there's issues with the measurement. But I just
24 want to say we have had testimony already on
25 those issues, so we don't need any further issue.

1 We need testimony on peace, order, and quiet,
2 and whether or not this license is appropriate
3 for the location.

4 All right. It is 3:34. We're off the
5 record until 3- -- I'm sorry. It's 3:35. We are
6 off the record until 3:45. I'm going to take a
7 10 minute break. So we're off the record until
8 3- -- for 10 minutes until 3:45. Thank you.

9 (Whereupon, the above-entitled matter
10 went off the record at 3:35 and resumed at 3:45.

11 CHAIRPERSON ANDERSON: We are back on
12 the record. We are back on the record. I need
13 all of the parties to come back. As a courteous
14 to the parties I try not to -- I should have said
15 this at the beginning. I try to take a formal
16 break every two hours because we're here sitting
17 in front of the screen. So it's an opportunity
18 for folks if you need to go stretch your legs and
19 stuff.

20 I'm hoping that his hearing will not
21 last another two hours so we can, so we don't
22 have to take a break again.

23 Ms. Rones, you still have 35 minutes
24 left in your presentation. Again, as I told you,
25 you have an hour but I'm only timing you based on

1 your direct examination of your witnesses and if
2 you cross-examine -- I'm sorry, if you do
3 redirect of your witnesses then I will time you.

4 I do not time questions asked by the
5 Board. I do not, neither do I ask cross-
6 examination. That's not counted toward your
7 time. Okay? So all right. Do you have another
8 witness ma'am?

9 MS. RONES: Yes. I'd like to -- I'd
10 like to call Dr. Brian Relford. This, Chairman
11 Donovan will be my last witness. So we should be
12 able to conclude this rather quickly.

13 CHAIRPERSON ANDERSON: Okay. Who's --
14 I don't see, is that person -- has that person
15 been elevated?

16 MS. LEWIS: Hello.

17 CHAIRPERSON ANDERSON: Who's the
18 witness? I'm sorry, what was the name of the
19 person?

20 MS. RONES: Brian Relford.

21 MS. LEWIS: Excuse me Attorney, and
22 Mr. Anderson --

23 CHAIRPERSON ANDERSON: I'm sorry.
24 Who's speaking?

25 MS. LEWIS: This is Charlotte Lewis.

1 Attorney Rones, you have Deborah Jackson and
2 Brian Relford. I'm sorry.

3 CHAIRPERSON ANDERSON: Okay. So who's
4 testifying?

5 MS. RONES: That is correct.

6 CHAIRPERSON ANDERSON: Who is
7 testifying?

8 MS. RONES: My next witness will be
9 Deborah Jackson. I'm sorry.

10 CHAIRPERSON ANDERSON: Oh, okay. I
11 see Ms. Jackson.

12 Ms. Jackson, can you raise your right
13 hand please? Do you swear or affirm to tell the
14 truth and nothing but the truth?

15 MS. JACKSON: I do.

16 CHAIRPERSON ANDERSON: Your witness
17 ma'am. Go ahead.

18 MS. RONES: Ms. Jackson, where do you
19 currently live?

20 CHAIRPERSON ANDERSON: I'm sorry. Ms.
21 Rones have her spell and state her name for the
22 record first please.

23 MS. RONES: Oh, okay.

24 Ms. Jackson can you please state your
25 full name for the record?

1 MS. JACKSON: Yes. Good afternoon Mr.
2 Anderson and Mr. Short and Grant. My name is
3 Deborah D-E-B-O-R-A-H, A. Jackson.

4 MS. RONES: Where do you reside?

5 MS. JACKSON: I reside on 17th
6 Street NE in Queens Chapel Civic Association.

7 MS. RONES: And how long have you
8 resided at this location?

9 MS. JACKSON: A little over 25 years.

10 MS. RONES: That's a long time. Are
11 you familiar with the Applicant Sahara Market's
12 desire to locate in the Queens Chapel area?

13 MS. JACKSON: Yes, I am.

14 MS. RONES: Have you expressed your
15 feelings about what you think will be the results
16 of them operating out of 1501 Michigan Avenue?

17 MS. JACKSON: Yes I have. I've had
18 more than one opportunity. I was in attendance
19 at the meeting that took place in July at Union
20 Wesley. Some of the issues have already been
21 stated.

22 One of my issues regarding the peace,
23 tranquility, and quiet of our neighborhood is the
24 residential parking. I'm not as versed in the
25 settlement agreement as Dr. Thurston is, but I

1 remember a conversation, one of the ANC
2 Commissioners suggested residential parking on
3 the streets because of an increase in the
4 population coming to possibly Dr. Irono's
5 location there will be a need for parking.

6 So the parking will be an overflow
7 into our neighborhood into specific streets. So
8 it was asked if there's residential parking for
9 the impacted streets and to me that's
10 unconscionable, that someone would suggest that
11 we do residential parking, and they would still
12 be able to park for free in front of their home.

13 I own another property in Washington
14 D.C., and residential parking does nothing. And
15 I want to say that again. It does nothing to
16 keep non-residents from parking on the street.
17 And non-residents know that residential parking
18 is not enforced consistently across the city.

19 And seniors and others that have
20 mobility challenges, they're impacted by this,
21 especially if they don't qualify for handicap
22 placard where they can park in front of their
23 street, I mean in front of their home. They have
24 to park a block or two away from their home and
25 then call someone to come pick them up and drive

1 them back to their home.

2 And it's dangerous for people who have
3 toddlers and you're bringing stuff, and you
4 double park, and people are driving throughout
5 the neighborhood trying to get to locations. And
6 they risk getting their cars hit. So to me
7 residential parking is just not an option. And I
8 don't think it should be considered -- and
9 parking will be impacted with Dr. Irono's
10 establishment.

11 And I, with all due respect to you Mr.
12 Anderson, but the issue with the incomplete
13 application, we have no idea what is coming --

14 CHAIRPERSON ANDERSON: Ms. Jackson.
15 I'm sorry Ms. Jackson. That is not -- Ms.
16 Jackson, I'm sorry to interrupt. But when an
17 establishment is protested it's on peace, order,
18 and quiet ma'am. That's not in your -- that's
19 not one of the -- that's not -- the statute
20 defines the purpose of the -- the statute defines
21 the purpose that you can protest an application
22 ma'am. And an incomplete application is not one
23 of the purpose, and therefore we've had
24 sufficient information --

25 MS. JACKSON: I understand that.

1 CHAIRPERSON ANDERSON: -- and there is
2 no need for --

3 MS. JACKSON: I understand that.

4 CHAIRPERSON ANDERSON: -- anyone else
5 to go down that road ma'am. Okay. All right.

6 MS. JACKSON: I understand that. But
7 it leads to the conclusion about what will be
8 peace, and tranquility, and quiet because we
9 won't know what it is.

10 So another thing is the potential
11 issue of hazardous waste and trash. So we do
12 know that there are establishments over there at
13 Broad Street because of the limited availability
14 for disposing of waste that we have witnessed the
15 Nail Salon disposing not only their waste, but
16 some of their hazardous materials in the waste
17 containers along Michigan Avenue and in some of
18 the resident's containers.

19 And we also have issues with the
20 excessive trash. And the containers for the
21 trash are not appropriate. Currently that's in
22 the back of that establishment of Broad Street
23 Realty.

24 And I did hear that there was a rodent
25 desert, but unfortunately I understand from last

1 night that one of the streets close by to us has
2 had a recent issue within the last couple of
3 weeks of rodents in the alley.

4 And if you check publicly available
5 data on some of the pest control companies, D.C.
6 has a rampant problem. We're one of the top five
7 cities in the United States with rodent issues.
8 And we don't want rodents in that area. We just
9 don't want it.

10 The noise, when I've visited Dr.
11 Irono's establishment on East Capitol Street the
12 noise can be heard on the other side of East
13 Capitol Street. He said he wants to bring
14 something like that. We don't want noise on the
15 outside.

16 As we stated, we have senior citizens
17 and young families. Their closing bedtimes may
18 be seven, eight o'clock, and that would really
19 impact our ability to live the way that we want
20 to live. And it's not appropriate that we be
21 forced into these situations because Dr. Irono
22 wants to put an establishment in our neighborhood
23 that we're still not clear on what it's going to
24 be.

25 MS. RONES: I'm sorry. I was trying

1 to unmute. So have you had occasion to visit the
2 shopping center and patronize the shopping
3 center?

4 MS. JACKSON: I do. But because of
5 the overcrowded of parking, I never ever drive to
6 the Broad Street Realty establishment. I always
7 walk. I use the dry cleaners, the dollar store.

8 But I never drive because there's never any
9 place to park. There's overflow parking along
10 Michigan Avenue. There's overflow parking
11 sometimes blocking the --

12 (Audio interference.)

