

approval from ABCA to have a prospective unregistered employee, manager, agent, or owner attend a staff meeting.

DeLorean will also need to allow outside contractors access to the facility from time to time. In the event an emergency occurs outside of normal business hours, DeLorean will request approval from ABCA to permit a contractor or a repairperson to enter a limited access area for the sole purpose of making necessary repairs. A manager will log the contractor in and out in the Visitor Log and will retain a photocopy of the contractor's government-issued ID. A manager will issue the contractor a temporary visitor badge, ensure it is properly displayed, and monitor the contractor during the visit.

(g) Preventing the use of Medical Cannabis at the Facility – DeLorean will implement strict policies to prevent the consumption of medical cannabis at the facility. Per District law, QPs are permitted to consume medical cannabis in their residence or, if permitted, in a medical treatment facility. The Employee Handbook will include an inconspicuous statement that puts employees on notice that the use of alcohol or drugs, including medical cannabis, at the facility, in violation of District law, is strictly prohibited. Any employee that violates DeLorean's no consumption policy will be terminated immediately and DeLorean will report the termination to ABCA and the MPD as necessary.

If a QP removes medical cannabis from its sealed packaging and attempts to consume the medical cannabis at the facility, an employee will notify the manager, who will inform the QP to immediately cease the activity and will then escort them out of the facility. Any QP that violates this policy will be reported to ABCA and the MPD as necessary. DeLorean will also post a sign on the facility's exterior that states, "Public Consumption Of Cannabis Is Strictly Prohibited." Under this sign, there will be an additional sign that states,

"Smoking, ingesting or consuming cannabis on the premises or in the vicinity of the facility is prohibited. Cannabis will be used only by the QP in his or her home, the facility where he or she resides, or a medical facility when receiving medical care for a qualifying medical condition, if permitted by the medical facility."

To enforce its no-consumption policy and prevent external diversion, DeLorean will post separate signage at each POS workstation on the Sales Floor that will be visible at the point of sale, and will state the following:

"All patients must produce a valid registration card issued by the Board or valid out of state identification or documentation."

“All patients must produce a valid government-issued photo identification document displaying proof of age that matches the name on the registration card or out of state identification”;

“CAUTION: The use of medical cannabis may impair a person's ability to drive a motor vehicle, aircraft, or motorboat, ride a bicycle, or operate heavy machinery”; and

“LEGAL NOTICE: The sale and use of cannabis and the diversion of cannabis for non-medical purposes, including to a third-party, is a crime in violation of District law.”

(h) Internal Theft/Diversion Module – DeLorean’s training module will focus on how to appropriately respond to a co-worker’s suspicious activity or evidence of internal theft. If the GM becomes aware of an incident of internal theft, they will promptly notify ABCA. If an internal theft has occurred, the GM will take the following steps:

- Identify missing or compromised medical cannabis and/or cash;
- Gather, remove, recover, and secure sensitive materials to prevent further loss or access;
- Power down, recycle, or remove security equipment known to be compromised;
- Where possible, secure the premises for possible analysis by Security Director and law enforcement;
- Gather and secure any evidence of illegal entry or access for review by Security Personnel and law enforcement;
- Record identities of any other employees who may have witnessed the theft;
- Preserve video recordings, Visitor Logs, and/or Incident Logs for review by the GM and law enforcement;
- Notify ABCA and the MPD, as may be necessary and in compliance with ABCA regulations.

DeLorean will have a zero-tolerance employee diversion policy. Any verifiable case of employee theft or diversion will result in termination and possible referral to the MPD for prosecution. All employees and managers must properly register with ABCA and, at all times, must wear their employee ID in a visible location on their person at all times. Employees must update their ID photograph every 12 months. At the time of hire, DeLorean will explain to employees the consequences of diversion, including termination as well as possible actions by law enforcement and ABCA. If DeLorean terminates an employee for any reason, their Access Card will be rendered inoperable, ensuring the former employee does not have access to any Operations Zone or limited access areas of the facility, including the Sales Floor. DeLorean will also inform ABCA of any employee termination.

(i) The Vault Room will Prevent Diversion – Only the GM, the Inventory Manager, and authorized employees (if necessary) will have access to the Vault and can only access the Vault Room with their assigned Access Card and a unique PIN. The Vault Room is windowless and will be large enough to accommodate DeLorean’s high-security safes. There will be a motion detector in the interior of the Vault Room, which will be integrated with and connected to the facility’s alarm system. The door to the Vault Room will automatically lock when shut and will be monitored by video cameras at all times. If necessary, there will also be a fisheye camera mounted on the ceiling of the room to monitor all activity within the Vault. There will be 2 safes in the Vault Room: one safe for segregated products and one safe for active inventory. Both safes will be over 750 lbs., UL listed and TL-30 rated, with a one-hour 350 Fire Rating and heat sensors. The safes will meet all DEA regulations for storing controlled substances and feature a heat sensor. DeLorean will also be able to connect the safes to its alarm system. As an added layer of security, there will also be vibration sensors mounted at strategic points in the facility.

(j) Inventory Control Procedures will Prevent Diversion – DeLorean has developed an inventory control plan that sets out all its inventory control procedures. DeLorean will only purchase medical cannabis products from licensed cultivators and manufacturers. DeLorean will maintain true, complete, and current books and records, including invoices that adequately and fully reflect all transactions with other licensees. Each transaction between the DeLorean and a licensee will be documented in the System and METRC.

When the inventory of a particular medical cannabis product reaches a designated minimum level, the Inventory Manager will create a purchase order and transmit the order to the licensee. When the Inventory Manager accepts a delivery from a licensee, they will create a record in the System which includes the following information:

- A detailed description of the medical cannabis products and paraphernalia purchased from a registered cultivation center; if medical cannabis, this description will include the amount of cannabis, the specific strain, the form of cannabis product (i.e., flower, edibles, topicals, concentrates), and the batch number;
- The name and registration number of the licensee supplying the medical cannabis products and paraphernalia;
- The name and unique ID number of the manager receiving the delivery;
- The date and time of acquisition of the medical cannabis products;
- The total purchase price of the medical cannabis products and paraphernalia;
- A Certificate of Analysis (“COA”) from an accredited registered testing laboratory for the medical cannabis products (if applicable); and
- An expiration date for each medical cannabis product.

For deliveries of edibles, concentrates, and topicals, DeLorean will follow the procedures above and will also record the following information for each product:

- The milligrams of active delta 9 THC and CBD;
- Proper dosage instructions; and
- Any non-cannabis ingredients.

The Inventory manager will conduct a daily inventory audit at the end of the business day to determine the amount of stored, usable, and finished cannabis products, products available for sale, and all unusable cannabis products in the facility at the end of each business day. They will input all audit information into the System in real-time. The Inventory manager will also conduct a monthly inventory audit and input all defective, damaged, expired, or adulterated cannabis products or cannabis products awaiting disposal into the System, including the name, quantity, and reason for maintaining these products at the facility. The Inventory manager will conduct a master inventory audit to reconcile previous daily, and monthly audits twice a year. Upon completing each audit the Inventory Manager will input their name and title, the date of the audit and a summary of any findings from the audit. If the Inventory Manager becomes aware of a reportable loss or discrepancy during the audit, they will notify the Board within 24 hours even if the cannabis or cannabis products are subsequently recovered.

(k) Internal Books & Records – DeLorean will retain all records related to the sale of medical cannabis. The GM will be responsible for maintaining complete, accurate, and legible sales records for at least 4 years. All employees will be required to keep records in accordance with ABCA regulations and to sufficiently document all medical cannabis transactions with QPs. Employees will be trained to retain and properly store all transaction records. Hard copies of all transaction records will be stored in a compliant UL-listed safe in the office. All transaction records will be made available to ABCA, upon request.

(1) Medical Cannabis Retail Sales Records – Employees will be trained to use the System to record all sales transactions with QPs. After the transaction is completed, the System will generate a digital receipt, printed only upon request, that contains the following information:

- DeLorean’s medical cannabis retail license number and address;
- Name, initials, or Employee ID number of the person who dispensed or sold the product;
- Name and registration identification card number of the QP (if any);
- Date of sale and time of sale to the QP;
- Amount paid for the medical cannabis;
- Recommendation or limitation (if any) by the certifying physician as to the form

- or forms of medical cannabis or dosage for the QP; and
- Form, price, and the quantity of medical cannabis sold.

If the System shows that a QP has exceeded the monthly purchase limit, the System will issue a “Block Sale” directive which will prevent the sale of medical cannabis to the QP. The System will remove the “Block Sale” when the quantity of the current purchase is reduced to comply with purchase limits. Any unsuccessful attempt by a QP to acquire medical cannabis, will be noted and logged in the System and will include the date of the “Block Sale”, the name and registration identification number of the QP and the employee’s reason for refusing to provide the QP with medical cannabis at that time.

(2) Delivery Sales Records – QPs will be able to place an online order for home delivery through DeLorean’s website. DeLorean will ensure that the website has the capability for QPs to submit copies of their registration cards and government-issued ID cards to the facility for verification prior to home delivery. This information will be retained in accordance with DeLorean’s recordkeeping requirements. QPs will be able to securely remit electronic payment through DeLorean’s website. Prior to fulfilling the order and making a delivery, the manager or authorized employee will: (1) verify that QP is actively registered with ABCA, and that the delivery address matches the patient’s home address, which is either a residence or commercial building located in the District, not on federal property, nor on public or private school grounds; (2) maintain a copy of the QP’s registration card and a copy of their government-issued identification card; and (3) verify that the QP’s requested amount does not exceed the rolling 30-day purchase limit. DeLorean will limit its delivery window to 11:00 a.m. through 8:00 p.m. 7 days a week, or within DeLorean’s defined normal hours of operations. This delivery window will allow for employees to have time to fulfill orders at the beginning of each day, and allow time for unexpected errors or returns. Deliveries will be made no more than once per day to each QP or the QP’s caregiver or a non-resident QP. The QP will be required to sign a receipt for the medical cannabis, which will include the details of the transaction, such as the specific medical cannabis product and the quantity sold.

DeLorean will implement a mechanism or recordkeeping process for patients and caregivers to document receipt of medical cannabis deliveries and will maintain the records as part of the facility’s recordkeeping requirements. If there is an enforcement action and a QP disputes receiving the medical cannabis and DeLorean does not have documentation that proves the delivery occurred, ABCA will apply a rebuttable presumption that the delivery did not occur. DeLorean will record each delivery in METRC in real-time and maintain a copy of the Delivery Manifest as part of its recordkeeping requirements. DeLorean will provide a copy of its Delivery Manifest to ABCA and the MPD by 12:00 p.m. each Monday, which will contain the entries for all

home deliveries to QPs made during the previous week. DeLorean will provide a copy of its Delivery Manifest to the Board, ABCA investigators, or the MPD immediately upon request.

(3) Curbside Pick-Up – QPs will have the option to schedule a curbside pick-up of their medical cannabis. QPs will be able to place an online order for curbside pick-up through DeLorean’s website. DeLorean will implement procedures to ensure curbside pick-up is completed quickly and efficiently. DeLorean will ensure that the website allows QPs to submit copies of their registration cards and government-issued ID cards to the facility for verification before home delivery. This information will be retained in accordance with DeLorean’s recordkeeping requirements. QPs will be able to securely remit electronic payments on DeLorean’s website before scheduling the curbside pick-up. Prior to fulfilling the order, the manager or authorized employee will verify that the QP’s requested amount does not exceed the rolling thirty (30-day purchase limits.

Prior to dispensing medical cannabis to a QP curbside pick-up, DeLorean will meet the following requirements:

- Verify that the patient, or the patient and caregiver, is actively enrolled as a patient or is a non-resident enrolled in another jurisdiction’s medical cannabis program, by checking their medical cannabis patient card and comparing it to their records in order to ensure that the information matches.
- Maintain a copy of the medical cannabis program or state or U.S. territory registration card and a copy of the valid government- issued identification card;
- Confirm through the real-time electronic records system that the non-resident QP has not reached the allowable medical cannabis purchase limits for the 30 day period; and
- Receive and only accept an order by electronic or other means from a qualifying patient or the QP’s caregiver or a non-resident QP.

DeLorean will ensure that the entire curbside exchange of medical cannabis product(s) to the QP is clearly captured by its video surveillance system. DeLorean will only provide curbside pick-up within a designated area directly in front of the facility and in plain view of the facility’s exterior surveillance cameras. An employee will ensure the identity of the QP at time of curbside pick-up by visually inspecting the QP’s registration identification card and government-issued identification. Upon verification of the QP’s identity and registration status, the employee will confirm QP’s order and retrieve the order from the Staging Area. The employee will inspect and confirm the contents of the order and will affix a transaction receipt to the opaque bag which contains the medical cannabis order prior to exiting the facility.

DeLorean will ensure that the employee completes the final step of the transaction in the presence of another employee. The designated employee will not make additions, modifications, or corrections to curbside orders outside of the facility. All such changes must be made by an authorized employee inside of the Staging Area in the presence of the Inventory Manager. DeLorean will implement a mechanism or recordkeeping process to document the receipt of curbside pick-up, and will maintain it in a compliant safe within the office.

(4) Delivery – DeLorean has also applied for a retailer delivery endorsement, which authorizes retailers to offer patients curbside pick-up and also to deliver medical cannabis, medical cannabis products, and paraphernalia to QPs and their caregivers. DeLorean will implement a recordkeeping process for all delivery transactions and will maintain these records as part of its recordkeeping requirements. Prior to making a delivery, DeLorean will:

- Verify that the patient, or the patient and caregiver, is actively enrolled as a patient or is a non-resident enrolled in another jurisdiction's medical cannabis program by checking their medical cannabis patient card and comparing it to their records in order to ensure that the information matches;
- Verify that the delivery address is a residence or a commercial building address in the District that is not on Federal or District Government property or public or private school grounds;
- Maintain a copy of the medical cannabis program or state or U.S. territory registration card and a copy of the valid government-issued identification card;
- Confirm through the real-time electronic records system that the non-resident QP has not reached the allowable medical cannabis purchase limits for the 30 day period; and
- Receive and only accept an order by electronic or other means from a QP or their caregiver or a non-resident QP.

DeLorean will ensure that the QP or caregiver that placed the delivery order is physically present at a residence (including the residence's porch, driveway, or yard) or a commercial building, provided that it is legal to deliver medical cannabis to that location. DeLorean will ensure that medical cannabis is never delivered to a QP or caregiver on a sidewalk or curb in front of a residence or commercial building. DeLorean will only make deliveries between 9:00 a.m. and 9:00 p.m. DeLorean's delivery driver will only travel from its facility to the driver's assigned delivery address(es) and return to DeLorean's facility.

DeLorean will record each delivery in the METRC delivery manifest system in real-time and maintain a copy of the record as part of its recordkeeping requirements. DeLorean will provide a copy of its delivery manifest to the Board or ABCA investigators immediately upon request.

DeLorean's delivery driver(s) will always wear an employee badge when making deliveries. The delivery driver will return all medical cannabis that cannot be delivered to the DeLorean facility;

DeLorean will implement a recordkeeping process for QPs and caregivers to submit copies of their registration and identification cards for verification prior to delivery. DeLorean will maintain a copy of QPs' cards for recordkeeping requirements;

(5) Delivery Vehicles – DeLorean will complete the application form for each delivery vehicle it intends to register with ABCA. The application will include: the vehicle license plate number, the vehicle's vehicle identification number (VIN), and the make, model, and color of the vehicle. DeLorean will not register more than 3 delivery vehicles at any one time. DeLorean's delivery vehicle(s) will not be marked with any signage, symbols, images, or advertisements that identify the vehicle as being associated with medical cannabis. DeLorean's delivery vehicle(s) will have a functioning global positioning system (GPS) to ensure that the delivery driver follows the most direct delivery route.

(6) Delivery Drivers – DeLorean's delivery drivers will be employees of the facility actively registered with ABCA. DeLorean will register the name and medical cannabis employee registration number of each delivery driver with the ABCA. Delivery driver(s) will be required to wear their Employee ID badge when making deliveries. They will not wear clothing with any signage, symbols, images, or advertisements that identify them or their association with medical cannabis. Delivery drivers will be prohibited from making more than 5 deliveries in a single delivery run and will restrict their travel from the facility to the specific delivery locations. Deliveries will only be made to residential or commercial buildings located in the District that are not on federal property or public or private school grounds. Upon completion of a delivery run, the delivery driver will return directly to the facility. The delivery driver will ensure that the vehicle is properly fueled and maintained prior to loading the vehicle with any product for a specified run. The delivery driver will not make any stops outside of the specified run for any reason. In the case of a non-life threatening emergency or disabled vehicle, the delivery driver will immediately notify a manager of the problem and their exact location. The delivery driver will keep any remaining orders or product in their presence at all times. If this is not

possible, the delivery driver will call the MPD to notify of them contents of the vehicle so that they may secure the vehicle.

Delivery drivers will not make additions, modifications, or corrections to delivery orders outside of the facility. All such changes will occur within the facility and will be made by the Inventory Manager or authorized employee. They will only make deliveries to QPs at their residential addresses located within the District of Columbia. Prior to completing the transfer of medical cannabis to the QP, delivery drivers will verify the identity of the QP at the time of delivery by visually inspecting the QP's registration card and government-issued identification card. Delivery drivers will never possess medical cannabis and cash with a combined total that exceeds \$5,000.00 in value.

(I) Business Records Reported to ABCA – On or before the thirtieth (30th) day of July and January, DeLorean will provide the Board a statement under oath showing the following information:

- The quantity and price of medical cannabis or medical cannabis products distributed or dispensed to QPs and caregivers during the preceding 6 months;
- The total expenditures for distributing or dispensing medical cannabis or medical cannabis products during the preceding 6 months;
- The total amount of receipts for the sale of medical cannabis or medical cannabis products;
- The quantity of paraphernalia sold during the preceding 6 months;
- The gross revenue based upon its medical cannabis, medical cannabis products, and paraphernalia sales during the preceding 6 months;
- The amount of sales tax reported to OTR during the preceding 6 months;
- The amount of medical cannabis or medical cannabis products that were destroyed or disposed of during the preceding 6 months;
- Certification from MPD that the medical cannabis or medical cannabis products were relinquished for destruction or disposal;
- The quantity of medical cannabis or medical cannabis products still available for sale at the facility on the date the report is filed with the Board;
- The name, address, home telephone number, and date of birth of each current employee; and
- An affidavit executed by DeLorean's owner attesting to the truth of the submitted report.

9. The type of security or alarm system and outdoor lighting to be used by the applicant.

DeLorean will contract with a third-party vendor, a UL-listed central monitoring station, to install and manage its compliant robbery and burglar alarm system. The alarm system will be monitored continuously and actively by an offsite third-party vendor during normal business operations and after hours. The alarm system will transmit a test signal to the monitoring station every 24 hours. The alarm system will have a UL-listed burglar alarm control panel, which will be located in the office. DeLorean will ensure that the alarm system provides coverage of all entrances and exits, rooms with exterior windows, rooms with exterior walls or shared walls, roof hatches, and skylights. DeLorean will ensure that the alarm system is inspected and tested annually by a qualified alarm vendor.

The alarm system is operated by a computer terminal and control panel in the office. The computer terminal is connected to a server in the office that is backed up to DeLorean's secure cloud-based server. The computer terminal retains all security data to allow for immediate access and review by the GM, MPD, or ABCA. If the third-party vendor sees an actionable event, after hours, it will notify the GM, MPD, and/or the fire department, as necessary. The alarm system will include panic buttons mounted at convenient, readily accessible locations throughout the facility, including within the Vault Room to allow employees to easily activate the alarms. If a panic button is activated, it will immediately notify the MPD and emergency responders. There will also be motion detector wall mounts installed throughout the facility's Operations Zone.

DeLorean will notify ABCA via electronic means within 24 hours of any incident in which a theft, burglary, robbery, or break-in occurred, whether or not medical cannabis and cash were actually removed from the facility. DeLorean will report all lost or stolen medical cannabis by filing a report with MPD via 911 or in person within 24 hours of becoming aware of the loss. The GM will follow up the initial notice to ABCA with an Incident Report, including a detailed account of the factual circumstances surrounding the incident and an inventory of all stolen medical cannabis and cash, as well as any other stolen items. Incident Reports will be maintained for 3 years in a compliant UL-listed burglar-proof safe in the Office. Incident Reports will be made available to the ABCA during any inspection of the facility.

In the event of power loss, there will be a designated point of contact to engage the auxiliary power source, which is sufficient to maintain operations for at least 48 hours. DeLorean will ensure that the third-party vendor has sufficient security alarm system protocol to detect smoke, fire, and power loss through a failure notification system. The alarm's failure notification system will send internal alerts if there is a power failure, or if smoke, fire, or motion sensors are activated, or if there is an unauthorized entry into a limited access area. Upon notification of an

alarm system interruption, the GM will be alerted via text, phone, and email alert in order to take appropriate actions to mitigate the failure.

