



**Alcoholic Beverage Licensing Committee
Agenda**

**Tuesday, September 24, 2024 – 7:00 pm
Virtual Meeting—Held via Zoom**

For those attending via Zoom: use this link: <https://dc-gov.zoom.us/j/89032622243>

Call-in Number: 1 301 715 8592

Meeting number (access code): 890 3262 2243

One tap mobile: +13052241968,,89032622243#

Public Meeting – All are welcome

- I. Welcome/ Introductions/Approval of Agenda
- II. New Business
 - Discussion of modification to the Settlement Agreement between ANC6A and 7 River Mart at 250 11th Street NE
 - Discussion of change to ANC 6A bylaws regarding liquor and cannabis licenses
 - Resolution to automatically protest unless application is timely considered by full ANC
 - Discussion regarding ABCA enforcement of illegal marijuana stores located on H Street NE
 - Update on recent ABCA actions
 - Commissioner Shapiro proposes ANC send letters
 - Requesting changes to DC law and regulation to grant residents and property owners the right to protest cannabis licenses
 - Requesting changes to DC law and regulation to allow moratorium zones for cannabis licenses
 - Requesting changes to DC law and regulation to allow penalties for landlords who see alcohol or cannabis without proper licenses
 - Requesting changes to DC law and regulation to allow closure of establishments who fail to remediate violations after 30 days of presentation of probable cause
 - Split Settlement Agreements

III. Community Comment

IV. Adjourn

Next Meeting Date – Tuesday, October 23 at 7:00 pm (virtual meeting)

Updates to the agenda will be posted at www.anc6a.org.

Advisory Neighborhood Commission 6A

Bylaws

Revision History

Name	Date	Reason for Changes
Laura Gentile	December 12, 2021	Update of 2013 Bylaws

ARTICLE I. History & Mission

The name of this unincorporated elected body shall be the Advisory Neighborhood Commission (ANC) 6A. Hereinafter the word "Commission" shall be used to refer to ANC 6A.

ARTICLE II. Object

Section 1. The Commission has the duties and powers described in [PL 93-198](#) and [DCL 1-21](#) as amended.

ARTICLE III. Members

Section 1. The Commission shall be composed of those persons duly elected to represent the Single Member Districts (SMDs) within the Commission area.

Section 2. All members shall have equal voting rights followed by the principle of one person, one vote. There shall be no voting by proxy.

ARTICLE IV. Officers

Section 1. The Commission shall elect an Executive Committee comprising the Commission's Chair, a Vice-Chair, a Secretary, and a Treasurer from among its members.

Section 2. The election of officers shall take place at a meeting of the Commission in January of each year.

Section 3. Each candidate for office shall be nominated by a member of the commission. Commissioners may nominate themselves. Seconds are not required.

Section 4. When nominations are closed, the voting shall take place as determined by the Commission at that time. No secret ballots are allowed.

Section 5. The officers shall be elected to serve for one year or until their successors are elected. Their terms of office shall commence at the close of the meeting at which they are elected. In the event of a vacancy, the officer filling the vacant position shall only serve out the remainder of the term of the officer he or she replaced.

Section 6. A simple majority shall be required for election of officers. If there is not a simple majority after the first ballot, there shall be an election between the candidates receiving the most votes. In the event of a tie vote, the term shall be divided equally between the tied candidates. A coin toss or drawing of straws shall be used to determine the order in which the candidates serve.

Section 7. If there is a vacancy among any officers except the Treasurer, the Commission shall hold an election during the next meeting of the Commission. If there is a vacancy in the Treasurer position, the Commission may hold a special meeting to elect a new Treasurer.

Section 8. The Chair shall serve as a convenor of the Commission and shall chair the Commission meetings.

Section 9. The Chair shall have the power to call special meetings of the Commission and of the Executive Committee.

Section 10. In the Chair's absence, or when the Chair wishes to give up the chair, the Vice-Chair shall act as the Chair.

Section 11. The Secretary, or Designee, shall ensure that minutes are kept for all meetings of the Commission and that copies are distributed to all members of the Commission. The Secretary, or Designee, shall also ensure that notice is given for all Commission meetings as required by District law.

