



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

Tuesday, December 5, 2023, 7:00 p.m.

REPORT

I. Introduction of Commissioners and Resident Members

Commissioners: Avery; Sroufe; Sobelsohn; Durkit; Jayaraman; Marino;

Resident Members: Lee; George Dee; Szafran; Hutchens; Opper-Weiner; Haigwood;

II. Community Presentation and Hearing

Read-ahead: Final Rulemaking slide deck; ABC Committee Process Table; Draft Settlement Agreement Template; ABCA's virtual training on Cannabis Rulemaking recording;

Meeting Notes:

A brief presentation on the Cannabis Regulations was made by the ABCA Community Resources Officer, Sarah Weniger.

Ms. Weniger shared that unlicensed operators, commonly referred to as Initiative 71 stores must apply by January 29, 2024. The approval process is very similar to alcoholic beverage licenses. Odor issues from summer gardens that abut residential properties can be contested under the protest category of "impact on real property values.

Comr. Marino asked about the role of ABCA on enforcement. Ms. Weniger stated that ABCA does not arrest people but can issue warnings and fines. MPD would enforce and ABCA does refer establishments to MPD and DoB for enforcement action.

Comr. Sobelsohn requested additional information about the application process for individuals to secure a patient cannabis card. Ms. Weniger stated that the application was currently available online and individuals over the age of 21 can self-certify the need for cannabis. An individual does not need to go to doctor to get the patient card. She indicated that the process is extremely easy and currently some people have reported being able to get approval same day. The application does require that the applicant upload a picture and a government issued ID or other document to prove residency. The patient cannabis card is an electronic card and retailers are required to check the cannabis card and a government issued ID.

For patients under 21, a medical professional's authorizations is required. Further, for patients under 18, a designated caregiver must be identified. The Chair stated that for teens who are 18 years old, many of who are in High School, there is the possibility of fraud and abuse. Anyone under the age of 18 must appear at ABCA in person and prove their age.

Comr. Sroufe asked whether the regulations have been finalized. The Chair shared that the rulemaking was released earlier in 2023, input was sought from the public when Comr. Jayaraman testified. A second version of the rulemaking was released with edits made based on testimony. The regulations were then sent to the DC Council and DC Attorney General for a legal review. The regulations have since been published in the DC Register. However, Ms. Weniger stated ABCA was going to make a slight change at its December 6 meeting and future tweaking of the final regulations

is possible.

Ms. Weniger also stated that retailers must buy from certified Manufacturers and Cultivation Centers whereas, currently, unlicensed I-71 stores can get their cannabis from any producer. The benefit of requiring retailers to purchase from certified cultivation centers and manufacturers is that ABCA is able to track the cannabis from seed to shelf. This allow ABCA to track issues back to the source.

Com. Marino asked if a bakery could buy from a manufacturer and make products. The answer was less than clear about whether a local bakery could do both.

III. New Business

1. ABCA-126724—Seedless LLC, t/a **No Kids Allowed**; 637B Pennsylvania Ave SE; New Medical Cannabis Retailer; Protest Petition deadline: January 8, 2024 [6B02]
 - **Hours of Sales to Public: Sun.--Sat. 9 AM – 9 PM**; Hours of Operation: Sun.--Sat. 7 AM – 9 PM;
 - The retailer will provide cannabis flower, cannabis concentrates, and a line of edible products;
 - The “proposed” facility is a 4,835 sq. ft. space. (CHANDER: “Proposed” is functionally inaccurate because this facility has been operating as an I-71 compliant store for several years.
 - The facility would provide home delivery services to registered patients in D.C. and have requested a Delivery Endorsement

MEETING NOTES: No Kids Allowed Have been operating for several years at the location listed above and are transitioning to a licensed retailer. The Applicants shared that their current hours as Mon 12 – 7 pm; Tues-Thur 10 am – 9 pm; and Fri-Sat 10 am – 10 pm; Sun 10 am –8 pm. By regulations, retailers cannot be open before 7 am or after 9 pm so No Kids Allowed has made a business decision to limit hours of sale to the public to start at 9 am. Because they now have to buy from certified cultivators and manufacturers, they believe that the transition from their current operations to a legal retailer would take a couple of months.

Com. Sobelsohn asked if the Applicant intends to sell only to those with a valid medical card (irrespective of age). The Applicant stated that they check IDs every time but they have a system that record who purchased products from them in the past so future visits would not require that the customer produce documentation every time. The Applicant stated that they would only sell to qualified patients who produce the required patient card but did not commit to limiting sales to those over the age of 21.