DeLorean will install adequate and energy-efficient lighting on the exterior of the facility, to ensure that the exterior and the area immediately surrounding the facility, including any storage areas, parking lots, entry areas, and adjoining public sidewalks, are adequately illuminated between sunset and sunrise. The exterior lighting will provide the illumination necessary to ensure the perimeter surveillance cameras provide clear images of all activity taking place outside of the facility, and will serve as a deterrent to robberies and burglaries. The exterior lighting will be as bright as possible to allow employees to safely enter and exit the facility during the evening hours of operation. All exterior lighting will be hooded to deflect light away from the adjacent properties. All outdoor cameras will be day/night cameras with a minimum resolution of 600 lines per inch (analog) or D1 (IP) and a minimum light factor requirement of 0.7 LUX. Exterior lighting will also add to the overall safety of the block by providing additional illumination to the adjacent properties, sidewalks and alleys.



1432 WISCONSIN AVE NW

1432 Wisconsin Ave NW
Washington , DC 20007

SURVEY














1432 Wisconsin Ave NW-Survey-1

PREPARED FOR:




Campaign Acct
October 31st, 2023



BILL OF MATERIALS

MAKE	MODEL#	ACCESSORIES	QUANTITY
 Access Control			7
 Card Reader			6
—	—		6
 ACS Controller			1
—	—		1
 Intrusion Detection			24
 Door Position Switch			6
—	—		6
 Motion Detector			8
—	—		8
 IDS Keypad			3
—	—		3
 Alarm Sounder			1
—	—		1
 Panic Button			4
—	—		4
 Enclosure			1
—	—		1
 Seismic Sensor			1
—	—		1
 Video Surveillance			20
 Network Switch			1



<u>MAKE</u>	<u>MODEL#</u>	<u>ACCESSORIES</u>	<u>QUANTITY</u>
—	—		1
 Fixed Camera			15
—	—		15
 UPS Power Unit			1
—	—		1
 Video Monitor			1
—	—		1
 Equipment Rack			1
—	—		1
 NVR-DVR			1
—	—		1



Element & Container

Icon	Element Name	Element ID	System Type	Description	Location
	Fixed Camera	FCAM-001	Video	Surveillance	
	Fixed Camera	FCAM-002	Video	Surveillance	
	Fixed Camera	FCAM-003	Video	Surveillance	
	Fixed Camera	FCAM-004	Video	Surveillance	
	Fixed Camera	FCAM-005	Video	Surveillance	
	Fixed Camera	FCAM-006	Video	Surveillance	
	Fixed Camera	FCAM-007	Video	Surveillance	
	Fixed Camera	FCAM-008	Video	Surveillance	
	Fixed Camera	FCAM-009	Video	Surveillance	
	Fixed Camera	FCAM-010	Video	Surveillance	
	Fixed Camera	FCAM-011	Video	Surveillance	
	Fixed Camera	FCAM-012	Video	Surveillance	
	Fixed Camera	FCAM-013	Video	Surveillance	
	Fixed Camera	FCAM-014	Video	Surveillance	
	Fixed Camera	FCAM-015	Video	Surveillance	



Equipment Rack	RACK-001	Video Surveillance
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UPS Power Unit	UPS-001	Video Surveillance
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Network Switch	NSW-001	Video Surveillance
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NVR-DVR	NVR-001	Video Surveillance
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Video Monitor	MON-001	Video Surveillance
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Card Reader	RDR-001	Access Control
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Card Reader	RDR-002	Access Control
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Card Reader	RDR-003	Access Control
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Card Reader	RDR-004	Access Control
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Card Reader	RDR-005	Access Control
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Card Reader	RDR-006	Access Control
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ACS Controller	ACSCTL-001	Access Control
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Door Position Switch	DPS-001	Intrusion Detection
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Door Position Switch	DPS-002	Intrusion Detection
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Door Position Switch	DPS-003	Intrusion Detection
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Door Position Switch	DPS-004	Intrusion Detection
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Door Position Switch	DPS-005	Intrusion Detection
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Door Position Switch	DPS-006	Intrusion Detection
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IDS Keypad	IDKP-001	Intrusion
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Detection



IDS Keypad

IDKP-002

Intrusion
Detection

IDS Keypad

IDKP-003

Intrusion
Detection

Motion Detector

MTN-001

Intrusion
Detection

Motion Detector

MTN-002

Intrusion
Detection

Motion Detector

MTN-003

Intrusion
Detection

Motion Detector

MTN-004

Intrusion
Detection

Motion Detector

MTN-005

Intrusion
Detection

Motion Detector

MTN-006

Intrusion
Detection

Motion Detector

MTN-007

Intrusion
Detection

Motion Detector

MTN-008

Intrusion
Detection

Panic Button

PB-001

Intrusion
Detection

Panic Button

PB-002

Intrusion
Detection

Panic Button

PB-003

Intrusion
Detection

Panic Button

PB-004

Intrusion
Detection

Enclosure

ENCL-001

Intrusion
Detection

Alarm Sounder

ASDR-001

Intrusion
Detection

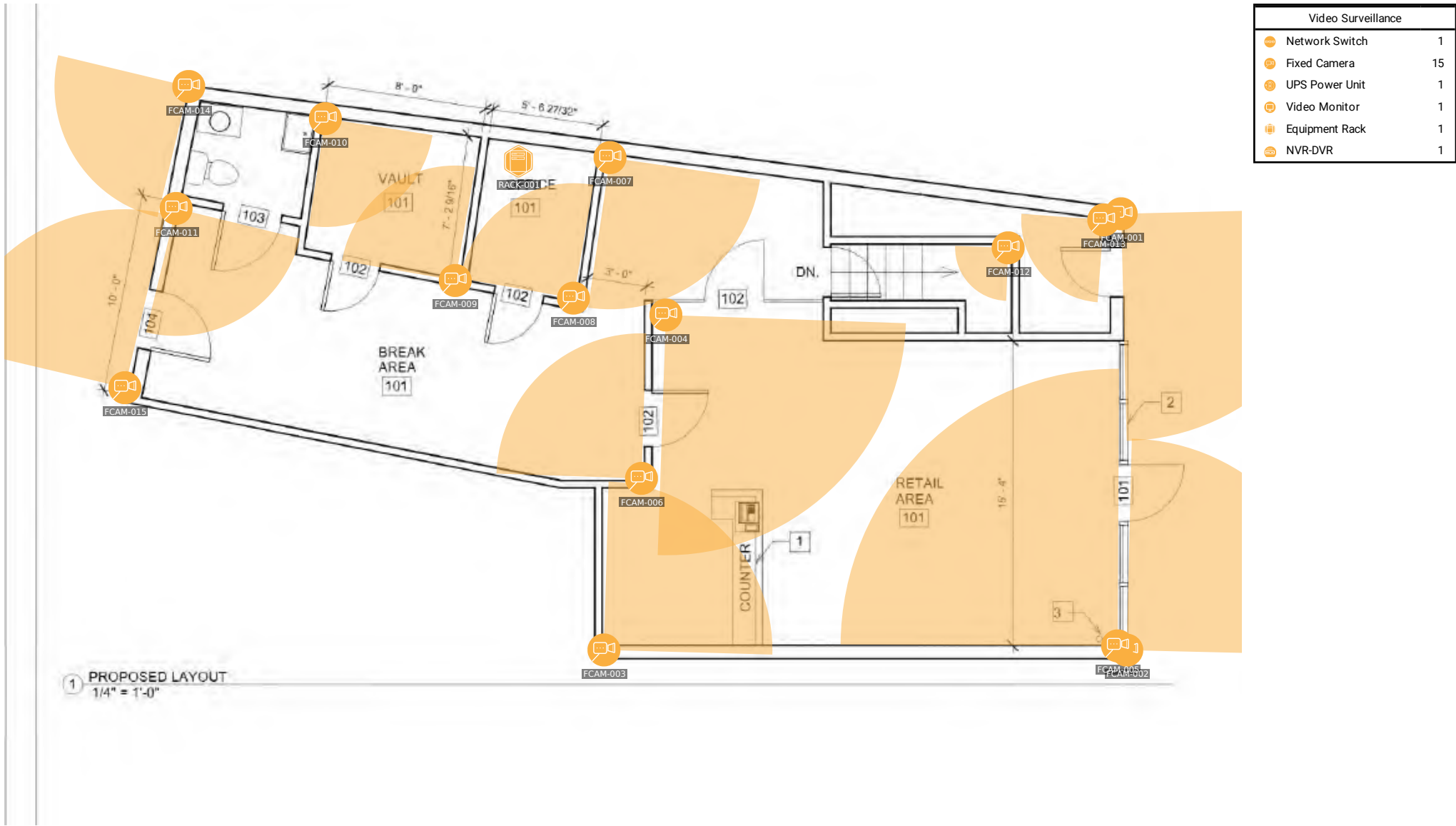
Seismic Sensor



SMS-001

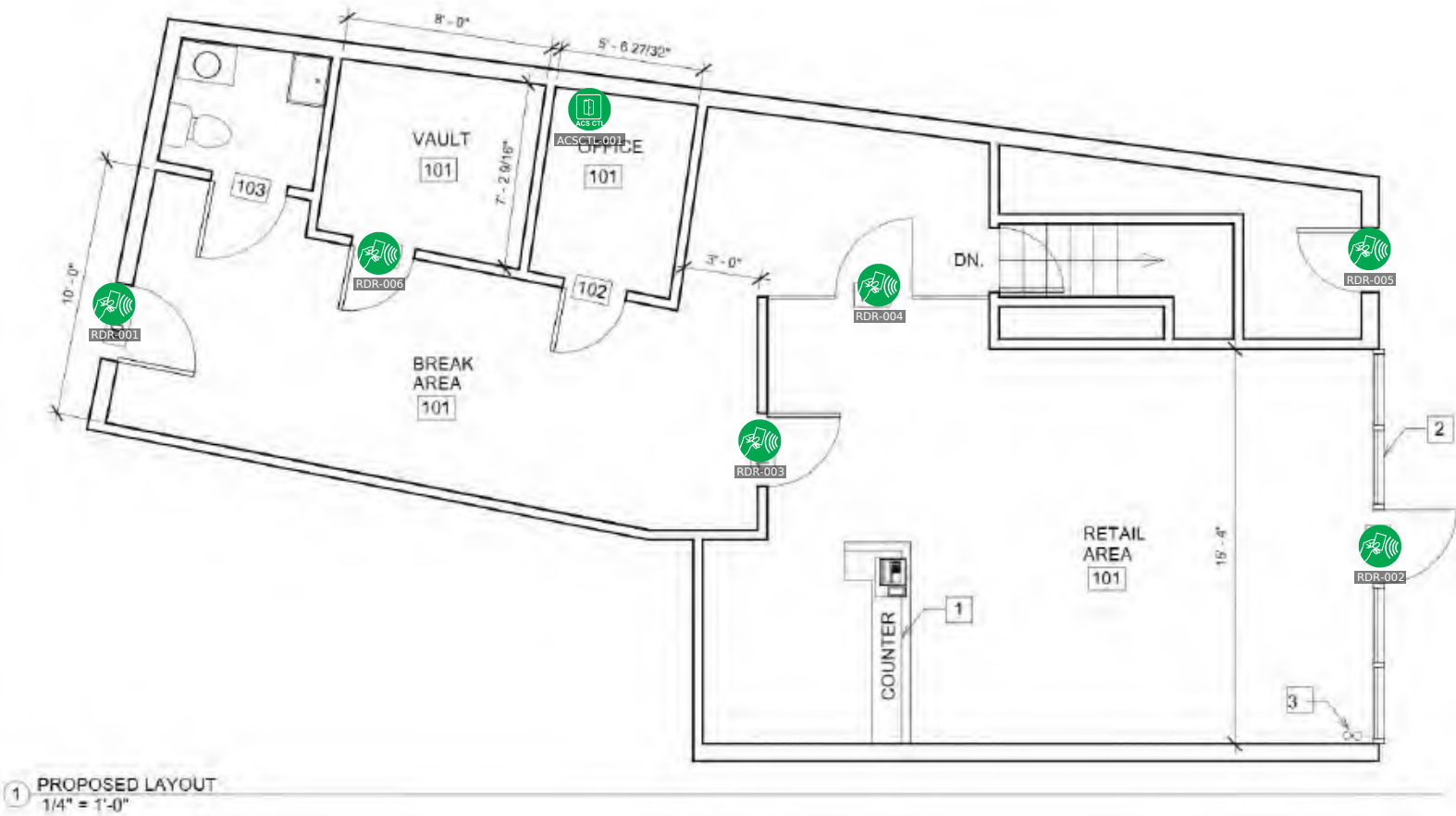
Intrusion

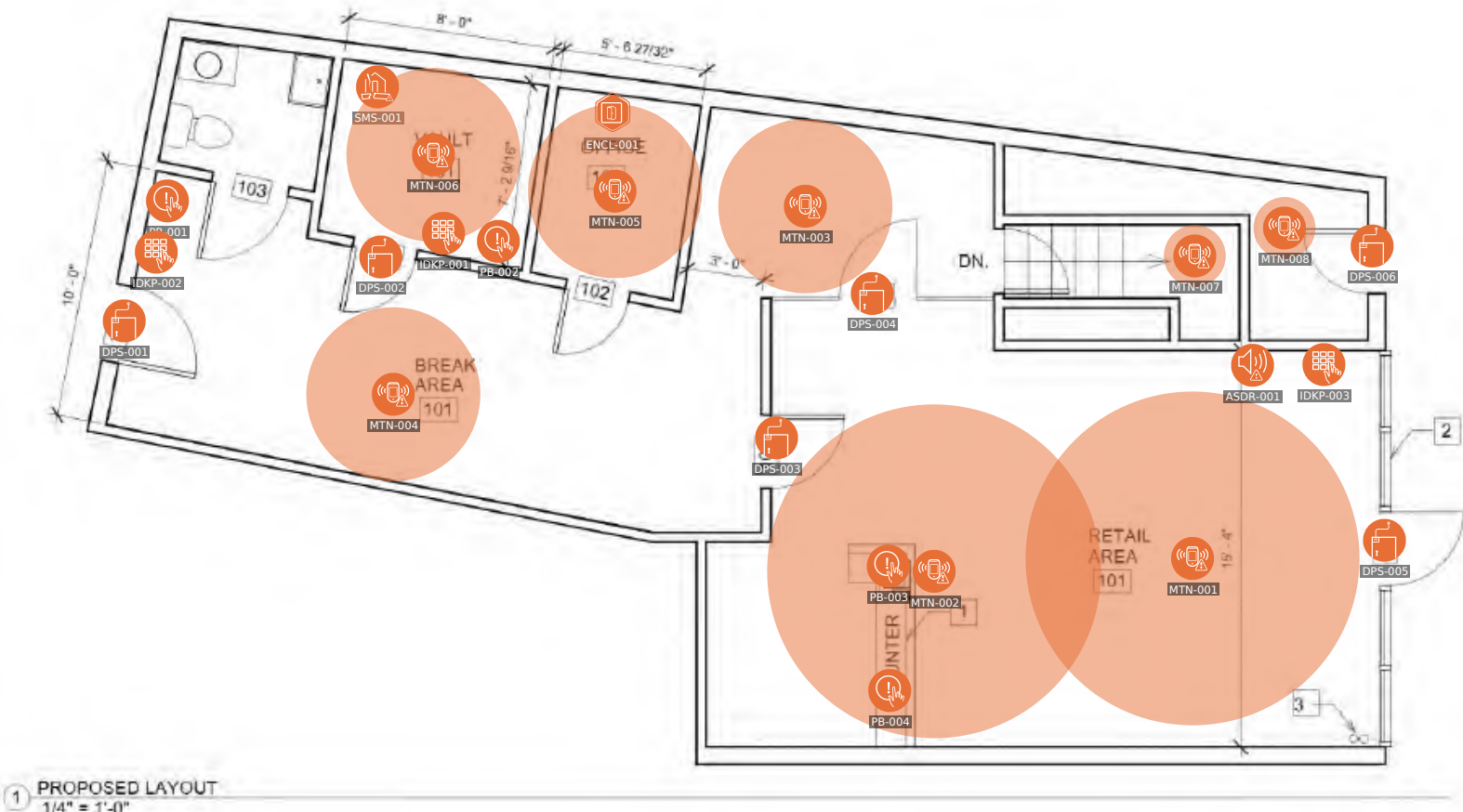


Detection



Access Control		
	Card Reader	6
	ACS Controller	1





Intrusion Detection		
	Door Position Switch	6
	Motion Detector	8
	IDS Keypad	3
	Alarm Sounder	1
	Panic Button	4
	Enclosure	1
	Seismic Sensor	1

DeLorean 88 LLC

Medical Cannabis Business License Application –
Retailer

Operational Plan

A. Daily Operational SOPs

1. Opening Procedures – The facility will be open to the public between the hours of 11 a.m. to 8 p.m. The Inventory Manager and employees will arrive at the facility at least ½ hour prior to opening to the public. Employees are never allowed on the facility premises after hours without a manager present. When the Inventory Manager arrives, they will inspect the exterior of the facility for any signs of intrusion or vandalism and conduct a walk-through inspection of the interior of the facility to ensure it is secure.

The Inventory Manager will conduct a “spot check” of the Vault Room to ensure that none of the medical cannabis inventory has been tampered with or is out of place. The Inventory Manager will then transfer a small amount of inventoried medical cannabis products to the Sales Floor for display. If possible, placebos will be used on the Sales Floor in place of medical cannabis for certain products. After all employees have arrived for their shift and prior to opening, the manager will conduct a pre-shift meeting. This pre-shift meeting will give the manager the opportunity to review any menu updates, policy or regulatory changes (as necessary), customer service notes, and QP complaints. The manager will assign each employee a cash drawer and POS Workstation for their shift. Employees must confirm the contents of their cash drawer at their assigned service station at the beginning of their shift.

At the beginning of each day, prior to opening, the Inventory Manager will determine the amount of medical cannabis products to store in the Staging Area during the hours the facility is open to the public. The Inventory Manager will also update the medical cannabis product menu on the Sales Floor and on the website on a daily basis, depending on inventory.

2. Closing Procedures – Employees will follow the facility's closing procedures to securely close the facility on a daily basis. At the end of the day, the Inventory Manager will remove all medical cannabis from the display cases and from within the Staging Area and transfer it to a compliant safe in the Vault Room for overnight storage. All samples from the display cases will be kept in their sealed containers and stored in a safe in the segregated products safe in the Vault Room. Samples will be kept for no more than one (1) week before being disposed of in accordance with Applicant's Waste & Disposal SOPs. The Inventory Manager will reconcile all medical cannabis inventory in the Staging Area and will update inventory in the System accordingly.

At the end of each shift, the manager will reconcile all the contents of each cash drawer on the Sales Floor. The manager will then secure all cash in the Office in a cash depository safe. Only the GM and the Inventory Manager will have access to the combination for the cash depository safe. If necessary, they can use the System to run a Cash Close Report, which provides an overview of all cash reconciliation for a particular time period. Hard copies of all business

transaction records will be stored in a second safe in the Office, which is identical to the case depository safe.

The closing manager will conduct a walk-through inspection of the entire facility, ensuring that all limited access areas are secure, all entry/exit points are securely locked, the alarm system is armed, thermostats are set on appropriate evening setting, and all appliances and lights are turned off with the exception of the lights normally left on for security purposes. The manager will make sure that all employees leave the premises safely and that the exterior of the facility is secured and locked and all exterior security lighting is activated prior to leaving for the day.

3. Sales Transaction Procedures – Before being permitted to enter the Sales Floor, each person is required to check-in at the concierge desk, which is just inside the entrance. An employee or part-time security personnel stationed at the concierge desk will verify that the person is in possession of a valid registration identification card and a government-issued ID. If the person is not registered as a patient, there are tablets available for them to self-certify. Any person who has not registered with ABCA, either by self-certifying or presenting a valid registration card, and who does not have a government-issued ID will not be permitted to enter the Sales Floor.

QPs are permitted to *see and smell* the medical cannabis product samples, which are kept in the secure display case that is part of the sales counter. QPs are prohibited from touching medical cannabis samples. When a QP is ready to purchase their medical cannabis, the employee will take the following steps to complete the transaction:

- a. Scan the QP's registration or input their information into the System to verify their identity and the validity of their authorization to purchase medical cannabis;
- b. Verify the QP has not surpassed their 30-day purchase limits;
- c. Scan the medical cannabis product;
- d. Use the label maker to create supplemental retail labels;
- e. Determine if the QP has any discounts or customer reward points, and if so, apply to the total;
- f. Ask QP if they have any questions about appropriate dosing and usage and answer or refer to patient education materials;
- g. Accept payment;
- h. Print or email receipt;
- i. Place all purchases in an opaque bag; and
- j. Ensure that the inventory is updated appropriately.