Section 12. The ANC 6A website (www.anc6a.org) shall serve as the central repository for all Commission records.

Section 13. The Treasurer shall be responsible for developing an annual fiscal year budget, preparing quarterly financial reports, keeping the Commission's financial records and accounts, and for executing its expenditures in accordance with DC law.

Section 14. All checks must be signed by two officers, one of whom must be either the Treasurer or the Chair.

Section 15. When officers are elected, the Commission will identify one officer who will serve as the Parliamentarian. This role will typically be filled by the Secretary but may be filled by another officer. The Parliamentarian will advise the Chair regarding adherence to Robert's Rules of Order.

Section 16. The officers shall have the assistance of the Commission staff in carrying out their duties as may be required.

ARTICLE V. Meetings

Section 1. Each January, the Commission shall decide on a schedule of meeting times and places for the next twelve (12) months. The Commission, however, may modify the schedule if necessary. In case of an emergency, the Chair may reschedule the meeting time or location.

Section 2. No official action may be taken by the Commission unless a quorum is present and a majority of those voting "yea" or "nay" vote in favor of the action.

Section 3. A quorum is a majority of the current Commission members. However, a quorum cannot be formed unless a majority of the SMDs have Commissioners.

Section 4. Special meetings of the Commission can be called by the Chair, the Executive Committee, or by written request of three Commission members. The purpose of a special

meeting shall be stated in the notice and no other topic may be discussed at that meeting. Reasonable notice shall be given in writing.

Section 5. All meetings of the Commission shall be accessible to the public.

Section 6. The Commission is committed to non-discrimination on the basis of race, color, creed, class, national origin, sex, age, religion, ethnic identity, ethnicity, immigration status, language, culture, housing status, sexual orientation, gender, gender identity, economic status or disability as defined by the Americans with Disabilities Act of 1990 and shall conduct itself, and its meetings, in accordance with this commitment.

Section 7. As outlined in the DC Code, the Commission shall set aside a portion of each public meeting to hear the views of residents within the Commission area and other affected persons regarding problems or issues of concern within the Commission area and proposed District government actions that affect the Commission area. This will include previously considered comments that were not handled or addressed at the respective committee-level meeting.

Section 8. Any Commissioner may add an item to the agenda of a regular meeting provided that the Commissioner submits the item to the Chair at least eight (8) days in advance of the meeting.

Section 9. At least seven (7) days in advance of the Commission meeting, the Secretary, or Designee, will post the draft agenda to the ANC6A website and update as needed as additional materials become available.

Section 10. Financial Conflicts of Interest

a) Commissioners shall not use their official position or title for any purpose other than their official duties as a Commissioner, nor in any manner that the Commissioner knows or should know is likely to have a direct and predictable effect on their financial interests or the financial interests of a person closely affiliated with the Commissioner. No Commissioner shall substantially participate in a Commission matter that the Commissioner knows or should know is likely to have a direct and predictable effect on their financial interests or the financial interests of a person closely affiliated with the Commissioner.

b) When a Commissioner becomes aware of a potential conflict of interest, the Commissioner is required to notify the Chair of the matter and nature of conflict at the start of the discussion of that item. The Commissioner will then be recused from the votes on that matter. If the Commissioner is the Chair, the Vice Chair will assume responsibility during the issue in question, as the Chair will be recused from the votes on that matter.

ARTICLE VI. Executive Committee

Section 1. The Executive Committee shall consist of a) the Chair; b) the Vice-Chair; c) the Secretary; and, d) the Treasurer.

Section 2. The Executive Committee of the Commission shall have the authority to establish special committees.

Section 3. The Executive Committee of the Commission shall have the power to propose a meeting agenda and make recommendations for the operation of the Commission, which include setting a consent agenda prior to Commission meetings.

Section 4. A majority of the members of the Executive Committee shall constitute a quorum of the Executive Committee.

Section 5. Meetings of the Executive Committee may be called by the Chair or by a majority of the Committee.

