

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD  
4

5 - - - - - - - - - - - - - - -X

6 IN THE MATTER OF :  
7 Bardo, LLC.  
8 t/a Bardo River Brewery :  
9 25 Potomac Avenue SE :  
10 License #103291 :  
11 Retailer B :  
12 ANC 6D :  
13 Application for a New License :

14 - - - - - - - - - - - - - - -X

15 Wednesday, August 10, 2016

16

17 Whereupon, the above-referenced matter  
18 came on for hearing at the Alcoholic Beverage  
19 Control Board, Reeves Center, 2000 14th Street,  
20 N.W., Suite 400S, Washington, D.C. 20009.

21

22

1

2       BOARD MEMBERS PRESENT

3       NICK ALBERTI, BOARD MEMBER

4       JAMES SHORT, BOARD MEMBER

5       MIKE SILVERSTEIN, BOARD MEMBER

6       RUTHANNE MILLER, BOARD MEMBER

7

8       ALSO PRESENT:

9       MATTHEW LEFANDE

10      MR. STEWART

11      CORALIE FARLEE

12

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1 P R O C E E D I N G S

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: All right we're  
4 back on the record. We now have a fact finding  
5 hearing on Bardo River Brewery, license #103291.  
6 Will the parties please approach and identify  
7 themselves for the record, please?

8 MR. LEFANDE: Good afternoon, Mr. Chair,  
9 Matthew LeFande, a member of the District of  
10 Columbia bar, for Bardot LLC, A limited viability  
11 company, organized under the laws of the District  
12 of Columbia, the applicant in this proceeding,  
13 and with me is Bill Stewart, the principle of  
14 that company.

15 MS. MILLER: I'm having trouble hearing also.

16 CHAIRPERSON ANDERSON: Yeah, Mr. LeFande.

17 MR. LEFANDE: Can you hear me?

18 CHAIRPERSON ANDERSON: No, you turned it off,  
19 it's on.

20 MR. LEFANDE: I'm not hearing. It's not --  
21 seems like it's on --

22 CHAIRPERSON ANDERSON: Okay, what's your last

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1 name, again, sir?

2 MR. LEFANDE: L-E-F-A-N-D-E, Lefande.

3 CHAIRPERSON ANDERSON: Okay, good afternoon

4 Mr. LeFande. Yes, ma'am?

5 MS. FARLEE: I'm Coralie Farlee, Chair of the  
6 ABC committee, ANC 6D.

7 CHAIRPERSON ANDERSON: Okay, thank you. All  
8 right. The board called this fact finding  
9 hearing related to the application for a  
10 manufacturer's class B license at 25 Potomac  
11 Avenue Southeast. This hearing is convened on  
12 the 23 DCMR Section 1614 to provide the board  
13 with an opportunity to obtain more information  
14 regarding the application before rendering a  
15 final decision.

16 Before approving this application, the board  
17 must determine that it is compliant with the law.  
18 However, before the board can review the  
19 application, it requires clarifications on  
20 various aspects of the proposal. After this  
21 hearing, the board may take any of the following  
22 actions: Find the applicant complete and

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1 appropriate and allow it to continue through the  
2 application process, request additional  
3 information, or, 3) in accordance with DCAPA  
4 issue a notice to the applicant identifying legal  
5 issues and seeking the denial of the application  
6 or the imposition of conditions to govern the  
7 operations of the establishment. If such a  
8 notice is issued, the applicant will have the  
9 right to a hearing to make objections and request  
10 approval.

11 The board wishes to address several topics  
12 related to this application during this fact  
13 finding hearing: Whether the business model for  
14 this establishment is similar to the models  
15 proposed by prior applicants that were denied at  
16 this location; whether the applicant's current  
17 proposal has addressed any of the issues found by  
18 the board in its prior orders; 3) whether this  
19 applicant can operate in accordance with the law,  
20 specifically in this case the board has questions  
21 regarding compliance with the conflict of  
22 interest rules, federal alcohol rules, storage or

1 records, storage of alcohol products and city  
2 health and tax rules; 4) whether the applicant  
3 has obtained or is applying for the appropriate  
4 licenses to operate the business; e.g., DOH,  
5 DCRA, TTB.

6 This hearing is non-adversarial and the board  
7 will not take in foreign testimony; however, any  
8 member of the public is entitled to make a  
9 statement or respond to questions posed by the  
10 board pursuant to 32-DCMR, Section 1701.6. The  
11 board further notes that the applicant will have  
12 an opportunity to respond to any statements made  
13 by board members of the public to the board. As  
14 this hearing is meant to provide clarity  
15 regarding the application, the board will start  
16 with its questions of the applicant. And, it's -  
17 - I'm going to -- I will not be here for the  
18 entire hearing, I'll probably leave in about ten  
19 minutes or so, and Mr. Alberti will be here to  
20 chair this hearing. And since I will not be here  
21 for the duration, unless I review the transcript,  
22 if I have an opportunity at the end of the

1 hearing to review the transcript then I'll  
2 participate in the decision. If I do not have an  
3 opportunity to fully participate in review of the  
4 transcript, then I will not participate in the  
5 final decision of this matter. Mr. LaFande, do  
6 you have any comments to make on the applicant's  
7 to start.

8 MR. LEFANDE: Yes, as a preliminary matter  
9 I'm going to object to the presence and/or  
10 participation of Dr. Farlee --

11 CHAIRPERSON ANDERSON: Mr. -- Mr. --

12 MR. SILVERSTEIN: Can I ask you to please  
13 speak in the microphone?

14 MR. LEFANDE: Yeah, I'm sorry I can't hear in  
15 here.

16 CHAIRPERSON ANDERSON: All right, Mr.  
17 LeFande, prior to moving forward I would like you  
18 to -- I would like you to get a copy of our rules  
19 and, please, go to -- I thought I made it clear,  
20 can you please go to 23 DCRM, Section 1701.6?  
21 Can you review that? Once you review that, then  
22 you can make your statement, sir.

1           MR. LEFANDE: If I may proceed with my  
2 objection, turn the board's attention to D.C.  
3 Code 25442, hearings and witnesses, the party  
4 shall have the right to call and examine  
5 witnesses. This Dr. Farlee is not a party to  
6 this proceeding as it is not a -- she does not  
7 have standing.

8           CHAIRPERSON ANDERSON: This is a fact finding  
9 hearing, sir.

10          MR. LEFANDE: Thank you very much, I will  
11 continue, thank you.

12          CHAIRPERSON ANDERSON: This is a fact finding  
13 hearing, sir, so what I need you to do, sir --

14          MR. LEFANDE: 25442 --

15          CHAIRPERSON ANDERSON: Sir --

16          MR. LEFANDE: -- B provides that the board  
17 shall hear as witnesses from all persons who  
18 desire to be heard in a contested case.

19          CHAIRPERSON ANDERSON: This is not a  
20 contested case, sir. This is a fact finding  
21 hearing and that's one of the reasons why I gave  
22 you the provision. The last time we were here,

1       your client stormed out and he said I'm going to  
2       get a hearing, he said he was going to get an  
3       attorney, and so what I've stated to you I have  
4       given you the authority, and what I need you to  
5       do, sir, review the authority and what I need you  
6       to do for a fact finding hearing you tell me what  
7       was in that provision that says that the board  
8       cannot call anyone.

9           I don't need you to read something about a  
10      contested case. This is not a contested case,  
11      this is a fact finding hearing so what I need you  
12      to do, as an attorney, as a member of the board,  
13      you review the section of the law that I quoted  
14      to you, and then you tell me --

15           MR. LEFANDE: I just told you --

16           CHAIRPERSON ANDERSON: No, sir, you are --  
17      no, sir, what you are doing --

18           MR. LEFANDE: You are only permitted to call  
19      --

20           CHAIRPERSON ANDERSON: Sir, sir, sir --

21           MR. LEFANDE: Witnesses from the neighborhood  
22      in a contested hearing.

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1 CHAIRPERSON ANDERSON: Sir.

2 MR. LEFANDE: Otherwise, only a party has the  
3 right to call and examine witnesses. This is not  
4 a protest hearing, under PADU and other law which  
5 controls this board as set down by the District  
6 of Columbia Court of Appeals repeatedly, this  
7 person does not have standing to be a party and  
8 under District of Columbia code which supersedes  
9 and controls this board above and beyond the  
10 rules of this board, only a party has a right to  
11 call and examine witnesses.

12 CHAIRPERSON ANDERSON: I'm sorry, sir, what's  
13 the provision you're quoting?

14 MR. LEFANDE: D.C. Code 25442.

15 CHAIRPERSON ANDERSON: 25442?

16 MR. LEFANDE: That's correct.

17 CHAIRPERSON ANDERSON: All right.

18 MS. MILLER: Mr. Chairman? Can I note  
19 something in 25-442 also says that the board  
20 shall hear as witnesses all persons residing  
21 within and outside the neighborhood who desire to  
22 be heard.

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1 MR. LEFANDE: We are here contesting --

2 MS. MILLER: So, I don't think Ms. Farlee is  
3 calling any witnesses. The board is hearing  
4 witnesses.

5 CHAIRPERSON ANDERSON: Just, hold on.

6 MR. LEFANDE: I have no issue with her being  
7 present. She has -- she is not a party - -she  
8 may not testify, and this is because this is not  
9 a contested case. Ms. Ruthanne Miller is an  
10 attorney and she cannot quote 25-442-B without  
11 the predicate language which says "in a contested  
12 case." That is to misrepresent the law.

13 MS. MILLER: Okay. Sorry. I didn't mean to  
14 misrepresent the law --

15 CHAIRPERSON ANDERSON: Mr. --

16 MS. MILLER: -- but I think that the -- that  
17 our regulations governs the fact finding hearings  
18 as the chair has stated.