4. Visitor Procedures – During business hours, there may be multiple individuals that are not QPs, such as vendors, potential vendors, agents, District officials and medical

consultants that are permitted to enter the facility as Visitors, instead of QPs. Before these visitors are permitted beyond the concierge desk they are required to provide their government-issued ID to the employee at the desk. The employee will scan the visitor's ID and record the visitor's name, address, as well as the date, time and reason for their visit in the Visitor Log, which will be made available to the MPD or ABCA upon request. The employee will then issue a temporary visitor badge, which contains the following information:

- Visitor's full name;
- Date;
- Title;
- Company;
- Government-issued ID number; and
- Purpose of the visit.

Employees will be trained to recognize the contents and appearance of a properly issued visitor badge to further prevent unauthorized access.

After the visitor has been issued a visitor badge, a manager or authorized employee will meet them at the concierge desk. Visitors must be escorted and monitored by the employee at all times during their visit. The visitor's badge must be visible at all times during their visit. Visitors will be advised that they are not allowed to touch medical cannabis under any circumstances. At the conclusion of their visit, upon exiting the Sales Floor, all visitors will be required to sign out in the Visitor's Log and return their visitor badge to the manager for disposal.

5. Packaging and Labeling Procedures – When a QP purchases a medical cannabis product, the employee who checks out their purchase will use the System's label creation tool to create a supplemental label at the point of sale. This supplemental label is required to be affixed to each medical cannabis product sold, in addition to the label generated by the licensee that produced the cannabis. These supplemental labels will contain the following information:

- Applicant's name and license number;
- The dispensing date that the medical cannabis was transferred to the qualified patient or caregiver;
- The qualifying patient's name and registration card number;
- A statement that the product is for medical use, not for resale or transfer to another person, containing the following language: "Contains medical cannabis. Keep out of the reach of children"; and
- Date when medical cannabis product was dispensed.

6. Daily Audit – The Inventory Manager will conduct a daily inventory audit at the end of the business day to determine the amount of stored, usable, and finished cannabis products, products available for sale, and all unusable cannabis and expired cannabis products in the facility at the end of each business day. They will input all audit information into the System in real-time. The Inventory Manager will also conduct a monthly inventory audit and input all defective, damaged, expired, or adulterated cannabis products or cannabis products awaiting disposal into the System, including the name, quantity, and reason for maintaining these products at the facility. The Inventory Manager will conduct a master inventory audit to reconcile previous daily and monthly audits twice a year. Upon completing each audit, the Inventory Manager will input their name and title, the date of the audit and a summary of any findings from the audit. If the Inventory Manager becomes aware of a reportable loss or discrepancy during the audit, they will notify the Board within 24 hours, even if the cannabis or cannabis products are subsequently recovered.

7. System Management Procedures – The facility will have cannabis seed-to-sale inventory tracking and POS software (the “System”). The System will perpetually manage sales and delivery transactions, track inventory within the facility, and track shipments from licensees in real-time. The System can be used to:

- Automate discounts and loyalty programs for loyal customers;
- Verify the identity of the QP and the validity of their authorization to purchase medical cannabis;
- Verify purchase limits for QPs;
- Implement a fully integrated online ordering portal and digital menu displays;
- Automate data entry – Employees will be able to scan a QP’s registration and identification card and populate customer profiles with a single action;
- Create customer profiles – Employees will be able to track QP’s special preferences, medical preferences, purchase history, rewards points, and more;
- Track medical cannabis product inventory;
- Create in-depth data reports in compliance with ABCA regulations; and
- Track B2B wholesale transactions with registered cultivation centers.

Each employee will use a unique PIN or a biometric fingerprint scan to access the System and perform various actions within the System.

8. Delivery and Curbside Pick-up Procedures

Delivery: To fulfill a delivery order, the employee will: (1) verify that QP is actively registered with ABCA and that the delivery address matches the patient’s home address, which is either a residence or commercial building located in the District, not on federal property, nor on public or

private school grounds; (2) maintain a copy of the QP's registration card and a copy of their government-issued identification card; and (3) verify that the QP's requested amount does not exceed the rolling 30-day purchase limit. Deliveries will be made during the hours the facility is open to the public. Deliveries will be made no more than once per day to each QP or the QP's caregiver or a non-resident QP. The QP will be required to sign a receipt for the medical cannabis, which will include the details of the transaction, such as the specific medical cannabis product and the quantity sold.

The Applicant will record each delivery in the System in real-time and maintain a copy of the Delivery Manifest as part of its recordkeeping requirements. Applicant will provide a copy of its Delivery Manifest to ABCA and the MPD by 12:00 noon each Monday, which will contain the entries for all home deliveries to QPs made during the previous week.

Curbside Pick-Up – To fulfill a curbside order, the employee will verify that the QP's requested amount does not exceed the rolling 30-day purchase limits. Prior to dispensing medical cannabis to a QP curbside pick-up, the employee performing the transaction will:

- Verify that the patient, or the patient and caregiver, is actively enrolled as a patient or is a non-resident enrolled in another jurisdiction's medical cannabis program by checking their medical cannabis patient card and comparing it to their records in order to ensure that the information matches.
- Maintain a copy of the medical cannabis program or state or U.S. territory registration card and a copy of the valid government-issued identification card;
- Confirm through the real-time electronic records system that the nonresident qualifying patient has not reached the allowable medical cannabis purchase limits for the 30-day period; and
- Receive and only accept an order by electronic or other means from a qualifying patient or the qualifying patient's caregiver, or a non-resident qualifying patient.

At the time of curbside pick-up, an employee will verify the identity of the QP by visually inspecting the QP's registration identification card and government-issued ID. Upon verification of the QP's identity and registration status, the employee will confirm the QP's order and retrieve the order from the Staging Area. The employee will inspect and confirm the contents of the order in the Staging Area and will affix a transaction receipt to the opaque bag that contains the medical cannabis order prior to exiting the facility.

The final step of the transaction in the presence of another employee. The designated employee will not make additions, modifications, or corrections to curbside orders

outside of the dispensary. All such changes must be made by an employee inside the Staging Area in the presence of the Inventory Manager.

B. Inventory Control Procedures

1. Receiving Medical Cannabis – When inventory of a particular medical cannabis product reaches a designated minimum level, the Inventory Manager will use the System to create a purchase order and then transmit the purchase order to the licensee. All shipments of medical cannabis will be received after business hours by the Inventory Manager. When a licensee’s agent arrives at the entrance to the facility, the Inventory Manager will meet them and verify their licensee agent identification badge. The Inventory Manager and licensee agent are both required to sign the shipment invoice, and the Inventory Manager must retain a copy of the invoice for the Applicant’s records.

After the licensee agent has left the facility, the Inventory Manager will ensure that the front entrance is locked and the alarm at the front entrance is armed. The Inventory Manager will then perform an initial visual inspection of the shipment in the Staging Area. The purpose of this initial inspection is to ensure that all packaging is secure and undamaged and the quantity of medical cannabis products matches the invoice. Once the medical cannabis shipment passes this initial inspection, the Inventory Manager will mark it as “received” in the System and will input the following information:

- A detailed description of the medical cannabis products purchased from the registered cultivation center, which will include the amount of cannabis, the specific strain, the form of cannabis product (i.e., flower, edibles, topicals, concentrates), and the batch number assigned by the licensee;
- The name and registration number of the cultivation center supplying the medical cannabis products and paraphernalia;
- The name and unique Employee ID number of the authorized employee receiving the medical cannabis delivery;
- The date and time of acquisition of the medical cannabis products;
- A true, accurate, legible, and complete statement of the terms and conditions of the purchase;
- The total purchase price of the medical cannabis products and paraphernalia;
- A Certificate of Analysis (“COA”) from an accredited registered testing laboratory for the medical cannabis products; and
- An expiration date for each medical cannabis product.

If any medical cannabis does not pass this initial inspection, it will be returned to the licensee, and this will be reflected in the System. The Inventory Manager will retain a record of each

shipment received from a licensee for five (5) years on the secure cloud-based server. These records will be available to the ABCA at all times upon request.

Once properly received, the Inventory Manager will conduct a secondary inspection of the medical cannabis products in the shipment. The purpose of this second inspection is to examine packaging and labeling as well as to identify damaged or possibly contaminated medical cannabis prior to transferring it from the Staging Area to the Vault Room for integration with existing inventory. The packaging of individual medical cannabis products will also be inspected for any damage, broken seals, contamination and to determine whether the packaging components show any evidence of deterioration.

During this secondary inspection, the Inventory Manager will check to ensure that the labels on individually packaged medical cannabis products are legible, firmly affixed to the container, and contain the following information:

- A statement advising the purchaser that the package contains medical cannabis.
- The name of the cultivator licensee that grew the medical cannabis;
- The name of the manufacturer licensee that manufactured the medical cannabis product and the date of manufacture;
- The quantity of medical cannabis contained within the package;
- The cannabinoid profile of the medical cannabis contained within, including THC level;
- Any ingredients other than cannabis contained within, listed from the most abundant to least abundant. If the product is ingestible, potential food allergies (including, milk, eggs, fish, shellfish, nuts, wheat, and soybeans) will also be identified.
- A list of all chemical additives, including but not limited to inorganic and organic pesticides, herbicides, and fertilizers used in cultivation/production;
- A statement that the product is for medical use and not for resale or transfer to another person.
- A warning that reads: *“This package contains medical cannabis. Medical cannabis is intended for medical use solely by the patient to whom it is sold. Any resale or redistribution of the medical cannabis to a third person is prohibited.”*; and
- The following verbatim warning: *“There may be health risks associated with the ingestion or use of this product. Please consult your physician if you have any questions or concerns.”*

The Inventory Manager will also make sure that all containers within the shipment are properly sealed in a container that cannot be opened without obvious damage to the packaging. The Inventory Manager will ensure that no container, label, or packaging contains any content or image that specifically targets individuals under the age of twenty-one (21), including, but not limited to, cartoon characters or similar images or content. Additionally, the Inventory Manager

will ensure that the terms “candies” or “candy” are not used on any medical cannabis packages or labels.

The Inventory Manager will also ensure that the content, image, or label on a medical cannabis product container precisely and clearly indicates the nature of the container’s contents or is worded in a way that does not deceive a QP as to the nature of the composition, quantity, age, or quality of the medical cannabis product.

Medical cannabis that does not pass the secondary inspection will be segregated by the Inventory Manager within the segregated product safe in the Vault Room prior to being transferred to the MPD for destruction or disposal.

2. Inventory Purchase Order Procedures – Each transaction between the Applicant and a licensee will be documented in the System and METRC. When the inventory of a particular medical cannabis product reaches a designated minimum level, the Inventory Manager will create a purchase order and transmit the order to the licensee. When the Inventory Manager accepts a delivery from a licensee, they will create a record in the System which includes the following information:

- A detailed description of the medical cannabis products and paraphernalia purchased from a registered cultivation center; if medical cannabis, this description will include the amount of cannabis, the specific strain, the form of cannabis product (i.e., flower, edibles, topicals, concentrates), and the batch number;
- The name and registration number of the licensee supplying the medical cannabis products and paraphernalia;
- The name and unique ID number of the manager receiving the delivery;
- The date and time of acquisition of the medical cannabis products;
- The total purchase price of the medical cannabis products and paraphernalia;
- A Certificate of Analysis (“COA”) from an accredited registered testing laboratory for the medical cannabis products (if applicable); and
- An expiration date for each medical cannabis product.

For deliveries of edibles, concentrates, and topicals the procedures above should be followed, in addition to the following information:

- The milligrams of active delta 9 THC and CBD;
- Proper dosage instructions; and
- Any non-cannabis ingredients.

3. Internal Books & Records Procedures – All employees will be required to keep records in accordance with ABCA regulations and to sufficiently document all medical cannabis transactions with QPs. Employees will be trained to retain and properly store all transaction records. Hard copies of all transaction records will be stored in the Office. Employees will be trained to use the System to record all sales transactions with QPs. After the transaction is completed, the System will generate a digital receipt for the QP, printed only upon request, that contains the following information:

- Licensee’s medical cannabis retail license number and address;
- Name, initials, or Employee ID number of the person who dispensed or sold the product;
- Name and registration identification card number of the QP (if any);
- Date of sale and time of sale to the QP;
- Amount paid for the medical cannabis;
- Recommendation or limitation (if any) by the certifying physician as to the form or forms of medical cannabis or dosage for the QP; and
- Form, price, and the quantity of medical cannabis sold.

This information is also stored in the System. If the System shows that a QP has exceeded the monthly purchase limit, the System will issue a “Block Sale” directive, preventing the sale of medical cannabis to the QP. The System will remove the “Block Sale” when the quantity of the current purchase is reduced to comply with purchase limits. Any unsuccessful attempt by a QP to acquire medical cannabis will be noted and logged in the System and will include the date of the “Block Sale”, the name and registration identification number of the QP, and the employee’s reason for refusing to provide the QP with medical cannabis at that time.

4. Business Records Reported to ABCA – On or before the thirtieth (30th) day of July and January, the GM will provide the Board with a statement that includes the following information:

- The quantity and price of medical cannabis or medical cannabis products distributed or dispensed to qualifying patients and caregivers during the preceding six (6) months;
- The total expenditures for distributing or dispensing medical cannabis or medical cannabis products during the preceding six (6) months;
- The total amount of receipts for the sale of medical cannabis or medical cannabis products;
- The quantity of paraphernalia sold during the preceding six (6) months;
- The gross revenue based upon its medical cannabis, medical cannabis products, and paraphernalia sales during the preceding six (6) months;
- The amount of sales tax reported to OTR during the preceding six (6) months;
- The amount of medical cannabis or medical cannabis products that were destroyed or

- disposed of during the preceding six (6) months;
- Certification from MPD that the medical cannabis or medical cannabis products were relinquished for destruction or disposal;
- The quantity of medical cannabis or medical cannabis products still available for sale at the facility on the date the report is filed with the Board;
- The name, address, home telephone number, and date of birth of each current employee; and
- An affidavit executed by the owner attesting to the truth of the submitted report.

5. Medical Cannabis Product Recall – If the GM or Inventory Manager becomes aware that a manufacturer or cultivator licensee has recalled a certain medical cannabis product, the GM will use the System to determine the name and contact information for each QP that purchased the particular product and then call the QP to inform them of the recall.

6. Medical Cannabis Waste Disposal SOPs – The Inventory Manager will perform daily and monthly inventory audits to account for any expired, unusable, adulterated, and contaminated medical cannabis products. Following each audit, the Inventory Manager will transfer all expired, unusable, adulterated, and contaminated medical cannabis products from the active inventory safe to the segregated products safe. The Inventory Manager will update the inventory in the System appropriately. The Inventory will then coordinate with the MPD to pick up the segregated for disposal.

C. Human Resources SOPs

1. Hiring Procedures – GM will develop and implement a staffing plan to ensure the facility is adequately staffed with experienced and well-trained managers and employees. All employees must be at least twenty-one (21) years old and display the level of maturity required to work around medical cannabis in a highly regulated and secure environment. Recruitment efforts will be localized to the District, to the maximum extent possible, the neighborhood surrounding the facility. The hiring process will include performing any necessary background checks, verifying references and educational information, and conducting multiple interviews with the candidate. The GM will interview all qualified candidates a minimum of two times prior to extending an offer of employment. Applicant will ensure that all employees, managers, officers, and agents are properly registered with ABCA and have the training, knowledge, and experience necessary to perform their assigned positions.

2. Training Procedures – All new hires will attend an orientation led by the GM and the Inventory Manager. The GM will use the opportunity to answer employee questions and conduct a tour of the facility. At Orientation, each employee will receive the Employee Handbook and all other necessary human resource materials. The Employee Handbook includes general employment and conduct-related policies, electronic device policies, confidentiality

policies, hours of work and compensation, and a description of employee benefits. Following the Orientation, the GM and the security consultant will provide classroom-style instruction on all modules in the Basic Training Program and Security Training Program. After successful completion of all classroom instruction, employees will take a written proficiency test on the fundamental elements of each training module. Employees must receive a perfect score (100%) before being permitted to handle medical cannabis without supervision. The GM will grade each test and will address any problem areas in a follow-up consultation with each employee. Employees will be hired on a 30-day probationary status. During this period, they will be trained for their specific position, and their on-the-job performance will be evaluated by their direct supervisor.

After thirty (30) days of supervised on-the-job training, the appropriate manager will determine if there are any gaps or deficiencies in their training. If there are gaps or deficiencies, the Manager will develop a corrective action plan and extend the probationary period to accommodate the corrective action plan. The GM will conduct formal performance reviews of all employees, including other managers, every ninety (90) days after the probationary period expires. Hard copies of all SOPs will be made available at the facility for employees to consult as necessary.

3. Patient Educational Materials

See the attached documentation.

DeLorean 88 LLC

Medical Cannabis Business License Application –
Retailer

Patient Education Information

Patient Education Information

Employees will be properly trained on the variety of ways to consume cannabis, the related effects of each consumption method as well as the general science of cannabis. This training will cover the following topics:

A. Different methods of administering cannabis

- **Vaporizing** – Vaporizing or “vaping” involves using a device to heat cannabis oil/concentrate at a low heat to right below the point of combustion, which ranges between 356 and 374 degrees Fahrenheit. Vaping transforms the active compounds, like cannabinoids and terpenes, into vapor, which is then inhaled. Inhalation is the fastest method of cannabis delivery to the consumer. Because of this, users who vaporize cannabis are able to control the effects and side-effects better than in other methods of consumption. Vapor doesn't release the same toxins and carcinogens that are created when one burns cannabis flower, which many believe makes vaping a healthier alternative to smoking. Vaporization is also believed to be a healthier alternative to smoking because it eliminates the irritation of the throat and lungs resulting from exposure to high heat and burned organic matter. However, vaporization has been associated with several cases of acute lung injury. Moreover, vape pens and vaporizers present risks related to the device itself in that injuries have occurred due to malfunction, overheating, and explosion.¹
- **Smoking** – Smoking is one of the most well-known consumption methods. When one smokes cannabis, you're lighting cannabis flower and inhaling the smoke. Medical cannabis flower can be smoked through a pipe, bong, joint, or blunt. Inhalation is the fastest method of cannabis delivery to the consumer. Because of this, smokers of cannabis are able to control the effects and side-effects better than in other methods of consumption. The effects of long-term marijuana smoking on the risk of lung cancer are unclear; however, the evidence suggests that the risk is lower with marijuana than with tobacco. Overall, the long-term effect of low levels of marijuana exposure does not appear to be significant.²

¹ *How Marijuana is Consumed*, Drug Policy Alliance, <https://drugpolicy.org/drug-facts/10-facts-about-marijuana/how-marijuana-consumed> (last visited Mar. 8, 2022). Nicholas Chadi et al., *Cannabis vaping: Understanding the health risks of a rapidly emerging trend*, 25 *PEDIATRICS CHILD HEALTH* S16 (June 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7757764/>.

² *How Marijuana is Consumed*, Drug Policy Alliance, <https://drugpolicy.org/drug-facts/10-facts-about-marijuana/how-marijuana-consumed> (last visited Mar. 8, 2022); Nora D. Volkow et al., *Adverse Health Effects of Marijuana Use*, 370(23) *NEW ENGLAND JOURNAL OF MEDICINE* 2219 (June 5, 2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4827335/>.

- **Dabbing** – Dabbing is a method of vaporizing cannabis concentrate using a dab rig, which entails heating a glass, ceramic, or titanium “nail” and applying the concentrate directly to the hot surface, which turns it into vapor for consumption. Inhalation is the fastest method of cannabis delivery to the consumer. Because of this, users who dab cannabis are able to control the effects and side-effects better than in other methods of consumption. There are higher safety concerns with dabbing compared to other methods of consuming cannabis. First, the extraction process requires the use of butane, which is a highly volatile and unpredictable gas. Thus, users may be subject to getting burned or run the risk of starting a fire. Dab users also experience much more powerful effects than those who smoke or vape cannabis. This includes a greater likelihood of experiencing side effects. Lastly, dab users may ingest chemical contaminants used for the extraction process, which could cause health hazards.³
- **Ingestion** – When one ingests a cannabis-infused beverage, baked goods, or gummies, the cannabinoids are absorbed through the digestive tract. When cannabis is consumed either through drinking or eating, the effect is delayed between 20 minutes and three hours. Edibles are often considered a safe, discreet, and effective means of attaining the therapeutic and/or intoxicating effects of cannabis without exposure to the potentially harmful risks of cannabis smoking. Eating cannabis-infused edibles does not seem to affect pulmonary function or increase cancer risk. However, because the onset of oral ingestion is slower, the effects are stronger and last longer than with inhalation, users of edible cannabis may consume a greater than intended amount of cannabis before it has taken effect, which can result in profoundly adverse effects.⁴
- **Topical Delivery** – Topicals are a cannabis delivery method where the cannabinoids are absorbed through the skin to provide localized effects for things like pain or muscle soreness. Unlike other consumption methods, topicals do not have any psychoactive effects. Thus, the topical application of cannabis is unlikely to have negative implications on the user aside from potential skin irritation or allergic reactions.⁵
- **Tinctures** – Tinctures are created by steeping cannabis in alcohol and are absorbed sublingually through the blood vessels under the tongue. Tinctures are administered by

³ Gina M. Floria and Kaitlyn Wylde, *Here's Why Doing Dabs Is So Risky*, Bustle, <https://www.bustle.com/wellness/169238-6-health-risks-of-doing-dabs-you-should-know> (Aug. 3, 2016); Jiries Meehan-Atrash and Irfan Rahman, *Cannabis Vaping: Existing and Emerging Modalities, Chemistry, and Pulmonary Toxicology*, 34 CHEMICAL RESEARCH IN TOXICOLOGY 2169 (Oct. 8, 2021), <https://pubs.acs.org/doi/10.1021/acs.chemrestox.1c00290>.