ARTICLE VII. Other Committees

Section 1. In addition to the Executive Committee, there shall be two other categories of committees: standing committees and special committees:

- Standing Committees are those created permanently by majority vote of the Commission. Such committees can also be dissolved by majority vote of the Commission.
- Special Committees are those created temporarily by the Executive Committee. These Committees dissolve if members do not provide updates to the Commission for more than three (3) months, do not meet for more than six (6) months, or if a majority of the Commission determines that their objective has been achieved. their objective is achieved.

Section 2. In accordance with District law, the position of Chair of each Commission Committee shall be open to any resident of the Commission area. The Chair of each Committee shall be appointed by the Commission.

Section 3. The Chair of the Commission shall ensure that items requiring Committee action are to be referred to the appropriate Committee chair(s) on receipt.

Section 4. Committee recommendations for Commission action shall be placed on the agenda for the first Commission meeting after they are adopted, unless the Commission objects.

Section 5. Committee Chairs shall serve for up to one year or until their successors are elected. In the event of a vacancy, the Committee Chair filling the vacant position shall only serve out the remaining term of the Chair who was replaced.

Section 6. Committee membership and chairs are approved annually at the first Commission meeting of the year. See Appendix A for a description of the Standing Committees.

Section 7. Committee members can be appointed at any time throughout a year. Potential Committee members must notify their SMD Commissioner and the Committee Chair that they would like to join the Committee, and must attend a meeting of that Committee prior to the consideration of their nomination by the Commission.

Section 8. All Committee meetings shall be announced on the ANC 6A website at least 24 hours in advance of the meeting except in case of an emergency or for other good cause.

ARTICLE VIII. Standing Rules

Section 1. The Commission may adopt rules to implement the requirements of these Bylaws and to enhance the efficiency and operation of the Commission. The rules may be adopted or amended by majority vote at any Commission meeting.

Section 2. The Commission shall adopt standing rules for handling constituent recommendations. The rules shall designate one person to ensure that constituent recommendations are referred to the proper Commissioner, Committee, or government agency for action.

ARTICLE IX. Parliamentary Authority

Section 1. Robert's Rules of Order shall govern the conduct of the Commission except where they are not consistent with District law.

ARTICLE X. Amendment of Bylaws

Section 1. Revision of these Bylaws requires a two-thirds vote of Commissioners present at a meeting of the Commission and "voting yea or nay." Each Commissioner shall have at least two (2) weeks prior notice that an amendment(s) is being proposed to the Bylaws. The notice shall include the suggested change(s).

Section 2. These Bylaws shall be consistent with all applicable federal and District of Columbia law. Any provision of these Bylaws inconsistent with federal or District of Columbia law shall be ineffective to the extent necessary to maintain consistency with law, and shall not invalidate any other provisions of these Bylaws.

Section 3. The Commission shall file an up-to-date copy of the Bylaws and all amendments thereto with the DC Council and the Office of Advisory Neighborhood Commissions within thirty (30) days of their adoption.

_____, 2024

Re: Alcohol and Cannabis Establishment Licensing and Enforcement

Phil Mendelson, Chairman
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Fred Moosally, Director, ABCA
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Donovan Anderson, Chairperson
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Dear Chair Mendelson and Councilmembers, Director Moosally, and Chair Anderson

At a regularly scheduled and properly noticed meeting¹ on _____, 2024 discussed the following issues. We strongly agreed [together with our colleagues in ANC6C whose separate letter is forthcoming] that on the following.

H Street is an important asset for all of DC and Ward 6. This is especially true for residents who live in adjacent areas of ANC 6A and 6C and who rely on H Street for grocery shopping, filling prescriptions, access to public transportation, school and work and for entertainment. Our ANC and Commissioners have received persistent input from constituents who are concerned about the status of H Street. Specifically, they note a growing number, upwards of 80, of empty and often dilapidated properties. The complain about litter and dirt, street crime and a disproportionate number of a establishments dealing, often illegally, in cannabis and other drugs, and violating liquor, cannabis and other laws. Despite the hard work by Councilmember Allen and his staff, the H Street Alliance, and others, and in spite of some wonderful and welcome new businesses opening on H, the overall situation has led many residents and potential commercial tenants to view it as a “negative externality.”