19 MR. LEFANDE: The code is superseding  
20 language. This is a question whether this person  
21 has the right to interject in a non-contestable  
22 licensing proceeding. This person has no greater

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1 right to protest and interject her opinion into  
2 this non-protestable, non-retailer's  
3 establishment proceeding than she would to go  
4 down and protest me getting a driver's license  
5 from the Department of Motor Vehicles. She does  
6 not have standing as a matter of law as set forth  
7 by the city council in the District of Columbia  
8 code which controls the authority of this board.  
9 Speaking as to the rules, DCMR 2316.14-1 says  
10 that this board may hold a fact finding hearing  
11 to obtain further information from the applicant  
12 or licensee. There's no authority to simply draw  
13 folks in off the street who want to offer their  
14 generalized grievances as suggested in PADU.

15 You folks are way, way off, out of bounds.  
16 This person has a right to this license, once he  
17 has met the general qualifications for all  
18 applicants under 25301 and there is a presumption  
19 that absent an objection as filed, to which this  
20 board would have to notice it, had it had the  
21 authority to accept it under 25-311. If no  
22 objection to the appropriateness of the

1 establishment is filed with the board, the  
2 establishment shall be presumed to be appropriate  
3 to the locality section or portion of the  
4 district where it's located. I find this  
5 particularly poignant as this board cited that in  
6 order 2016-120. This is not a protest hearing.  
7 This is not capable of being a protest hearing.  
8 It is not subject to or amenable to notice by the  
9 board under 25-421.

10 The ANC should not have even received notice  
11 of these proceedings unless such notice violated  
12 23720 of the DCMR which will be a very  
13 interesting question which I have for everyone  
14 here, as to how she showed up here if she's not  
15 being noticed under the law, and she has no  
16 standing to make a protest. So, who called her  
17 here?

18 Because communications by this board to  
19 interested persons outside the board is an ex  
20 partite communication as to the merits of the  
21 proceeding, violative of the District of Columbia  
22 municipal regulations. So, why would this person

1       be here I the first place unless one of you folks  
2       called her here, because there's no notice  
3       provision, there's no placarding provision. She  
4       has no business being here other than to watch.  
5       And you folks cannot shoehorn a protest hearing  
6       into a fact-finding proceeding. It is illegal.  
7       And as I have sued three of the five people on  
8       this board previously for not acting within the  
9       confines of the law, my import of the words I am  
10      using should be particularly poignant at this  
11      point.

12           CHAIRPERSON ANDERSON: Well, Mr. -- Mr.  
13          LeFande. You have sued three out of the five  
14          members of the board. I'm the chairman of the  
15          board. I have stated what the position is of  
16          this board, so you let me know what is it you  
17          want the board to do?

18           MR. LEFANDE: I'd like you to ask of my  
19          client what questions you have with regards to  
20          the points that you brought up at the beginning  
21          of this hearing.

22           CHAIRPERSON ANDERSON: What?

1           MR. LEFANDE: And let's proceed with that.

2       If you call this person as a witness, if this  
3       person begins to advocate for any particular  
4       position on this thing you will be acting ultra  
5       vires and I will seek appropriate remedy.

6           CHAIRPERSON ANDERSON: Well, I think the  
7       bottom line, sir, you cannot tell the board --  
8       the board requested a fact finding hearing and  
9       the board can request and call whoever the board  
10      wants to.

11          MR. LEFANDE: It cannot --

12          CHAIRPERSON ANDERSON: If -- then, sir --  
13       that is my position, and if you're telling the  
14       board that this is not the way the board can act,  
15       then as I told Mr. Stewart last week, we  
16       adjourned for him to get an attorney. If you  
17       believe that you're going to tell the board how  
18       the board can act, then I will gladly be four out  
19       of the five board members that you have sued, and  
20       so you go to superior court. We can adjourn  
21       this. You can go to court, file a complaint and  
22       let the court tell us what we can do.

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1           So, either you let me run this hearing, sir,  
2       the way I told you I'm going to run this hearing,  
3       or if you're not going to cooperate -- if you are  
4       not going to participate in the way that this  
5       board -- you're not going to tell me, or Mr.  
6       Stewart is not going to tell me -- what I can ask  
7       him. Okay? Mr. Stewart is coming to the board  
8       asking to get a license. He cannot tell the  
9       board that you -- 'I will only answer questions  
10      that I feel like answering. I will tell you  
11      what, and so therefore if I don't believe that  
12      it's relevant or important I don't need to answer  
13      it, or better yet, this is a ministerial action,  
14      all you need to do is to tell someone at the  
15      front desk to sign off on it because you don't  
16      have any authority to do this.'

17           So, if that's the way we're going to do it --  
18       if that's the way you want to do, sir, I'll --  
19       I'll be very happy to adjourn this hearing here,  
20       you go to court, the court will tell us that we  
21       don't have the authority to do the way we want to  
22       operate the hearing, and I will gladly operate

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1       the way we have been instructed by the court how  
2       we should. So you tell me what we need to do,  
3       sir.

4                   MR. LEFANDE: Mr. Chairman, your response to  
5       my objection is entirely unresponsive. My  
6       objection was to the presence and participation  
7       of Dr. Farlee as a witness or as an advocate to  
8       any position. What you have responded to me in  
9       saying is that my client refuses to answer any  
10      questions. That has not been his position and  
11      it's exactly the opposite thing just a moment ago  
12      in that you have, under DCMR 23-16.14, the  
13      ability obtain additional information from the  
14      applicant or licensee. That is what we're here  
15      to do today. This person sitting at the  
16      opponent's table here is inappropriate. They are  
17      not a party and they can't be a witness.  
18      Otherwise, this is not a fact finding hearing.

19                  CHAIRPERSON ANDERSON: Well, as I said, sir,  
20      last week it wasn't Dr. Farlee, it was someone  
21      from the nationals. So that's who it was last  
22      week. Now, next week, if I bring someone else,

1 it's going to be not that person. So this is  
2 what your client is doing. Your client is  
3 telling the board who we can call to get  
4 information from, and so this is your choice,  
5 sir. The board is willing to hold this fact  
6 finding, I have told you, I have set out the  
7 guidelines how the board is going to operate.  
8 Whether or not you --

9 MR. LEFANDE: I haven't set out guidelines  
10 for anything. You are an edifice of this  
11 government who is --

12 CHAIRPERSON ANDERSON: Sir, sir.

13 MR. LEFANDE: -- who is regulated by law.

14 CHAIRPERSON ANDERSON: Sir.

15 MR. LEFANDE: And I have recited the law to  
16 you.

17 CHAIRPERSON ANDERSON: All right.

18 MR. LEFANDE: The only attorney that's  
19 sitting up here --

20 CHAIRPERSON ANDERSON: Sir.

21 MR. LEFANDE: At the -- one of the two  
22 attorneys that's sitting up here has recited that

1 for you and you are, as an attorney yourself, are  
2 now acting absolutely contrary to that.

3 CHAIRPERSON ANDERSON: Sir. All right.

4 MR. LEFANDE: This is the law. This fact  
5 finding hearing may involve getting information  
6 from my client. I would like you to proceed with  
7 questioning my client. This person may not  
8 advocate a position and may not be considered a  
9 witness. I'd like them to go sit back in the  
10 back.

11 CHAIRPERSON ANDERSON: All right, Ms. Farlee.  
12 All right, I have told you, I have read a  
13 statement how I was going to operate this  
14 hearing. If you're telling me that I cannot  
15 operate the hearing the way it's scheduled to be  
16 operated, I will make a motion to my board  
17 members for us to adjourn and you can go to  
18 superior court and we will reconvene once the  
19 court has instructed us what is the -- how and  
20 what is the appropriate way to respond. That's  
21 my position. You tell us. But you are not going  
22 to tell this board today how to operate. You are

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1 not going to tell this board who I can call as a  
2 witness. You are not going to do that. And so,  
3 therefore, if you need to go to court and have  
4 the court instruct this board how to operate,  
5 yes, go ahead and do that. So, you tell us how  
6 you want this to go today. If not, I'm making a  
7 motion to my other board members for us to  
8 adjourn and we will reconvene when -- once the  
9 superior court or federal -- the court has  
10 instructed us how to operate this hearing,  
11 because you are not -- your client came here last  
12 year -- last week -- he was very disrespectful --  
13 very disrespectful to this board --

14 MR. LEFANDE: I understand.

15 CHAIRPERSON ANDERSON: -- and belligerent.

16 MR. LEFANDE: I understand.

17 CHAIRPERSON ANDERSON: And you walk in today  
18 with the same attitude, and as long as I'm chair  
19 you're going to come in this court, if you came  
20 in -- if you would have gone to the District of  
21 Columbia the superior court or federal court the  
22 judge would have sent you away for 20 or 30 days.

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1     So, you're not going to do that here. We need to  
2     come here with decorum, and you have not shown  
3     that. So, you let me know how is it -- whether  
4     or not we're going to proceed the way I've  
5     instructed we're going to proceed. If you  
6     disagree with that, we're going to adjourn this  
7     and then you can go to a higher court and get  
8     instructions.

9                 MR. LEFANDE: So, either we continue with my  
10      objection as stated or you're telling me I need  
11      to waive this objection and then we need to stop?

12                CHAIRPERSON ANDERSON: I'm not asking you to  
13      waive your objection, sir. I've told you what  
14      our position is, so if we're moving forward the  
15      board is going to call whatever witnesses the  
16      board believes it is appropriate to call. And so  
17      if you believe that -- if you believe that the  
18      board cannot operate under that way, there's no  
19      need for us to have this hearing. That's your  
20      call.