⁴ *How Marijuana is Consumed*, Drug Policy Alliance, <https://drugpolicy.org/drug-facts/10-facts-about-marijuana/how-marijuana-consumed> (last visited Mar. 8, 2022); Daniel G. Barrus et al., *Tasty THC: Promises and Challenges of Cannabis Edibles*, METHODS REP RTI PRESS (Nov. 2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5260817/>.

⁵ *How Marijuana is Consumed*, Drug Policy Alliance, <https://drugpolicy.org/drug-facts/10-facts-about-marijuana/how-marijuana-consumed> (last visited Mar. 8, 2022).

placing a few drops under the tongue and holding it there to allow the cannabis to absorb. The remaining liquid is then swallowed. Any cannabinoids not absorbed sublingually will be absorbed through the digestive tract. The dual absorption locations mean tinctures taken sublingually can have a rapid onset of effects as well as another onset later, similar to an edible. Like edible cannabis, tinctures provide a means of attaining the therapeutic and/or intoxicating effects of cannabis without exposure to the potentially harmful risks of cannabis smoking. Much like users of edible cannabis, users of cannabis tincture may consume a greater than intended amount of cannabis before it has taken effect, which can result in profoundly adverse effects.⁶

B. Qualifying Conditions and Qualifying Patients

In the District, a Qualifying Patient must be “a resident of the District who has a *qualifying medical or dental condition* or is undergoing a *qualifying medical or dental treatment*, or a patient enrolled in another jurisdiction's medical cannabis program.” A *qualifying medical or dental condition* is any condition for which a QP’s authorized practitioner determines that treatment with medical cannabis would be beneficial. A *qualifying medical or dental treatment* is defined as:

- Chemotherapy;
- The use of azidothymidine or protease inhibitors;
- Radiotherapy; or
- Any other treatment, as determined by rulemaking, whose side effects required treatment through the administration of medical marijuana in the same manner as a qualifying medical or dental condition.

C. Best administration method for different qualifying conditions

Certain methods of administration have been demonstrated to be more effective at treating certain qualifying conditions:

- **Inhalation (Vaporizing or Smoking)** – Inhalation allows patients to feel instantaneous effects from cannabis, which can be helpful for sudden onset conditions such as panic or stress.⁷ This quick onset of effects can also support patients in titrating their dose minute to minute—reducing the risk of accidental overdose. Seasoned cannabis users will be more effective at absorbing cannabinoids into their bloodstream and therefore may feel a quicker effect. As such, it’s important to note that novice users may need a little time to

⁶ *Cannabasics: Methods of Consumption*, Canadian Public Health Association, <https://www.cpha.ca/cannabasics> (December 3, 2018); *How Marijuana is Consumed*, Drug Policy Alliance, <https://drugpolicy.org/drug-facts/10-facts-about-marijuana/how-marijuana-consumed> (last visited Mar. 8, 2022).

⁷ Cannabis Pharmacy: The Practical Guide to Medical Marijuana Michael Backes. 2017. Black Dog and Leventhal Publishers. page 26.

build up to effective cannabinoid absorption. Dosage can vary depending on the size of the inhale and, as noted, the user experience. Analyses across various medical trials have suggested that pain is improved by approximately 40 % when cannabis is inhaled. Inhaled cannabis can increase appetite, increase the quality and duration of sleep, and decrease nausea, especially among patients with mood disorders. Specifically, the inhalation of cannabis flower has been associated with significant improvements in treating agitation, irritability, anxiety, and common stress. Studies have also shown that HIV/AIDS patients strongly prefer the palliative effects of smoked cannabis to treat their symptoms compared to other methods.⁸

- **Ingestion** – Ingestion of cannabis can be a useful method for patients who do not wish to smell of cannabis smoke, have trouble with smoking devices, or are concerned with the dangers of smoking/vaping. Ingesting cannabis results in a longer onset time for symptoms, longer-lasting effects on the user, and possibly more intense effects.⁹ When Delta-9-THC reaches the liver during the digestive process, liver enzymes known as Cytochrome P450 effectively convert Delta-9-THC into Hydroxy THC (11-Hydroxy-THC), which is three to seven times as potent as Delta-9-THC.¹⁰ The effects of edibles can take up to two (2) hours to be felt and can last for several hours, depending on the individual's body and metabolism. Because of the delayed onset of symptoms, as well as the increase in potency due to cannabis traveling through the digestive tract, this administration method has a higher risk for overdose.¹¹ This is important to note when educating patients about an oral route option, as QPs may take multiple doses without waiting until they feel the effects of the first dose.¹² Dosing with ingestible cannabis should start with the lowest possible dose, and the patient should be given adequate time to feel any effects before increasing the dose. Because this administration method results in several hours of symptoms, this can be helpful for populations suffering from chronic conditions that need hours of dosing.

There is some evidence for oral cannabis being able to increase weight in patients with HIV-associated wasting syndrome and anorexia nervosa. Several clinical studies have

⁸ *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*, NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE (2017), <https://www.ncbi.nlm.nih.gov/books/NBK425767>; Benjamin J. Malcolm, *Should Medical Cannabis Administered by Inhalation Be Allowed for Hospitalized Patients?*, 71(3) CANADIAN JOURNAL OF HOSPITAL PHARMACY 211 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6019082>; Sarah S. Stith et al., *The effectiveness of inhaled Cannabis flower for the treatment of agitation/irritability, anxiety, and common stress*, THE JOURNAL OF CANNABIS RESEARCH (2020), <https://jcannabisresearch.biomedcentral.com/articles/10.1186/s42238-020-00051-z>.

⁹ *THC metabolism: How your body metabolizes cannabis*. Emily Earlenbaugh. The Cannigma. May 16, 2021. <https://cannigma.com/physiology/how-cannabis-is-metabolized-by-your-body/>.

¹⁰ Human Metabolism of THC. Marlene Rupp. December 21, 2016. <https://sapiensoup.com/human-metabolism-thc>.

¹¹ Poisoning. CDC. Accessed March 16, 2021. <https://www.cdc.gov/marijuana/health-effects/poisoning.html>.

¹² How Long Does a Cannabis High Last? Healthline. Carly Vandergriendt. August 9, 2019. <https://www.healthline.com/health/how-long-do-edibles-take-to-kick-in#duration>

also found that cannabis reduces intraocular pressure similarly to most conventional glaucoma medications, whether by oral or inhalation.¹³

- **Topical Delivery** – Cannabis topicals have been proven to be very effective at managing chronic localized pain, such as arthritis, due to their anti-inflammatory effects and direct application to a pain point in the body.¹⁴ Topical delivery can provide a steady dose of medication via a patch or instant relief via on-the-spot application. Cannabis symptoms can be felt within 15 minutes of administration.¹⁵ Patients with poor circulation may have trouble feeling the full effect of a dose, as the potency may be affected.¹⁶
- **Tinctures** – Users can feel the effects of cannabis tinctures between 15 and 45 minutes after sublingual/buccal application due to cannabinoids being deposited directly into the bloodstream.¹⁷ Tincture application via the Sublingual/Buccal route is common, or tinctures can be added to food products for oral ingestion. Tinctures can be discrete and relatively easy to administer for populations that might struggle with other administration methods, such as smoking/vaping and edibles. Symptoms from tincture application can last up to four hours, which can be helpful in planning cannabis dosing.¹⁸ It's important to keep in mind that some users may end up swallowing the tincture before it's absorbed sublingually/buccally, which means the dose would turn into an oral administration, and the onset of symptoms would be delayed.¹⁹ Due to their rapid onset, tinctures are the preferred delivery method for many serious medical conditions, such as epilepsy and nervous system disorders.²⁰

¹³ *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*, NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE (2017), <https://www.ncbi.nlm.nih.gov/books/NBK425767>; and *Marijuana as Medicine? The Science Beyond the Controversy*, NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE (2000), <https://www.ncbi.nlm.nih.gov/books/NBK224386>.

¹⁴ Backes M, Weil A. Cannabis Pharmacy: The Practical Guide to Medical Marijuana --Revised and Updated. 1 edition. Black Dog & Leventhal; 2017. AND Bruni N, Della Pepa C, Oliaro-Bosso S, Pessione E, Gastaldi D, Dosio F. Cannabinoid Delivery Systems for Pain and Inflammation Treatment. *Mol J Synth Chem Nat Prod Chem*. 2018;23(10).

¹⁵ Treating Pain with Transdermal Cannabis Patches | CannaMD. April 2019. <https://www.cannamd.com/treating-pain-with-transdermal-cannabis-patches/>. Accessed May 3, 2020.

¹⁶ *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*, NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE (2017), <https://www.ncbi.nlm.nih.gov/books/NBK425767>.

¹⁷ Zhang H, Zhang J, Streisand JB. Oral mucosal drug delivery: clinical pharmacokinetics and therapeutic applications. *Clin Pharmacokinet*. 2002;41(9):661-680. doi:10.2165/00003088-200241090-00003)

¹⁸ Pearson R. Module 6 (Lecture 5): Mucosally-Delivered Pharmacokinetics. Presented at the: University of Maryland.

¹⁹ Karschner EL, Darwin WD, Goodwin RS, Wright S, Huestis MA. Plasma Cannabinoid Pharmacokinetics following Controlled Oral Δ9-Tetrahydrocannabinol and Oromucosal Cannabis Extract Administration. *Clin Chem*. 2011;57(1):66-75. doi:10.1373/clinchem.2010.152439

²⁰ *Cannabasics: Methods of Consumption*, Canadian Public Health Association, <https://www.cpha.ca/cannabasics> (December 3, 2018).

D. Cannabinoids/Terpenes/Strains:

*Cannabinoids*²¹ – Cannabinoids are chemical compounds that occur naturally in the cannabis plant. The most common cannabinoids are:

- **Tetrahydrocannabinol** or THC is the main psychoactive compound in cannabis plants. But there are different THC compounds: - Delta-9 THC is responsible for the “high” or state of euphoria associated with cannabis use; Delta-8 THC is considered less potent than Delta-9 THC, with minor psychoactive effects. Hydroxyl THC is another active metabolite that is produced as a result of cannabis going through the digestive tract and being metabolized by the liver.²²
- **Cannabidiol** or CBD is non-impairing or non-euphoric. It doesn’t cause a “high.” However, it may produce many physical benefits, such as reducing pain and nausea, preventing seizures, and easing migraines. CBD has also been shown to mitigate and even block the euphoric effects of THC.²³
- **Cannabinol** or CBN is used to ease symptoms and side effects of neurological conditions, including epilepsy, seizures, and uncontrollable muscle stiffness.
- **Tetrahydrocannabinol acid** or THCA is similar to THC, but it doesn’t cause any psychoactive effects. Its potential benefits include reducing inflammation caused by arthritis and autoimmune diseases. It may also help reduce symptoms of neurological conditions like Parkinson’s Disease and ALS.
- **Cannabigerol** or CBG is thought to help reduce anxiety and symptoms of obsessive-compulsive disorder, post-traumatic stress disorder, and depression.

*Terpenes*²⁴ – Terpenes are the aromatic compounds that create the characteristic scent of many plants, including cannabis. The most common terpenes found in cannabis include:

²¹ Kimberly Holland, *Sativa vs. Indica: What to Expect Across Cannabis Types and Strains*, Healthline, <https://www.healthline.com/health/sativa-vs-indica#overview> (Mar. 22, 2021).

²² McGilveray IJ. Pharmacokinetics of cannabinoids. *Pain Res Manag.* 2005;10 Suppl A:15A-22A. doi:10.1155/2005/242516) Hydroxyl THC is three to seven times as potent as Delta-9 THC; and Infographic-Human-Metabolism-THC-
<https://sapiensoup.com/images/thc/Infographic-Human-Metabolism-THC-1300.png>. Accessed November 16, 2019.

²³ Cannabis study reveals how CBD offsets the psychiatric side-effects of THC. September 30, 2019. University of Western Ontario. <https://www.sciencedaily.com/releases/2019/09/190930131115.htm>.

²⁴ Kimberly Holland, *Sativa vs. Indica: What to Expect Across Cannabis Types and Strains*, Healthline, <https://www.healthline.com/health/sativa-vs-indica#overview> (Mar. 22, 2021).

- **Bisabolol** – With notes of chamomile and tea tree oil, the terpene bisabolol is thought to help reduce inflammation and irritation. It may also have microbial and pain-reducing effects.
- **Caryophyllene** – The peppery, spicy molecule may help reduce anxiety, ease symptoms of depression, and improve ulcers.
- **Linalool** – Linalool is said to help improve relaxation and boost mood with its floral notes.
- **Myrcene** – The most common terpene, this earthy, herbal molecule, may help reduce anxiety and insomnia so one can sleep better.
- **Ocimene** – This terpene produces notes of basil, mango, and parsley. Its primary effects may include easing congestion and warding off viruses and bacteria.
- **Pinene** – As the name suggests, this terpene produces an intense pine aroma. It may help boost memory, reduce pain, and ease some of the not-so-pleasant symptoms of THC, such as nausea and coordination problems.
- **Terpinolene** – Cannabis with this compound may smell like apples, cumin, and conifers. It may have sedative, antibacterial, and antifungal properties.
- **Limonene** – Bright, zippy citrus notes come from this terpene. It's said to improve mood and reduce stress.
- **Humulene** – This terpene is deeply earthy and woody, like hops or cloves. Cannabis strains with this molecule may help reduce inflammation.
- **Eucalyptol** – With notes of eucalyptus and tea tree oil, this molecule is refreshing and invigorating. It may also help reduce inflammation and fight bacteria.

*Strains*²⁵ – There are two primary subspecies of cannabis: Indica and Sativa. The most important difference between these two subspecies is in their medical efficacy and how they influence energy levels and productivity.

²⁵ Kimberly Holland, *Sativa vs. Indica: What to Expect Across Cannabis Types and Strains*, Healthline, <https://www.healthline.com/health/sativa-vs-indica#overview> (Mar. 22, 2021).

- **Indicas** tend to decrease energy and are better for consumption in the evening or at night, after the conclusion of the day's work and activities. Indica's are generally found to be more effective in treating insomnia, chronic pain, cancer, nausea, and eating disorders.
- **Sativas** are uplifting and cerebral, enhancing creativity and productivity. Indicas provide what has been called a "body high," while sativas deliver more of a "mind high." Sativa's are more effective in treating psychological disorders, such as anxiety, depression, and PTSD.
- **Hybrids** are unique strains that are bred from both indica and sativa strains and theoretically possesses many or most of the beneficial medical properties of both strains. Indica and sativa strains can be crossed to create a new strain that is more effective in treating diseases such as lupus, multiple sclerosis, Crohn's disease, and epilepsy.

E. **Endocannabinoid System**²⁶

The endocannabinoid system ("ECS") is an active and complex cell-signaling system identified in the early 1990s by researchers exploring THC. The ECS exists and is active in a person's body even if they don't use cannabis.

The ECS plays a role in regulating a range of functions and processes, including:

- Appetite;
- Cardiovascular system function;
- Energy balance;
- Immune response;
- Liver function;
- Memory and learning;
- Metabolism;
- Mood;
- Motor control;
- Muscle formation;
- Reproduction and fertility;

²⁶ Crystal Raypole, *A Simple Guide to the Endocannabinoid System*, Healthline, <https://www.healthline.com/health/endocannabinoid-system> (May 17, 2019); MaryAnn De Pietro, *What to know about endocannabinoids and the endocannabinoid system*, Medical News Today, <https://www.medicalnewstoday.com/articles/endocannabinoid> (Feb. 26, 2021); Dustin Sulak, *Introduction to the Endocannabinoid System*, NORML, <https://norml.org/marijuana/library/recent-medical-marijuana-research/introduction-to-the-endocannabinoid-system/> (last visited Mar. 9, 2022); *Overview of the Endocannabinoid System*, eCampus Ontario Open Library Pressbooks, <https://ecampusontario.pressbooks.pub/healthdiseasetopics/chapter/overview-of-the-endocannabinoid-system-2/> (last visited Mar. 9, 2022).

- Skin and nerve function; and
- Sleep.

In each tissue of the body, the ECS performs different tasks; however, the goal is always the same: homeostasis. Homeostasis is the maintenance of a stable internal environment despite fluctuations in the external environment. For example, if an outside force, such as pain from an injury, throws off the body's homeostasis, the ECS kicks in to help a person's body return to its ideal operation.

The ECS involves three core components: endocannabinoids, receptors, and enzymes.

- **Endocannabinoids** – Also called endogenous cannabinoids, these molecules are made naturally by a person's body. Endocannabinoids are similar to the cannabinoids present in the *Cannabis sativa* plant. The term “endo” refers to “within,” as in within the body. Experts have identified two key endocannabinoids so far: anandamide (AEA) and 2-arachidonoylglycerol (2-AG). These help to keep internal functions running smoothly. Endocannabinoids become active when they bind with a cannabinoid receptor, which are also located throughout the body. The body produces endocannabinoids as needed, making it difficult to know what typical levels are for each.
- **Endocannabinoid receptors** – These receptors are found throughout the human body. Endocannabinoids bind to receptors in order to signal that the ECS needs to take action. There are two (2) main endocannabinoid receptors: CB1 receptors, which are mostly found in the central nervous system, and CB2 receptors, which are mostly found in the peripheral nervous system, especially immune cells. Endocannabinoids may bind to either type of receptor, causing different results depending on the location of the receptor in the body. Experts also believe a third cannabinoid receptor may exist, but research is inconclusive.
- **Enzymes** – Enzymes are responsible for breaking down endocannabinoids once they've carried out their function. There are two (2) main enzymes responsible for this: fatty acid amide hydrolase, which breaks down AEA, and monoacylglycerol acid lipase, which typically breaks down 2-AG.

Outside of the human body, cannabinoids exist in the *Cannabis sativa* plant in the form of phytocannabinoids. Most phytocannabinoids have been isolated from *Cannabis sativa*; however, other medical herbs, such as *echinacea purpurea*, have been found to contain non-psychoactive cannabinoids as well.

- **Phytocannabinoids** – Much like endocannabinoids, phytocannabinoids are plant substances that stimulate cannabinoid receptors. In Cannabis plants, phytocannabinoids are mostly produced in the resin secreted by the glandular trichomes of female leaves. Phytocannabinoids are classified into ten types. However, the most investigated phytocannabinoids are THC and CBD.

When cannabis is ingested, the phytocannabinoids from the plant enter the body and interact with the ECS.

- **THC’s interaction with the ECS** – THC is one of the main cannabinoids found in cannabis. The compound produces the “high” effect of the plant. Once THC enters the body, it interacts with the ECS by binding to receptors like endocannabinoids. THC is powerful partly because it can bind to both CB1 and CB2 receptors. This allows it to have a range of effects on the body and mind.
- **CBD’s interaction with the ECS** – CBD is the other major cannabinoid found in cannabis. Unlike THC, CBD does not produce a “high” effect and, therefore, typically does not cause any negative effects. Experts are not completely sure how CBD interacts with the ECS, but they do know that it does not bind to CB1 or CB2 receptors the way THC does. Instead, many experts believe CBD works by preventing endocannabinoids from being broken down. This allows them to have more of an effect on the body. Other experts believe CBD may bind to a receptor that has not yet been discovered.