Accordingly, at the meeting on _____, 2024, ANC approved the following four (4) motions. The motions were considered and voted on individually, accordingly, the vote totals for each motion are noted below the motion,

Motion 1

Moved that ANC 6A send an official letter to Alcoholic Beverage and Cannabis Administration, the Alcoholic Beverage and Cannabis Board and the DC Council requesting modifications to current DC statutes, regulations and procedures such that community groups and neighbors have the same rights to protest medical cannabis licenses as they do for liquor licenses.

This motion passed a vote of X to X.

Motion 2

Moved that ANC 6A send an official letter to Alcoholic Beverage and Cannabis Administration, the Alcoholic Beverage and Cannabis Board and the DC Council requesting modifications to current D.C. statutes, regulations and/or procedures such that communities can request and the City can implement moratoriums or other limits on cannabis licensees within a community in a manner consistent with the granting of community-based alcohol license moratoriums or limits.

This motion passed a vote of X to X.

Motion 3

Moved that ANC 6A send an official letter to Alcoholic Beverage and Cannabis Administration, the Alcoholic Beverage and Cannabis Board and the DC Council requesting modifications to current D.C. statutes, regulations and/or procedures such that the City can fine landlords, nullify leases and evict tenants who operate business in the absence of, or in serious violation of, required licenses, including but not limited to liquor and cannabis licenses, certificates of occupancy and basic business licenses.

This motion passed a vote of X to X.

Motion 4

In light of evidence that ABCA, the ABC Board and other relevant City agencies frequently are unable to carry out meaningful enforcement of regulations and Settlement Agreements in a timely fashion, with procedural delays often allowing illegal or non-compliant operations to continue for years, Moved that ANC 6A send an official letter to Alcoholic Beverage and Cannabis Administration, the Alcoholic Beverage and Cannabis Board and the Council requesting modifications to current D.C. statutes, regulations and/or procedures such that the businesses operating without currently required ABCA, health, safety or other required permits or licensure, or with serious violations of these requirements, must demonstrate full remediation of these violations, or the business must cease to operate within no more [30] days of the initial presentation of probable cause by MPD, ABCA or other appropriate government agencies. Such action, should also be allowed immediately when public safety is deemed to be immediately and seriously at risk.

Thank you for giving great weight to the recommendations of this Commission. I can be contacted at 6A04@anc.dc.gov. or _____ can be contacted at _____.

On behalf of the Commission,

Amber Gove
Chair, Advisory Neighborhood Commission 6A

Cc:
Chief of Police Smith, pamela.smith1@dc.gov,
Director DOB, Brian Hanlon brian.hanlon@dcc.gov
1D MPD Commander, Colin.Hall@dc.gov
Director DLCP, Tiffany Crowe, DLCP@dc.gov



Made this _ day of ___, 20__
by and between

[Name of Establishment] (ABCA – XXX)
Street Address, NE, Washington, DC 20002

and Advisory Neighborhood Commission 6A

Witnessed

Through this Settlement Agreement, both parties aim to create an environment whereby the applicant may operate as a viable contributing business to the Near Northeast community, while curtailing any adverse effects the business could have on the surrounding neighborhood. The Applicant is encouraged to work regularly with the ANC, neighborhood associations, and residents to ensure the business operations do not adversely affect the surrounding neighborhood. All parties believe the statements and provisions contained in this agreement are reasonable and must become integrated into the day-to-day operations of the establishment.

The Applicant's premises is within the boundaries of ANC 6A. The parties desire to enter into an agreement regarding the issuance, renewal, or modification of a Retailer's Class "A" or Class "B" Liquor License or Medical Cannabis Business License, including any special endorsements. The parties wish to state their mutual commitment to neighborhood peace, safety, and equity. Both parties recognize the importance of commercial districts and limited commercial operations within residential districts and of adjacent neighborhoods that are safe, clean, and pedestrian-friendly.