21                MR. LEFANDE: Yeah, it's not my call, this  
22      your hearing.

1 CHAIRPERSON ANDERSON: No, sir.

2 MR. LEFANDE: You called this hearing --

3 CHAIRPERSON ANDERSON: Thank you very much  
4 that it's my hearing. So, because it's my  
5 hearing, I am going to operate the hearing the  
6 way I believe I should, not the way you tell me  
7 to, which is --which is -- since last week and  
8 this week that's what you and your client --

9 MR. LEFANDE: No --

10 CHAIRPERSON ANDERSON: Your client came, no  
11 sir, listen to me. Your client came here last  
12 week. He stormed out and was very indignant,  
13 telling the board what the board can't or can do,  
14 what authority the board had. So, what I did  
15 today, I gave the board authority --

16 MR. LEFANDE: No, no you cited the law, Mr.  
17 Chair --

18 CHAIRPERSON ANDERSON: You're talking about a  
19 contested case, sir. This is not a contested  
20 case. Your, your --

21 MR. LEFANDE: [inaudible 3:42]

22 CHAIRPERSON ANDERSON: Sir, that's one the

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1 reasons why I left, sir, I left and went around  
2 back to get a copy of my rules, so, therefore,  
3 while you're there stating the rules, I'm reading  
4 it. That's why I left. So, therefore, if I'm  
5 going to respond to you, I need to know what I'm  
6 responding -- so, I'm responding looking at the  
7 same law that you're reading as. I gave you the  
8 provision. This is -- this is not a contested  
9 case. I've told you that.

10 MR. LEFANDE: And, therefore, there can be no  
11 witnesses.

12 CHAIRPERSON ANDERSON: Sir, can you tell me  
13 what does 17 -- can you tell me?

14 MR. ALBERTI: Mr. Chair, may I make a  
15 suggestion?

16 CHAIRPERSON ANDERSON: Yes.

17 MR. ALBERTI: My suggestion is that we  
18 proceed with the hearing as you see fit, as you  
19 want to conduct it, and if Mr. LeFande thinks  
20 that that's inappropriate, then he can avail  
21 himself to the courts to appeal any decision that  
22 comes out of this. But, if we do that, I would

1 expect Mr. LeFande and his client to cooperate  
2 fully with all proceedings today and hold their  
3 objections until any appeal they choose to make.  
4 If they don't, then I would suggest that you  
5 adjourn -- that you suspend the hearing and we'll  
6 talk to our legal counsels as to how to proceed  
7 from there, but we can't -- we can't fully review  
8 this license without the cooperation and the  
9 answers from all parties that we seek information  
10 from. That's just my recommendation.

11 MR. SHORT: Mr. Chair, I concur with Mr.  
12 Alberti.

13 MR. LEFANDE: I concur with Mr. Alberti as  
14 well. I've made my objection and it turned into  
15 a shouting match, because for reasons unknown to  
16 me, but I made my objection, I think you're  
17 absolutely wrong, I think this is reversible  
18 error and let's proceed.

19 MR. ALBERTI: Do we have your full  
20 cooperation and your client's, Mr. LeFande?

21 MR. LEFANDE: You have our cooperation;  
22 however, I may raise additional objections.

1 MR. ALBERTI: We heard you.

2 MR. LEFANDE: If I get shouted down in the  
3 process of doing that then it'll turn into a  
4 shouting match again.

5 CHAIRPERSON ANDERSON: Sir, you have a  
6 standing objection, you're objecting because you  
7 do not believe that the board has the authority  
8 to call any witnesses, so that's your standing  
9 objection, is that correct?

10 MR. LEFANDE: May we proceed?

11 CHAIRPERSON ANDERSON: Do we have questions?  
12 I'm not even going to ask the questions I have,  
13 so questions from the board.

14 MR. LEFANDE: May I make an opening  
15 statement?

16 CHAIRPERSON ANDERSON: Sure, yeah, go ahead  
17 sir.

18 MR. LEFANDE: Mr. LeFande for the applicant.  
19 I'd like to call the board's attention to the  
20 Capitol Gateway Overlay District which was  
21 published in January 2007 in D.C. District of  
22 Columbia Register Volume 54, 579. What is the

1 Capital Gateway Overlay District in the zoning  
2 code within properties of the Capitol Gateway  
3 Overlay, established preferred retail and  
4 entertainment use within this area. The Overlay  
5 is mapped to include areas roughly bounded by M  
6 Street to the north, the Anacostia River to the  
7 south, Fort McNair to the west and what was the  
8 Southwest Federal Center site to the east or  
9 South Capitol Street. Our proposed location  
10 falls within the Capitol Gateway Overlay and this  
11 is important to us and I want to talk a little  
12 bit about this this afternoon because this  
13 discusses the District of Columbia's vision for  
14 what should and should not be at this location in  
15 terms of use of the property, and this speaks  
16 directly to the board's interest in whether this  
17 is an appropriate use for this -- of this  
18 property, as it is within its discretion.

19 The Capitol Gateway Overlay District provides  
20 for the establishment of South Capitol Street as  
21 a monumental civic boulevard, and provides for  
22 the development of the area as an active

1 pedestrian-oriented street with ground floor uses  
2 to ensure adequate light and air on a pedestrian  
3 scale. There are ground floor uses which are  
4 preferred as identified in 1604.4, 1606.2,  
5 1606.3, 1607.4 and 1610-3: Residential cultural  
6 entertainment retailer service uses. Under 1610-  
7 4, the structures must provide open space along  
8 the waterfront and provision assuring private  
9 maintenance of the space, convenient and  
10 permanent public access to the space and suitable  
11 connections to the adjacent public space along  
12 the waterfront.

13 Under 1610.5, provision of active ground  
14 level uses include retail, entertainment,  
15 cultural and pedestrian concourse space. This  
16 order was adopted by the zoning commission in its  
17 public meeting of January 8, 2007, by a vote of 4  
18 to zero to one, with one person not voting, and  
19 properly reflects what the overall vision is for  
20 the District of Columbia in the provision of this  
21 area including the property which Bardo, LLC,  
22 intends to use. We believe that the creation of

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1       an open air craft brewery at this location is  
2       wholly consistent in furtherance of this  
3       particular property. I'd like to bring to the  
4       board's attention a resolution by the council of  
5       the District of Columbia from March 15, 2011:  
6       19-104, and I'll provide a copy of this to you  
7       folks.

8               "Resolved by the District of Columbia that  
9       American Craft Breweries, (such as my client's)  
10      employ nearly 100,000 full and part-time workers  
11      and generate more than three million dollars in  
12      wages and benefits. In 2009, craft brewing  
13      industry increased an increase of 6.23 -- 6.32  
14      billion in retail sales from the 2008 figures.  
15      Until now, the District of Columbia has been  
16      without a manufacturer (this is 2009 of course)  
17      until now (I'm sorry, 2011) -- until now the  
18      District of Columbia has been without a  
19      manufacturer brewery for more than 60 years.

20               "National statistics demonstrate that craft  
21      breweries continue to generate revenue and create  
22      job opportunities even during times of economic

1 recession. In Delaware, between 600 and 800  
2 people walk through the doors of the Dogfish Head  
3 Craft Brewery each week and the state of Delaware  
4 is planning to target tourism campaigns towards  
5 its crafter brewery industry. Supporting the  
6 economic growth of small craft breweries (such as  
7 Bardo) will inspire economic development in other  
8 areas, thus revitalizing business corridors with  
9 increased visitor, tourist and employee traffic.

10 "Therefore, in closing, the council states  
11 that it's imperative that our district craft  
12 breweries be allowed to open and laws were placed  
13 allowing them to fully compete in both our region  
14 and nationally."

15 Now, this was not a non-binding resolution.  
16 This was a resolution that was offered hand in  
17 hand with the brewery manufacturers' Tasting  
18 Permit Amendment Emergency Declaration  
19 Resolution, an act of 2011. So, this  
20 demonstrates the city council's commitment to  
21 having craft breweries such as Bardo, LLC, and  
22 having the agencies of the District of Columbia

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1 facilitate and enable their growth in support of  
2 a larger economic revitalization particularly in  
3 this area. We believe that the design and  
4 implementation of the plan that has been  
5 reflected in the particular application that is  
6 before the board, as a manufacturer of craft beer  
7 with public areas accessing the waterfront at  
8 this location, is appropriate and lawful and  
9 conducive to the greater plan and vision of the  
10 District of Columbia government. In support of  
11 that, we now offer the owner of the Bardo, LLC,  
12 to answer any questions as to the sufficiency of  
13 the application and as to the criteria as to  
14 whether this is an appropriate location for this  
15 brew pub -- sorry, this manufacturer to operate,  
16 and if there are any conditions necessary to be  
17 implemented to offer the provisional license.

18 Thank you.

19 CHAIRPERSON ANDERSON: Thank you. Do we have  
20 any questions by any board members?

21 MR. ALBERTI: Yeah, I guess I'll start.

22 CHAIRPERSON ANDERSON: Go ahead, Mr. Alberti.

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1           MR. ALBERTI: Although I will reserve the  
2 right to revisit because I'm sure I'll think of  
3 other things after I've started. So, I don't  
4 know where to begin. Well, I'll start with, Mr.  
5 LeFande, I'll start with your opening statement.  
6 Thank you for your recitation of, and summary of,  
7 the Capitol Gateway Overlay District.

8           MR. LEFANDE: Would you like a copy of that?

9           MR. ALBERTI: Yeah, we would like a copy of  
10 it. But, let me finish my question. So, maybe I  
11 missed -- maybe I didn't hear you because you  
12 were reading quite quickly and I am not familiar  
13 with this, so forgive me if I misheard you, but  
14 nowhere in your recitation did I hear the term  
15 manufacturer. Is that correct?

16          MR. LEFANDE: The -- correct with regards to  
17 the craft brewery. I assume that you're  
18 referring to, if I can read the preamble, which I  
19 skipped over because I was trying to hit the  
20 pertinent points --

21          MR. ALBERTI: Well, you -- okay, go ahead.

22          MR. LEFANDE: -- it says -- it speaks to an

1 amendment, the need to amend title 25 of the  
2 District of Columbia code to permit a licensee  
3 under a manufacturer's license, class B. So  
4 that's the predicate language that appears in  
5 Resolution 19-9-104. I apologize.