There were questions about their intended use of the rear yard and alley. The Applicant shared and RM Szafran confirmed that the alley is extremely narrow and is insufficient for any vehicles to enter. There was some minor concern that the mouth of the alley could be blocked if the rear was used to coordinate deliveries to patients. As a result, the Applicant’s current plan is to complete deliveries from the front of the store. They also indicated that the delivery endorsement was very important to their business model.

The Chair asked whether delivery drivers would be employees of the establishment or independent contractors. The Applicant indicated that delivery personnel would be employees.

The Chair asked the Applicants to describe their Security plan. Applicant shared that no one can just walk into the storefront. Anyone who wants access must be let in by a staff person who is stationed at the front door. The shared that they have a multi-tiered security protocol which involves extensive access control at every level of the business space. The have locks at multiple points of the space with a locked door separating the outer most waiting area and the area where cannabis products are displayed. There is an additional secure door that separates the product space from

the display space. They explained that they can control access at each level and do limit who can have access to certain spaces. Have locks and access controls.

In terms of verifying customers, No Kids Allowed requires the patient to display their electronic patient card (it is scannable) and a valid photo ID. They also scan the back of Driver's Licenses and keep a log of what was purchased and by whom.

The Chair shared with the Committee that Cmr. Sobelsohn had recently drafted language for a potential Settlement Agreement similar to those with establishments that serve alcohol. Cmr. Jayaraman had not had an opportunity to review it or make edits. In addition, the time available to negotiate and execute an SA between the parties was insufficient. The Chair asked whether the Applicant would be amenable to agreeing to an extension of the Protest petition deadline from January 8 until January 19. The Applicant concurred with the Commission recognizing the need for their attorney time to review any SA as well.

MOTION: Recommend that the ANC request an extension of the Protest Petition deadline until January 19 and place it on the consent agenda [Sroufe; Sobelsohn] Motion Passes 9-0-2

2. **LATEBREAKING:** 527 8th, LLC, t/a Barracks Row Joey's; 527-529 8th ST SE; Renewal of an existing Class "C" Tavern License; Protest Petition deadline: January 16, 2024 [6B03]

- This is a renewal of an existing license that was transferred from a prior establishment named Marty's to CAVA (2017) and back to the current Applicant.
- Requested Hours of Operation & Sales on interior: Sun-Thurs: 11 AM—1:30 AM; Fri-Sat 11 AM—2:30 AM; Hours of Summer Garden Sun-Thurs: 11 AM—1:30 AM; Fri-Sat 11 AM—2:30 AM;
- No Entertainment Endorsement requested.

MEETING NOTES: Mr. Boyle with his Chef and Ms. Risa Hirao, their counsel, attended the meeting in person and provided information about their vision for the new restaurant. The Chair publicly shared the menu provided by the Applicant.

The Applicant stated their intent to serve lunch and dinner; are not seeking an entertainment endorsement, no loud music, no dancing. Owner wants to work with Miracle theater to provide a place for theater goes to eat and have a drink before and after a show, especially one popular karaoke type event that is regularly held on Thursday nights.

The Applicant explained the request for additional hours, particularly Thursday night. The Chair explained that while this was a renewal, ANC 6B must amend the SA in force in order for the owner to apply for longer hours. Noise from the rooftop summer garden and sidewalk café was discussed. The Chair shared and discussed a comparison which showed the hours of summer gardens and sidewalk cafes on the 500 block of 8th Street. After further discussion and comments from RM Szafran, Sobelshon, and others, the Committee agreed to revise the SA to provide the requested hours.

One note that came to light was how ABCA defines "Hours of Operation." It was the Chair understanding that employees of an Establishment could arrive earlier to prep foods or to clean up after service. Ms. Hirao verified with the ABCA that no staff could be on premises outside of the hours of operation. The Chair asks the rhetorical question about how an establishment that closes at 3 am could clean up unless those hours were exceeded and noted that it was common practice for staff to remain at an Establishment after approved hours.

MOTION: Recommend that the ANC approve the renewal application and approve an amended Settlement Agreement and place it on consent Agenda [Sobelsohn; Avery] Pass 6-0-0

IV. Other Items for Discussion

1. Notice to Cure for Establishments on the 500 block of Barracks Row
2. ABRA law review and revision upcoming this fall

Due to the lateness of the hour, the Commission agreed to defer these items to be discussed in January 2024.

V. Adjourn