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Concerning the Alcoholic Beverage Amendment Act of 2012

Resolved, that ANC1D endorses explicitly certain sections of the Omnibus Alcoholic Beverage Regulation Amendment Act of 2012.

Specifically, ANC1D supports (1) the requirement that members of a "group of five" protestants reside within 400 feet of the applicant's establishment, (2) the requirement that citizens' associations give applicants an opportunity to address the association, and (3) the primacy of an ANC voluntary agreement over those of other protestant groups.

Why: Mount Pleasant has seen how the voluntary agreement process can be abused, creating great hardships for local restaurants and retailers. The requirement that members of a "group of five" reside within 400 feet of a business establishment assures that those residents are truly subject to disturbance by that establishment. The requirement that a citizens' association give the applicant a hearing is only fair, and allows the applicant to argue against especially onerous provisions of a proposed voluntary agreement. The provision making an ANC voluntary agreement supersede those of other organizations avoids the current situation, where an applicant may be subject to multiple voluntary agreements, and whichever agreement imposes the most stringent restrictions will prevail. It is reasonable that an ANC voluntary agreement supersede the others, because Advisory Neighborhood Commissions are subject to special rules of transparency to the public, and because commissioners are answerable to the public via elections, and recall elections.

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on November 27, 2012, with a quorum present. Voting "yes": Commissioners McKay, Wilson Phelan, Terrell, Edwards, Romero-Castillo.