13 And there's overflow parking that
14 blocks, it double parks along Eastern Avenue. So
15 if there's another establishment there that's
16 going to bring additional cars, it's going to
17 bring more people into our neighborhood parking
18 along our streets. And because some of our
19 streets do not have sidewalks, people are going
20 to be walking along our properties. And some of
21 our neighbors spend an extensive amount of money
22 maintaining their yards. The landscaping is an
23 important issue to some of the people in this
24 neighborhood.

25 And some of our streets don't have

1 sidewalks so people will be parking along these
2 streets and walking along the yards, starting to
3 destroy the yards. I mean it's just not
4 something that we want. Between the noise and
5 the --

6 (Audio interference.)

7 On that particular part of the
8 neighborhood there's no trees, there's no houses,
9 there's nothing to block the noise. So just with
10 physics, the noise is going to travel across the
11 street to the people who live on Michigan Avenue
12 and along Allison Street, and along parts of
13 Eastern Avenue.

14 So I just don't think he understands
15 how much the community just -- we don't want our
16 peace and tranquility disturbed. And it will be
17 disturbed if the establishment is put there.

18 MS. RONES: Were you aware of the fact
19 that along Eastern Avenue there is no parking
20 adjacent to the parking center?

21 MS. JACKSON: I did. I do notice that
22 when I walk through the neighborhood that there
23 were signs, but I don't believe it's ever
24 enforced.

25 MS. RONES: Are you familiar with the

1 daycare closing off Allison Street?

2 MS. JACKSON: Yes, I am.

3 MS. RONES: So they can --

4 MS. JACKSON: Yes I've witnessed that.

5 And even when I walk sometimes I do participate
6 with some of the games that the children are
7 having. And also they have events on the
8 weekends.

9 They have community events at
10 different times of the school year, so they block
11 off that portion of Allison Street from Michigan
12 all the way to I believe it's 21st Street. So
13 they have family events, they have events just
14 for the children, and on occasion they coordinate
15 with Rhema across the street, and they have
16 events there.

17 MS. RONES: Do you think that people
18 patronizing this proposed establishment will take
19 the bus or the subway to reach the facility?

20 MS. JACKSON: Absolutely not because
21 the bus service does not run all of the time.
22 The bus service is limited in that area along
23 that street. It's one of the buses I've taken
24 when I was working.

25 MS. RONES: So is your testimony that

1 the traffic will increase substantially?

2 MS. JACKSON: Yes. Because in
3 addition to the traffic for the parking, where
4 will the delivery trucks locate themselves when
5 they have to deliver? They'll be -- even before
6 delivery, let's get back to construction. So we
7 have no idea what type of construction is going
8 to take place because from what Dr. Irono has
9 told us that it's going to be a mini-Wegmans.
10 But paperwork says differently.

11 So where is all of that equipment
12 going to be -- how will it be delivered? Will
13 they have to block off parts of Michigan Avenue?

14 Will they have to block off parts of Allison and
15 impact the daycare, the childcare center in the
16 back?

17 From my experience in commercial and
18 construction, there are tight deadlines on
19 deliveries of these pieces of equipment. So how
20 will we know and how will be informed of the
21 impact of the delivery of these, not even
22 construction equipment, but just the delivery of
23 the foods.

24 So it's a major impact on our quiet
25 and tranquil community.

1 MS. RONES: Well were you aware of the
2 fact that Dr. Irono says that they're only
3 planning to use the first floor? Which I guess
4 would be the upper floor basically.

5 MS. JACKSON: So I did not know,
6 because that was one of the specific questions
7 that I asked him when we met with him with the
8 religious leaders at Union Wesley. I
9 specifically asked him for information on what
10 was going to be at the bottom of 1901. Because
11 clearly, structurally there are two levels to
12 this building.

13 And also I had asked him what type of
14 mechanical, electrical. Because when you look
15 into the windows now there's nothing there. So
16 he's going to have to install types of equipment
17 as required by the law for cooking, for proper
18 ventilation, for proper disposal, emergency
19 access, emergency egress. All of these different
20 things are going to have to be put in there
21 before he can put seating in there.

22 So from what I -- it's -- it's just --
23 it's very vague.

24 MS. RONES: Did Dr. Irono present you
25 with a parking plan?

1 MS. JACKSON: He did not.

2 MS. RONES: Were you aware that he
3 asked that four parking spaces be designated for
4 deliveries only?

5 MS. JACKSON: I don't recall that.
6 And I don't know. So that would impact the
7 commerce with the neighbors. But why -- I didn't
8 know. I didn't know that.

9 MS. RONES: Are you aware of how some
10 of the other stores handle deliveries like the
11 Dollar Store?

12 MS. JACKSON: So what I -- so I
13 frequent the cleaners. So what I know from that,
14 that gentleman has his own personal vehicle, and
15 he brings his equipments inside. I can't answer
16 that 100 percent for the other ones. I do see
17 delivery trucks sometimes in the evenings in the
18 back. But again, it blocks traffic.

19 MS. RONES: Okay. Has there been an
20 occasion when you did drive, and you couldn't
21 find a parking space? And what time was that if
22 so?

23 MS. JACKSON: So when I first moved,
24 and sometimes in cold weather. It's various
25 different times. I mean I can't pinpoint one

1 specific time. So I just say it's various times.

2 But I, as a rule I do not drive over there
3 anymore because driving around trying to find a
4 parking place, it was ridiculous.

5 So it was easier for me to leave my
6 home and walk rather than take the same amount of
7 driving around looking for a parking place.

8 MS. RONES: What do you think some of
9 the other deleterious effects of this
10 establishment may be on the peace and quiet of
11 your neighborhood?

12 MS. JACKSON: Could you repeat that
13 again? I'm sorry. I didn't totally hear.

14 MS. RONES: What other affects,
15 deleterious effects do you think establishment of
16 this proposed business will have on the peace and
17 quiet of your neighborhood?

18 MS. JACKSON: Well I think that if
19 it's a place that's going to sell beer, wine, and
20 spirits they'll -- it's a propensity for people
21 to have over imbibed and be unable to control
22 their liquor, and they'll be going through our
23 neighborhoods, if they parked in the
24 neighborhood, being loud, boisterous. As some of
25 the issues that we've had with some of the late

1 night events that they have in that parking lot.

2

3 They had something there Fourth of
4 July and it was very loud, very obnoxious, lots
5 of alcohol. So it's just going to bring an
6 element into our neighborhood that we do not
7 want. And I don't think what we're asking is
8 anything out of the ordinary you know, for a
9 neighborhood that we don't have any issues. It's
10 very peaceful. It's quiet.

11 MS. RONES: I see. No further
12 questions.

13 CHAIRPERSON ANDERSON: Mr. Jackson.

14 MR. JACKSON: Yes Ms. Jackson, how are
15 you?

16 MS. JACKSON: I'm fine thank you, Mr.
17 Jackson. How are you?

18 MR. JACKSON: I'm well thank you. Ms.
19 Jackson you made a couple of statements. You
20 said that as far as parking, it would cause a
21 parking problem and people would walk across
22 neighbor lawns. Have you witnessed anyone
23 walking across the lawns?

24 MS. JACKSON: Yes I have. I
25 absolutely have. Yes.

1 MR. JACKSON: From this establishment?

2 MS. JACKSON: Because -- so that
3 establishment is not there, but I have watched --
4 when people come -- so there are two places there
5 currently that are kind of new. One of them is
6 cannabis, one of them sells vaping, and another
7 sells the lottery tickets.

8 So yes. I have witnessed people
9 coming outside of there, going to find a place to
10 go back to their car. Because like I said the
11 parking lot sometimes is so crowded you have to
12 park on adjacent streets and people walk across
13 the lawns because there are some -- I'd like to
14 say that there are some streets that do not have
15 sidewalks.

16 MR. JACKSON: What was there
17 previously at location?

18 MS. JACKSON: There have been a number
19 of things there throughout the years.

20 MR. JACKSON: Last?

21 MS. JACKSON: There was a grocery
22 store. There was a 7Eleven. There were two
23 types of grocery stores. And there was a 7Eleven
24 there. And there was another type of
25 establishment.

1 MR. JACKSON: Okay. Were you aware
2 that a settlement agreement was reached with Dr.
3 Irono, and it addressed the parking needs and
4 delivery?

5 MS. JACKSON: I am not versed in the
6 settlement agreement as to what -- but I guess
7 one thing that I would like to state sir, I think
8 what I've heard before is that the settlement
9 agreement is valid for four years. So after four
10 years then it sounds to me like we are going to
11 have to go through this process again if things
12 in the settlement agreement are not adhered to?

13 MR. JACKSON: Are you asking me a
14 question?

15 MS. JACKSON: Yes. Because that will
16 help me answer my question.

17 MR. JACKSON: Could you repeat that
18 please?

19 MS. JACKSON: So I'm not versed in the
20 settlement agreement.

21 CHAIRPERSON ANDERSON: Hold on. Let
22 me -- hold on. Let me -- Settlement agreements,
23 every establishment has to renew its license
24 every three years. And so every three years the
25 general rules for every license, every three

1 years the community will be notified because a
2 placard will be placed in the window to say that
3 their license is up for renewal and the community
4 can decide to protest or not protest the renewal
5 of the license. Okay ma'am?