6 MR. ALBERTI: Is that the Capitol Gateway?

7 MR. LEFANDE: No, this is -- this is the  
8 Resolution for -- by the District of Columbia  
9 council, city council, from 2011.

10 MR. ALBERTI: Let's go to -- no, no, no --  
11 you made -- you made -- you mad an issue of the  
12 Overlay District and, you know, I assume that you  
13 wanted that to guide us.

14 MR. LEFANDE: Yes.

15 MR. ALBERTI: And in no way does it suggest  
16 that it is -- that it -- that the Overlay  
17 District should give -- should give preference I  
18 guess maybe is a good way of saying it -- to  
19 manufacturers. I mean, you are aware that this  
20 is an application for a manufacturer's license  
21 are you not?

22 MR. LEFANDE: Right. Are you also aware that

1       they have a right to be there as a federal  
2       manufacturer without this board's input?

3            MR. ALBERTI: Without what?

4            MR. LEFANDE: That they have a federal  
5        manufacturer's license in place and that they can  
6        sit there and manufacture beer on a federal  
7        license.

8            MR. ALBERTI: Well, we'll get to that. We'll  
9        get to that.

10          MR. LEFANDE: Just to understand they're  
11        there.

12          MR. ALBERTI: No, no, no -- let -- I'd just  
13        like to

14          MR. LEFANDE: We're talking about --

15          MR. ALBERTI: Mr. LeFande, trust me.

16          MR. LEFANDE: Okay.

17          MR. ALBERTI: It'll be a whole lot -- you'll  
18        have time for a rebuttal but let's stay focused  
19        on one issue at a time, so, since I haven't heard  
20        anything different from you, I did hear correctly  
21        that the Capitol Gateway Overlay District does  
22        not mention manufacturing as part of one of the

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1 desired uses of that land. Okay, so --

2 MR. LEFANDE: I think you're putting words in  
3 my mouth to some degree, in that what it does  
4 speak to as a preferred use, and it must -- a  
5 large amount of the floor spa -- the ground floor  
6 use in this Overlay District must be devoted to  
7 the -- it says, "residential, hotel and cultural  
8 entertainment, retail or service uses." There  
9 are certain things that they prohibit.

10 MR. ALBERTI: All right.

11 MR. LEFANDE: And I think that to read that  
12 without contemplation of the resolution which is  
13 driving this craft brewery business, which is  
14 obviously a hybrid between a manufacturer and a  
15 cultural --

16 MR. ALBERTI: What does that resolution have  
17 to do -- Mr. LeFande, what does that resolution  
18 have to do with the Overlay District?

19 MR. LEFANDE: No, they're two -- they're two  
20 separate issues.

21 MR. ALBERTI: Absolutely, thank you very  
22 much. So, let's stay with one thing at a time.

1 All right --

2 MR. LEFANDE: They both reflect the intention  
3 and the mandate that is of the District of  
4 Columbia government and speak to --

5 MR. ALBERTI: You can say that and later on  
6 you'll have your say and you can remind us of  
7 that, Mr. LeFande, and I will draw my own  
8 conclusions from those two items. But right now,  
9 let me proceed. So, I'm looking at the -- let's  
10 go to the diagram and let's start with what's on  
11 the ground. Let's start with on the ground  
12 floor. Is there going to be any buildings here  
13 at all?

14 MR. STEWART: It's partly it's five shipping  
15 containers.

16 MR. ALBERTI: And the five shipping  
17 containers are going to go where on this diagram?

18 MR. STEWART: I have photos.

19 MR. ALBERTI: Well, you have this diagram, is  
20 this diagram essentially -- the diagram we've  
21 been given, is this essentially what you plan to  
22 put there?

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1           MR. STEWART: It's there already. It's the  
2 building permit --

3           MR. ALBERTI: Great.

4           MR. STEWART: -- final approval, [inaudible  
5 3:57] are in.

6           MR. ALBERTI: Great. So, what do you have  
7 approvals for?

8           MR. STEWART: Building, fire, plumbing,  
9 electrical, zoning.

10          MR. ALBERTI: For what use?

11          MR. STEWART: Everything.

12          MR. ALBERTI: What use do you have approvals  
13 for?

14          MR. STEWART: Say again.

15          MR. ALBERTI: What use do you have approvals  
16 for?

17          MR. STEWART: Brewery with a tasting, summer  
18 garden and --

19          MR. ALBERTI: Brewery? Brew pub?

20          MR. STEWART: Brewery. Brewery with a summer  
21 garden.

22          MR. ALBERTI: Okay.

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1 MR. STEWART: That's what the DCRA plans say.

2 MR. ALBERTI: And what about DOH?

3 MR. STEWART: Same. Plans are all the same.

4 MR. ALBERTI: They make no distinction  
5 between a manufacturer and a brew pub?

6 MR. STEWART: Yeah, well that's a good point.  
7 The federals and the health department and  
8 everybody else have -- their designation is  
9 brewery and then attached tavern.

10 MR. ALBERTI: Right.

11 MR. STEWART: So that's the federal thing.

12 D.C. is not the same. D.C. is sort of like  
13 mushy, and I don't know why it is like this,  
14 because they have a brewery and they have a brew  
15 pub, okay? But the only difference is the  
16 brewery can sell to wholesalers and retailers and  
17 the brew pub has to sell to wholesalers but not  
18 retailers.

19 MR. ALBERTI: The DOH makes that distinction,  
20 right?

21 MR. STEWART: The DOH does not make any --

22 MR. ALBERTI: The federal --

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1           MR. STEWART: The DOH is Department of  
2 Health.

3           MR. ALBERTI: Right.

4           MR. STEWART: They don't make any distinction  
5 between brewery or brew pub.

6           MR. ALBERTI: We will concentrate then on  
7 the -- preliminarily I'm getting different  
8 information but we will discuss that with those  
9 departments.

10          MR. STEWART: All right.

11          MR. ALBERTI: Because I know that you are  
12 licensed -- you have approvals -- or we  
13 understand you have approvals for a brew pub, but  
14 it's also I'm getting information that that would  
15 not -- a manufacturer would not fall under that  
16 license and I know the license would be --

17          MR. STEWART: The zoning people sent you a  
18 letter, right?

19          MR. ALBERTI: Pardon?

20          MR. STEWART: Fred got a letter from the  
21 zoning saying that this was allowed use, right?

22          MR. ALBERTI: Well, you know -- we will

1 pursue that as we pursue all -- all - all aspects  
2 in our review of this license.

3 MR. STEWART: Zoning --

4 MR. ALBERTI: I'm just pointing that out --  
5 I'm just pointing that out to you.

6 MR. STEWART: -- federal, everybody.

7 MR. ALBERTI: Well, speaking of federal, what  
8 about federal --

9 MR. STEWART: TTB?

10 MR. ALBERTI: Yeah, TTB.

11 MR. STEWART: Right. That's all in the  
12 process.

13 MR. ALBERTI: It's in the process?

14 MR. STEWART: Yeah, I applied on February  
15 10th.

16 MR. ALBERTI: Okay.

17 MR. STEWART: And it's still being processed.

18 MR. ALBERTI: All right. All right.

19 MR. STEWART: It takes -- the federals take a  
20 long time.

21 MR. ALBERTI: Okay, so let's go through this.  
22 You have five shipping containers. Where are

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1 they on this layout?

2 MR. STEWART: Well, I mean, hopefully you can  
3 tell from the drawing, this should be [inaudible  
4 4:00]. Two of them have toilets inside of them  
5 and one of them has a dishwasher setup.

6 MR. ALBERTI: Okay, so I see --

7 MR. STEWART: And one is just storage.

8 MR. ALBERTI: I see walk-in cooler.

9 MR. STEWART: Yeah, walk-in cooler and then  
10 next to that is --

11 MR. ALBERTI: It's a sanitation unit.

12 MR. STEWART: Yes, that's a shipping  
13 container with a dishwasher and all that inside.

14 MR. ALBERTI: All right. And then these  
15 fermenters, is that in another one?

16 MR. STEWART: No, those are free-standing,  
17 those stand outside.

18 MR. ALBERTI: And the boil kettle and mash?

19 MR. STEWART: Yeah, those are all outside.  
20 That's all brewery equipment.

21 MR. ALBERTI: I know. I can figure that out,  
22 but they're all outside.

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1 MR. STEWART: Yes, sir.

2 MR. ALBERTI: So, where are the other? So, I  
3 got two shipping containers --

4 MR. STEWART: Along the fence line is three  
5 shipping containers, two of those with toilets.

6 MR. ALBERTI: On the fence line. Oh yeah,  
7 right there one of them --

8 MR. STEWART: They've got little toilets  
9 drawn on the inside.

10 MR. ALBERTI: One has toilets on the inside,  
11 what's the other one?

12 MR. STEWART: Two of them are toilets and one  
13 is just storage for like lawnmowers.

14 MR. ALBERTI: Oh, one's sort of on the  
15 northern end?

16 MR. STEWART: Yes, that's right.

17 MR. ALBERTI: Okay, and that's just storage.  
18 But everything else is outside.

19 MR. STEWART: Yes, sir. Well, under the  
20 bridge. We have tables and chairs under the  
21 bridge.

22 MR. ALBERTI: Everything is outside here. I

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1   got you've got the bridge overhead but everything  
2   else is outside.

3            MR. STEWART: Yes, sir.

4            MR. ALBERTI: So, now when I come in, as I  
5   come in to my right where it says Brew House, I  
6   know that that's not labeling that area but the  
7   word Brew House sits in the middle of an area --  
8   what's in that area? Is it empty keg storage?

9            MR. STEWART: That's behind the bar. The  
10   Brew House and the Brewery and all that's behind  
11   the bar.