The Parties Agree As Follows:

1. **As Required by District of Columbia Law:** Listed for informational purposes only:
 - 1.1. **Public Space:** Applicant shall not allow parking on sidewalks or in RPP or other restricted zones and not locate trash bins, chairs, tables, or other items on public space without a public space permit.
 - 1.2. **Alcohol, Cannabis, and Other Controlled Substances:** Applicant shall comply with all laws related to production, sales, distribution, and use of alcohol, cannabis, and other controlled substances.
 - 1.3. **Written Notification (24 Hours):** The establishment will provide to the ABCA and Law Enforcement Written Notice, within 24 hours of discovery of evidence of the following 'triggering events:' (1) actual loss, theft or diversion of Medical Marijuana; (2) any alarm activation; (3) any other event which requires public safety response; (4) any breach of security;

(5) the failure of the security alarm system due to loss of electrical support or mechanical support; (6) fire; (7) any incident involving hazardous material; and (8) any incident that requires an emergency response.

1.4. **Noise:** Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment.

2. As Required by ANC 6A:

2.1. **Noise and Odor Mitigation:** Applicant shall:

2.1.1. Ensure that cannabis or hookah smoke or smells are not of such intensity that it is detectable in any premises other than the licensed establishment.

2.1.2. Monitor outdoors areas to ensure guests do not raise their voices above normal speaking tones, enclose the entire perimeter of a summer garden and/or sidewalk cafe with a fence or other barrier, and not offer any type of entertainment or pre-recorded music outdoors.

2.1.3. Close sidewalk cafes and/or summer gardens by 11:00pm Sunday through Thursday evenings and by 12:00am on Friday and Saturday evenings. Sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff.

2.2. **Public Safety:** Applicant shall:

2.2.1. Make every reasonable effort to prohibit and prevent crime and patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.

2.2.2. Call appropriate emergency services if Applicant observes illegal or dangerous activity or situations.

2.2.3. Keep a written record of dates and times (a "call log") when the Applicant calls emergency services for assistance;

2.2.4. Maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment that lead to acts of violence or damage to property. Each incident will contain the date, time, and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.

2.3. **Sanitation:** Applicant shall:

2.3.1. Maintain public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind or on the side of the subject premises) adjacent to the establishment in a clean and litter-free condition.

2.3.2. Pick up trash and recycling a minimum of twice daily, once before business hours and after closing.

2.3.3. Maintain regular trash, garbage, and recycling removal service; regularly remove trash and recycling from the trash and dumpster area; and see that the trash and dumpster area remain clean.

2.3.4. Follow all recommendations on the DC Health "Using Dumpsters to Prevent Rodent Problems" webpage.¹

2.4. **Other:**

2.4.1. Applicant shall make best efforts to prevent illegal public consumption of alcohol or cannabis adjacent to the licensed premises.

¹ <https://dchealth.dc.gov/service/using-dumpsters-prevent-rodent-problems>

2.4.2. Applicant is encouraged to attend or send a representative, from time to time, to ANC 6A public meetings posted on anc6a.org

3. As Required to Modify or Enforce this Settlement Agreement: Applicant and ANC agree:

- 3.1.1. To retain a copy of this Settlement Agreement in the establishment and on the ANC website and have it available for review upon request.
- 3.1.2. That if any provision of this agreement or any portion thereof is held to be invalid or unenforceable, the remainder of the agreement shall nonetheless remain in full force and effect.
- 3.1.3. To respond within 10 days to any party that believes in good faith that the Applicant or ANC is in violation of this agreement and provides a written notice specifying the alleged violation to the applicant. In cases where the defaulting Party reasonably requires more than 10 days to come into compliance, the defaulting Party shall, within 10 days, make substantial efforts toward compliance and pursue those efforts until the default is corrected.
- 3.1.4. That if the applicant should breach the conditions of this agreement and fail to come into compliance or make substantial efforts toward compliance, ANC 6A and/or its committees, or others may immediately petition the Alcoholic Beverage and Cannabis Administration (ABCA) to investigate violations of this agreement and take appropriate actions.
- 3.1.5. This agreement is binding on the applicant and its successors and that it will continue in force for any and all subsequent license holders at this location.
- 3.1.6. Modifications of this agreement are permissible by mutual agreement of the parties in writing and subsequent approval of the modification by the ABC Board as permitted by law.

Applicant:

By: _____ Date: _____

Signature: _____

ANC 6A Representative:

By: _____ Date: _____

Signature: _____