6 Generally this is what happens every,
7 for every license in the District of Columbia.
8 It's up for renewal every three years, and every
9 three years you will have an opportunity to
10 contest the renewal of their license.

11 A settlement agreement is good for
12 four years. It cannot be undone until like the
13 second renewal, and they would have to give
14 notice. As I have stated before, the settlement
15 agreement will stay in perpetuity with the
16 license unless it is changed.

17 So if this license is granted and if
18 the settlement agreement stays, this settlement
19 agreement will stay with this license or any
20 other establishment that stays in that area, that
21 has this license. Okay? All right. Do you --
22 is --

23 MS. JACKSON: So this I guess, so
24 point of clarification. So four years versus
25 three years. So you're saying three years, is

1 that to prepare preliminarily?

2 CHAIRPERSON ANDERSON: No, ma'am. No,
3 no, no. I'm just saying every license is up for
4 renewal every three years.

5 MS. JACKSON: Got you. Okay.

6 CHAIRPERSON ANDERSON: I'm just saying
7 that a settlement agreement is a four-year cycle.
8 So therefore they cannot -- they can -- a
9 licensee cannot propose to the Board to change a
10 settlement agreement until the settlement
11 agreement is in effect for four years. Okay?

12 MS. JACKSON: Okay. I appreciate that
13 bit of education. Thank you so much.

14 CHAIRPERSON ANDERSON: All right.
15 Go ahead Mr. Jackson. Your question.

16 MR. JACKSON: Lastly Ms. Jackson you
17 made a statement that people would leave about an
18 establishment intoxicated. I'd like to know what
19 evidence you have to make that determination.

20 MS. JACKSON: So I think it's just
21 from my not 66 years, but I've been around people
22 from drinking. But everybody genetically handles
23 alcohol differently. So if a place serves liquor
24 you have to expect that some of the people are
25 going to imbibe differently than others.

1 I mean, I think that's -- that
2 question is kind of vague and the data isn't
3 totally available until the establishment would
4 be put in place. But I think we have enough life
5 experiences to know that when people do go to
6 these types of establishments that serve liquor
7 there's a certain percentage that will be
8 affected by it and will be affected negatively.
9 So I think that's just generic data from life.

10 MR. JACKSON: Did you know that ABRA
11 has investigators that investigate establishments
12 and to see if people that's intoxicated are being
13 served or over served?

14 MS. JACKSON: So I've recently been
15 educated on ABRA investigators. And what I've
16 been told that that's not always the case that
17 because of possible manpower there's not enough
18 ABRA inspectors to inspect all of the
19 establishments throughout the city.

20 I guess I say that because I
21 personally have family who are in law enforcement
22 and there are certain places that they have to
23 frequent because of more intoxicated clients than
24 other places.

25 But I can't speak to ABRA's

1 enforcement because honestly I'm learning a lot
2 about it today. But I do know that across the
3 city there are places that have more issues with
4 intoxicated patrons than others.

5 MR. JACKSON: Okay. Lastly do you
6 know how to identify an intoxicated person?

7 MS. JACKSON: So I would defer to law
8 enforcement people on that, but I do know there
9 are ways to, that they have and I'm sure that
10 your ABRA enforcement inspectors know how to do
11 that.

12 MR. JACKSON: And all of your
13 concerns, were they ever addressed personally to
14 the Applicant?

15 MS. JACKSON: Yes they were. In the
16 meeting with Union Wesley in July. Yes they were
17 specifically.

18 MR. JACKSON: And what response were
19 you given?

20 MS. JACKSON: That the information
21 would be provided. But I don't want to mention
22 the word that Mr. Anderson has previously stated
23 that he doesn't want, but there was specific
24 information -- I'm trying to respect it, Mr.
25 Anderson.

1 So there is specific information that
2 I did request. I specifically requested
3 mechanical drawings, I requested HVAC drawings, I
4 requested equipment placement drawings, I wanted
5 to see structurally how the building, both floors
6 were going to be renovated to accommodate the
7 specific requirements that he told us that he was
8 going to put in there.

9 Because when you go by, and he said
10 80, but it's physically impossible to have
11 seating for 80 because he's going to by law --
12 and I'm just speaking from my background in
13 construction. There's things that have to be put
14 in there before he can put seating.

15 So there are things that he has to
16 put. And I requested he took my email, and I
17 haven't seen anything as of this date.

18 MR. JACKSON: Do you know what you are
19 requesting is a DOB process and Department of
20 Buildings would determine if something could be
21 put in there or not?

22 MS. JACKSON: So what I requested
23 specifically were the drawings, were the drawings
24 and the architectural drawings. I mean he said
25 that he's -- he knows what he's going to put

1 there so I would hope that he has enlisted an
2 architect engineer, and the other professionals
3 who would put the drawings together to be able to
4 share with us exactly what he has.

5 What he has shared with us were just
6 photos that were downloaded from different
7 websites. And it was not the specific
8 information that we requested.

9 MR. JACKSON: Do you recall the
10 sketching of the establishment was provided?

11 MS. JACKSON: I never saw it.

12 MR. JACKSON: At the first meeting of
13 how the establishment would look.

14 MS. JACKSON: I never saw any approved
15 architectural and approved engineering drawings
16 for the establishment.

17 MR. JACKSON: I didn't say approved.
18 I said the drawings of what it would look like.

19 MS. JACKSON: I didn't see those
20 either. All I saw were photographs, different
21 photographs.

22 MR. JACKSON: Okay. That's the
23 photographs I'm speaking of.

24 MS. JACKSON: Okay. The photographs -
25 -

1 MR. JACKSON: Are you licensed to
2 evaluate drawings?

3 MS. JACKSON: In my previous -- I'm
4 since retired. So I'm a mechanical engineer and
5 yes, I designed but I'm retired. So I don't do
6 that anymore. So my license is expired. But I
7 did for many years, for commercial nuclear power
8 plans. Yes, I did. I designed many types of
9 operational facilities.

10 So this type of establishment is on a
11 much smaller scale than a commercial nuclear
12 power plant.

13 MR. JACKSON: And from your experience
14 being that you designed, so just because you
15 designed it, then it had to be approved by DOB?

16 CHAIRPERSON ANDERSON: Ms., are you
17 able to answer the question or not?

18 MS. JACKSON: I'm sorry. I hit the
19 button. I muted myself. I'm sorry.

20 I've never worked in Washington D.C.
21 I worked for private industries.

22 MR. JACKSON: No further questions.

23 CHAIRPERSON ANDERSON: Any questions
24 by any board members?

25 Ms. Jackson, are you aware that as far

1 as occupancy is concerned that if this license is
2 granted the ABC Board would not grant a license
3 for an occupancy greater than the certificate of
4 occupancy issued by another agency?

5 MS. JACKSON: So, yes I am very much
6 aware. And just -- I -- to be totally
7 transparent, I am aware of establishments that
8 have been in violation of that, specifically my
9 church. So the certificate of occupancy does not
10 always guarantee that that's the limit which is
11 why I had to shut down an event at my church.
12 Because they were not --

13 So just because a certificate of
14 occupancy is posted, there are numerous
15 establishments who don't follow it, and don't
16 comply to it. And what I was told at my church,
17 because of the limited number that it wouldn't be
18 a big deal. But I don't agree with that, so.

19 CHAIRPERSON ANDERSON: But you're
20 aware that there is a mechanism to it, however,
21 to ensure that any -- anyway. But you are aware
22 though that a certificate of occupancy is issued
23 by a different agency for the total capacity, and
24 we hope that the licensee's comply with the
25 occupancy that's granted to them. Is that

1 correct?

2 MS. JACKSON: Correct.

3 CHAIRPERSON ANDERSON: All right.

4 MS. JACKSON: And I also know for a
5 fact that places don't. So that's just the way
6 life is.

7 CHAIRPERSON ANDERSON: But right. And
8 you know that there are mechanisms, as you said,
9 you yourself shut down your church for it to be -
10 -

11 MS. JACKSON: I'm not an inspector.
12 I'm just a concerned --

13 CHAIRPERSON ANDERSON: Right.

14 MS. JACKSON: -- common, concerned
15 parishioner when people don't have egress from a
16 structure.

17 CHAIRPERSON ANDERSON: All right.
18 Okay.

19 MS. JACKSON: So I, the certificates
20 of occupancy, if they're not going to be enforced
21 I don't really agree with them.

22 CHAIRPERSON ANDERSON: Okay. Thank
23 you. Thank you for that clarification. All
24 right. I don't think there are any questions by
25 any board members because I did ask.

