

November 14, 2023

700 Pennsylvania Avenue SE
Suite #2032
Washington, DC 20003
6B@anc.dc.gov

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SMD 08 Edward Ryder

SMD 09 Matt LaFortune

Adam Gitlin, Chief, Antitrust and Nonprofit Enforcement Section
Public Advocacy Division
Office of the Attorney General for the District of Columbia
400 6th Street NW
Washington, D.C. 20001
VIA E-MAIL: antitrust@dc.gov

RE: Harris Teeter Alcoholic Beverage License Renewal

At its regularly scheduled, properly noticed, meeting on November 14, 2023, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted unanimously 9-0-0 to transmit this letter regarding Harris Teeter's continued tenancy at its closed location at 1350 Potomac Ave SE.

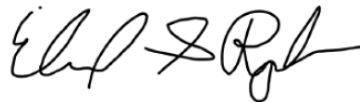
During discussion about Harris Teeter's pending alcoholic beverage license renewals at three locations in DC, we heard from neighbors who expressed concern that Harris Teeter's continued occupancy of its closed location since January 2022 and refusal to allow another tenant to take the space also violates fair business practices by preventing any competition with the nearest Harris Teeter location in Navy Yard.

Additionally, Harris Teeter's parent company, Kroger, is notably in discussions regarding a merger with Albertsons, the parent company of Safeway. The Safeway location at 415 14th St SE, two blocks away, clearly benefits from the continued vacancy of the Potomac Avenue location.

We ask that you review this situation and whether it potential violates federal or state antitrust law and consider the attached letters from neighbors sharing how this ongoing situation has negatively impacted them.

Please contact Commissioner LaFortune (6B09) at 574-807-2576 or 6b09@anc.dc.gov, if you have questions or need further information.

Sincerely,



Edward Ryder
Chair, ANC 6B

cc: Councilmember Charles Allen



Jenkins Row Unit Owners Association
1391 Pennsylvania Ave. SE
Washington, DC 20003
October 30, 2023

ANC 6B
700 Pennsylvania Avenue SE
Ste. #2032
Washington, DC 20003

Dear ANC Commissioners:

I am writing on behalf of the Jenkins Row Unit Owners Association to urge you to oppose the pending applications of Harris Teeter, LLC to renew its alcoholic beverage licenses at three supermarkets in the District.

As you may know, Jenkins Row is a mixed-use building located at 1391 Pennsylvania Avenue SE. The building includes 247 residential units, approximately 50,000 square feet of ground-floor commercial space, and a three-level garage. Since shortly after the building's opening in 2007, Harris Teeter has leased the largest of the four commercial parcels at 1350 Potomac Avenue SE. It operated a supermarket and pharmacy in this space until January 2022, when it closed the store on short notice.

Despite closing its store at Jenkins Row, Harris Teeter continues to control the space. The property owner, Edens, has informed us that Harris Teeter refuses to allow it to show the location to potential tenants. It is our belief that Harris Teeter wants to ensure that this attractive 45,888-square-foot space with attached garage will not be occupied by another food retailer that might compete with the Harris Teeter store at 401 M Street SE, approximately one mile from Jenkins Row.

The vacancy of a large retail space at a prominent location has had negative consequences for our residents and for the surrounding neighborhood. Trespassers moved into the unoccupied Harris Teeter garage until a gate was installed a year after the store closed. The store has experienced several break-ins, illustrating the safety and security risks for our residents. The residential condominium has experienced odor and moisture problems and an infestation of cockroaches that are attributable to Harris Teeter's failure to clean and ventilate its vacant store. Harris Teeter's refusal to vacate its empty space has had spillover effects on the other commercial parcels at Jenkins Row: two of the other three commercial units are vacant, and Edens has advised us that leasing them will be difficult until there is a new tenant in the former Harris Teeter space. As a result, the formerly bustling retail center at Jenkins Row has become an eyesore, and nearby residents have been deprived of an amenity that attracted them to the neighborhood.

