

[Proposed letter from ANC 6B to DC Councilmember Jim Graham, Chair, DC Committee on Human Services re: Omnibus Alcoholic Beverage Regulation Amendment Act of 2012]

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue SE
Washington DC 20003

Tuesday, July 11, 2012

The Honorable Jim Graham
Councilmember and Chair, Committee on Human Services
DC City Council
Wilson Building
1350 Pennsylvania Avenue NW
Washington DC 20004

Dear Councilmember Graham:

At its regularly scheduled, properly noticed monthly meeting on Tuesday, July 10, 2012, Advisory Neighborhood Commission 6B voted X-X-X to send you this letter of support for your bill entitled "Omnibus Alcoholic Beverage Regulation Amendment Act of 2012".

Represented by Commissioner Carol Green, ANC 6B participated actively on the task force you convened to draft amendments to Title 25 of the DC code regarding the regulation of alcoholic beverage licensing. ANC 6B is pleased to support the resulting bill that you introduced on June 26, 2012. If enacted, your bill would make important improvements in a range of rules and procedures concerning the city's alcoholic beverage control system. Of special interest to ANC 6B are the proposed clarifications in and strengthening of the system of "Voluntary Agreements" that ANCs use in providing a structured process for community involvement in the city's review and approval of licenses.

In addition to expressing support for the overall bill, ANC 6B raises several concerns that it asks be addressed during Council consideration of the bill.

- 1) As a matter of policy, ANC 6B opposes the sale of beer in "two-packs" and "three-packs", an approach often used as a way of avoiding the city's ban on the sale of single beers, unless the applicant or existing licensee gets a waiver to the single sales ban with an accompanying Voluntary Agreement with our ANC. On page 12 of the bill, lines 4-6, says that "a voluntary agreement shall not include statements that restrain the ability of the applicant or existing licensee to operate its business". ANC 6B is concerned that this language might be read as precluding our Commission's ability to restrict the sales of two-packs and three-

- packs of beer through its Voluntary Agreements. We ask that the language be modified accordingly.
- 2) In a clarification of DC Code Section 25-833, the proposed bill, on page 17, lines 13-19, sets forth a detailed description of the process ABRA is to follow upon receiving a complaint about noise from a licensed establishment. ANC 6B finds this description to be incomplete and unclear. The text does not require that an investigation of the complaint occur or even that an inspector be dispatched to the scene to investigate the complaint. At a minimum, ANC 6B requests that this language be strengthened by adding a requirement that all complaints be investigated and inspectors be sent to the site as soon as possible after a complaint is received. In the alternative, ANC 6B suggests that the bill's text here include a more general statement that all complaints must be investigated and defer to the DCMR for the detailed description of the process for investigating noise complaints, sending out investigators, making phone calls, sending mail or email, etc.
 - 3) The bill proposes (Page 7, lines 3 -8) that ABRA create an orientation class for new licensees. ANC 6B supports this proposal but recommends that the orientation class be given to applicants before they receive their licenses so that they will be more knowledgeable about the licensing process, including Voluntary Agreements, before they meet with ANCs and the community about their license request.

Thank you for your leadership in the development of this legislation and your inclusion of ANC representatives on the drafting task force.

Sincerely,

Jared Critchfield
Chairman
ANC 6B