1 Am I correct? No questions by any
2 board members. Okay.

3 Do you have any redirect Ms. Rones?
4 You're on mute Ms. Rones.

5 MR. JACKSON: No, I don't.

6 CHAIRPERSON ANDERSON: Okay.

7 MS. RONES: I'm sorry.

8 CHAIRPERSON ANDERSON: I didn't --
9 okay. I'm sorry, I was supposed to ask you Mr.
10 Jackson. Thank you. You don't have any
11 questions.

12 Ms. Rones, do you have any questions?

13 MS. RONES: I do. I have one
14 question.

15 CHAIRPERSON ANDERSON: Go ahead ma'am.

16 MS. RONES: Is it your opinion or is
17 it presumptuous to assume that the Applicant
18 would provide plans and drawings to a community
19 to show them what the establishment would be
20 doing in terms of redesigning interior space or
21 the exterior space?

22 CHAIRPERSON ANDERSON: I'm going to
23 object to that question Ms. Rone. That is not
24 part of our requirement. That might be, whether
25 or not that's something that an Applicant should

1 do or shouldn't do, but that's not relevant to
2 the proceedings here, whether or not this
3 Applicant does that ma'am. So I'm going to --
4 you can't ask that question.

5 Do you have another question you need
6 to ask?

7 MS. RONES: Well this goes to the
8 transparency of the Applicant.

9 CHAIRPERSON ANDERSON: Ms. Rones it is
10 not relevant for this Agency. So if it's not
11 relevant for this Agency, it's not relevant --
12 it's not one of the protest issues ma'am, peace,
13 order, and quiet. So therefore if it's not
14 relevant no question can be asked on something
15 that's not relevant.

16 MS. RONES: I would assume it goes to
17 order.

18 CHAIRPERSON ANDERSON: Ms. Rones, your
19 objection is noted for the record. Do you have
20 another question ma'am?

21 MS. RONES: Yes.

22 Ms. Jackson, are you familiar with the
23 back door on the first level, the upper level of
24 this proposed business? Is there a back door?

25 CHAIRPERSON ANDERSON: Is the witness,

1 is she able to answer?

2 You're on mute Ms. Jackson.

3 MS. JACKSON: I'm sorry again. I'm
4 going to -- so yes. I am familiar with a back
5 door that is at the lower level of the location.

6 It's adjacent to the YMCA, the facility which is
7 right next to it.

8 And I, one day the door was open but
9 because I didn't want to trespass but, so I don't
10 know what's the plan for that and that was one of
11 the questions that I had presented to Dr. Irono
12 when we met with him at the, at Union Wesley
13 church.

14 Because my concern was if he's going
15 to use that as a storage place or is there an
16 elevator in there or just what is in that bottom
17 level. Because it is the same address as the
18 address on his application. It's 1901. So
19 there's numerous questions on what's going on
20 with that space in the lower level.

21 Will it be an additional part of his
22 restaurant? Will that be storage for deliveries
23 as to where the delivery trucks will be coming in
24 to clog up the traffic? You know delivery trucks
25 come in many different sizes, from the 53 foot

1 18-wheelers all the way down to box vans.

2 So it could impact the school, it
3 could impact traffic, rush hour, daycare because
4 you have traffic from Rhema and you have the,
5 also traffic from the Y. So we don't know. It's
6 -- that's a big question. What's going on in
7 that bottom level in 1901?

8 MS. RONES: Were you aware that --

9 CHAIRPERSON ANDERSON: Hold on. Hold
10 on. Hold on a minute. Mr. Orellana can you
11 please prevent folks from writing the chat? We
12 have a hearing here. We have, the only testimony
13 that comes, it comes from the people who are
14 testifying. I do not want anyone writing
15 anything in the chat. So therefore, we're going
16 to -- no one will be allowed, moving forward, to
17 write anything in the chat.

18 So I'm asking our IT specialist to
19 allow -- to prevent individuals from writing in
20 the chat. Because I'm here to do a hearing and
21 there's statements that have been written in the
22 chat app. They're on my screen, and that is
23 improper. So no one will be allowed moving
24 forward to write any comments in the chat.

25 Okay. What's your question ma'am? I

1 apologize if I interrupted you Ms. Rones.

2 MS. RONES: Okay. I was merely trying
3 to ask Ms. Jackson, was she aware that the
4 Applicant on his application stated that he was
5 only going to be using the upper level of the
6 building?

7 MS. JACKSON: I did not know that. I
8 was not aware of that.

9 MS. RONES: Okay. And be that as it
10 may, does that allow for ingress and egress
11 according to the building codes to your
12 knowledge?

13 CHAIRPERSON ANDERSON: Ms. Rones, your
14 witness has not been -- been certified as an
15 expert. That is not an issue for this Board.
16 That is an issue for the department that provides
17 the licensing to see whether or not they have
18 proper egress and proper facilities.

19 So that's not -- it's not relevant for
20 our determination ma'am.

21 MS. RONES: Well --

22 CHAIRPERSON ANDERSON: We'd -- ma'am -

23 -

24 MS. RONES: If I may --

25 CHAIRPERSON ANDERSON: Hold on Ms.

1 Ronés. Hold on Ms. Ronés. We're going to issue
2 a license, if we do, based on the certificate of
3 occupancy. And the certificate of occupancy will
4 only, if it's only one floor means that if we
5 issue a license for one floor he can only use one
6 floor.

7 So if we issue a license for the first
8 floor he cannot operate on the second floor. So
9 that is not relevant for our proceedings ma'am.
10 Okay. So let's move on from there.

11 MS. RONES: Well I was specifically
12 referencing the fact that this goes to parking.
13 Because all of the delivery trucks would have to
14 use the front entrance. And that would --

15 CHAIRPERSON ANDERSON: Then ask that
16 question ma'am. That's not the question you
17 asked. If you're asking about parking, ask about
18 parking ma'am.

19 MS. RONES: Okay. This is a question
20 about parking.

21 MS. JACKSON: Okay. So yes.

22 MS. RONES: Do you -- about parking.
23 If the trucks have to park in front of the
24 business, would that impede others from parking,
25 and how would the trucks, in your opinion, affect

1 the neighborhood?

2 MS. JACKSON: So if the trucks are
3 parking in front up on the top level on Michigan
4 Avenue, entering through one of the two driveways
5 along Michigan Avenue, depending on the size of
6 the truck -- I mean sometimes there are the larger
7 trucks out there. So then people entering the
8 establishment would have to park in our
9 neighborhood.

10 There would be overflow parking along
11 both parts of Allison Street. The east and west
12 sides of Michigan Avenue and Allison Street. It
13 would be Eastern Avenues. And those are some of
14 the areas that don't have sidewalks so people
15 would be trespassing on people's yards.

16 Also, just the noise and things from
17 the delivery trucks because you can hear them
18 sometimes from other establishments. They
19 deliver sometimes very early in the mornings,
20 three and four o'clock. The trash trucks across
21 the street, the St. Anselms, for the trash.

22 It's just, there will probably be
23 additional -- I don't know what his layout is in
24 terms of he's going to have another separate set
25 of dumpsters which will be an additional set of

1 noise. So we know -- we know nothing. You know,
2 getting back to the word that I don't want to use
3 but we don't know. So there's a lot of different
4 areas that we just don't know because we haven't
5 been able to view anything.

6 We don't know where the delivery
7 trucks will be. If they're going to be on
8 Michigan Avenue, and if they're going to be
9 inside the parking lot, it's going to just wreak
10 havoc. There will be no place to park. There's
11 only 46 spaces in there. And if some are
12 handicap, I mean for the disabled, then that's
13 going to lessen the number of parking. And then
14 it's just going to be more in our neighborhoods.

15 MS. RONES: I don't know if I asked
16 you this, but were you aware of the fact that Dr.
17 Irono wanted to designate five of those spaces
18 for delivery?

19 MS. JACKSON: No. I didn't. I heard
20 that he wanted to designate some for the disabled
21 parking. So then if he's doing an additional for
22 delivery, how will they be denoted in the parking
23 lot? I mean, how will the patrons of the Broad
24 Street Realty shopping center know? Are they
25 going to -- I mean are they going to enforce it?

1 Is this going to be one other thing that's going
2 to make it more difficult?

3 I mean there's already no parking
4 there. It's hard. It's ridiculous. So having
5 a, reserving these additional spaces, it's
6 ludicrous. It's non-sensical.

7 MS. RONES: No further questions.

8 MS. JACKSON: Is it appropriate for me
9 to ask a question to you Mr. Anderson?

10 CHAIRPERSON ANDERSON: No.
11 Unfortunately no Ms. Jackson. But no.

12 MS. JACKSON: Any exceptions?

13 CHAIRPERSON ANDERSON: All right Ms.
14 Jackson. What is the question? If I can answer
15 the question I will answer the question.

16 MS. JACKSON: Okay. I just want to
17 know, so I'm not well versed in like the ABRA
18 enforcement. Is that information available like
19 online? Can I just go to the website to get that
20 information?