12          MR. ALBERTI: The central area, what's in  
13   that central area?

14          MR. STEWART: The central area -- yeah, that  
15   is storage now.

16          MR. ALBERTI: What's getting stored there?

17          MR. STEWART: Well, like when you have a  
18   brewery, when you buy cans -- say you have five  
19   different kinds of beer --

20          MR. ALBERTI: Right.

21          MR. STEWART: Every time you buy cans, you  
22   have to buy basically a whole truckload of cans,

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1 like a shipping container full.

2 MR. ALBERTI: Okay.

3 MR. STEWART: And then so if you have five  
4 different beers, you've got to have five  
5 different containers to store these cans, so  
6 that's where they all go. So you'd have a can  
7 for pale ale, you know, a shipping container full  
8 of pale ale cans, a shipping container full of  
9 IPA cans.

10 MR. ALBERTI: Okay, so I'm coming down the  
11 walkway and the northern half of this area to the  
12 east is sort of a production -- I've got --  
13 sanitation units, mash, kettle boilers, walk in  
14 coolers in the back.

15 MR. STEWART: Right.

16 MR. ALBERTI: And to the left I have a whole  
17 storage area bordered by a walkway to the south,  
18 right?

19 MR. STEWART: Yes. That's good.

20 MR. ALBERTI: Customers I assume will be  
21 walking through your production area to the -- to  
22 the -- to the toilet facilities?

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1           MR. STEWART: They will have to go all the  
2 way down to the bottom to where the river is, the  
3 riverfront seating, and then go along there up to  
4 the toilets.

5           MR. ALBERTI: So, how is that divided off?  
6 Is there fencing?

7           MR. STEWART: Yeah, there's fencing.

8           MR. ALBERTI: Between the sanitation unit and  
9 the --

10          MR. STEWART: Shipping containers.

11          MR. ALBERTI: Shipping containers that have  
12 the [inaudible 4:03].

13          MR. STEWART: Yes.

14          MR. ALBERTI: All right. So, they would come  
15 to this -- they would come to the walkway that  
16 runs east-west below the walk-in cooler and have  
17 to walk up to the toilets, is that correct?

18          MR. STEWART: That's correct.

19          MR. ALBERTI: All right.

20          MR. STEWART: You've got a north-south access  
21 and an east-west access.

22          MR. ALBERTI: Okay. So, where exactly will

1       customers be allowed in this area?

2            MR. STEWART: They will be allowed underneath  
3       the bridge where there's tables and chairs and  
4       along the riverfront green space which is  
5       approximately 60 foot wide and 200 feet long.

6            MR. ALBERTI: So, I've got this long east-  
7       west walkway that will be allowed through the  
8       southern portion of that down to the river?

9            MR. STEWART: Correct.

10          MR. ALBERTI: All right, I assume not in the  
11       river. I'm sorry, I didn't mean to make light of  
12       this.

13          MR. STEWART: No [inaudible ]

14          MR. ALBERTI: And below and south of the  
15       other walkway that runs to the east of that  
16       central walkway, the north-south walkway, right?

17          MR. STEWART: It's the south side and the  
18       west side.

19          MR. ALBERTI: Okay. And then up along to the  
20       parapets

21          MR. STEWART: Yes.

22          MR. ALBERTI: All right. So, you have no

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1 intention of allowing anyone to have alcoholic  
2 beverages for consumption in any other place, any  
3 other portion of the facility?

4 MR. STEWART: That's my intention.

5 MR. ALBERTI: All right.

6 MR. STEWART: The idea was, like, originally,  
7 like, way back when you said this was way too  
8 much space to patrol and that was correct and so  
9 I've been cutting it down and now I figured out  
10 750 people times 15 square feet per person, how  
11 much area is that? That's what I mapped out and  
12 the rest --

13 MR. ALBERTI: That's my next question. What  
14 is that area?

15 MR. STEWART: Sorry, I didn't hear you.

16 MR. ALBERTI: No, that's my next question.

17 You're getting to my next question. What is this  
18 area below the two walkways, south of the two  
19 east-west walkways? What is that area? How  
20 large is that?

21 MR. STEWART: That is actually a big briar  
22 patch right now, so that we haven't cleared out

1 the briars so that's just more or less --

2 MR. ALBERTI: But what is the area? I mean,  
3 what are you planning, how much? I see tables  
4 under bridge area, 280 square feet. Then I have  
5 this tables riverside assemble area 940 square  
6 feet. Is that 940 square feet?

7 MR. STEWART: It's 9400.

8 MR. ALBERTI: Nine thousand 40 it says. All  
9 right. So, does -- the 9040 what does that --  
10 what area does that cover?

11 MR. STEWART: That covers the riverfront --  
12 basically what's existing is they had a fence up  
13 and there's this green space between the river  
14 and the fence.

15 MR. ALBERTI: So, I have -- below this  
16 walkway, going off to the -- going off to the  
17 east from the -- we have the central walkway.

18 MR. STEWART: Yes, sir.

19 MR. ALBERTI: There's a walkway going off to  
20 the east, below that, and then there's a walkway  
21 going off to the west.

22 MR. STEWART: Yes.

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1           MR. ALBERTI: Below those two walkways, I  
2 have a total of -- if I add the two areas -- I  
3 have a total of approximately 1200 square feet.

4           MR. STEWART: 12,000.

5           MR. ALBERTI: 12,000 square feet. Is that  
6 about right?

7           MR. STEWART: Yes.

8           MR. ALBERTI: Okay, great.

9           MR. STEWART: Yes. So, that's more easily  
10 manned.

11          MR. ALBERTI: And so you're assuming it's 750  
12 patrons there.

13          MR. STEWART: That's my limit as far as  
14 originally --

15          MR. ALBERTI: All right.

16          MR. STEWART: -- that's what we set for the  
17 limit because we'd asked for 1500 and then ANC  
18 said 750 and I said 750 fine with me, so it's  
19 still 750.

20          MR. ALBERTI: Okay. So, I am going to switch  
21 gears a little bit here. You're a manufacturer,  
22 correct? How many -- what volume do you expect

1 to produce throughout the year?

2 MR. STEWART: Well, the -- like DC Brau is  
3 doing about 20,000 barrels a year and that's  
4 getting close to break even for a brewery. I  
5 don't think we'll be doing that immediately, but  
6 hopefully after three or four years of the  
7 brewery we would be doing that.

8 MR. ALBERTI: In the first two years, what do  
9 you -- what do you expect to brew?

10 MR. STEWART: I expect to brew somewhere  
11 around 5000 barrels.

12 MR. ALBERTI: 5000 barrels.

13 MR. STEWART: And second year maybe 7000.

14 MR. ALBERTI: Okay. What do you currently  
15 brew -- in the last good year at your brew pub  
16 what did you brew?

17 MR. STEWART: In Trinidad?

18 MR. ALBERTI: In Trinidad.

19 MR. STEWART: It was horrible.

20 MR. ALBERTI: What was your best year there?

21 MR. STEWART: My best year in Arlington was  
22 about 2500 barrels.

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1 MR. ALBERTI: 2500.

2 MR. STEWART: Before that would be 600 --  
3 500.

4 MR. ALBERTI: How many -- how many -- how  
5 large was the facility in Arlington?

6 MR. STEWART: It's the same equipment,  
7 actually.

8 MR. ALBERTI: How large was the -- well, you  
9 had a brew pub sort of in Arlington, correct?

10 MR. STEWART: Virginia law more closely  
11 mirrored the federal law in that you have a  
12 brewery with an attached house.

13 MR. ALBERTI: But how many customers were you  
14 serving in [inaudible 4:08]?

15 MR. STEWART: 1200.

16 MR. ALBERTI: 1200?

17 MR. STEWART: 1200, well 900 with seating  
18 capacity inside and outside was 700. But they  
19 were never open at the same time.

20 MR. ALBERTI: Okay.

21 MR. STEWART: I think the fire marshal said  
22 1200 total combined.

1           MR. ALBERTI: And you were able to support  
2       that business with 2500 barrels. Is that  
3       correct?

4           MR. STEWART: Yes, that's right.

5           MR. ALBERTI: All right.

6           MR. STEWART: That's about the right amount  
7       for everything.

8           MR. ALBERTI: What are your plans for  
9       wholesale?

10          MR. STEWART: Wholesale? What we'd like to  
11       do is do a similar thing to McMenamins in Oregon,  
12       in that they sell both the wholesale owners and  
13       the satellite businesses they own. So, for  
14       example you'd set up a bar in Virginia and you  
15       would ship the beer out there and sell it there.  
16       So, that would be part of the game plan along  
17       with selling cans of beer. We probably would not  
18       sell keg beer, just cans of beer because that's  
19       what they want and selling to the satellite bar,  
20       restaurant, whatever, in Virginia and Maryland.

21          MR. ALBERTI: Okay.

22          MR. STEWART: And D.C.

1           MR. ALBERTI: Okay, so you have no plans to  
2 market it to independent retailers?

3           MR. STEWART: Well, yeah, we'd sell cans --

4           MR. ALBERTI: Right.

5           MR. STEWART: -- to -- you know -- you put it  
6 through the wholesaler, you know, premium and  
7 whatever premium sells.

8           MR. ALBERTI: All right, very good.

9           MR. STEWART: But we would sell things like  
10 imperial stout and barley wine and things like  
11 that that don't sell much, and cost a lot of  
12 money.

13          MR. ALBERTI: Okay.

14          MR. STEWART: Sour beers, things like that.

15          MR. ALBERTI: Okay. In general, I think you  
16 applied for an entertainment endorsement also.

17 No?

18          MR. STEWART: Never. I'm the last one who --

19          MR. ALBERTI: So, there's no entertainment  
20 component to your application.

21          MR. STEWART: Yes, sir, that's correct, no  
22 entertainment.

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1           MR. ALBERTI: When -- so what are your plans  
2 for operating -- so one of the concerns we heard  
3 was operations around Nats games? What are your  
4 plans on operating around those times?

5           MR. STEWART: I'm not sure what you mean by -  
6 - you mean like security plan? When you say  
7 plan, to operate?