F. Where can QPs consume or administer medical cannabis in the District?

QPs are limited in where they are permitted to consume cannabis in the District. It is illegal for a QP to administer or consume medical cannabis at a registered dispensary or anywhere other than a QP’s residence, and only if consumption of cannabis is permitted in the residence. QPs who reside in federally subsidized housing are prohibited from using cannabis in their residence and may face eviction for doing so. Private landlords are permitted to prohibit or restrict the use of cannabis on their property.²⁷ QPs are also prohibited from using medical cannabis at a time or in a location within their residence if such use would result, or is likely to result, in an exposure that may adversely affect the health, safety, or welfare of a minor. Public consumption of medical cannabis, in any form, is strictly prohibited. This includes in a parked or moving vehicle, in a dispensary or cultivation center, and in public parks. QPs receiving care for a qualifying condition at a medical facility are permitted to use medical cannabis if doing so is allowed by the facility.

²⁷ *Information on the District’s Marijuana Laws*, Office of the Attorney General for the District of Columbia, <https://oag.dc.gov/about-oag/laws-legal-opinions/information-districts-marijuana-laws>.

G. Potential Side Effects of Medical Cannabis²⁸

There are many factors that impact the effect of cannabis on an individual. QPs should consider these factors to determine the correct dosage:

- Strain of cannabis used
- Route of administration (delivery method)
- Environment/setting
- Experience and history of cannabis use;
- Mindset or mood;
- Nutrition or diet;
- Overall health and wellbeing;
- Medication use; and
- Relative physical strength or weakness.

Despite its overall safety, QPs may still experience unwanted side effects. Even after carefully choosing a cannabis product and delivery method, a QP may experience acute uneasiness, palpitations, disorientation, and/or nausea. These side effects are typically temporary but can be quite frightening.

Some possible side effects include:

- Uneasiness;
- Hunger and thirst;
- Redness in the eyes;
- Drowsiness;
- Sleeplessness;
- Short-term memory loss;
- Feelings of euphoria;
- Decrease in blood pressure; and
- Increase in heart rate.

There are simple antidotes that a QP can use to help reduce these side effects. They include:

- Hot Shower²⁹;
- Lemon juice;

²⁸ Kimberly Holland, *Sativa vs. Indica: What to Expect Across Cannabis Types and Strains*, Healthline, <https://www.healthline.com/health/sativa-vs-indica#overview> (Mar. 22, 2021)

²⁹ This Mysterious Marijuana Syndrome Is Relieved by Hot Showers. Rachael Rettner. April 09, 2018. <https://www.livescience.com/62251-marijuana-syndrome-hot-showers.html>

- Pine nuts;
- Water;
- Smelling pine essential oils; and
- Calm breathing.

Contraindicated Medications for Cannabis Use³⁰: 60% of prescription drugs are metabolized by Cytochrome P450 (CYP) liver enzymes. Cannabinoids CBD and THC have the potential to interfere with enzyme function by either inhibiting the CYP enzymes or inducing them. This can cause the delayed onset of a drug, leading to possible increases in drug levels, or shorten the lifespan of the drug.

These categories of drugs are metabolized by Cytochrome P450 liver enzymes:

- Macrolides – *Zithromax, Erythromycin*
- Ca Channel Blockers – *Cardizem, Norvasc*
- Benzodiazepines – *Xanax, Klonopin, Valium*
- Cyclosporine – *Neoral*
- Sildenafil – *Viagra, Cialis, Levitra*
- Antihistamines – *Zyrtec, Benadryl, Allegra*
- Tricyclic antidepressants: *Amitriptyline, Amoxapine, Desipramine, Tofranil, Pamelor, Vivactil*
- Antipsychotics
- Beta Blockers
- Opioid painkillers: *Codeine, oxycodone*

It's important to educate QPs about the possibility of drug-to-drug interactions and the possible effects. And as such, QPs taking contraindicated medications while dosing with cannabis should stay alert of any unusual effects from their medications and/or cannabis and inform their pharmacist about their cannabis use. Populations most at risk for this interaction are children, pregnant women, and poly-drug geriatrics.

³⁰ Zanger, U. M. & Schwab, M. Cytochrome P450 enzymes in drug metabolism: Regulation of gene expression, enzyme activities, and impact of genetic variation *Pharmacol. Ther.* 138, 103–141 (2013); Guengerich, F. P. Cytochrome P450 and Chemical Toxicology. *Chem. Res. Toxicol.* 21, 70–83 (2008); Weinshilboum R. Inheritance and drug response. *N Engl J Med.* 2003; 348:529-37.

December 13, 2023

DeLorean 88, LLC
413 East Capitol St SE – Ground Floor
Washington, DC 20003

RE: Retailer License
ABCA-126807

Dear Applicant:

Thank you for submitting your application for a medical cannabis retailer license. We regret to inform you that your application has been denied as it does not meet the requirements set by the **DC Official Code 7-1671.06A**. This application is denied due to the following issue:

- Proximity of the proposed location to schools or recreation centers (within 300 feet of Hyde-Addison Elementary School)

Please be aware that if an applicant receives a written denial decision from the ABC Board, they have 15 days from the date of receipt to submit a written appeal to the ABC Board requesting reconsideration of the denial decision. Along with the appeal, the applicant may provide relevant documentation or evidence that challenges the findings of fact or conclusions of law in the written denial decision. If an appeal is submitted, the ABC Board is required to hold a hearing and provide a decision within 30 days.

If the applicant decides not to appeal the written denial decision or if the ABC Board renders a decision on an appeal, the ABC Board will notify the unlicensed establishment that it must close within 30 days of receipt of the denial. Failure to comply with this decision may result in penalties under **D.C. Official Code § 47-2844(a2) (1B)**.

If you have questions or need further assistance, do not hesitate to contact me.

Sincerely,

Emoni Boone

Emoni Boone
emoni.boone@.gov

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:

**New Retailer License
DeLorean 88, LLC
1432 Wisconsin Avenue N.W.
Washington, DC 20007**

**Case No.:
License No.: ABCA-126807
Order No.:**

**DELOREAN 88, LLC NOTICE OF APPEAL
AND REQUEST FOR RECONSIDERATION**


COMES NOW DeLorean 88 LLC (“DeLorean”), by and through undersigned counsel, and, pursuant to D.C. Code § 7-1671.06, including subpart(b)(2)(B)(i) and such other provisions of law as are applicable, notes its Appeal and request for reconsideration to the ABC Board of the December 13, 2023, Alcoholic Beverage and Cannabis Board denial (the “Denial”) of Alcoholic Beverage and Cannabis Administration (“ABCA”) License No. 126807. A copy of the Denial is appended hereto as **Appendix A**.

Applicant/appellant adopts and incorporates as if specifically set out herein the Application and all attachments filed on or about November 1, 2023.

Applicant/appellant seeks review and reconsideration of the Denial, including the finding and conclusion that “[t]he application is denied due to...proximity of the proposed location to schools or recreation centers (with 300 feet of Hyde-Addison Elementary School.)” *See Appendix B-1* (unnumbered 4 pages appended to Application at “GIS Map”), **Appendix B-2** (map noting MU-4 and R3-GT zoning of Hyde-Addison Elementary School as of October 31, 2023) **Appendix B-3** (February 11, 2021 report from ABRA Investigator Kevin Puente regarding 1438 Wisconsin Ave., NW, and Hyde-Addison Elementary School), and *see Heyert v. D.C., Alcoholic Beverage Control Bd.*, 399 A.2d 1309, 1312 (D.C. 1979).

Board of Zoning Adjustment
District of Columbia
CASE NO.21107
EXHIBIT NO.5

DeLorean 88 LLC_0348


Young min Lee (Dec 27, 2023 14:07 EST)

DeLorean 88 LLC

Respectfully submitted,

/s/Philip M. Musolino
Philip M. Musolino
D.C. Bar No.: 294652
Musolino & Dessel, PLLC
1615 L Street, N.W., Suite 440
Washington, D.C. 20036
Phone: (202) 466-3883
Fax: (202) 775-7477
Email: PMusolino@MusolinoandDessel.com
Counsel for DeLorean 88 LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December 2023, I caused a true and correct copy of
the foregoing to be served via electronic mail and certified mail to the following address:

Alcoholic Beverage & Cannabis Administration
2000 14th Street, N.W.
4th Floor, Suite 400 South
Washington, D.C. 20009
Email: abra.legal@dc.gov
Email: abca.legal@dc.gov
Email: abca.cannabislicensing@dc.gov
Email: emoni.boone@dc.gov
Email: sean.gordy2@dc.gov
Email: martha.jenkins@dc.gov
Email: jonathan.berman@dc.gov

/s/ Philip M. Musolino
Philip M. Musolino

December 13, 2023

DeLorean 88, LLC
413 East Capitol St SE – Ground Floor
Washington, DC 20003

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ABCA-126807

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If you have questions or need further assistance, do not hesitate to contact me.

Sincerely,

Emoni Boone

Emoni Boone
emoni.boone@.gov

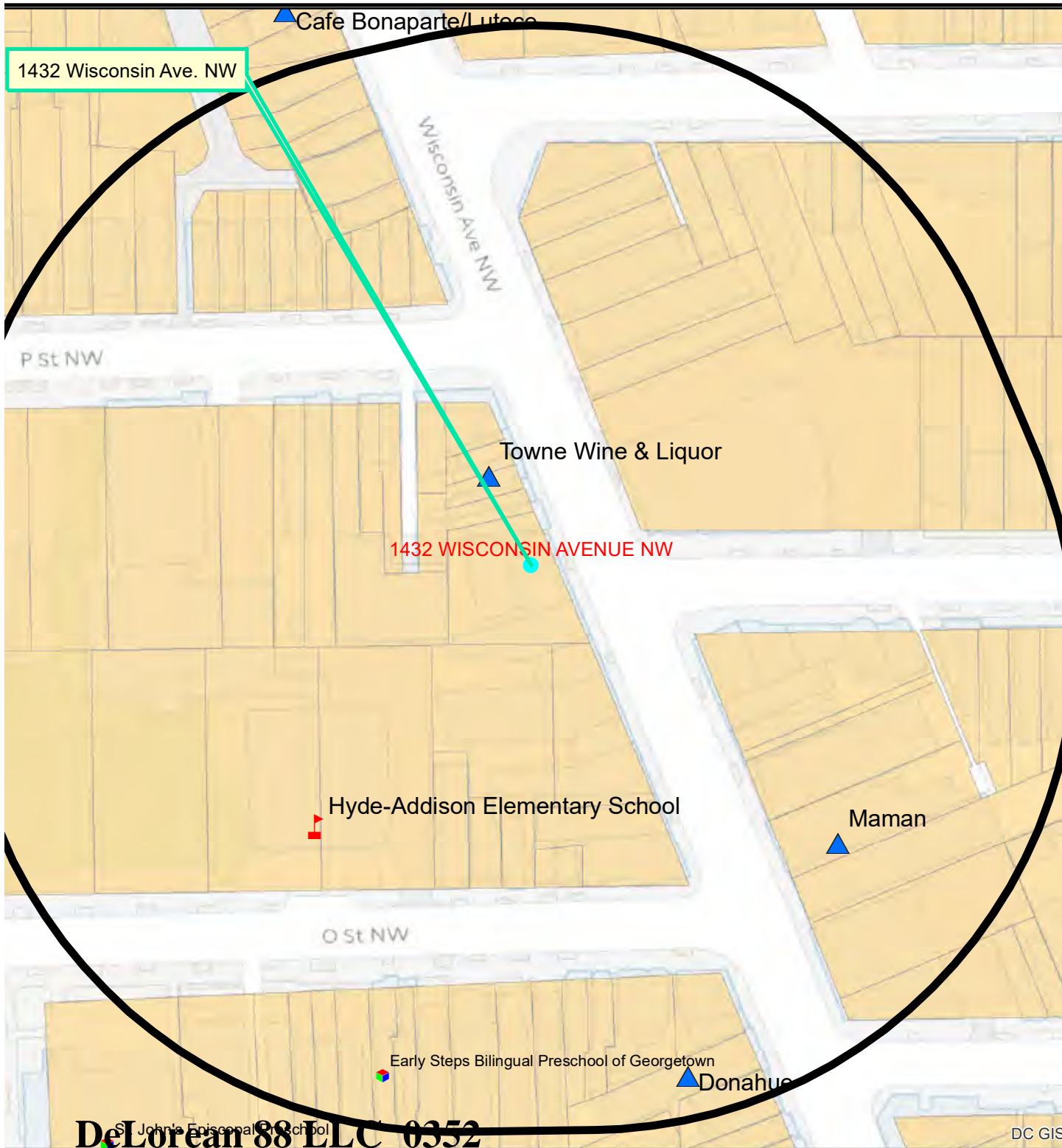
APPENDIX A

DeLorean 88 LLC

**Medical Cannabis Business License Application –
Retailer**

**GIS Map
1432 Wisconsin Ave, NW**

**APPENDIX
B-1**













Alcoholic Beverage and Cannabis Administration (ABCA)

1432 Wisconsin Ave. NW

There are no recreation centers located within 300 feet from the establishment. Hyde-Addison Elementary School is within 300 feet at 3219 O Street NW. There is no ABCA licensed establishment at this address. This appears to be a commercial space. The address is zoned MU-4.

Legend

-  Liquor Licensee Locations
-  Public Schools
-  Charter Schools
-  Independent School
-  Colleges and Universities
-  Recreation Facilities
-  Libraries
-  Child Development
-  Record Lots
-  DC Boundary

Date: 5/1/2023

**Government of the
District of Columbia
Muriel Bowser, Mayor**

This map was created by ABCA using the District of Columbia Geographic Information System (GIS). This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

DeLorean 88 LLC 0352

DC GIS

DeLorean 88 LLC t/a DeLorean has identified property for its medical cannabis retail facility at 1432 Wisconsin Avenue, NW Washington, D.C. 20007. The property, which is zoned as MU-4, is located less than 300 feet from the property line of Hyde Addison Elementary School, located at 3219 O Street, NW Washington, D.C. 20007, however, it meets the exemption in 22 D.C.M.R. § C5200.1. Specifically, 22 D.C.M.R. § C5200.1 states that a proposed medical cannabis facility is exempt from the 300 foot setback, where “the nearest property line of the school...is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia.”

The Zoning Report for 3219 O Street, NW, which is attached here, indicates that Hyde Addison Elementary has two zoning designations – MU-4 and R-3/GT. The Office of Surveyor’s survey of the Hyde Addison Elementary plat, also attached here, indicates that the property line which faces Wisconsin Avenue is in an MU-4 zone. This MU-4 designation satisfies the 22 D.C.M.R. § C5200.1 exemption.

Location

Square, Suffix, Lot
1244 0854

Tax Record

Premises Address

3246 P ST NW WASHINGTON DC 20007

Owner Name

DISTRICT OF COLUMBIA

Owner Address

2000 14TH ST NW 8TH FLOOR
WASHINGTON DC 20009-4487

Imagery

[View 3D Zoning Map](#)

[View Perspective Imagery](#)

Google Maps

Bing Maps

Zoning / Land Use

Zone District

MU-4

R-3/GT

Overlay Area

GT: Georgetown

Historic District

Georgetown Historic District

Future Land Use Map

RMOD

Future Land Use Maps Plan

① Learn more about the zoning process

DeLorean 88 LLC 0354

The map displays a grid of residential lots with their respective addresses. The central focus is a large green lot, Sq. 1242, which contains a blue dot labeled 0854. Surrounding this lot are various other lots, some of which are highlighted in yellow or orange. The map is oriented with North at the top. A blue 'Info' button is located in the top left corner, and an 'Earth' logo is in the bottom right corner. The map also shows street names: P St NW, O St NW, and Wisconsin Ave NW. The lot numbers are displayed in a small font next to each lot. The map is color-coded by lot area: green for lots under 10,000 sq ft, yellow for 10,000-20,000 sq ft, and orange for 20,000-30,000 sq ft.

PropertyQuest report for 3219 O
STREET NW created 31-10-2023



Interactive Map



Site Related Information

Highlights

- *In the Georgetown Historic District*
- *In the Commission of Fine Arts jurisdiction area*

APPENDIX
B-2

Basic Information

3219 O STREET NW (HYDE-ADDISON ELEMENTARY SCHOOL)	
SSL (Square, Suffix & Lot)	1244 0854
Lot type	tax lot
Ward	Ward 2
ANC	ANC 2E
SMD	SMD 2E03
Neighborhood Cluster	Cluster 4
Police District	Second Police District
Police Service Area	PSA 206
Voting Precinct	Precinct 6
Zoning	MU-4
Zoning	R-3/GT
2020 census tract	2.02
2020 census block group	2
2020 census block	2006

Ownership and Taxes

Tax lot	1244 0854
Premises	3246 P ST NW WASHINGTON DC 20007
Owner	DISTRICT OF COLUMBIA
	2000 14TH ST NW 8TH FLOOR
	WASHINGTON DC 20009-4487
Use	Educational
Land area	64725 square feet
Tax rate	\$1 89 per \$100 assessed value
Current assessment (2023)	
land	\$10,572,830
improvements	\$4,040,650
total	\$14,613,480
Proposed assessment (2024)	
land	\$10,784,480
improvements	\$4,598,350
total	\$15,382,830

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Alcoholic Beverage Regulation Administration



DATE: February 11, 2021

TO: John Suero
Chief of Enforcement

THRU: Jason Peru
Supervisory Investigator

FROM: Kevin Puente *KP #22*
Investigator

SUBJECT: Towne Wine & Liquor

Details: On Wednesday, February 10, 2021, Investigator Puente conducted an investigation regarding Towne Wine & Liquor. Towne Wine & Liquor (Class A Liquor Store) is currently located at 1326 Wisconsin Ave N.W., has applied to move up the street to 1438 Wisconsin Ave N.W. The applicant's proposed address is located within 400 feet of Hyde Addison Elementary School which is currently located at 3219 O Street N.W. Hyde Addison Elementary School is currently zoned Residential and Mix Use according to the District of Columbia Zoning maps. Investigator Puente was tasked with determining whether the nearest property line of Hyde Elementary School to 1438 Wisconsin Avenue, NW is zoned MU-4 or R-20.

Investigator Puente went out to the establishment and measured the distance of Hyde Addison Elementary to Towne Wine & Liquors current location and then from the proposed new location. From the current location at 1326 Wisconsin Avenue N.W. to Addison Elementary school is 371 feet. From the new location at 1438 Wisconsin Avenue N.W. to Addison Elementary School is 381 feet.

Investigator Puente observed that on the east side of the property which abuts commercial buildings is separated by a fence down the entire property line.

**APPENDIX
B-3**

Investigator Puente conducted checks on the District of Columbia Zoning website, Property quest website and the Department of Transportation (DDOT), and determined that the east side property line runs into the MU-4 Zone. Investigator Puente was able to determine this by the maps that were provided on the websites and that are highlighted that shows the property line for Addison Elementary School starts in Residential and then moves into the Mix-Use Zone and back into the Residential Zone.

Investigator Puente determined that the nearest property line to 1438 Wisconsin Avenue N.W., falls into the Mix-Use Zone.

23-12-27 DeLorean 88 LLC Written Appeal

Final Audit Report


2023-12-27

Created:	2023-12-27
By:	Philip Musolino (pmusolino@musolinoanddessel.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAANxixXudEw9CefAhllRJh6BbgOgOLhmeq


"23-12-27 DeLorean 88 LLC Written Appeal" History

 Document created by Philip Musolino (pmusolino@musolinoanddessel.com)

2023-12-27 - 6:58:50 PM GMT- IP address: 73.211.32.21

 Document emailed to jimmylee23@gmail.com for signature


2023-12-27 - 6:59:27 PM GMT

 Email viewed by jimmylee23@gmail.com

2023-12-27 - 7:04:39 PM GMT- IP address: 69.137.155.56

 Signer jimmylee23@gmail.com entered name at signing as Young min Lee

2023-12-27 - 7:07:30 PM GMT- IP address: 69.137.155.56

 Document e-signed by Young min Lee (jimmylee23@gmail.com)

Signature Date: 2023-12-27 - 7:07:32 PM GMT - Time Source: server- IP address: 69.137.155.56

 Agreement completed.

2023-12-27 - 7:07:32 PM GMT



Adobe Acrobat Sign

DeLorean 88 LLC_0359

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:

**New Retailer License
DeLorean 88, LLC
1432 Wisconsin Avenue N.W.
Washington, DC 20007**

**Case No.:
License No.: ABCA-126807
Order No.:**

DELOREAN 88, LLC’S SUPPLEMENTAL MEMORANDUM

COMES NOW DeLorean 88 LLC (“DeLorean” and/or the “Applicant” and/or the “Appellant”), by and through undersigned counsel, and, pursuant to D.C. Code § 7-1671.06, including subpart(b)(2)(B)(i) and such other provisions of law as are applicable, submits this Supplemental Memorandum in support of its Notice of Appeal and Request for Reconsideration (the “Notice of Appeal”) to the ABC Board of the December 13, 2023, Alcoholic Beverage and Cannabis Board (the “Board”) denial (the “Denial”) of Alcoholic Beverage and Cannabis Administration (“ABCA”) License No. 126807. A copy of the Denial is appended hereto as **Appendix A-1**, and a copy of the Notice of Appeal is appended hereto as **Appendix A-2**.

