



**ADVISORY NEIGHBORHOOD COMMISSION 6B  
ALCOHOLIC BEVERAGE & CANNABIS COMMITTEE MEETING**

**Tuesday, January 2, 2024, 7:00 p.m.**

**REPORT**

**I. Attendees**

Commissioner: Cmr. Sroufe; Sobelsohn; D'Andrea; Jayaraman; Mareino; Ryder;  
Resident Member: Ellen Opper-Weiner; Haigwood; Levy;

Approval of Agenda: Motion to adopt the agenda. Sobelsohn; Opper-Weiner 2<sup>nd</sup> (9-0-0)

The Chair shared with the committee that he was recently informed and confirmed via email from Sarah Weniger that the DC Law regulating cannabis did not provide the Alcoholic Beverage and Cannabis Administration (ABCA) the ability to grant extensions of the petition deadline which means that the only option for an ANC to preserve its right to negotiate with cannabis license Applicants on a Settlement Agreement (SA) is to protest an application. In the case of No Kids Allowed, the ANC voted in December 2023 to send a letter to ABCA in concurrence with the Applicant requesting an extension of the protest petition deadline until January 19. However, give the new information, the committee must take action before the current protest petition deadline and submit a letter by January 8, 2024.

**II. Old Business**

1. ABCA-126724—Seedless LLC, t/a **No Kids Allowed**; 637B Pennsylvania Ave SE; New Medical Cannabis Retailer; Protest Petition deadline: January 19, 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 facility would provide home delivery services to registered patients in D.C.
  - Applicant is requesting a Delivery Endorsement

The Chair shared that he had informed the Applicant of the new information about the inability to request an extension of the petition deadline and shared with the Committee that the Applicant had contacted the Chair about a second extension to provide the Applicant with additional time to review the SA. There was discussion how best to move forward with this case since the deadline was set for Monday, January 8, 2024. The Chair explained that the options available to the ANC was to convene a special meeting and vote to protest the application or take no action and trust the Applicant with enter into an SA but there is not requirement that they do so. RM Leavy requested additional information about the options and the chair explained that there was insufficient time to hold a properly noticed Special Call meeting. Cmr. Ryder shared that District law requires that all public meetings of the ANC be noticed at least 7 days in advance except in emergency situations when the 7-day rule can be waived.

Commissioner Sobelsohn suggested that the best course of action was the protest the application. There was concern that voting the protest both applications without proper explanation would make the ANC appear insensitive to the needs of medical cannabis patients. Commissioner Sobelsohn made a motion

that the Chair of the ANC call for a special call meeting under the emergency provision, vote to protest the application so that the ANC can continue negotiations with the cannabis Applicant and transmit a letter to the DC Council requesting that they modify the law to allow for the ANC and cannabis Applicants to see an extension of the protest petition deadline as permitted for liquor licenses.

Commissioner Mareino commented that there were three distinct actions in Cmr. Sobelsohn's motion and asked that the motion be separated into three parts (hold an emergency meeting; voting to protest the cannabis application; and, send a letter to the DC Council) and made a motion in that regard (Sroufe 2<sup>nd</sup>) The Motion passed unanimously (9-0-0).

Part 1: Cmr. Marino made a motion to amend the original motion to empower the Chair of ANC 6B under Article 4 § 5(c) call for an emergency meeting of the Executive Committee, then under the authority provided to the Executive Committee under Article 6 § 2(c) to act on behalf of the Commission vote to hold a vote on the Seedless LLC application (Sroufe 2<sup>nd</sup>) The motion to amend the original motion passed unanimously (9-0-0) and the underlying motion also passed unanimously (9-0-0).

It should be noted that this discussion was held in public with the Applicant present. The Applicants understood why the ANC needed to protest their application and Commissioners clearly voiced the desire to be supportive of patients who need medical cannabis but also address the concerns of Commissioners to prevent abuse by kids who did not have a medical need for cannabis. The parties agreed on the need for additional time to review the draft SA, get clarification about the regulations to ensure the language is acceptable to both parties.

Part 2: Commissioner Sobelsohn made a motion to recommend that the Executive Committee, once convened in emergency session, vote to protest the application of Seedless LLC to protect the rights of the ANC and the Applicant so that the parties can continue with the amicable negotiations toward a mutually agreeable SA. (D'Andrea 2<sup>nd</sup>) The motion to amend the original motion passed unanimously (9-0-0) and the underlying motion also passed unanimously (Sobelsohn; Mareino 2<sup>nd</sup>) Motion passed 9-0-0

Part 3: Commissioner Sobelsohn made a motion to recommend that the full ANC draft and transmit a letter to the DC Council to amend the current law to allow ANCs and medicinal cannabis Applicants to file for an extension of the Petition deadline (Sobelshon; Jayaraman 2<sup>nd</sup>) Motion to substitute passed unanimously (9-0-0; The vote on the underlying motion (Sobelshon; Mareino 2<sup>nd</sup> ) Motion passed 9-0-0

### III. New Business

1. ABCA-126750—BBCF LLC t/a **DC Dash**; 727 8<sup>th</sup> Street SE; New Medical Cannabis Retailer; Protest Petition deadline: January 22, 2024 [6B03]; John McGowan, Esq.: jmcgowan@kinnermcgowan.com (901) 351-6776 [6B03]
  - **Hours of Sales to Public: Sun.--Sat. 11 AM – 7 PM**; Hours of Operation: Sun.--Sat. 10 AM – 8 PM;
  - The retailer will provide cannabis flower, cannabis concentrates, and a line of edible products;
  - Applicant is requesting a Delivery Endorsement

The Committee Chair introduced the Applicant who stated that she had been operating as I-71 delivery company and wants to open a brick and mortar location on Barracks Row. Applicant's Counsel stated that they intended to sell cannabis flower; edibles, concentrates; pre-rolls; etc. The counsel for the Applicant had listened to the discussion with the previous applicant and concurred with the need for additional time. Mr. McGowan provided critical information about the missing allowance for extending the petition deadline.

During the discussion about SAs, it came to light that there were two SAs—one created by Cmr. Sobelsohn and one SA that took elements of Cmr. Sobelsohn’s version and was revised into an SA very similar to the one developed for No Kids Allowed. Cmr. Sobelsohn and the Chair agreed to confer after the meeting to sort out the differences and submit one SA to the Applicant for review. Commissioners wanted to note for the record that the need to protest the application was because this is the only option available to ANCs to continue holding discussion with cannabis license applicants. Taking no action and not protesting would be viewed as tacit approval of the application.

MOTION: Recommend that the ANC file a protest based on the adverse impact on peace order and quiet, impact on parking and pedestrian safety, and impact on real property values and place it on the consent agenda. (Sobelsohn; D’Andrea 2nd) Motion Passes 8-0-0

Note: The letter should note that the parties are working amicably to craft an agreeable SA.

#### **IV. Other Items for Discussion**

- Implementation of the ABC Committee process for ABRA and ABCA applications in the new Year;
- ABRA law review and revision expected in early 2024;

#### **V. Adjourn**