21 CHAIRPERSON ANDERSON: You can go to
22 the website ma'am. And if you believe that -- we
23 have a 24-hour hotline, so if you believe that
24 any establishment is not complying with the law
25 or not complying with the settlement agreement

1 you can call in and report them and our office
2 will investigate the infraction ma'am.

3 MS. JACKSON: Okay. I appreciate you
4 answering my question. Thank you so much.

5 CHAIRPERSON ANDERSON: You're welcome
6 Ms. Jackson. You have a great day.

7 MS. JACKSON: All right. I'm going on
8 mute.

9 CHAIRPERSON ANDERSON: Thank you
10 ma'am.

11 Ms. Rones you said you have one more
12 witness. And you have 13 minutes left in this
13 time ma'am. So who is your last witness?

14 MS. RONES: Yes. Chairman I would
15 like to call Dr. Brian Relford as my next
16 witness.

17 CHAIRPERSON ANDERSON: Dr. Relford can
18 you turn your camera on? Can you turn your
19 camera on, sir?

20 DR. RELFORD: I thought it was on.

21 CHAIRPERSON ANDERSON: Good. Dr.
22 Relford can you raise your right hand please? Do
23 you swear or affirm to tell the truth and nothing
24 but the truth?

25 DR. RELFORD: I do.

1 CHAIRPERSON ANDERSON: Can you spell
2 and state your name for the record sir?

3 DR. RELFORD: My first name is Brian,
4 B-R-I-A-N. Last name is Relford R-E-L-F-O-R-D.

5 CHAIRPERSON ANDERSON: Your witness
6 Ms. Rones.

7 MS. RONES: Dr. Relford, where do you
8 reside?

9 DR. RELFORD: I reside at 4323 18th
10 Street. And that's Northeast.

11 MS. RONES: How far is that from the
12 proposed establishment?

13 DR. RELFORD: I would estimate about
14 two blocks maybe.

15 MS. RONES: How long have you lived at
16 that residence?

17 DR. RELFORD: A little bit over five
18 years.

19 MS. RONES: Five years. What is your
20 occupation?

21 DR. RELFORD: I am the pastor of Union
22 Wesley African Methodist Episcopal Zion Church.

23 MS. RONES: And where is that church
24 located?

25 DR. RELFORD: It's located directly

1 right across the street from the potential
2 market.

3 MS. RONES: Are you testifying on
4 behalf of the church or on behalf of yourself as
5 a resident?

6 DR. RELFORD: I was told that the
7 church had no standing. Therefore I could not
8 testify as pastor of Union Wesley Church. But
9 the church owns a home in this community that, as
10 the pastor at Union Wesley I choose whether or
11 not I want to live in that home.

12 My family and I have chosen to live in
13 the home. I gave the address earlier, 4323 18th
14 Street NE. We've decided to live there. So not
15 like many pastors who drive into the community
16 where their church is, we live in the community
17 and the church is in the community.

18 MS. RONES: Aside from the fact that
19 it's a pastoral home, what made you choose to
20 live in this particular community?

21 DR. RELFORD: My wife and I liked, we
22 liked the neighborhood. It was a neighborhood
23 that had people that are in houses. You don't
24 see a lot of vacancies. You don't see boarded up
25 homes, there's no blight.

1 It seemed clean and safe and quiet and
2 family-oriented. So absolutely. If it was not
3 that we would have chosen to live somewhere else.

4 MS. RONES: Would you consider this to
5 be a middle class community?

6 DR. RELFORD: Absolutely.

7 MS. RONES: What are some of the other
8 features of the community that attracted you to
9 move into this particular community?

10 DR. RELFORD: I would say children.
11 The schools in the community. We've got grown
12 children, fully grown children. Our children are
13 fall from little any more. Again, they're fully
14 grown but we do have a granddaughter.

15 And again, being a safe, clean,
16 neighborhood that has children and family means a
17 lot. So that absolutely attracted us to the
18 area, making the decision to live in the church
19 parsonage or manse as some churches will say.

20 MS. RONES: Do you actually see a lot
21 of families with children, with strollers?

22 DR. RELFORD: Absolutely.

23 MS. RONES: With --

24 DR. RELFORD: I'm sorry. I didn't let
25 you finish your question. I'm sorry.

1 MS. RONES: And dogs going up and down
2 the street where you live?

3 DR. RELFORD: Absolutely. Again I
4 said the church is in the community, we live in
5 the community. I'm a walker so I walk every
6 morning about 5:30 in the morning. And I walk
7 probably about an hour and 40 minutes.

8 So again we definitely see people out
9 walking dogs. We see families. We see
10 strollers. Absolutely. It's very visible. And
11 it's not just while I walk. Again, I pastor
12 full-time at Union Wesley church, and you can see
13 the family atmosphere in this community.

14 MS. RONES: Do you think that there's
15 a lot of seniors residing in the community?

16 DR. RELFORD: Absolutely. We've got a
17 lot of seniors at Union Wesley church too. So
18 absolutely there are seniors but when I talk
19 about community, community is not just you know
20 families that have young children but it's you
21 know, families that have adolescents, it's
22 seniors, it's you know, it's all of those
23 components that make up community.

24 MS. RONES: Are you personally in
25 favor of this establishment locating in the

1 shopping center?

2 DR. RELFORD: I attended the meeting
3 at Union Wesley, kept hearing Union Wesley
4 church. I'm the pastor, we have long history
5 with Queens Chapel Civic Association. The church
6 has been at this location for over 60 years.

7 My point I'm making is that the
8 relationship between the Queens Chapel Civic
9 Association and Union Wesley church has been
10 going for over 60 years. The church, Union
11 Wesley, is 180 years old. But it's been at its
12 present location for 60 years, and for over 60
13 years they've had this relationship with Queens
14 Chapel Civic Association.

15 So to answer your question I attended
16 the meeting, we hosted the meeting at Union
17 Wesley, and I was there when the community in an
18 overwhelming way verbalized their not being in
19 agreement with the market. I also supported
20 that. I also signed the survey against it.

21 MS. RONES: And why would you say most
22 community members at that meeting opposed the
23 market, Sahara Market?

24 DR. RELFORD: Well I stand corrected.
25 I did say most, but I think it was all of the

1 persons that were there which probably was a
2 little over 100. I think I heard the number of
3 300 in a testimony last week, but it really
4 wasn't 300. It was 100 plus is what it was.

5 MS. RONES: Well what do you recollect
6 their opposition was geared toward?

7 DR. RELFORD: Some of the things have
8 already been testified in terms of peace and
9 safety. Number one, not liking the liquor store
10 component of it where you know, people are
11 consuming it at the store or take it out. This
12 is the first time that a liquor store has been
13 proposed for that location, and the community
14 came together, talked about it, and opposed the
15 earlier request for a liquor store in that
16 location.

17 And I know that the request is not a
18 liquor store only. I know it's a restaurant. I
19 know that there's the talk of the grocery store.

20 I'm aware of that. But again, I think being
21 against the sale of liquor, the high level
22 traffic in the community which is going to affect
23 already existing parking issues.

24 That people already are parking in
25 front of resident's homes. They're parking up

1 and down Queens Chapel territory where the church
2 is and walking across the street to do business
3 there in the plaza. And the assumption by many
4 is that with this type of establishment it's just
5 going to increase the foot traffic and the
6 vehicular traffic. So those are some concerns.

7 MS. RONES: In your opinion do you
8 think this will have an effect on the property
9 values in that community?

10 DR. RELFORD: I would say yes, and
11 property value is something that was verbalized
12 as well. From again, cars being parked up and
13 down the street at people's houses. Bottles and
14 cans which already exist on people's lawns to a
15 small degree, but with the high traffic of this
16 establishment the expectation is it's going to be
17 a whole lot more of that.

18 You've heard about rodents and things
19 like that, but the concern is some carry over
20 into the residential community as well as the
21 church which is right across the street.

22 MS. RONES: Okay. This is my last
23 question. Do you know if there are other nearby
24 establishments that serve alcohol or where people
25 could patronize if they so desired to go to a

1 restaurant and sit down nearby this community?

2 DR. RELFORD: I'm sure there are. I
3 may not know of them as well. So that may not be
4 the best question for me. Is there a way you can
5 kind of tailor that question so I can understand
6 it better?

7 MS. RONES: Are you familiar with Mid
8 Atlantic carry-out in that shopping center?

9 DR. RELFORD: Yes I am. I am. Thank
10 you. I have not eaten there.

11 MS. RONES: Is that a place where
12 people can go, and they patronize the restaurant
13 as well as the bar?

14 DR. RELFORD: They absolutely can, and
15 they do. Our church patronizes them with
16 catering.

17 MS. RONES: So It's a nearby
18 restaurant and bar?

19 DR. RELFORD: Yes, ma'am.

20 MS. RONES: That your neighborhood
21 frequents, would you say your neighborhood
22 frequents that establishment?

23 DR. RELFORD: I would say yes we do.
24 And I would say again, the church, we patronize
25 and have had catering services by them several

1 times.