Applicant/Appellant adopts and incorporates as if specifically set out herein the Application and all attachments filed on or about November 1, 2023.

INTRODUCTION

Applicant/Appellant seeks review and reconsideration of the Denial, including the finding and conclusion that “[t]he application is denied due to...proximity of the proposed location to schools or recreation centers (with 300 feet of Hyde-Addison Elementary School.”) *See* **Appendix B-1** (unnumbered 4 pages appended to Application at “GIS Map”), **Appendix B-2** (map noting MU-4 and R3-GT zoning of Hyde-Addison Elementary School located at 3219 O Street NW,

Washington, D.C. 20007 (the “O Street Address”)/3246 P Street NW, Washington, D.C. 20007 (the “P Street Address”) (the “School”) as of October 31, 2023) **Appendix B-3** (February 11, 2021, report from ABRA Investigator Kevin Puente regarding 1438 Wisconsin Ave., NW, and Hyde-Addison Elementary School), and **Appendix B-4** (January 18, 2024, 3D Zoning Map from Office of Zoning).

As of the date of the November 1, 2023, Medical Cannabis License Application Package for a Standard Retailer License (the “Application”), the MU-4 split zoning on the lot on which the School was situated (the “Lot”) created an exception to the 300-foot restriction, and the zoning character of the facing property line itself created a second exception. The Office of Zoning’s own 3D Zoning Map, as of this date, shows the MU-4 sliver on the Lot. On those bases alone, the Application should have been granted.

But, on or about November 9, 2023, following an inquiry from an adjoining ANC Commissioner, and, apparently, after only an hour of review, **Appendix C-1**, the Office of Zoning, without the requisite notice or hearing, altered the zoning line on one of the digital versions of the Zoning Map, utilizing the P Street Address for the School, rather than the School’s correct O Street Address. **Appendix C-2** (January 4, 2024, email from D. Juan to P. Musolino), **Appendix D** (January 4, 2024, email from J. Berman to P. Musolino), apparently in the process of cutting off the ability for a digital review of the digital map utilizing the School’s main address (the O Street Address).

The consequence of the *ultra vires post hoc* changes not only eliminated the MU-4 zoning for the School’s lot on one of the maps.¹ The action threatens at least two other licenses issued on

¹ But significantly, not the facing property line, as is discussed below.

the basis of the MU-4 zoning which was capriciously eliminated without due process, statutory-mandated notice, and hearing requirements.

Ignoring the long-established principle that zoning status is assessed as of the time of the application, and without conducting its own investigation or providing the Applicant with an opportunity to respond, the Board denied the Application. The Denial, it appears, relied *sub silencio* on the undisclosed digital map change, but contained no finding other than that “[t]he application is denied due to...proximity of the proposed location to schools or recreation centers (with 300 feet of Hyde-Addison Elementary School.”), notwithstanding that the Application specifically asserted the zoning exception.

Subsequent to the digital map change on which the Board relied, the map appears to have been changed again. **Appendix C-3.** But, as noted above, the 3D Zoning Map, which permits searching for the O Street Address, correctly shows MU-4 zoning on the Lot.

As is more fully set out below, the Board erred both procedurally and substantively. Moreover, the Board’s apparent ratification of a facially invalid agency action and its resultant interference with vested rights and interests without any notice or opportunity to be heard exposes applicants, license holders, and others to chaotic *post hoc ad hoc* administrative actions untethered from administrative procedures and averse to the principles of finality on which the zoning and licensing schemes, and due process rest.

I. PERTINENT FACTS AND PROCEDURES

A. The School Property:

The School is comprised of two buildings on Lot 854 (the “Lot”) in Square 1244 (the “Square”). *See* Survey, District of Columbia Survey of the Office of the Surveyor. **Appendix E.** As of October 31, 2023, the Office of Zoning described in its publicly available digital database

the Lot as split-zoned with MU-4 zoning and R-3/GT zoning. As of the time of the Application, the School had two addresses: 3246 P Street, NW (the “P Street Address”) and 3219 O Street NW (the “O Street Address”). As of the time of the Application, the O Street Address generated a zoning map from the Office of Zoning digital map database. Moreover, at the time of the Application, the O Street Address was the only address containing an active entrance to the School, and was the address utilized by the School on its website, **Appendix F**, and the O Street Address was the address which faced the Applicant’s establishment.

The School itself was built around 1907. The P Street building is closed to any access. **Appendix G**. The O Street address, as of this date, remains “active” as a “non-residential” property, according to the DC Department of Buildings. **Appendix H**.

Since the commencement of regulated zoning in the District of Columbia in 1920, *see* Senate Bill 6922 (the “Zoning Act of March 1, 1920”), and since the creation of the first zoning map in or around 1936, (**Appendix I-1, Appendix I-2**), the Lot was part of a historical commercial corridor, with an industrial classification predating its public classification.

So far as Applicant is aware, the Lot has never had any residential uses, or improvements.² Thus, in 2021, the Board issued License ABRA-093813 based on a determination from Inspector Puente that:

On Wednesday, February 10, 2021, Investigator Puente conducted an investigation regarding Towne Wine & Liquor. Towne Wine & Liquor (Class A Liquor Store) is currently located at 1326 Wisconsin Ave N.W., has applied to move up the street to 1438

² At the outset of the creation of the zoning scheme, and thereafter, the District of Columbia and the Zoning Commission set out to memorialize in zoning maps the then-existing uses of each of the properties in the District of Columbia. As ANC Commissioner Christopher Mathews wrote with respect to another Georgetown commercial property: “[O]bviously M and Wisconsin were zoned for commercial from the start. But this map allowed for a substantial amount of commercial into the residential neighborhood. P Street west of Wisconsin was almost entirely zoned for commercial. 36th Street was as well. And a portion of P Street in east Georgetown (the heart of the historic black Herring Hill neighborhood) was also zoned commercial. Of course this wasn’t a coincidence. It was zoned commercial because it was commercial. The map makers were acknowledging that even though one of the stated goals of adopting the zoning laws was to limit the growth of commercial activity in residential neighborhoods, there already was commercial activity in these parts of residential Georgetown.” **Appendix J**.

Wisconsin Ave N.W. The applicant's proposed address is located within 400 feet of Hyde Addison Elementary School which is currently located at 3219 O Street N.W. Hyde Addison Elementary School is currently zoned Residential and Mix Use according to the District of Columbia Zoning maps. Investigator Puente was tasked with determining whether the nearest property line of Hyde Elementary School to 1438 Wisconsin Avenue, NW is zoned MU-4 or R-20.

Investigator Puente went out to the establishment and measured the distance of Hyde Addison Elementary to Towne Wine & Liquors current location and then from the proposed new location. From the current location at 1326 Wisconsin Avenue N.W. to Addison Elementary school is 371 feet. From the new location at 1438 Wisconsin Avenue N.W. to Addison Elementary School is 381 feet.

Investigator Puente observed that on the east side of the property which abuts commercial buildings is separated by a fence down the entire property line. Investigator Puente conducted checks on the District of Columbia Zoning website, Property quest website and the Department of Transportation (DDOT), and determined that the east side property line runs into the MU-4 Zone. Investigator Puente was able to determine this by the maps that were provided on the websites and that are highlighted that shows the property line for Addison Elementary School starts in Residential and then moves into the Mix-Use Zone and back into the Residential Zone.

Investigator Puente determined that the nearest property line to 1438 Wisconsin Avenue N.W., falls into the Mix-Use Zone.

*See Appendix B-3.*³

In 2023, the Board issued license no. ABRA-124100 to Taichi Bubble Tea, which is also within 300-feet of the School, and two (2) years earlier in 2021 the Board issued license no. ABRA-110803 to Donahue which is located at 1338 Wisconsin Avenue NW, Washington, D.C. 20007. **Appendix K.**

B. The License Application:

Prior to incurring the considerable expense and devoting the significant time necessary to apply for the license, Applicant discussed with representatives of the Board the compliance of the establishment with applicable regulatory requirements and restrictions. As Mr. Preet declares:

³ License ABRA-093813 was issued for Towne Wine & Liquor an establishment located at 1438 Wisconsin Avenue NW, Washington, D.C. 20007. **Appendix L**, at page 11 of 32.

During the week of October 16, 2023, [Mr. Preet] met with Licensing Manager Sean Gordy of the Alcoholic Beverage and Cannabis Administration (“ABCA”) regarding location approval of the Property for DeLorean to obtain a Medical Cannabis Business License (the “License”). Mr. Gordy confirmed that the Property would be able to obtain a License because the Hyde-Addison Elementary School (the “School”), located at 3219 O Street NW, Washington, D.C. 20007 (the “O Street Address”) and 3246 P Street NW, Washington, D.C. 20007 (the “P Street Address”), was classified as MU-4 and R-3/GT zoning and DeLorean would be able to obtain the License at the Property. The entrance to the School is located at the O Street Address on Square 1244 Lot 0854 (the “School Lot”). *See Exhibit A.*

During the week of October 23, 2023, [Mr. Preet] met again with Mr. Gordy to request written confirmation of his verbal assurance DeLorean would receive a License. Mr. Gordy called Jonathon Berman, Assistant General Counsel to ABCA, who confirmed the School was located in MU-4 and R-3/GT and DeLorean would be able to obtain the License at the Property.

On October 25, 2023, [Mr. Preet] emailed Mr. Gordy seeking written confirmation DeLorean would be granted a License if they applied.

On October 26, 2023, [Mr. Preet] emailed Mr. Gordy again seeking written confirmation DeLorean would be granted a License if they applied.

On October 26, 2023, Mr. Gordy forwarded Mr. Berman’s response regarding [Mr. Preet’s] request. *See Exhibit B.*

On October 31, 2023, [Mr. Preet] went to the D.C. Department of Buildings (“DoB”) to speak with a Zoning Administrator. [Mr. Preet] spoke with Mary Morgan of DoB, a customer service representative, who went to D.C. PropertyQuest to confirm the zoning of the School. Ms. Morgan confirmed the School was zoned as MU-4 and R-3/GT. *See Exhibit C.*

On November 1, 2023, DeLorean submitted their License application.

On November 1, 2023, [Mr. Preet] called ANC2E03 Commissioner Paul Maysak to advise him DeLorean applied for a License at the Property. Later that day, [Mr. Preet] emailed Mr. Maysak Mr. Gordy’s October 26, 2023, email that the Property had been approved.

In or around November 14, 2023, [Mr. Preet] called Mr. Gordy regarding DeLorean’s License. Mr. Gordy advised [Mr. Preet] that ANC Commissioners contacted ABCA regarding the zoning of the School.

On November 15, 2023, [Mr. Preet] learned that the School’s zoning classification had been changed from MU-4 and R-3/GT to R-3/GT. When [Mr. Preet] searched the School’s listed address on D.C. PropertyQuest the address could not be found. *See Exhibit D.*

On or about November 27, 2023, ABCA advised DeLorean that the License application was deemed complete.

On December 13, 2023, [Mr. Preet] received a rejection letter from ABCA for DeLorean's License due to the Property's proximity to the School. *See* **Exhibit E**.

On December 27, 2023, DeLorean filed its Notice of Appeal and Request for Reconsideration. *See* **Exhibit F**.

On January 9, 2024, [Mr. Preet] met with Director of the D.C. Office of Zoning, Sara Bardin. Ms. Bardin informed [Mr. Preet] of a 78-foot distance measured from the alley on P Street. She showed [Mr. Preet] a 1958 map but did not show [Mr. Preet] any more current maps. Ms. Bardin told [Mr. Preet] she would reconsider reinstating the MU-4 zoning classification of the School Lot if the 78-foot distance from the corner of the alley encroached on the School Lot.

On January 9, and January 17, 2024, [Mr. Preet] measured 78-feet from the corner of the alley West on P Street NW multiple times and also measured 77-feet from the corner of the alley west. *See* **Exhibit G**. By comparing the D.C. Office of Zoning 3D Zoning Map, it seems clear that the MU-4 zoning line encroaches on the School Lot.

See Declaration of Sanjeev Preet, **Appendix M**.

With the October 31, 2023, digital map in hand, and after considerable devotion of time and expense, Applicant filed its application on November 1, 2023, and expressly contended that the School's zoning created an exception to the 300-foot limitation.

On November 9, 2023, at 9:19 AM, ANC 2EO2 Commissioner Christopher Mathews directed an email to the Office of Zoning staff. **Appendix N**. He wrote:

I am an ANC Commissioner in Georgetown and I have a question about the official zoning map on the Office of Zoning's website. I believe the map is providing inaccurate information about the zoning borders. Can I speak to someone to provide clarity on how the zones are geographically defined?

On November 9, 2023, at 12:16 PM, the Director of the office of Zoning emailed Mr. Mathews that "we have corrected it." **Appendix O**. The Director wrote that: "[y]es, this appears to be a digitization error. The first screenshot below is from the 1966 map, and there is a clear 78' line from the edge of the alley ROW on this square. This measurement is shown on every map up to 2003 (subsequent maps don't show measurements). The pink line on the second screenshot is a

78-foot line we made in GIS to simulate where the line should be, juxtaposed to the red existing zone boundary.” *Id.*⁴ As Commissioner Mathews later wrote in his December 3, 2023, Substack post: “...I got on the horn with the Office of Zoning and was soon speaking to the Director herself, Sara Bardin. She was immensely helpful and immediately recognized the issue. She had her team look into it and within an hour the map was fixed[.]” **See Appendix P.**

On November 9, 2023, at 12:42 PM, Commissioner Mathews transmitted those emails to the Board’s Office of General Counsel, Jonathan Berman, writing: “[p]lease see below. As I suspected, this was a result of a digitalization error. The maps have already been updated. As such, I believe Hyde-Addison still “counts” for the 300-foot rule.” **Appendix O.**

On December 13, 2023, the Board issued its denial, apparently based on a digital map searched through the P Street Address, rather than the O Street Address.⁵ **Appendix B-1.**

On December 27, 2023, the Applicant filed its Notice of Appeal and Request for Reconsideration. **Appendix Q.**

On December 29, 2023, the Applicant, through counsel, requested access pursuant to 23 DCMR Section 1708 to the ABCA Board’s records in this matter.

On January 2, 2024, Mr. Berman wrote to Mr. Musolino in part as follows:

The agency is in receipt of your motion and at this time we anticipate that it will appear on the Board’s January 10, 2024, agenda for consideration. I just wanted to let you know that the zoning map you provided with your motion appears to be out of date and not supported by the current zoning map, which lists the zoning for 3246 P Street NW as solely being R-3/GT (see the attached zoning report produced on January 2, 2024).

Appendix R.

⁴ No document in the file produced to the Applicant expounds on the relationship, if any between the alley and the zoning border, or between the property lines and the zoning border. Applicant notes its objection to the production of an incomplete file.

⁵ The O Street Address search capability through the Office of Zoning has apparently been disabled.

On January 4, 2024, Mr. Berman wrote to Mr. Musolino in part as follows:

Separately, in respect to any conversations you're having with other agencies, note that on our end, based on the information I have, ABCA was informed around or sometime in November 2023 that there was a digitization error in the official zoning map and that the map was updated, which led to Licensing issuing the denial based on the new map. I also wanted to let you know that Investigator Puente is no longer with the agency.

See Appendix S.

As of January 12, 2024, according to the Office of Planning, a map which appears different from the map on which the Board ostensibly relied in November 2023 is now produced digitally.

See Appendix T.

C. The Zoning Map Process:

The District of Columbia Office of Zoning (“OZ”) administers the zoning regulations through the Zoning Commission (“ZC”) and the Board of Zoning Adjustment (“BZA”). The ZC is responsible for all map amendments and text amendments.

Before adopting any proposed amendment to this title or the Zoning Maps, the ZC shall submit the proposed amendment to the Office of Planning (“OP”) for opinion or report. Before adopting any proposed amendment to “...the Zoning Maps, the Zoning Commission shall hold a public hearing.” 11-A DC ADC § 210.

According to the OZ “[t]he official interactive DC Zoning Map is updated daily to ensure consistency with zone changes and other real property data. Static PDF extracts of the Official Zoning Map are updated quarterly.” <https://dcoz.dc.gov/page/zoning-maps-district-columbia> (last viewed Jan.18, 2024). The interactive zoning map includes a 3D zoning map which includes improvements, property lines and color-coded zoning overlays. According to Dontario Givens,

hard copy maps – presumably the “Static PDF extracts” – are neither maintained by the OZ nor otherwise available.

D. The Exceptions to the 300-Foot Rule:

The 300-foot restrictions shall not apply where the main entrance to the preschool, primary school or secondary school or recreation center, or the nearest property line of the school or recreation center is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia. 7 DC Code §1671.06A (c).

There are thus two (2) independent pathways to application of the exception: (1) where the main entrance to the preschool, primary school or secondary school or recreation center, is actually on or (2) occupies ground zoned commercial or industrial *or* where the nearest property line or the nearest property line of the school or recreation center.

II. ARGUMENT

A. The Board Was Bound By the Zoning Map at the Time of the Application:

It is a salutary principle of the adjudicatory administrative process that applications for rights associated with licenses are assessed according to the regulatory rights and limitations in place at the time of the application. As the District of Columbia Court of Appeals explained in *Cole v. D.C. Zoning Comm'n*, 210 A.3d 753 (D.C. 2019).

New zoning regulations “superseded[ing] in full the 1958 regulations and zoning maps that had been in effect, as amended,” became effective on September 6, 2016.... However, in describing what the Commission was to consider, we cite the now-superseded regulations that governed the Commission's substantive review of the PUD application....because the Application was filed prior to the date that those regulations were repealed (internal citations, quotation marks omitted).

Cole v. D.C. Zoning Comm'n, 210 A.3d at 759, n.6.

In *Valley Mobile Home Park, LLC v. Naugatuck Zoning Comm'n*, 2012 WL 2899103, at *7 (Conn. Super. Ct. 2012), the Court concluded that a zoning application is tested according to the zoning regulations at the time of the application. As the Court ruled:

The defendants counter that Nichols' special permit application is entitled to the protection of § 8-2h because the application substantially complied with the old regulations at the time of filing.... Accordingly, the court finds that the commission could reasonably conclude that Nichols' application conformed to the old regulations at the time of filing, notwithstanding the commission's pending decision on the zone change application. Consequently, pursuant to § 8-2h, the commission properly evaluated the application under the old regulations.

In *Richbon, Inc. v. Miami-Dade Cnty.*, 791 So. 2d 505, 508 (Fla. Dist. Ct. App. 2001), the court rejected the administrative application of zoning restrictions to a proposed entertainment establishment license. As the Court wrote:

We conclude that the circuit court failed to apply the correct law. The County is (and was) estopped from denying the issuance of the permit as Richbon had successfully taken every step required of it to obtain the certificate, and *at the time of application* there were no valid impediments to its issuance (emphasis added).

Richbon, Inc. v. Miami-Dade Cnty., 791 So. 2d at 508.

Similarly, in *In Calagione v. City of Lewes Plan. Comm'n*, 2007 WL 4054668, at *1 (Del. Ch. 2007) the Delaware Chancery Court explained:

Of particular relevance to the resolution of this motion is *the ramification of the proposal and subsequent adoption of an amendment to the City's zoning code....*

The parties dispute whether or not the Maull and Healing applications were exempted from the amendment. Petitioners contend that the applications were not “pending” at the time the amendment was enacted because Maull and Healing failed to submit proper applications until after the imposition of the moratorium. Petitioners further argue that, even if they were pending, pending applications were exempt only from the moratorium, not from the increased minimum size requirement in the ordinance. Respondents, in response, rely on the Council's resolution approving the Maull and Healing subdivision applications, in which the Council made the following conclusions: (1) both applications

satisfied all zoning regulations at the time the applications were originally filed in 2002; (2) the applications were specifically exempted from the moratorium imposed on August 11, 2003; and (3) *the Commission properly recognized that the applications were grandfathered* and, therefore, excluded from the increased minimum lot requirement amendment (emphasis added).

Calagione v. City of Lewes Plan. Comm'n, 2007 WL 4054668, at *1. And see *Brown v. Town of Kennebunkport*, 565 A.2d 324, 326 (Me. 1989)(“ A ‘pending’ application would be “grandfathered” pursuant to 1 M.R.S.A. § 302, and would be entitled to Board evaluation under the subdivision regulations that existed at the time that the application was accepted by the Board.”), *Granite State Outdoor Advert., Inc. v. Town of Orange, Connecticut*, 303 F.3d 450, 452 (2d Cir. 2002) (“regardless of later amendments, only those regulations that were in place at the time an application was filed may be applied to that application (applying Connecticut law).

The Denial made no mention of the exception, much less the zoning map status as of the date of the Application.