8           MR. ALBERTI: Operating.

9           MR. STEWART: Well, I mean that's sort of  
10 vague. I could answer your question better if  
11 you were more -- I mean I could say we're going  
12 to open --

13           MR. ALBERTI: Yeah, he's giving you good  
14 advice.

15           MR. LEFANDE: Do you want me to restate the  
16 objection? He's asking for a more -- clearer  
17 question.

18           MR. ALBERTI: There's no objection necessary,  
19 Mr. LeFande. I understand that he doesn't  
20 understand my question and I will --

21           MR. LEFANDE: Thank you.

22           MR. ALBERTI: -- clarify it for him. On game

1       days, I mean when do you expect to be open and  
2       how large do you hope the crowds will be?

3            MR. STEWART: Well, I'm --

4            MR. ALBERTI: And at what times? So --

5            MR. STEWART: I'm assuming just like --

6            MR. LEFANDE: Could we break that into three  
7       different parts if you please?

8            MR. STEWART: Hold on, okay, basically I'm  
9       assuming we're going to be just like Blue Jacket  
10      or everybody else in that area, and during game  
11      days like Justin's everybody, they're full, so  
12      we're going to be full. So, we'll have 750  
13      people in there and I was going to proceed with  
14      the security plan that we had already that I  
15      thought was pretty thought out. Everybody seemed  
16      to think it was okay, so.

17           MR. ALBERTI: So, it's the security plan that  
18       you submitted with your previous application?

19           MR. STEWART: I mean, I think that's a pretty  
20      -- nobody seemed to object to it and it seemed --  
21      you know, I had input from various different  
22      people and they all seemed to think it was okay

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1 so. Yeah, I think it's fine unless you guys  
2 think there's some other -- something else we can  
3 do.

4 MR. ALBERTI: Okay, so -- in the vein of my -  
5 - going in the same vein of my questions, there's  
6 been -- there was -- you had great concerns about  
7 parking.

8 MR. STEWART: Right.

9 MR. ALBERTI: I mean I'll tell you apparently  
10 from your other presentation I concluded you  
11 really didn't -- you didn't show any evidence of  
12 having any dedicated parking for your  
13 establishment.

14 MR. STEWART: This is true, but I would add -

15 -

16 MR. ALBERTI: Has that changed?

17 MR. STEWART: I would add that previously you  
18 asked the police commander all about the parking  
19 for the residents in that area and it was  
20 determined that all the residential areas were  
21 locked down, all the parking in that area is --  
22 you know -- you know -- because in that stadium,

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1 all the residents there are protected already  
2 from --

3 MR. ALBERTI: So where are your patrons going  
4 to park?

5 MR. STEWART: You know, my patrons don't ride  
6 in cars, they ride in Ubers and they ride on  
7 bicycles, and in Trinidad that's all they did. I  
8 mean, Trinidad, there's parking right out front  
9 on Blainesburg Road and nobody ever parks there.  
10 We never have cars out front. It's weird. So,  
11 this is like the modern day, I don't know why  
12 it's like that, but that's fine, and that's what  
13 we're going with. So, and I mean Trinidad is  
14 farther from the subway than this location, so  
15 drinking and driving is not encouraged at Bardo,  
16 that's for sure. So, parking you know --

17 MR. ALBERTI: Well, I don't know whether it's  
18 comparing apples and oranges and so you have to  
19 tell me that we're not comparing apples and  
20 oranges, Bardo to this.

21 MR. STEWART: Okay.

22 MR. LEFANDE: May I just have a second?

1           MR. STEWART: He's brought up a good point.  
2       The Nationals capacity is 41,500 people. Their  
3       average attendance is 31,000. There's 10,000  
4       extra people that the DOT has planned for that  
5       are not showing up to the games. So 750 people  
6       at Bardo is really just, what's that 2%? Two  
7       percent of the Nationals --

8           MR. SHORT: Mr. Alberti, I know you're not  
9       finished.

10          MR. STEWART: Could I just?

11          MR. SHORT: Sure.

12          MR. STEWART: I mean, the DOT has already  
13       planned for 41,000 people --

14          MR. SHORT: Can I say this? Can I say this,  
15       please?

16          MR. STEWART: Sure.

17          MR. SHORT: Good afternoon. The Nationals  
18       have a parking lot, correct?

19          MR. STEWART: Do the nationals have parking  
20       for 41,000 people?

21          MR. SHORT: I didn't say for how many people,  
22       but I will tell you under district zoning laws,

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1 and your attorney might want to speak to this --  
2 under the District of Columbia zoning laws even  
3 churches have to have a certain amount of  
4 parking, not for every member, but a certain  
5 number. Most businesses have to have a certain  
6 number of dedicated parking. So, do you have any  
7 plans for having dedicated parking?

8 MR. STEWART: I'll have the same amount of  
9 parking as required of me in Trinidad.

10 MR. SHORT: How are you going to compare  
11 those two?

12 MR. STEWART: One's 300 and one's 700.

13 MR. SHORT: How are you going to compare 700  
14 to 300?

15 MR. STEWART: I have zero parking at  
16 Trinidad. I'll have zero parking at the  
17 riverfront.

18 MR. SHORT: The parking situation -- the  
19 parking situation in Trinidad is --

20 MR. STEWART: Nobody requires me to have  
21 parking.

22 MR. SHORT: I'm not going to argue with you,

1 but I'm stating --

2 MR. STEWART: The DCRA does not require  
3 parking.

4 MR. SHORT: I said zoning.

5 MR. STEWART: Zoning does not require  
6 parking.

7 MR. SHORT: They don't? Okay.

8 MR. STEWART: I have a zoning certificate  
9 already.

10 MR. SHORT: All right.

11 MR. STEWART: I'm ready to go.

12 MR. SHORT: Let me ask you this --

13 MR. STEWART: I'll be making beer in two and  
14 a half weeks. You guys come on down and have  
15 some.

16 MR. SHORT: Okay. Let me ask you this  
17 question before we get to that point. You're  
18 going to be using an awful lot of water, correct?

19 MR. STEWART: Yes. Well --

20 MR. SHORT: To manufacture beer, you have to  
21 have water.

22 MR. STEWART: That's true, I have to have

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1 water.

2 MR. SHORT: Okay, now, are you going to be  
3 using water from fire hydrants or from -- I mean  
4 I'm just asking. I'm asking.

5 MR. STEWART: All right, fair enough. Fair  
6 enough. The building they put up next to me ran  
7 a 2-1/2 inch pipeline over to my location.

8 MR. SHORT: Two and a half inches line.

9 MR. STEWART: I had to pay them \$41,000.

10 MR. SHORT: What number feet? I'm saying  
11 that because --

12 MR. STEWART: About 200 --

13 MR. SHORT: -- in the fire department we have  
14 to -- we have to take the amount of "the size of  
15 the hose or the pipe" and then we have to take  
16 off to deliver a certain amount of gallons.

17 MR. STEWART: I understand.

18 MR. SHORT: Okay, so I'm just wondering also  
19 now how many sewer lines on that lot?

20 MR. STEWART: There's the one sewer line  
21 that's hooked into the main building.

22 MR. SHORT: One sewer line?

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1 MR. ALBERTI: In what building?

2 MR. STEWART: Yeah, one pipe coming out, one  
3 sewer line going back in.

4 MR. ALBERTI: What main building?

5 MR. STEWART: The blue building that  
6 [inaudible 4:18] put up.

7 MR. SHORT: Okay, now --

8 MR. ALBERTI: Is it next to yours?

9 MR. STEWART: Yes. They ran water and sewer  
10 off of that building, and electric from there.

11 MR. SHORT: Now, that makes a lot of sense.

12 You have to have that because in your  
13 manufacturing business there's going to be a lot  
14 of byproduct. You're not going to be able to use  
15 all that water in the process, there's going to  
16 be some water that's going to have to --

17 MR. STEWART: Sure.

18 MR. SHORT: So, do you have sewer lines?

19 MR. STEWART: Yes, sir.

20 MR. SHORT: How many?

21 MR. STEWART: One.

22 MR. SHORT: One sewer line. So, that same

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1       sewer line where you have 750 people using your  
2       restrooms is that same line, correct?

3            MR. STEWART: Sorry, I got distracted. Yes,  
4       we're using one sewer line. It was all run  
5       through DCRA, they approved all those plans a  
6       couple of months ago, they've inspected it --  
7       today, as a matter of fact, and gave me the final  
8       approval. So, it's all --

9            MR. SHORT: So, there won't be any runoff  
10      going into the river?

11          MR. STEWART: No, no runoff

12          MR. STEWART: No, no runoff into the  
13      Anacostia, nope.

14          MR. SHORT: None at all?

15          MR. STEWART: Nope. They would not allow  
16      that.

17          MR. SHORT: Okay I'm still saying you're  
18      fully up and operating, you have 750 people there  
19      who are in your space --

20          MR. STEWART: Right. Well, we don't have  
21      porta-potties. We have regular toilets. So,  
22      there's no porta-potties overflowing onto the

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1       streets or onto the road or into the river, which  
2       is a good thing. Porta potties are not good.

3            MR. SHORT: But, we do know that you're going  
4       to have a lot of drainage when you -- with your  
5       manufacturing -- a lot of water, okay. Thank  
6       you.

7            MR. ALBERTI: Okay, so I'm just going to move  
8       on to a related subject. So, how is this area  
9       going to be secured off hours?

10          MR. STEWART: Well, MRP building has security  
11       cameras everywhere and they go over to my area  
12       also.

13          MR. ALBERTI: So, they'll catch the thieves  
14       when they come in. They'll get video of the  
15       thieves while they're operating -- while they're  
16       coming in and taking advantage of your copper or  
17       whatever else is there.

18          MR. STEWART: They have those cameras, which  
19       they showed me, where like the thing sees motion  
20       and makes a little triangle on there and it calls  
21       the cops and the cops show up. It's private  
22       security shows up.

