



**ADVISORY NEIGHBORHOOD COMMISSION 6B
ALCOHOL BEVERAGE CONTROL COMMITTEE MEETING**

Tuesday, May 2, 2023, 7:00 p.m.

REPORT

NOTE: ABRA has changed its name to The Alcohol Beverage and Cannabis Administration (ABCA)

I. Introduction of Commissioners and Resident Members

Commissioners: Jayaraman; Sroufe; D'Andrea; Ryder

Resident Members: Deel Ellen Oppen-Weiner; Katherine Szafran; Patty Haigwood;

II. New Business

1. **ABCA-086141**--Lola's, LLC t/a Lola's; 711 8th Street, SE; Retailer's Class "C" Tavern License, Application for an Entertainment Endorsement; Petition Deadline: May 12, 2023; Contact: Tom Johnson, tom@hillrestaurantgroup.com; William Sport, admin@hillrestaurantgroup.com [6B03]

CHAIR NOTES: The ABC Committee heard from the applicant last month and ANC 6B voted to approve a stipulated license and requested an extension of the petition deadline to May 12 to provide Commissioners additional time to notify and seek input from residential neighbors and for the ABC Chair to draft a Settlement Agreement.

MEETING NOTES: Mr. Johnson appeared as the Applicant for an Entertainment Endorsement to its existing ABC license. The plan is for low key entertainment such as: karaoke, trivia nights, Jazz nights, and a DJ, which would not occur every day during the hours that the establishment is open. Entertainment is envisioned to occur on the 2nd and 3rd floors of the Establishment. **Cmr. Jayaraman has received a signed SA from the Applicant.**

MOTION: Recommendation to ANC 6B to support the establishment's request for an Entertainment Endorsement and place it on the Consent Agenda pending receipt of a signed SA [RM Szafran; Oppen-Weiner 2nd]. Motion passed unanimously, 8-0.

2. **ABCA-123414**--Mason & Greens DC, LLC t/a Mason & Greens, 400 8th Street, SE; New Application for a Retailer's Class "B" Full-Service Grocery Store license; Petition Deadline: May 12, 2023; Contact: Justin Marino: justin@masonandgreens.com; [6B04]

CHAIR NOTES: The ABC Committee heard from the applicant last month and ANC 6B voted to approve a stipulated license and requested an extension of the petition deadline to May 12 to provide Commissioners additional time to notify and seek input from residential neighbors and for the ABC Chair to draft a Settlement Agreement.

MEETING NOTES: Mr. Justin Marino, an owner of the establishment, appeared on behalf of the Application. He explained the plans for off-premises sales of wine, and beer in a 3' X 6' area within the establishment wherein customers could purchase and staff would fill Growlers or other similar such container with beer for off-premises consumption.

MOTION: Recommendation to ANC 6B to support the application for a new liquor license and place it on the Consent Agenda pending receipt of a signed SA [Cmr. D'Andrea; **Cmr. Ryder 2nd**]. Motion passed unanimously, 8-0.

3. **ABCA-124054**--I Egg You CH, LLC t/a I Egg You, 517 8th Street, SE; New Application for a Retailer's Class "C" Restaurant license; Petition Deadline: May 30, 2023; Contact: Andrew Kline: akline@theveritaslawfirm.com [6B03]

MEETING NOTES: This is a new case and Mr. Scott Drewno, owner, and Mr. Andrew Kline (counsel) appeared on behalf of the Application for a new liquor license. The establishment is planning to have 70 seats and to be open for breakfast and lunch serving sandwiches and salads until 4 PM. Applicant intends to utilize the space as a prep kitchen for their catering business since they do not have the capacity at their Chiko location but may rent out the space for private events or other special events which would end no later than 1 am. They hope to open in late June. Mr. Kline state that they were willing to negotiate on the sidewalk café hours to be consistent with adjacent Establishments.

There was a lengthy discussion regarding the handling of trash and grease which requires additional discussion. The Applicant is not planning to renovate the space and there is no room to construct an indoor trash storage room. The Chair recognized the limitation of an indoor trash storage room given the small size of the Establishment and asked if the Applicant would consider storing trash receptacles on the interior of the Establishment overnight as they currently do at their Chiko location. Mr. Kline stated that they would not be agreeable to that and that they wanted the same ability as adjacent establishments. The applicant was willing to consider alternate trash storage option that might be rodent proof. The Chair presented the Committee with pictures of poor trash management practices in the alley on the west side of the 500 block of 7th Street, SE and the challenges that ANC 6B already faces with trash management and related rodent issues.

RM Szafran shared that the LDS Church located directly behind the restaurants had a significant rodent problem in a small side yard and they have expended their own funds to address the rodent issue even though they do not have any exterior trash storage. RM Szafran also raised the request for the Applicant to install a Pollution Control Unit (PCU) to mitigate the odor issue that neighbors face. Mr. Kline dismissed outright the possible use of a PCU because of the cost.

Mr. Kline stated that it would not be possible to negotiate a mutually agreeable Settlement Agreement and would have no objections if the Committee and the ANC were to protest the application in order to preserve the ANC's rights under ABCA regulations and continue negotiations. With that understanding, the Chair made a motion on behalf of the SMD Commissioner who was not present. The Chair also informed the SMD Commissioner of the motion and verified that he had no objections.

MOTION: Recommendation to ANC 6B to protest the application in order to have further negotiations with the Applicant [Jayaraman; RM Szafran 2nd]. Motion passed 7-0-1 with Cmr. Ryder abstaining.