The case now before the Board provides a stark paradigm for the purpose behind the broadly accepted date of application rule. If by mere fluke of scheduling or other happenstance the Board reached its decision on November 8, 2023, the Application would have been granted, but, because its decision was made after November 9, 2023, before any other iteration of the zoning map was implemented, the Application was denied. It cannot be sound public policy to base licensing decisions on ephemeral, *ad hoc* or temporary decision-making, untethered to mandated administrative procedures, particularly where, as here, rights attach at the moment of application.

The failure to look to the clear record at the time of the Application led, as is discussed below, to a series of other administrative inadequacies, including the absence of any reviewable finding of fact on the zoning map change, an incomplete internal investigation shielded from contest by Applicant, the failure to conduct a zoning search coterminous with the October 31,

2023, search, as well as on searches on which the Board had previously relied, and the failure to even address the alternative exception to the 300-foot rule. The result is, and will be in the future, the sort of uncertainty with the public that is, to the extent that it can be ameliorated by an agency, anathema to the administrative process. But, on its own the Board's failure to consider or address the zoning status at the time of the Application mandates on its own reconsideration and vacatur of the Denial.

B. The Board Incorrectly Relied On the Wrong Map:

Conspicuously absent from any findings of fact, or indeed from any of the documents which ostensibly support the Denial, is any discussion of either of the 3D Zoning Map or the PDF version of the Zoning Map.

The Zoning Commission provides the public with a 3D Zoning Map. *See Appendix U.* That map, as of this date, clearly shows a stretch of MU-4 zoning on the School Lot. That map also shows that an MU-4 building on the lot adjoining the School Lot extends into the School Lot. Contrary to the apparent conclusion of the Board, therefore, the records of the ZC, even after November 9, 2023, do not show that there is no MU-4 zoning on the School Lot. Neither the Denial nor any document provided thereafter mentions, much less addresses, the 3D Zoning Map which, on its face, triggers the first of the two (2) exceptions to the 300-foot rule. That clearly depicted MU-4 zoning, of course, conforms to the 2D digital zoning map provided by the ZC at the time of the application. Equally significant, the 3-D map – unlike the flawed map on which the denial mistakenly relied – was generated by searching the O Street address.

Setting aside for the moment the crucial irregularities in the one-hour *ad hoc* zoning map change on November 9, 2023, the Board had absolutely no basis for reliance on the revised 2D map, rather than any version of the 3D Zoning Map. There was certainly no fact-finding in this

case directed at the reliability of a digital map which differed from a hard paper map, perhaps because neither the Board nor the OZ relied on anything other than the second of three recent 2023 digital maps generated over a three (3) month stretch. Even a cursory review of publicly available digital zoning maps reflects long-standing and unresolved differences with hard paper maps. For example, while the hard copy zoning maps in 1966, 1975, and 1983 reflect adjoining distances from the east side of the MU-4 zone of 130-feet and 130-feet, the 1966, 1975, and 1984 digital maps persist in reflecting distances of 140-feet and 130-feet. *See* and compare **Appendix V-1**; **Appendix V-2**; and **Appendix V-3** (the 1966, 1975, and 1983 hard copy maps) with **Appendix V-4**; **Appendix V-5**; and **Appendix V-6** (the 1966, 1975, and 1984 digital maps), respectively. This 10-foot disparity in the width of the MU-4 zone mandates some explanation or finding before any conclusion on the location of the mixed-use zone can be reached.

Moreover, the OZ makes no reference at all to the PDF version of the current Zoning Map, perhaps because there is no such map currently available to the OZ, and the Board fails to justify utilizing the P Street address, rather than the O Street address, to conduct its search

The Denial makes no mention of, much less provides a finding on, the results of the hour-long November 9, 2023, review by the OZ, notwithstanding that the OZ appears to have relied, in part, on a long outdated map,⁶ instead of the clear and current 3D Zoning Map, along with any up-to-date PDF map.

C. The Alternative Property Line Test:

⁶ The Zoning Commission for the District of Columbia, pursuant to authority conferred by Congress under the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 6-641.15 (hereafter, the Zoning Act), after public notice and hearing prescribed by law, does hereby establish and adopt these regulations (2016 Regulations) and the Zoning Maps accompanying them to supersede in full the zoning regulations and the Zoning Maps, as originally adopted on, and effective as of 12:01 a.m. May 12, 1958 (1958 Regulations), as amended, and that are hereby repealed. 11-A DCMR § 100.1, D.C. Mun. Regs. Tit. 11-A, § 100.1

As noted above, Applicant is excepted from the 300-foot rule if either the School Lot is zoned MU-4, or if the nearest property *line* is on ground zoned MU-4. The pertinent property line must be the line closest to the O Street Address. *Heyert v. D.C., Alcoholic Beverage Control Bd.*, 399 A.2d 1309, 1312 (D.C. 1979). As the 3D Zoning Map makes clear that line – routinely referred to as the MU-4 line – is “on ground” zoned commercial or industrial.

Here, again, the failure of the Board to address in any way the two exceptions to the 300-foot rule is an administrative procedural violation which mandates vacatur of the Denial.

D. The Board Erred When It Relied On a Zoning Map Change Which Was Made In Patent Violation of the Zoning Commission’s Own Regulations And Requirements:

The Board erred when it relied, without any investigation or review at all, on a digital map only four (4) days old, instigated by a political inquiry, which was drawn in patent violation of the ZC’s own regulations and requirements. As 11-A DCMR § 210 states:

210.6 Before adopting any proposed amendment to this title or the Zoning Maps, the Zoning Commission shall submit the proposed amendment to the Office of Planning for opinion or report; provided, that if the Office of Planning fails to transmit its opinion or report to the Zoning Commission within the period specified in Subtitle A § 211.1, the Zoning Commission may proceed to take final action on the amendment.

210.7 Before adopting any proposed amendment to this title or the Zoning Maps, the Zoning Commission shall hold a public hearing on the proposed amendment in accordance with Subtitle Z §§ 408 and 506.

210.8 The hearing notice shall include a general summary of the proposed amendment to this title and the boundaries of a territory included in the proposed amendment to the Zoning Map.

210.9 Notice of the hearing shall be given in accordance with Subtitle Z §§ 402 and 502. The Zoning Commission shall give additional notice of the hearing as it deems feasible and practicable.

210.10 Any amendment to this title or the Zoning Maps shall require the favorable vote of not less than a majority of the full membership of the Zoning Commission. 11-A DC ADC § 210.

It is “clear beyond cavil that ‘an agency is bound by its own regulations[,]’ ” *Friedler v. Gen. Servs. Ass’n*, 271 F.Supp.3d 40, 61 (D.D.C. 2017), and the defendants are “not free to ignore ... [their] regulations while they remain in effect.” *Nat’l Env’t Dev. Assoc.’s Clean Air Project v. Env’t Prot. Agency*, 752 F.3d 999, 1009 (D.C. Cir. 2014) (internal quotation marks omitted) (quoting *U.S. Lines, Inc. v. Fed. Mar. Comm’n*, 584 F.2d 519, 526 n. 20 (D.C. Cir. 1978).

No such process – indeed no process at all – was followed by the OZ.

In *Reservoir Ltd. P’ship v. Baltimore Cnty.*, 2018 WL 4191009 (Md. Ct. Spec. App. 2018), in nearly identical circumstances, notice and opportunity to object was implemented without any party considering any other procedure. As the Court explained:

On February 13, 2013, an attorney for Commerce Center Venture, LLP (David Karceski, Esquire) wrote a letter to Andrea Van Arsdale, the Director of the Baltimore County Department of Planning, asserting that a small portion of the Commerce Center Venture, LLP’s property was improperly “split-zoned”; that is, although the vast majority of the property was zoned B.R. (Business Roadside), there was a long, narrow, toothpick-shaped sliver toward the rear of the property that was zoned R.O. (Residential-Office). Mr. Karceski suggested that it was “likely the error occurred” following the County’s adoption of the 2000 Comprehensive Zoning Maps, when “the County dispensed with adopting paper comprehensive zoning maps and converted these maps to GIS digital format.” Regardless of when or how the error occurred, Mr. Karceski asked the County to initiate the necessary procedures for effecting a correction of the zoning map.

Reservoir Ltd. P’ship v. Baltimore Cnty., 2018 WL 4191009, at *1.

While the parties disagreed on the nature and the extent of the requisite notices and hearings, there was no dispute that interested parties were entitled to an opportunity to address zoning map changes – even those ostensibly necessary to correct “digital” errors. “Zoning maps are constantly being changed, for various reasons; and the question is, under what circumstances are such changes justified? ...The problem is then to develop criteria for distinguishing valid from invalid zoning changes....” 1 N. Williams, *American Land Planning Law* 6 (1974).

Because the Board was well aware that the change to one digital map was undertaken without notice to the OP or to the Public, the Board was simply not free to rely exclusively, and *sub silencio*, on that map.

E. Applicant Satisfies the Office of Zoning's Ad Hoc 78-Foot Test:

Ignoring every zoning map as of the date of the Application, disregarding its own 3D Zoning Map, its previous rulings, and apparently without access to a PDF version of the map more current than the 1958 map, the OZ focused on an ambiguous 78-foot run from an alley on the adjoining property to another unspecified marker. The OZ made clear to Applicant, however, that it was fully prepared to revise its November 9, 2023, conclusion in the event that Applicant produced an appropriate measurement from that alley. A review of the 3D Zoning Map, along with the results of applicant's multiple measurements, **Appendix B-4**, **Appendix W-1**, and **Appendix W-2**, shows that the 78-foot run extends into the School Lot and that, as a consequence, a portion of the School Lot is zoned MU-4.

F. The Adverse Impact On Other Licenses:

Twice in 2021 and again in 2023, the Board issued licenses to applicants whose establishments were within 300-feet of the School. **Appendix K and Appendix L**. Rather than exposing those licensees to *ex post facto* challenges, the Board should grant the Application on the basis of zoning maps which are more reliable and time-appropriate in order to promote fairness, consistency and finality.

CONCLUSION

The Denial was improperly based on the wrong map. The Board was limited to the zoning map at the time of the Application. Even if the Board was free to consider subsequent maps, it failed entirely to justify its reliance on a four (4) day old map made in violation of the ZC's own

rules, rather than either a PDF map or a 3D Zoning Map which effectively searched for the correct property address (the O Street Address). **Appendix B-4.**

The Denial failed entirely to address the second mandatory exception to the 300-foot rule and failed entirely to investigate the effect of the 78-foot measurement from the zoning map.

Further, the Denial failed to assess the impact of its decision on other licensees, three (3) of which were within 300-feet of the School, but nonetheless received licenses in 2021 and 2023.

Appendix K and Appendix L.

As is set out more fully above, the Application should be granted. In the alternative, the Board should assign an investigator to examine each of the contentions set out herein.

Respectfully submitted,

/s/Philip M. Musolino

Philip M. Musolino

D.C. Bar No.: 294652

Musolino & Dessel, PLLC

1615 L Street, N.W., Suite 440

Washington, D.C. 20036

Phone: (202) 466-3883

Fax: (202) 775-7477

Email: PMusolino@MusolinoandDessel.com

Counsel for DeLorean 88 LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January 2024, I caused a true and correct copy of the foregoing to be served via electronic mail and certified mail to the following address:

Alcoholic Beverage & Cannabis Administration
2000 14th Street, N.W.

4th Floor, Suite 400 South

Washington, D.C. 20009

Email: abra.legal@dc.gov

Email: abca.legal@dc.gov

Email: abca.cannabislicensing@dc.gov

Email: emoni.boone@dc.gov

Email: sean.gordy2@dc.gov

Email: martha.jenkins@dc.gov

Email: jonathan.berman@dc.gov

/s/ Philip M. Musolino
Philip M. Musolino

December 13, 2023

DeLorean 88, LLC
413 East Capitol St SE – Ground Floor
Washington, DC 20003

RE: Retailer License
ABCA-126807

Dear Applicant:

Thank you for submitting your application for a medical cannabis retailer license. We regret to inform you that your application has been denied as it does not meet the requirements set by the **DC Official Code 7-1671.06A**. This application is denied due to the following issue:

- Proximity of the proposed location to schools or recreation centers (within 300 feet of Hyde-Addison Elementary School)

Please be aware that if an applicant receives a written denial decision from the ABC Board, they have 15 days from the date of receipt to submit a written appeal to the ABC Board requesting reconsideration of the denial decision. Along with the appeal, the applicant may provide relevant documentation or evidence that challenges the findings of fact or conclusions of law in the written denial decision. If an appeal is submitted, the ABC Board is required to hold a hearing and provide a decision within 30 days.

If the applicant decides not to appeal the written denial decision or if the ABC Board renders a decision on an appeal, the ABC Board will notify the unlicensed establishment that it must close within 30 days of receipt of the denial. Failure to comply with this decision may result in penalties under **D.C. Official Code § 47-2844(a2) (1B)**.

If you have questions or need further assistance, do not hesitate to contact me.

Sincerely,

Emoni Boone

Emoni Boone
emoni.boone@.gov

APPENDIX A-1

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:

**New Retailer License
DeLorean 88, LLC
1432 Wisconsin Avenue N.W.
Washington, DC 20007**

**Case No.:
License No.: ABCA-126807
Order No.:**

**DELOREAN 88, LLC NOTICE OF APPEAL
AND REQUEST FOR RECONSIDERATION**

COMES NOW DeLorean 88 LLC (“DeLorean”), by and through undersigned counsel, and, pursuant to D.C. Code § 7-1671.06, including subpart(b)(2)(B)(i) and such other provisions of law as are applicable, notes its Appeal and request for reconsideration to the ABC Board of the December 13, 2023, Alcoholic Beverage and Cannabis Board denial (the “Denial”) of Alcoholic Beverage and Cannabis Administration (“ABCA”) License No. 126807. A copy of the Denial is appended hereto as **Appendix A**.

Applicant/appellant adopts and incorporates as if specifically set out herein the Application and all attachments filed on or about November 1, 2023.

Applicant/appellant seeks review and reconsideration of the Denial, including the finding and conclusion that “[t]he application is denied due to...proximity of the proposed location to schools or recreation centers (with 300 feet of Hyde-Addison Elementary School.)” *See Appendix B-1* (unnumbered 4 pages appended to Application at “GIS Map”), **Appendix B-2** (map noting MU-4 and R3-GT zoning of Hyde-Addison Elementary School as of October 31, 2023) **Appendix B-3** (February 11, 2021 report from ABRA Investigator Kevin Puente regarding 1438 Wisconsin Ave., NW, and Hyde-Addison Elementary School), and *see Heyert v. D.C., Alcoholic Beverage Control Bd.*, 399 A.2d 1309, 1312 (D.C. 1979).

**APPENDIX
A-2**

DeLorean 88 LLC_0380

8/2
Yeaung Hsin Lee (Dec 27, 2023 14:07 EST)
DeLorean 88 LLC

Respectfully submitted,

/s/Philip M. Musolino
Philip M. Musolino
D.C. Bar No.: 294652
Musolino & Dessel, PLLC
1615 L Street, N.W., Suite 440
Washington, D.C. 20036
Phone: (202) 466-3883
Fax: (202) 775-7477
Email: PMusolino@MusolinoandDessel.com
Counsel for DeLorean 88 LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December 2023, I caused a true and correct copy of the foregoing to be served via electronic mail and certified mail to the following address:

Alcoholic Beverage & Cannabis Administration
2000 14th Street, N.W.
4th Floor, Suite 400 South
Washington, D.C. 20009
Email: abra.legal@dc.gov
Email: abca.legal@dc.gov
Email: abca.cannabislicensing@dc.gov
Email: emoni.boone@dc.gov
Email: sean.gordy2@dc.gov
Email: martha.jenkins@dc.gov
Email: jonathan.berman@dc.gov

/s/ Philip M. Musolino
Philip M. Musolino

December 13, 2023

DeLorean 88, LLC
413 East Capitol St SE – Ground Floor
Washington, DC 20003

RE: Retailer License
ABCA-126807

Dear Applicant:

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Please be aware that if an applicant receives a written denial decision from the ABC Board, they have 15 days from the date of receipt to submit a written appeal to the ABC Board requesting reconsideration of the denial decision. Along with the appeal, the applicant may provide relevant documentation or evidence that challenges the findings of fact or conclusions of law in the written denial decision. If an appeal is submitted, the ABC Board is required to hold a hearing and provide a decision within 30 days.

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If you have questions or need further assistance, do not hesitate to contact me.

Sincerely,

Emoni Boone

Emoni Boone
emoni.boone@dc.gov

APPENDIX

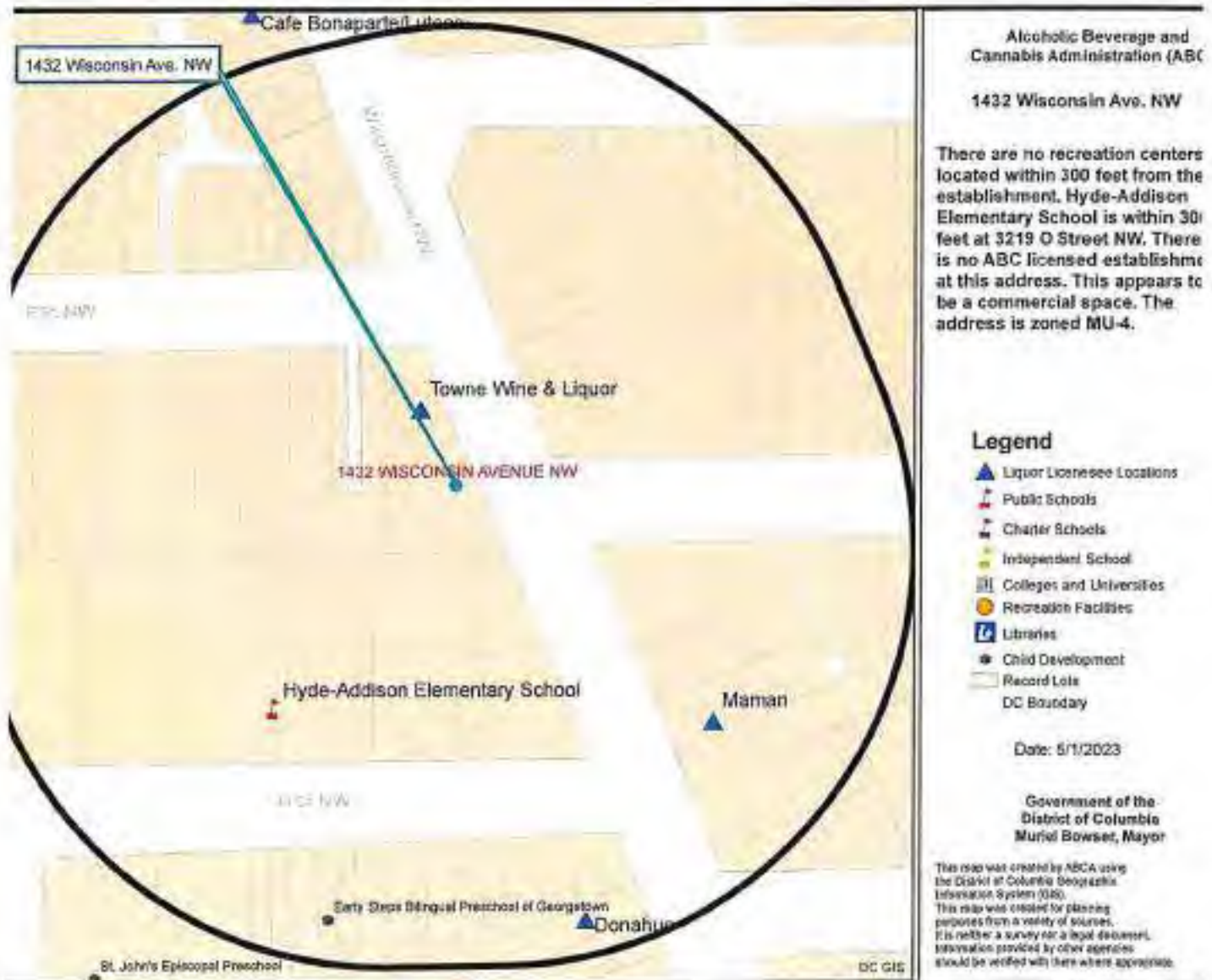
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DeLorean 88 LLC