1           MR. ALBERTI: Great. Do you have a contract  
2 with them for that?

3           MR. STEWART: The main building does. I do  
4 not, so --

5           MR. SHORT: Aren't they all the same?

6           MR. ALBERTI: No, no, no, no, no. Do you  
7 have a contract with the main building --  
8 whoever's letting -- you have no control over  
9 that --

10          MR. STEWART: Okay.

11          MR. ALBERTI: If they decide to shut the  
12 cameras off you're done, right? You have no  
13 control, right?

14          MR. STEWART: Yeah, okay, fair enough.

15          MR. ALBERTI: Okay, that's what I thought.  
16 So, is this area fenced in?

17          MR. STEWART: Yes it is. It has a six foot  
18 high fence currently.

19          MR. ALBERTI: Six foot high fence.

20          MR. STEWART: Yes.

21          MR. ALBERTI: Is it topped with anything?

22          MR. STEWART: You can't put barbed wire on

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1       fences in D.C.

2            MR. ALBERTI: You're absolutely right, you  
3       can't.

4            MR. STEWART: So, I can't top it, no.

5            MR. ALBERTI: So, it's a six foot high  
6       fence. And that's the only thing that secures  
7       the equipment and your -- where are you storing  
8       your stock?

9            MR. STEWART: You mean beer that's already  
10      finished, right? When you say stock?

11          MR. ALBERTI: Yeah, kegs.

12          MR. STEWART: No kegs.

13          MR. ALBERTI: Cans.

14          MR. STEWART: No. It's all in large  
15      fermenters.

16          MR. ALBERTI: Wait, wait, wait --you're going  
17      to be selling cans you told me.

18          MR. STEWART: Oh yeah, right. Yeah, yeah.  
19      Sorry. Okay.

20          MR. ALBERTI: Are you selling kegs at all?

21          MR. STEWART: We will not be selling kegs.  
22      We'll be selling cans or on premise.

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1           MR. ALBERTI: Okay, so where are the cans  
2 getting stored?

3           MR. STEWART: They will be in shipping  
4 containers you can lock up.

5           MR. ALBERTI: Which shipping containers?

6           MR. STEWART: The ones on the top where they  
7 have the empty -- no, I'm sorry, on the right  
8 side.

9           MR. ALBERTI: To the north -- it's the  
10 northeast corner.

11          MR. STEWART: Yes. Northeast corner.

12          MR. ALBERTI: What else are you storing in  
13 there?

14          MR. STEWART: That'll be about it. The stuff  
15 that's going out to the distributor which will be  
16 premium.

17          MR. LEFANDE: Could I have just a second?

18          MR. STEWART: Yeah, I -- he brings up a point  
19 that the fact that we've already been in Trinidad  
20 for three years doing the exact same thing, and  
21 we've had no break-ins.

22          MR. ALBERTI: Great.

1           MR. STEWART: Nothing's been stolen, and  
2       Trinidad's a much worse place than the Capitol  
3       Riverfront.

4           MR. ALBERTI: Oh, that's your assessment, but  
5       all right.

6           MR. STEWART: Well, okay.

7           MR. ALBERTI: So, we have --

8           MR. STEWART: I'm just saying we have --

9           MR. ALBERTI: I don't want to dispute that.  
10       So, what is the empty keg area? What are the  
11       kegs for?

12          MR. STEWART: We'll be having on premise  
13       sales of beer.

14          MR. ALBERTI: So that's where you'll fill the  
15       kegs and store them on premises?

16          MR. STEWART: Some of our beers will be in  
17       kegs, some will be in what's called Grundy Tanks  
18       which are British, seven-barrel, 200-gallon  
19       tanks, and some will be in the large fermenters.

20       So, yeah all three will be used for selling on  
21       premise beer.

22          MR. ALBERTI: So, okay --

1           MR. LEFANDE: I'm sorry Mr. Alberti, just one  
2 second. I think you guys got a little disconnect  
3 there if you'll just let me -- I wanted to  
4 clarify something.

5           MR. ALBERTI: Sure.

6           MR. STEWART: Yeah, he's just clarifying that  
7 the fermenters -- there are fermenters that are  
8 used to ferment beer --

9           MR. ALBERTI: Mm hmm.

10          MR. STEWART: And there are fermenters used  
11 to store beer.

12          MR. ALBERTI: Mm hmm.

13          MR. STEWART: So, that's what he wants to  
14 clarify, that some of the fermenting tanks will  
15 be storing beer.

16          MR. ALBERTI: Right, but they're all in that  
17 same location, right?

18          MR. STEWART: Yep.

19          MR. ALBERTI: More or less.

20          MR. STEWART: Yes.

21          MR. ALBERTI: Where it says fermenters, is  
22 that some of the storage fermenters in there?

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1           MR. STEWART: Yeah, so part of them will be  
2 storage or part of them will be actively  
3 fermenting.

4           MR. ALBERTI: I -- I guess I'm just a little,  
5 it's just a little discombobulating because  
6 you've got this huge storage area for wooden  
7 barrels and empty kegs and --

8           MR. STEWART: Right.

9           MR. ALBERTI: And it's all open.

10          MR. STEWART: Well those are all things that  
11 don't have beer in them so nobody can really, you  
12 know, bother with them.

13          MR. ALBERTI: Okay.

14          MR. STEWART: Anything that has beer in it  
15 will be behind the fence.

16          MR. ALBERTI: Behind what fence?

17          MR. STEWART: There'll be a fence around it,  
18 like I said on the north --

19          MR. ALBERTI: So -- is there a fence around  
20 the entire area?

21          MR. STEWART: There's a fence around the  
22 whole -- you know -- location and then there'll

1       be fences around the northeast area where the --

2           MR. ALBERTI: Okay, so they're internal  
3       fences.

4           MR. STEWART: -- the alcohol is.

5           MR. ALBERTI: So, how does -- is there a  
6       fence between the pedestrian picnic table areas  
7       and the other areas?

8           MR. STEWART: When you say other areas, do  
9       you --

10          MR. ALBERTI: Well, basically you've got this  
11       divided into the northern portion --

12          MR. STEWART: Yes.

13          MR. ALBERTI: -- is all production, and the  
14       southern area -- below these walkways -- is  
15       consumption.

16          MR. STEWART: True. That's right.

17          MR. ALBERTI: Is there fencing between those?

18          MR. STEWART: There will be fencing -- well,  
19       if it's just empty stuff, then I didn't plan on  
20       fencing it, but if there's alcohol in it I was  
21       going to fence it.

22          MR. ALBERTI: Okay, so how do you prevent --

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1 how do you prevent people from going up there --  
2 wandering up there with a drink?

3 MR. STEWART: Well, I -- you mean walking  
4 around where there's like --

5 MR. ALBERTI: Empty barrels.

6 MR. STEWART: Empty barrels? Staff. But, I  
7 don't really think it's that evil if they're  
8 doing that, if they want to go over and look at  
9 all the barrels and, you know.

10 MR. ALBERTI: So, but it may not be evil to  
11 you but we have to know what areas are going to  
12 be licensed for consumption.

13 MR. STEWART: If it does bother you we can  
14 put up a fence.

15 MR. ALBERTI: I don't -- I just need to know.

16 MR. STEWART: Okay, I understand.

17 MR. ALBERTI: We need to know which areas are  
18 allowed for consumption and which areas aren't.  
19 That's all.

20 MR. LEFANDE: Just one second.

21 MR. STEWART: Yes, I guess he just wants to  
22 clarify for you folks that there's a fence around

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1 everything. There's going to be three gates.  
2 One of them has an emergency bar with an alarm on  
3 it, so the two gates that people are allowed to  
4 go in and out of there's a person making sure  
5 that they do not leave with alcohol in their  
6 hand.

7 MR. ALBERTI: Yeah, one would hope so, right.

8 MR. STEWART: Well, I mean, I just want to  
9 make that point --

10 MR. ALBERTI: Thank you.

11 MR. STEWART: -- and as far as wandering in  
12 that area, that six foot high fence with the two  
13 gates, you know, I haven't -- there's parts that  
14 have alcohol in them. You know, there'll be a  
15 fence around it. Any kind of barrel, keg, can,  
16 whatever. If it has alcohol in it there'll be a  
17 fence around it. The other stuff, like empty  
18 wooden barrels, you know we hadn't planned on  
19 that. If they want to walk over there that's  
20 fine, if they want to walk under the bridge where  
21 the tables are, that's fine --

22 MR. ALBERTI: Okay.

1           MR. STEWART: -- but, you know, nobody can  
2 leave the licensed premises with alcohol in their  
3 hand.

4           MR. ALBERTI: Right, right. Okay.

5           MR. STEWART: So, he just wanted me to make  
6 that point.

7           MR. ALBERTI: Okay. Boy, I lost my train of  
8 thought on that. So, how many -- what's your  
9 staffing levels going to be? And how will they  
10 be determined?

11          MR. STEWART: They'll be determined by the  
12 manager on duty mainly.

13          MR. ALBERTI: And what will -- how will he  
14 decide? By the manager on duty -- what will he  
15 use to determine them.

16          MR. STEWART: Okay, I want to clarify,  
17 there's the brewery and its operation, I don't  
18 think you're talking about that. You're talking  
19 about when people are buying alcohol.

20          MR. ALBERTI: Yeah, actually I am. I mean,  
21 the staff, the staff that's responsible for the  
22 consumption area, yes.

1 MR. STEWART: Okay.

2 MR. ALBERTI: Thank you for that. You're  
3 right.

4 MR. STEWART: I didn't want to talk about  
5 people making beer. Yeah, that would be similar  
6 to the plan we had before. It's listed in the  
7 security plan.

8 MR. ALBERTI: And what is that?

9 MR. STEWART: The manager on duty will be  
10 probably four people working the doors, as in the  
11 gates I should say. There would be one server  
12 for every 40 people.