2 MS. RONES: So --

3 CHAIRPERSON ANDERSON: I thought that
4 was your last question Ms. Rones. You can ask
5 more questions, but I thought you had said that
6 was your last question. Ms. Rones? Ms. Rones?
7 I didn't mean to scare her off the screen. Ms.
8 Rones. I didn't really the sheer -- my sheer
9 personality I scared her off the screen.

10 MS. LEWIS: This is Charlotte Lewis.
11 I think she lost connectivity.

12 CHAIRPERSON ANDERSON: All right.
13 Well, we'll wait for her to come back. All
14 right.

15 MS. LEWIS: Thank you.

16 CHAIRPERSON ANDERSON: Could someone
17 call her to make sure that everything is okay so
18 at least we'll know what's going on?

19 MS. LEWIS: I'll try to do that.

20 CHAIRPERSON ANDERSON: Thank you.

21 MS. LEWIS: Now that you -- okay.
22 Thank you.

23 Her phone is going to voice mail so
24 I'm not sure what's going on. Can we give it
25 another minute or two?

1 CHAIRPERSON ANDERSON: Sure yeah.
2 Just continue calling her please. We'll wait
3 until we find her because we can't do anything
4 until she shows up.

5 MS. LEWIS: Mr. Anderson you look like
6 you're sitting in good sunshine.

7 CHAIRPERSON ANDERSON: Well I'm -- the
8 window is straight ahead of me, so I guess I'm
9 looking through the window. The sun is setting
10 so.

11 MS. LEWIS: Well it's good to sit in
12 sunshine.

13 CHAIRPERSON ANDERSON: Yes it is. It
14 is. I'm here in southeast D.C. enjoying the
15 wonderful weather.

16 MS. LEWIS: That's good.

17 CHAIRPERSON ANDERSON: Hold on, give
18 me a minute please.

19 (Whereupon, the above-entitled matter
20 went off the record at 4:43 p.m. and resumed at
21 4:56 p.m.)

22 CHAIRPERSON ANDERSON: Yes Ms. Rones.
23 All right. All right.

24 MS. RONES: I apologize. I'm having
25 technical difficulties. Can you see me?

1 CHAIRPERSON ANDERSON: No ma'am, I
2 can't see you, but I know what you look like so
3 let's move on.

4 MS. RONES: Okay. Sorry about that.

5 CHAIRPERSON ANDERSON: Do you have any
6 --

7 MS. RONES: Wait a second, let me see
8 if I can get the video. Okay. Can you see me
9 now?

10 CHAIRPERSON ANDERSON: No, ma'am. I
11 can't see you. But we're at the wrap up stage
12 and so therefore --

13 MS. RONES: There we are.

14 CHAIRPERSON ANDERSON: -- I still
15 can't see you but let's move on.

16 MS. RONES: Okay.

17 CHAIRPERSON ANDERSON: So do you have
18 any -- I think you had --

19 MS. RONES: No further questions. No
20 further questions.

21 CHAIRPERSON ANDERSON: All right.
22 Thank you Ms. Rones. You can work on your camera
23 while we do the rest of it.

24 Mr. Jackson do you have any questions
25 for Dr. Relford?

1 MR. JACKSON: Yes. I do.

2 CHAIRPERSON ANDERSON: Mr. Jackson.

3 MR. JACKSON: Good afternoon.

4 DR. RELFORD: Good afternoon.

5 MR. JACKSON: You stated that you
6 moved into the neighborhood about five years ago,
7 correct?

8 DR. RELFORD: That's correct.

9 MR. JACKSON: Was the vape shop in
10 that area when you moved into the area?

11 DR. RELFORD: Say that again, was what
12 shop?

13 MR. JACKSON: The vape shop inside of
14 that mall area. Was the vape shop there?

15 DR. RELFORD: The vape? Is that what
16 you're saying?

17 MR. JACKSON: Vape. Vape. Smoke
18 shop. Vape shop.

19 DR. RELFORD: I'm not sure if it was
20 or not.

21 MR. JACKSON: Okay. Have you --

22 DR. RELFORD: I do -- I do recall it
23 being there, but I'm not quite sure if it was
24 there when I arrived or if it was there after I
25 arrived.

1 MR. JACKSON: Okay. Are you familiar
2 with Mount Moriah Church? Baptist church on East
3 Capitol Street?

4 DR. RELFORD: I am.

5 MR. JACKSON: Are you familiar with
6 the pastor at that church?

7 DR. RELFORD: If you say the name that
8 might make a connection but if you ask me to give
9 the name I'm not going to be able to do that. So
10 what's his name or her name?

11 MR. JACKSON: The reason I asked you
12 that because Dr. Irono has another restaurant
13 directly across the street and he provides the
14 same services to that church as you stated of the
15 church that you -- I mean the restaurant you
16 support a couple of blocks away.

17 DR. RELFORD: Okay.

18 MR. JACKSON: So my next question is,
19 what is it with that restaurant that you support
20 that you would not support with Dr. Irono's
21 restaurant? What is the difference?

22 DR. RELFORD: The difference between
23 Mid Atlantic and the restaurant that's proposed.
24 Is that what you're saying?

25 MR. JACKSON: Yes, sir.

1 DR. RELFORD: I wonder if it might by
2 proximity to the church. There's concern about
3 what goes in that space that's directly across
4 the street from a church. The church does not
5 have a school or daycare but there are a number
6 of children and youth events that happen. And we
7 would like to make sure that we comply in terms
8 of close proximity from alcohol consumption and
9 in a church.

10 MR. JACKSON: Okay. And you stated
11 that in the meeting that was held by the Queens
12 Chapel Citizens Association that everyone in
13 attendance in that meeting voted to not support
14 the restaurant. Is that correct?

15 DR. RELFORD: I said they were
16 verbally against the market establishment. What
17 would happen is again, the survey would come
18 later which would share what people actually were
19 voting for.

20 But there was a vote taken and the
21 vote was not in favor of the Sahara Market.
22 Hello?

23 MR. JACKSON: Were you aware that
24 several people at that same meeting were in
25 support of Sahara Market?

1 DR. RELFORD: I don't know that I was
2 aware that several people were in support as much
3 as people did, it wasn't many, wanted to know a
4 little bit more about what the establishment was
5 proposing to do. There were a number of
6 questions but that was not the lion's share.
7 That was not the majority of responses.

8 The majority of responses were
9 overwhelmingly against it.

10 MR. JACKSON: Okay. Lastly, what
11 expertise do you have in determining property
12 values?

13 DR. RELFORD: I have pastored for over
14 30 years, and again we work with our insurance
15 companies and things of that nature to deal with
16 property matters. And we've had appraisals and
17 things like that when it comes to church
18 property, physical property, parsonage, those
19 kinds of things. But if you're looking for
20 something more than that, I can't supply that for
21 you.

22 MR. JACKSON: Okay. No further
23 questions.

24 DR. RELFORD: Sure.

25 CHAIRPERSON ANDERSON: Any questions

1 by any board members?

2 Go ahead Mr. Grant.

3 MEMBER GRANT: You're in the capacity
4 of a pastor but I would be, I'd feel out of place
5 if I didn't call you Pastor Relford. So if you
6 don't mind.

7 DR. RELFORD: That's okay.

8 MEMBER GRANT: I'd rather call you
9 that.

10 Pastor Relford, so you've been the
11 pastor at Union Wesley for how long?

12 DR. RELFORD: For five years.

13 MEMBER GRANT: Five years. Okay. So
14 I know that one of the concerns that has come up
15 in this conversation today has been parking by
16 the residents who testified. And they talked
17 about parking but also just the cars moving
18 around in that area and causing more traffic.
19 And I would imagine that your church is well
20 attended.

21 And my question to you is, in your
22 five years of being a pastor at Union Wesley have
23 you ever had to manage concerns about parking at
24 your establishment? And if so, how have you
25 responded to the community with that?

1 DR. RELFORD: Absolutely. I think
2 that's one of the top concerns of our aging
3 congregation. But of the residents that live in
4 the immediate area where the church is located we
5 struggle with parking. When it comes to parking
6 in front of people's residence because the church
7 has extremely limited parking.

8 And when I say extremely limited, it
9 is just some alleyway parking of about maybe 10,
10 it could be 12 spaces tops. And then everything
11 we do is side street parking in front of
12 residences. There are plans that we have in the
13 making for turning some parking space into what
14 is now grass area, the front lawn of the church.

15 Because our members would rather have
16 parking and not have to walk such a far distance
17 as opposed of cutting grass. So it's a very real
18 issue for us as a church and we're navigating,
19 and have been for the last five years, navigating
20 better relationships with the neighborhood when
21 it comes to that issue.