**Medical Cannabis Business License Application –
Retailer**

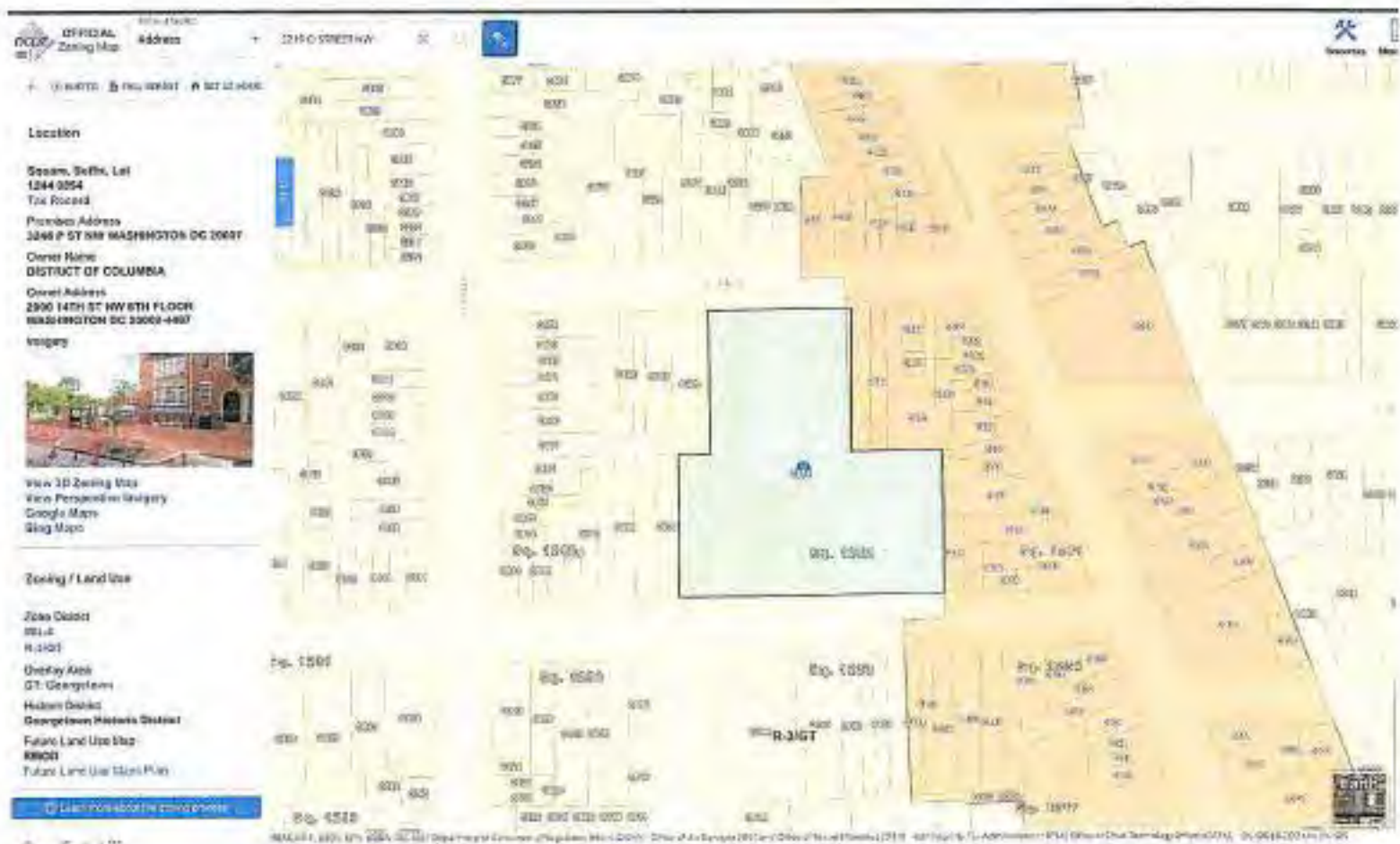
**GIS Map
1432 Wisconsin Ave, NW**

**APPENDIX
B-1**



DeLorean 88 LLC t/a DeLorean has identified property for its medical cannabis retail facility at 1432 Wisconsin Avenue, NW Washington, D.C. 20007. The property, which is zoned as MU-4, is located less than 300 feet from the property line of Hyde Addison Elementary School, located at 3219 O Street, NW Washington, D.C. 20007, however, it meets the exemption in 22 D.C.M.R. § C5200.1. Specifically, 22 D.C.M.R. § C5200.1 states that a proposed medical cannabis facility is exempt from the 300 foot setback, where “the nearest property line of the school...is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia.”

The Zoning Report for 3219 O Street, NW, which is attached here, indicates that Hyde Addison Elementary has two zoning designations – MU-4 and R-3/GT. The Office of Surveyor’s survey of the Hyde Addison Elementary plat, also attached here, indicates that the property line which faces Wisconsin Avenue is in an MU-4 zone. This MU-4 designation satisfies the 22 D.C.M.R. § C5200.1 exemption.



PropertyQuest report for 3219 O STREET NW created 31-10-2023



Interactive Map



Site Related Information

Highlights

- In the Georgetown Historic District
- In the Commission of Fine Arts jurisdiction area

**APPENDIX
B-2**

Basic Information

3219 O STREET NW (HYDE-ADDISON ELEMENTARY SCHOOL)	
SSL (Square, Suffix & Lot)	1244 0854
Lot type	tax lot
Ward	Ward 2
ANC	ANC 2E
SMD	SMD 2E03
Neighborhood Cluster	Cluster 4
Police District	Second Police District
Police Service Area	PSA 206
Voting Precinct	Precinct 6
Zoning	M/J-4
Zoning	R-3/GT
2020 census tract	2.02
2020 census block group	2
2020 census block	2006

Ownership and Taxes

Tax lot	1244 0854
Premises	3246 P ST NW WASHINGTON DC 20007
Owner	DISTRICT OF COLUMBIA
	2000 14TH ST NW 8TH FLOOR
	WASHINGTON DC 20009-4487
Use	Educational
Land area	64725 square feet
Tax rate	\$1.89 per \$100 assessed value
Current assessment (2023)	
land	\$10,572,830
improvements	\$4,040,650
total	\$14,613,480
Proposed assessment (2024)	
land	\$10,784,480
improvements	\$4,598,350
total	\$15,382,830

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Alcoholic Beverage Regulation Administration



DATE: February 11, 2021
TO: John Suero
Chief of Enforcement
THRU: Jason Peru
Supervisory Investigator
FROM: Kevin Puente *KP #532*
Investigator
SUBJECT: Towne Wine & Liquor

Details: On Wednesday, February 10, 2021, Investigator Puente conducted an investigation regarding Towne Wine & Liquor. Towne Wine & Liquor (Class A Liquor Store) is currently located at 1326 Wisconsin Ave N.W., has applied to move up the street to 1438 Wisconsin Ave N.W. The applicant's proposed address is located within 400 feet of Hyde Addison Elementary School which is currently located at 3219 O Street N.W. Hyde Addison Elementary School is currently zoned Residential and Mix Use according to the District of Columbia Zoning maps. Investigator Puente was tasked with determining whether the nearest property line of Hyde Elementary School to 1438 Wisconsin Avenue, NW is zoned MU-4 or R-20.

Investigator Puente went out to the establishment and measured the distance of Hyde Addison Elementary to Towne Wine & Liquors current location and then from the proposed new location. From the current location at 1326 Wisconsin Avenue N.W. to Addison Elementary school is 371 feet. From the new location at 1438 Wisconsin Avenue N.W. to Addison Elementary School is 381 feet.

Investigator Puente observed that on the east side of the property which abuts commercial buildings is separated by a fence down the entire property line.

**APPENDIX
B-3**

Investigator Puente conducted checks on the District of Columbia Zoning website, Property quest website and the Department of Transportation (DDOT), and determined that the east side property line runs into the MU-4 Zone. Investigator Puente was able to determine this by the maps that were provided on the websites and that are highlighted that shows the property line for Addison Elementary School starts in Residential and then moves into the Mix-Use Zone and back into the Residential Zone.

Investigator Puente determined that the nearest property line to 1438 Wisconsin Avenue N.W., falls into the Mix-Use Zone.

23-12-27 DeLorean 88 LLC Written Appeal

Final Audit Report


2023-12-27

Created:	2023-12-27
By:	Philip Musolino (pmusolino@musolinoanddessel.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAANxixXudEw9CefAhIRJh6BbgOyOLhmeq

"23-12-27 DeLorean 88 LLC Written Appeal" History

 Document created by Philip Musolino (pmusolino@musolinoanddessel.com)

2023-12-27 - 6:58:50 PM GMT - IP address: 73.211.32.21

 Document emailed to jimmylee23@gmail.com for signature

2023-12-27 - 6:59:27 PM GMT

 Email viewed by jimmylee23@gmail.com

2023-12-27 - 7:04:39 PM GMT - IP address: 69.137.155.56

 Signer jimmylee23@gmail.com entered name at signing as Young min Lee

2023-12-27 - 7:07:30 PM GMT - IP address: 69.137.155.56

 Document e-signed by Young min Lee (jimmylee23@gmail.com)

Signature Date: 2023-12-27 - 7:07:32 PM GMT - Time Source: server - IP address: 69.137.155.56

 Agreement completed.

2023-12-27 - 7:07:32 PM GMT



Adobe Acrobat Sign

DeLorean 88 LLC_0391

DeLorean 88 LLC

**Medical Cannabis Business License Application –
Retailer**

**GIS Map
1432 Wisconsin Ave, NW**

**APPENDIX
B-1**













Alcoholic Beverage and Cannabis Administration (ABCA)

1432 Wisconsin Ave. NW

There are no recreation centers located within 300 feet from the establishment. Hyde-Addison Elementary School is within 300 feet at 3219 O Street NW. There is no ABC licensed establishment at this address. This appears to be a commercial space. The address is zoned MU-4.

Legend

-  Liquor Licensee Locations
-  Public Schools
-  Charter Schools
-  Independent School
-  Colleges and Universities
-  Recreation Facilities
-  Libraries
-  Child Development
-  Record Lots
-  DC Boundary

Date: 5/1/2023

**Government of the
District of Columbia
Muriel Bowser, Mayor**

This map was created by ABCA using the District of Columbia Geographic Information System (GIS). This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

DeLorean 88 LLC 0393

DC GIS

DeLorean 88 LLC t/a DeLorean has identified property for its medical cannabis retail facility at 1432 Wisconsin Avenue, NW Washington, D.C. 20007. The property, which is zoned as MU-4, is located less than 300 feet from the property line of Hyde Addison Elementary School, located at 3219 O Street, NW Washington, D.C. 20007, however, it meets the exemption in 22 D.C.M.R. § C5200.1. Specifically, 22 D.C.M.R. § C5200.1 states that a proposed medical cannabis facility is exempt from the 300 foot setback, where “the nearest property line of the school...is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia.”

The Zoning Report for 3219 O Street, NW, which is attached here, indicates that Hyde Addison Elementary has two zoning designations – MU-4 and R-3/GT. The Office of Surveyor’s survey of the Hyde Addison Elementary plat, also attached here, indicates that the property line which faces Wisconsin Avenue is in an MU-4 zone. This MU-4 designation satisfies the 22 D.C.M.R. § C5200.1 exemption.



← [BUFFER](#) [FULL REPORT](#) [SET AS HOME](#)

Location

Square, Suffix, Lot
1244 0854

[Tax Record](#)

Premises Address

3246 P ST NW WASHINGTON DC 20007

Owner Name

DISTRICT OF COLUMBIA

Owner Address

**2000 14TH ST NW 8TH FLOOR
WASHINGTON DC 20009-4487**

Imagery



[View 3D Zoning Map](#)

[View Perspective Imagery](#)

[Google Maps](#)

[Bing Maps](#)

Zoning / Land Use

Zone District

MU-4

R-3/GT

Overlay Area

GT: Georgetown

Historic District

Georgetown Historic District

Future Land Use Map

RMOD

[Future Land Use Maps Plan](#)

[Learn more about the zoning process](#)

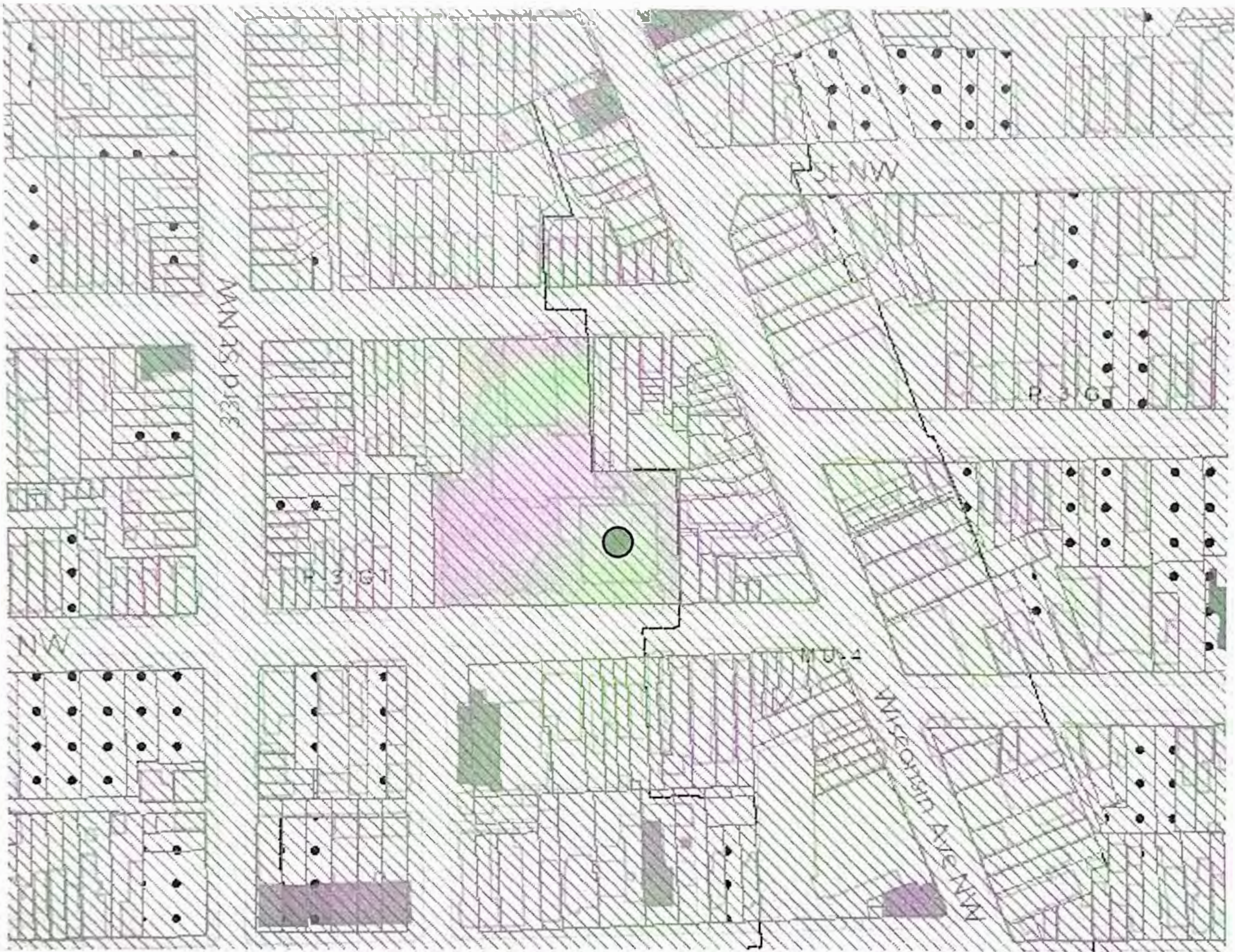
DeLorean 88 LLC_0395



PropertyQuest report for 3219 O STREET NW created 31-10-2023



Interactive Map



Site Related Information

Highlights

- *In the Georgetown Historic District*
- *In the Commission of Fine Arts jurisdiction area*

APPENDIX
B-2

Basic Information

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SMD	SMD 2E03
Neighborhood Cluster	Cluster 4
Police District	Second Police District
Police Service Area	PSA 206
Voting Precinct	Precinct 6
Zoning	<u>MU-4</u>
Zoning	<u>R-3/GT</u>
2020 census tract	<u>2.02</u>
2020 census block group	2
2020 census block	2006

Ownership and Taxes

Tax lot	1244 0854
Premises	3246 P ST NW WASHINGTON DC 20007
Owner	DISTRICT OF COLUMBIA
	2000 14TH ST NW 8TH FLOOR
	WASHINGTON DC 20009-4487
Use	Educational
Land area	64725 square feet
Tax rate	\$1.89 per \$100 assessed value
<i>Current assessment (2023)</i>	
land	\$10,572,830
improvements	\$4,040,650
total	\$14,613,480
<i>Proposed assessment (2024)</i>	
land	\$10,784,480
improvements	\$4,598,350
total	\$15,382,830

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Alcoholic Beverage Regulation Administration



DATE: February 11, 2021
TO: John Suero
Chief of Enforcement
THRU: Jason Peru
Supervisory Investigator
FROM: Kevin Puente *KP #29*
Investigator
SUBJECT: Towne Wine & Liquor

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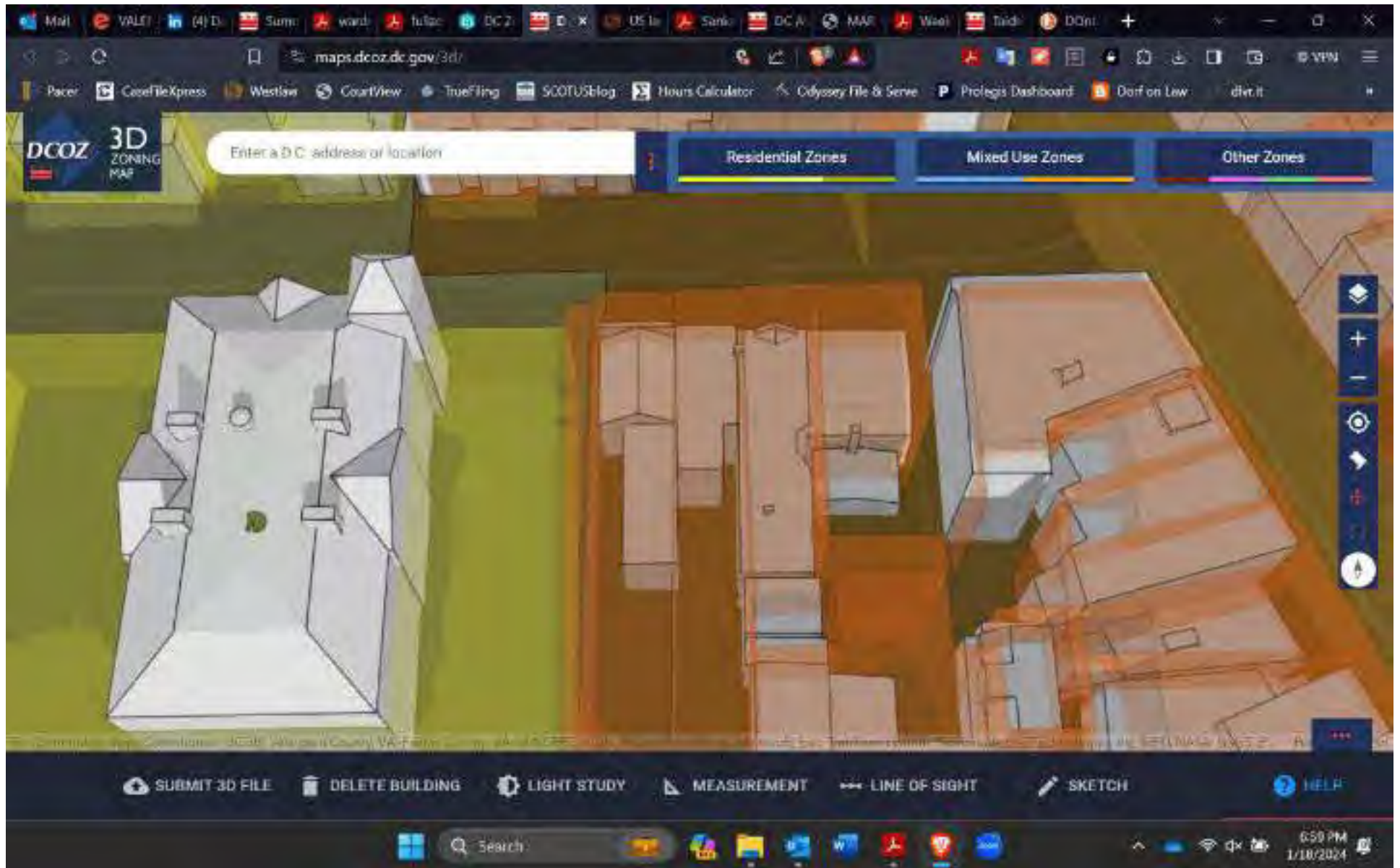
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**APPENDIX
B-3**

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Investigator Puente determined that the nearest property line to 1438 Wisconsin Avenue N.W., falls into the Mix-Use Zone.



DeLorean 88 LLC_0400

APPENDIX
B-4