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Harris Teeter surrendered the alcoholic beverage license for its Jenkins Row store in February 2022, shortly after the store closed. It has now filed applications with the Alcoholic Beverage and Cannabis Administration (ABCA) to renew licenses ABRA-095112, for 401 M Street SE; ABRA-095170, for 1201 First Street NE; and ABRA-095171, for 1631 Kalorama Road NW. In our opinion, the company's conduct with respect to its closed Jenkins Row store is harmful to the community and raises questions about its fitness to possess an alcoholic beverage license in the District of Columbia. We hope you will ask that ABCA require Harris Teeter to divest its lease at Jenkins Row to permit occupancy by another retailer as a condition of renewing its licenses.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Nielson". The signature is written in a cursive, flowing style.

Beth Nielson
President, Jenkins Row Unit Owners Association

Cc: District Council Chairman Phil Mendelson
District Council Member Charles Allen
District Council Member Vincent Gray
District Council Member Trayon White, Sr.

Dear ANC 6B,

I write to oppose the renewal of Harris Teeter's alcohol licenses at 401 M Street SE, 1201 First Street NE, and 1631 Kalorama Road NW.

I am a resident of 1391 Pennsylvania Avenue ("Jenkins Row"), which houses residential property and the space formerly occupied by Harris Teeter. By intentionally leaving their retail unit in Jenkins Row empty, Harris Teeter has not been a good neighbor to our building or our neighborhood.

Thank you for your advocacy work on behalf of ANC6b.

Sincerely,
Haley Barnett
Jenkins Row resident & property owner

To whom it may concern:

I would like to express my strong opposition to Harris Teeter being allowed to renew its Class B alcoholic beverage licenses at 401 M Street SE, 1201 First Street NE, and 1631 Kalorama Road NW.

As a resident of Jenkins Row (1391 Pennsylvania Ave SE), Harris Teeter formerly operated a store on the retail level of our residential building. Though they made a corporate decision to close this store, they have prevented any other tenant from viewing the property, let alone renting it, for the duration of their lease — reportedly another eight years.

This practice reeks of underhanded business practices and an attempt to prevent potential competitors from leasing the space. This often leaves the remaining grocery store in the neighborhood (Safeway) overwhelmed and unable to meet the needs of the large residential neighborhood and, therefore, does a great disservice to our community. In preventing any other retailer from viewing or leasing the space, Harris Teeter has had a significant and noticeable impact on our community.

Furthermore, their lack of adequate maintenance of the space has led to numerous fire alarms. Not only are these a nuisance for the residents of our building, but they are also a drain on DC's resources and prevent DCFD from responding to actual emergencies.

Given their demonstrated lack of concern — or respect — for this community and DC, at large, Harris Teeter does not deserve the privilege of a liquor license.

Thank you,

Nishith Pandya

To the Advisory Neighborhood Commission (6B),

I am writing to express my opposition to and sincere concerns about Harris Teeter renewing its Class B alcoholic beverage license. Harris Teeter's actions in DC have indicated a disregard for the communities they serve and a desire to keep out competition, so there are less/no alternatives for people who are unhappy with their services. As a Ward 6 resident, I believe such behavior does not belong in DC, as it causes significant harm to our communities.

For example, Harris Teeter has vacated its space on Potomac Ave and Pennsylvania Ave, yet continues to hold the lease (and seems to plan to hold onto the lease for eight years), despite the space being completely unused. Not only has this affected the neighborhood by removing what was once easy access to groceries and meals, but it has also created sanitary problems for the block, including the Jenkins Row building in which I live. Pests such as roaches started plaguing residential apartments that share the building with the unused space and issues with the fire alarm (originating in the unused space) have become a nuisance for residents of the building and the surrounding townhouses. None of these issues would have arisen had Harris Teeter allowed someone to move into the space and perform the regular maintenance and cleaning that prevents such issues.

The vacant space has a significant, and negative, impact on the community. It demonstrates Harris Teeter's lack of care for the DC communities it serves, and should prevent them from obtaining a license to sell alcohol in DC.

Regards,
Maia Otermin, Ward 6 resident