22 But because we are connected with the
23 Queens Chapel Civic Association, we meet on a
24 regular basis, we don't have some or as much of
25 the opposition when it comes to parking in front

1 of their residences. But that is one of our hot
2 bed issues that's at the top of our agenda.

3 MEMBER GRANT: That was going to be my
4 follow-up, just for more clarity. Currently if
5 there is an event like a revival or a homecoming
6 for the church how is it communicated to you from
7 the residents or the Civic Association that
8 there's a parking problem in real time?

9 DR. RELFORD: Again, I think it's
10 about relationships. People have gotten to the
11 place now, we're in the community, talking to the
12 community, knocking on doors, inviting them to
13 different things that are happening throughout
14 the church. So now people kind of call you by
15 name is what they do. People feel comfortable to
16 come over or people will call the president of
17 the Queens Chapel Civic Association which is
18 Charlotte Lewis and express concern.

19 We network with other churches in the
20 area, is what we've done to utilize some of their
21 parking when they're not having services. So
22 we've had some success with that. There's a
23 mosque that allows us to use their parking at
24 times. There is Truist Bank. If it's Saturday
25 after-hours we're able to utilize their parking.

1 So again, we've established some other
2 relationships so that we're not as much in front
3 of resident's homes and utilizing some of that
4 parking. But we've got a parking issue, and
5 we've got to deal with it.

6 MEMBER GRANT: Thank you so much
7 Pastor.

8 Mr. Chairman I'm finished with the
9 questioning.

10 CHAIRPERSON ANDERSON: Thank you. Any
11 other questions by any other board members? All
12 right. All right. So Pastor Relford.

13 DR. RELFORD: Yes, sir.

14 CHAIRPERSON ANDERSON: Are you -- is
15 it -- are you -- is one of the only reasons why
16 you're opposed to this license is because they
17 will be able to serve alcohol?

18 DR. RELFORD: I think that's one of
19 the reasons. But again, I tried to stay away
20 from that word you didn't want anybody to mention
21 after the first two testimonies.

22 CHAIRPERSON ANDERSON: Which is what,
23 sir? Go ahead. Which is what? Go ahead.

24 DR. RELFORD: Which is application.

25 CHAIRPERSON ANDERSON: All right.

1 DR. RELFORD: You said you didn't want
2 to hear any more testimony about the application,
3 so.

4 CHAIRPERSON ANDERSON: No, I want you
5 -- all right. But let me ask a question. Are
6 you aware that if the Board does not grant this
7 liquor license, because they're applying for a
8 restaurant license, or and a grocery license,
9 that there is nothing that this Board can do to
10 prevent this establishment from opening up in
11 that mall?

12 So because this Board only has
13 jurisdiction because they're applying for a
14 liquor license. But -- and this is different
15 from a liquor store because of course, a liquor
16 store, they need a license from us to operate.
17 So there is no liquor store if there's no liquor
18 license.

19 But because they're applying for a B
20 license and a CR license, meaning that they're a
21 grocery and a restaurant they can still operate.

22 So I'm just trying to find out -- so
23 irrespective of what decision is made by the
24 Board, if he wants to open his establishment he
25 can still open it. So what other concerns do you

1 have regarding this establishment?

2 DR. RELFORD: Again Mr. Anderson, I
3 said the application. Again, that's the word you
4 didn't want us to mention. But again,
5 application tells us what the establishment
6 intends to do in that space, and it helps us that
7 if there is to be a settlement agreement that is
8 the establishment would do that because we
9 understand clearly what the intent is.

10 CHAIRPERSON ANDERSON: But -- and I
11 don't know this, well I think I said this is not
12 within my lane. But I'm not quite sure if
13 someone wants to open up a liquor store, or if
14 one wants -- I'm sorry -- not a liquor store, if
15 one wants to open up a grocery store or a
16 restaurant in the community involvement. I mean,
17 one would just -- if you're not serving liquor I
18 mean, one would just open up a grocery store or
19 just open up a restaurant because there's no --
20 there is no -- I'm not sure if there is any
21 opportunity for the community to be involved in
22 that. I don't know. That's not my area.

23 I mean I know that we are involved in
24 these because we grant liquor license. But I'm
25 just curious, if a liquor license is not involved

1 what impact if any would the community have on a
2 grocery store or a restaurant? They could just
3 open up and hoping that the community will come
4 in and patronize it.

5 DR. RELFORD: I kind of take a
6 different position. Again, I would want whatever
7 establishment that is coming into a community,
8 that you're expecting the patronage, I think that
9 you want to engage that community and make that
10 community aware of what you intend to do before
11 you do it so that you can hear if it even is
12 something that the community says that they want.

13 CHAIRPERSON ANDERSON: All right.

14 Mr. Jackson, any questions based on
15 the questions that were asked by the Board?

16 MR. JACKSON: Yes. For the record the
17 community don't have any involvement if they
18 wouldn't have to find for a liquor license. So
19 there's no protest of an application when you
20 want to put a business there. Just like the vape
21 shop, they couldn't protest the vape shop that's
22 being there.

23 And in addition to what Dr. Relford
24 just mentioned that opportunity was granted to
25 the Queens Chapel Citizen Association during

1 mediation, which they failed to even entertain.

2 CHAIRPERSON ANDERSON: Are you asking
3 a question Mr. Jackson? Are you asking a
4 question? This is a question feature. If you
5 don't have a question, not a statement.

6 MR. JACKSON: No I don't have a
7 question for him, no. I was just answering the
8 response.

9 CHAIRPERSON ANDERSON: Okay. Thank
10 you for that Mr. Jackson. I cannot believe that
11 I -- I thought you had a question. Okay. All
12 right. All right. I'm sorry.

13 Ms. Rones do you have any redirect?
14 I'm sorry I just want to make sure
15 that no questions, that the Board was done.

16 Ms. Rones do you have any redirect?

17 MS. RONES: Can you hear me?

18 CHAIRPERSON ANDERSON: Yes, ma'am. I
19 can hear you.

20 MS. RONES: Yes I have one question.
21 Now can you still hear me?

22 CHAIRPERSON ANDERSON: I can. Ms.
23 Rones, you know me. If I can't hear you I'm
24 going to tell you that.

25 MS. RONES: No my screen just cut off.

1 I couldn't see you.

2 CHAIRPERSON ANDERSON: I can see you.

3 You can pull your screen down a little bit more
4 so I can see your whole face. Perfect. Go ahead
5 ma'am.

6 MS. RONES: Okay. You can see me now?

7 CHAIRPERSON ANDERSON: Yes, ma'am.

8 MS. RONES: Okay.

9 Dr. Relford isn't it true that there
10 was a grocery store at this location prior to the
11 Applicant applying and it wasn't successful, it
12 went out of business?

13 DR. RELFORD: Yes there was a grocery
14 store. I think it was some kosher grocery store,
15 but it didn't last long at all.

16 MS. RONES: So would you say that if
17 the community didn't approve they wouldn't
18 patronize the business?

19 DR. RELFORD: I think if the community
20 didn't approve they wouldn't patronize it. If
21 the community did approve they would support it.

22 MS. RONES: Okay. No further
23 questions.

24 CHAIRPERSON ANDERSON: Thank you. All
25 right. Thank you. Do you have another witness

1 ma'am?

2 MS. RONES: No I do not.

3 CHAIRPERSON ANDERSON: Do you rest?

4 MS. RONES: No other witnesses.

5 CHAIRPERSON ANDERSON: All right. Now
6 it's time for closing. Do you want to take a
7 couple of minutes for closing or do you want to -
8 - basically it's closing time. The Applicant
9 goes first. I'll give you five minutes to wrap
10 up. Basically the Applicant needs to tell me
11 what it is that he wants.

12 Then after the Applicant gives his
13 closing the Protestant will give his closing, and
14 then the Protestant needs to tell me what it is
15 that he wants.

16 So are you ready for closing or do you
17 want to take a five minute break?

18 MR. JACKSON: I'm ready. I'm ready.
19 I'm ready.

20 CHAIRPERSON ANDERSON: What about you
21 Ms. Rones? Do you want now, or do you want a
22 five minute break?

23 MS. RONES: I need a five minute break
24 to see if I can get back online, so.

25 CHAIRPERSON ANDERSON: You are online

1 ma'am. You're online. All right. Take five.
2 I'll give everybody five. It's 5:13. We'll do
3 closing at 5:20. Okay. So we're off the record
4 until 5:20.

5 (Whereupon, the above-entitled matter
6 went off the record at 5:13 p.m. and resumed at
7 5:21 p.m.)

8 CHAIRPERSON ANDERSON: Okay. We're
9 back on the record. All right. I see Ms. Rones
10 screen. All right Ms. Rones, pull your camera
11 down a little bit so I can see your whole face,
12 I'm just seeing -- okay that's better. Yes. All
13 right. Thank you.