4. **ABCA-000793**-- National Democratic Club (NDC), request to amend the existing SA to increase the hours of operation and sales, service, and consumption of alcohol. Current: Mon-Fri: 11:30 am – 1:00 am. The requested hours are: Sun-Thur. 7:00 am – 2:00 am; Fri-Sat. 7:00 am – 3:00 am [6B01]

CHAIR NOTES: This came to the Chair and SMD Commissioner as an request from the Club Manager, Mr. Zach Hoffman. After checking with ABCA, the Chair clarified the process and confirmed that ANC 6B must amend the existing SA so that the Applicant can apply for expanded hours.

MEETING NOTES: Mr. Hoffman attended the meeting on behalf of the NDC to request extended hours of sales service and consumption. The extend hours would apply to the interior of the club and he stated that noise would not be an issue since the building has triple-pane, sound proof windows that do not open. The reasoning for requesting expanded hours is that club members have requested to hold breakfast and evening events at NDC with alcohol. Because of the limitations of the SA, they have been unable to accommodate such requests and want the flexibility to host events for their members. Upon the advice of the Chair, Mr. Hoffman indicated that he had canvassed the area to

notify residential neighbors of the application and held up a sheet of paper which he stated were signatures from people in support of their application but had not emailed the signature sheets to the Committee as of this report. In addition, the building immediately adjacent to the NDC are owned by lobby groups have no objections the expanded hours. Mr. Hoffman made a salient argument that by allowing the NDC to expand club hours, they may be able to entice events that occur at the lobby houses to move to the NDC which would potentially reduce the adverse on residential neighbors.

Mr. Hoffman also indicated that the NDC was considering opening a Sidewalk Café on the Ely Place side of the building and were amendable to more restrictive hours for that area. However, this idea was in the discussion phase and not concrete actions have been taken to date. Hearing no objections from the Committee members, the Chair agreed to incorporate the new expanded hours for the interior and limited hours for a Sidewalk Café into a revised SA. The SMD Commissioner was not able to be present for the Committee meeting so the Chair made the motion on his behalf.

MOTION: Recommendation to ANC 6B to support the request for expanded hours of sales, service as requested, and support the NDC’s planned future request for a Sidewalk Café, if, and when approved by the appropriate agencies, pending receipt of a signed SA[Cmr. Jayaraman; CM Sroufe 2nd]. Motion passed unanimously, 7-0-0.

III. Old Business

1. Discussion about an organized process for handling ABCA cases within ANC 6B. Update on progress made by Working Group and next meeting.

MEETING NOTES: The Chair and RM Opper-Weiner presented the draft process for how the Committee and the ANC would handle future ABCA applications. It was well-received by the Committee and the Chair asked that Commissioners and Resident Members review the draft and provide input and comments so that it can be finalized and presented to ANC 6B.

No vote or action was taken on this item.

IV. Other Items

1. Discussion on new Cannabis regulations and licensing. Now that the new Cannabis law is in effect (took effect March 22, 2023) we should discuss how ANC 6B will handle such applications. Currently applications are allowed for **existing operators of licensed facilities** interested in applying for a cultivation center, manufacturer, or retailer license only during the open application period between May 1 - June 30, 2023. I have confirmed with ABCA that the applications for **unlicensed establishments (I-71 retailers)** will be start this fall with an open application period.

A couple of interesting notes from the training I listen to are: 1) A cannabis licensee cannot be located in a residential zone or within 300 feet of a school, child care centers, recreation centers, etc. Must be in a mixed use or commercial zone; 2) No cannabis retailer licensee can be located within 400 feet of another cannabis retailer; 3) social equity applicants must constitute 50% of all unlicensed cannabis retailers; and, 4) ANCs can establish a moratorium one year after the law took effect.

CHAIR NOTES: Here is a link for the training that ABCA has scheduled including on this Thursday at 10 AM for ANC Commissioners. Please see the following link to register and see a list of upcoming training: <https://abca.dc.gov/page/medical-cannabis-training-and-info-sessions#gsc.tab=0>.

SECTION 3: LICENSING ESTABLISHMENTS

Bill 24-0113 aims to provide official licenses to medical cannabis facilities that are not currently registered with the District’s Medical Cannabis Program. Within 30 days of becoming law, the bill requires the ABCA to establish an open-application period for both brick and mortar and internet retailer licenses. Unlicensed retailers will then have 60 days to apply for a license. To apply, these retailers must prove to ABCA that they:

- are not located within a residential district, within 300 feet of a preschool, primary or secondary school, or recreation center; or within 400 feet of an existing cannabis retailer [**CJ: Law allows a retailer to move if within this restriction**]
- have a valid, active business license issued on or before April 5, 2022
- have a valid certificate of occupancy issued on or before April 5, 2022
- have been in operation since April 5, 2022 at the latest, and
- have one or more owners who are District residents and who individually or collectively own at least 60 percent of the unlicensed establishment.

This means that for an unlicensed retailer to become officially licensed, they cannot have relocated their business location after April 5, 2022. Additionally, at least 50 percent of the licenses for unlicensed establishments must go to Social Equity Applicants.

MEETING NOTES: The Chair stated the he intends to testify at the hearing on June 7 about the proposed regulations and provide comments on concerns with the excessive quantity of Cannabis that would be allowed to be sold to any one person (8 oz = half a pound) and the allowance for a retailer to apply for a summer garden. A summer garden would enable a retailer to allow the consumption of Cannabis in rear yards of their property. It is well known that in ANC 6B, residential houses and blocks are often located immediately behind business corridors and a summer garden at the rear could have a adverse impact on families, particularly those with children, from the peaceful enjoyment of their rear yard. The Chair stated that he would create a summary of the regulations that are pertinent to ANC 6B and would provide those to the Committee and Commissioners. The Chair also indicated that he is working to schedule a city-wide ANC Caucus meeting on the regulations.

No vote or action was taken on this item.