14 MS. RONES: Okay.

15 CHAIRPERSON ANDERSON: I have all
16 three Board Members.

17 All right Mr. Jackson, closing. As I
18 stated, each side has five minutes and I need you
19 to be specific, what it is you're seeking from
20 the Board.

21 MR. JACKSON: Yes. Thank you, Mr.
22 Chairman and for putting up with this for ten
23 hours of hearing.

24 CHAIRPERSON ANDERSON: It comes with
25 the territory. Thank you.

1 MR. JACKSON: I was on a murder
2 investigation that was shorter than this.

3 But in closing, I would like for the
4 Board to consider processing the application
5 because the Applicant made every effort to try to
6 address the concerns of the Protestant, and at no
7 time did the Protestant try to mediate any of the
8 issues that we had. And they did not prove that
9 the Applicant location would have an adverse
10 impact on peace, order, and quiet. Thank you.

11 CHAIRPERSON ANDERSON: I see why you
12 didn't want a break Mr. Jackson.

13 All right. Go ahead Ms. Rones.

14 MS. RONES: Okay. Thank you Chairman
15 for the opportunity to present a closing
16 statement.

17 You've heard from stalwarts, civic
18 leaders of this community. Those that have been
19 in the vineyard for a very long time. Queens
20 Chapel and Woodridge communities have some of the
21 most dedicated activists in the city.

22 They have expressed their concern
23 about this proposed business because they really
24 don't know what the Doctor intends. They feel as
25 if they're being led astray because they don't

1 know, and they don't have the information to make
2 a conscious decision whether or not this business
3 would make a good neighbor or not.

4 They do know from prior experience
5 that a liquor establishment wreaked havoc in
6 their community, and they don't wish to revisit
7 that period again. They are skeptical, they are
8 afraid of the noise, they are afraid of the
9 trash. They know that there is already a parking
10 issue at the shopping center, and they don't want
11 to have to deal with this issue.

12 The residents have saved money in
13 order to purchase in this neighborhood because
14 it's a quiet neighborhood. It's peaceful. It's a
15 no drama, low crime area and they wish to keep it
16 that way.

17 You've heard from Charlotte Lewis, the
18 President of the Queens Chapel Civic Association.

19 She donates her time because as -- she donates
20 her time because she's a long-term resident of
21 this community. She grew up in this community.
22 She has a fondness for where she lives as do the
23 other witnesses.

24 They're not spending ten hours on a
25 Friday to just chit chat. They came because

1 they're concerned. They want you to know that
2 they have a fear that this will represent an
3 adverse impact on their peace and quiet.

4 I ask that the Board take into
5 consideration all of the fears, all of the
6 evidence that was presented, as well as the
7 insufficiency of the application to honor these
8 witnesses and these residents' request to not
9 grant an alcoholic license to this patron. Thank
10 you.

11 CHAIRPERSON ANDERSON: Thank you.
12 Thank you for your presentation ma'am.

13 Do the parties wish to file proposed
14 findings of fact or conclusion -- proposed
15 findings of fact and conclusion law or just have
16 the Board make its decision on the evidence and
17 testimony that's presented?

18 Basically what it said is that you're
19 going to wait until the transcript is done and
20 that you're going to review the -- it's not
21 bringing new evidence or new information. It's
22 just to say this is what was proven in the case.

23 It's not necessary in this case. I believe the
24 Board has sufficient information, so this is not
25 required for the parties to do, but it is

1 something that I ask.

2 MR. JACKSON: No. I would rather have
3 the Board make the decision.

4 MS. RONES: Yes. We would like to
5 file findings of fact.

6 CHAIRPERSON ANDERSON: Okay. All
7 right. So if you change your mind, so the --
8 hold on.

9 So the, since the parties choose to
10 file proposed findings of fact and conclusion of
11 law it is to -- the transcript should be provided
12 to you within three weeks, and the proposed
13 findings of fact and conclusions of law will be
14 due to the Board within 30 days after receipt of
15 the transcript.

16 And now remember, this is not making -
17 - this is you reviewing the transcript to say
18 this is the evidence that was provided, and this
19 is what the law -- it is not, you cannot bring in
20 any new information. If it's not in the
21 transcript it cannot be provided in the proposed
22 findings of fact and conclusion of law.

23 Is that clear to everyone?

24 MS. RONES: Yes.

25 CHAIRPERSON ANDERSON: All right. If

1 you change your mind please let the Board know
2 that you have done that. And so we are hoping
3 that this decision will be issued as soon as
4 possible.

5 There is a timeline to issue decisions
6 on new licenses like that. So that's going to be
7 thrown out for a little bit, but we will comply
8 with it and issue the decision once we receive
9 the proposed findings of fact and conclusion of
10 law.

11 All right. I would like -- let me
12 close the case formally. I thought I turned this
13 one off. Give me a minute. I have these things
14 lined up and I can't find what I'm looking for,
15 so I know if I'm looking in the wrong place.

16 All right. As Chairperson of the
17 Alcoholic Beverage and Cannabis Board for the
18 District of Columbia in accordance with D.C. Code
19 Section 2575 of the Open Meetings Act I move that
20 ABC Board hold a closed meeting for the purpose
21 of seeking legal advice from our Counsel on Case
22 No. 24-PRO-00075 and Case No. 24-PRO-00076,
23 Sahara Market.

24 Pursuant to D.C. Official Code Section
25 2575.B.4.a of the Open Meetings Act and

1 deliberating upon Case No. 24-PRO-00075 and Case
2 No. 24-PRO-00076, Sahara Market for the reasons
3 cited in D.C. Official Code Section 2575.B.13 of
4 the Open Meetings Act. Is there a second?

5 MEMBER GRANT: Mr. Grant. I second
6 the motion.

7 CHAIRPERSON ANDERSON: Mr. Grant has
8 seconded the motion. I will now take a roll call
9 both on the motion before us now that has been
10 properly seconded.

11 Mr. Short?

12 MEMBER SHORT: Mr. Short, I agree.

13 CHAIRPERSON ANDERSON: Mr. Grant.

14 MEMBER GRANT: Mr. Grant, I agree.

15 CHAIRPERSON ANDERSON: Mr. Anderson, I
16 agree.

17 As it appears that the motion has
18 passed I hereby give notice that the ANC Board
19 will recess its proceedings to hold a close
20 meeting pursuant to Section 2575 of the Open
21 Meetings Act.

22 I want to thank the parties for their
23 presentation today, and as I stated before the
24 Board will, once -- we'll issue a decision once
25 we are in receipt of the proposed findings of

1 fact and conclusion of law. As I stated before
2 the transcript will be emailed to you within --
3 sorry, within three weeks, and within 30 days
4 after receipt of the transcript the proposed
5 findings of fact and conclusion of law is due to
6 the Board.

7 If you change your mind at any point
8 prior to that you can, you are free to do that
9 and advise the Board of that issue.

10 Thank you very much. If you give me
11 one more minute so I can close the record for the
12 day. Hold on.

13 As Chairperson of the Alcoholic
14 Beverage and Cannabis Board for the District of
15 Columbia, in accordance with Title III, Chapter
16 405 Office of Open Government, I move that ABC
17 Board hold a closed meeting on October 9th for
18 the purpose discussing and hearing reports
19 concerning ongoing or planned investigation of
20 alleged criminal or civil misconduct, or
21 violations of law, or regulations, and seek legal
22 advice from our legal counsel as the Board's
23 investigative agenda, legal agenda, licensing
24 agenda for October 9th as published in the D.C.
25 Register on today, October 4th.

1 Is there a second?

2 MEMBER SHORT: Mr. Short. I second.

3 CHAIRPERSON ANDERSON: Mr. Short has
4 seconded the motion. I'll now take a role call.
5 Vote, Mr. Short.

6 MEMBER SHORT: Mr. Short, I agree.

7 CHAIRPERSON ANDERSON: Mr. Grant.

8 MEMBER GRANT: Mr. Grant, I agree.

9 CHAIRPERSON ANDERSON: Mr. Anderson, I
10 agree.

11 As it appears that the motion has
12 passed I hereby give notice that the ABC Board
13 will hold this closed meeting. Pursuant to the
14 Open Meetings Act notice will also be posted on
15 the ABC Board hearing room bulletin board, placed
16 on electronic calendar at ABCA's website, and
17 published in D.C. Register in a timely manner as
18 practical.

19 We are adjourned for the day. Thank
20 you for the members who participated today and
21 who spent most of this Friday afternoon with us.

22 Thanks all the member of the public who
23 participated. Thank the Board Members and the
24 members of the public who participated.

25 Have a great day. We are now

1 adjourned for the day. I ask all the Board
2 Members to now return to executive session for
3 further action.

4 Have a great afternoon. Thank you
5 very much.

6 (Whereupon, the above-entitled matter
7 was concluded at 5:33 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Sahara Market

Before: DC ABCA

Date: 10-04-24

Place: teleconference

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