13 MR. ALBERTI: Mm hmm.

14 MR. STEWART: So that would be 20 servers for  
15 750. Then you would probably have five to six  
16 busboys who pick up glasses and wash glasses and  
17 then you would have, well the manager and  
18 probably a bar manager, so two actual managers.  
19 So, that would probably be your staffing on an  
20 average day. And then when the Nationals play we  
21 probably have to up that because the people that  
22 go to Nationals are not as well behaved as our

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1 normal people, so it would probably up it on the  
2 security detail in that we'd probably hire off  
3 duty policemen, along with the regular four  
4 people who are working the doors.

5 MR. ALBERTI: So, how many entrances do you  
6 have?

7 MR. STEWART: We would have two that people  
8 could go in and out of and one that has got an  
9 emergency bar.

10 MR. ALBERTI: That's an exit, but the  
11 entrances, two?

12 MR. STEWART: Two.

13 MR. ALBERTI: Where are they located?

14 MR. STEWART: One is the north and one is to  
15 the west.

16 MR. ALBERTI: So, one is to that walkway that  
17 goes --

18 MR. STEWART: Two accesses. This is one  
19 entrance and this is one going out -- you're  
20 looking at it on the north.

21 MR. ALBERTI: So, one is to the north and one  
22 is to the east?

1 MR. STEWART: West.

2 MR. ALBERTI: To the west, the one that goes  
3 underneath the bridge?

4 MR. STEWART: Yes, sir.

5 MR. ALBERTI: Okay.

6 MR. STEWART: Those will be open for people  
7 every day.

8 MR. ALBERTI: Okay. I'm going to pause  
9 there. I have no further questions right now.

10 CHAIRPERSON ANDERSON: Yes, Mr. Short?

11 MR. SHORT: The tanks that you're using for  
12 brewing --

13 MR. STEWART: Right.

14 MR. SHORT: How much pressure do they  
15 produce?

16 MR. STEWART: 15 psi.

17 MR. SHORT: 15 pounds per square inch.

18 MR. STEWART: Right.

19 MR. SHORT: So what is the maximum that's  
20 going to be on the walls of that tank when it's  
21 building and it's doing --

22 MR. STEWART: 15. It has a blow-off valve

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1 for 15 psi, one atmosphere.

2 MR. SHORT: And they're going to be out in  
3 the open?

4 MR. STEWART: Right.

5 MR. SHORT: Just plan to double that. I'm on  
6 the south Capitol Street Bridge, I'm a little  
7 loaded, I just got my mind, I'm not thinking  
8 right, and I take a gun or a rifle and shoot down  
9 at those tanks. What's going to happen to that  
10 tank? That pressure? So when you've got 750  
11 people there, what's going to happen when opens.

12 MR. STEWART: It's funny you bring that up,  
13 because my buddy worked at Dixie Brewing in New  
14 Orleans -- it got washed away in the hurricane.  
15 And people used to shoot his beer tanks all the  
16 time, and they would just leak, they would just  
17 leak beer, and that was about it.

18 MR. SHORT: So, the pressure wouldn't come  
19 off. You've got a relief valve on it for what  
20 reason?

21 MR. STEWART: Because if it builds up past 15  
22 you have to, by law, let the pressure off,

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1 otherwise you'll blow your tank.

2 MR. SHORT: But if you have a hole in the  
3 side where the -- I'm talking about your relief  
4 valve, you put a hole in the side of it, that  
5 pressure is all going to come out at once --

6 MR. STEWART: Well --

7 MR. SHORT: -- and then both sides [inaudible  
8 4:32].

9 MR. STEWART: Well, it'll spread out. I  
10 mean, but it's not going to just like this.

11 MR. SHORT: You don't think so?

12 MR. STEWART: I've never shot a beer tank.

13 MR. SHORT: Okay, well I'll just say this --

14 MR. STEWART: But my friends in Dixie had  
15 them shot all the time and apparently it -- it --  
16 it just made it leak.

17 MR. SHORT: Please, please let me say this to  
18 you. You've seen what happened in France and  
19 we've seen a lot of things going on in Europe,  
20 all around the world. Those tanks out in the  
21 open, with no protection around them, I can  
22 guarantee you if a terrorist wanted to pick a

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1 target with 750 people right next to the stadium  
2 it would be a catastrophe. I'll just frankly say  
3 this to you, and I know your lawyer's talking in  
4 your ear, but I will simply say to you having  
5 those open tanks uncovered is not a good idea.

6 MR. STEWART: Well, Budweiser does it, and  
7 Dogfish Head and everybody else.

8 MR. SHORT: Next to a stadium?

9 MR. STEWART: I don't -- Budweiser's done  
10 this way.

11 MR. SHORT: I'm trying -- I'm just trying to  
12 point out to you there's a risk that you're  
13 taking in that area with the Nationals playing  
14 regular games and all season there are different  
15 things going on there. Unprotected, uncovered --  
16 so tell me this, how many other breweries do you  
17 know in the country that has this layout that you  
18 have? How many other, in the whole United States  
19 of America, how many open tanks in open air?

20 MR. STEWART: Budweiser, Dogfish Head, Great  
21 Divide.

22 MR. SHORT: Where? Tell me where.

1 MR. STEWART: Budweiser's in Williamsburg.

2 MR. SHORT: Okay. And how close is that to a  
3 stadium or to a main road or anything? It's way  
4 off of the road.

5 MR. STEWART: Dogfish Head is in Delaware.

6 MR. SHORT: And the reason why those tanks  
7 are put that way -- and I say it because I have  
8 some experience with them -- the reason why that  
9 happens, they get them away from large crowds and  
10 they get them away from streets, under bridges,  
11 those kinds of things, because of the hazards  
12 they produce. So, you're saying yours will be  
13 safer than everybody else's, but you can't tell  
14 me another place in the United States of America  
15 that has those open tanks beside an armory -- I  
16 mean, beside a stadium.

17 MR. STEWART: Beside a stadium?

18 MR. SHORT: Yeah, beside a stadium.

19 MR. STEWART: You know --

20 MR. SHORT: You're shrugging your shoulders -

21 -

22 MR. STEWART: If I could come back with

1 something --

2 MR. SHORT: I'm asking you a question.

3 You're shrugging your shoulders, but it could be  
4 a very bad situation.

5 MR. STEWART: You know, I believe that in  
6 Milwaukee they actually have beer tanks inside  
7 the stadium, but I have to check on that because  
8 --

9 MR. SHORT: Well, enough with the  
10 hypotheticals. We're talking about you now  
11 asking -- you asking this board to take a chance  
12 on having them outside and open right next door  
13 to the stadium, you've got a couple of new high  
14 rise buildings there, you've got the South  
15 Capitol Street Bridge which is that main  
16 thoroughfare, and you can't tell me another place  
17 in America that does it, and you shrug your  
18 shoulders like -- well, we don't have time to  
19 flip coins and wish for good luck. We are the  
20 Capitol City of the United States of America and  
21 we know that this is a target, so what -- yes it  
22 is, Washington, D.C., they're not saying anymore

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1        "when" -- they're saying -- or "if" -- they're  
2        saying "when." And we don't want to give them any  
3        more targets. And I will simply say to you I, as  
4        a board member until you can tell me a little  
5        better information about these tanks being in the  
6        open, I as a board member have a problem. I have  
7        a very serious --

8            MR. STEWART: They already approved the  
9        tanks.

10          MR. SHORT: Okay, that's not a problem. I'll  
11        just say this --

12          MR. LEFANDE: If I could just for one moment.

13          MR. SHORT: Please do.

14          MR. LEFANDE: I haven't pumped nearly as much  
15        water as you have, but I have pumped a little bit  
16        of water --

17          MR. SHORT: Mm hmm.

18          MR. LEFANDE: -- okay, we're talking about 15  
19        psi --

20          MR. SHORT: Mm hmm.

21          MR. LEFANDE: -- okay? We're not talking  
22        anywhere near the amount of water that comes off

1 --

2 MR. SHORT: Let me ask you a question, since  
3 you had that answer. I take some plastic  
4 explosives and put beside one of those tanks,  
5 okay? And blow it. What's going to happen to  
6 that tank? What's going to happen to that tank?

7 MR. LEFANDE: There's going to be a lot of  
8 beer all over the place. You're talking about  
9 one quarter of the pressure of a bicycle tire.

10 MR. SHORT: All right, okay.

11 MR. LEFANDE: A bicycle tire has four times  
12 the amount of pressure we're talking about here.  
13 People drive around with a welding truck with  
14 acetylene tanks on the back, one of those big  
15 trucks --

16 MR. SHORT: I would -- I would -- let me say  
17 this --

18 MR. LEFANDE: With 3000 pounds right there of  
19 explosive gas.

20 MR. SHORT: I'm very aware of them, I inspect  
21 them for the city. But let me say this to you.  
22 I would feel a lot better if the fire marshal

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1 would sign off on these tanks being open with no  
2 protection around, and then if you two want to  
3 sit there and tell me after the fire marshal  
4 inspection that says it's fine with them --

5 MR. LEFANDE: Thank you.

6 MR. SHORT: -- I would feel a lot better.

7 You going to get a fire marshal to say it's fine?

8 MR. LEFANDE: The fire marshal approved the  
9 plans, I'll bring them in.

10 MR. SHORT: I didn't ask that question.

11 MR. LEFANDE: The fire marshal looked at the  
12 tanks sitting there and he goes 'okay, that's  
13 fine, I approve this' see? He stamped it and  
14 handed it to me.

15 MR. SHORT: Okay. I -- I -- I don't, I'm not  
16 going to say I don't believe you, but I don't  
17 think that --

18 MR. LEFANDE: I can give you the plans --

19 MR. SHORT: -- I don't think -- I don't think  
20 that you questioned that.

21 MR. LEFANDE: We'll produce that for you.

22 MR. SHORT: Okay, thank you I would

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1 appreciate that.

2 MR. LEFANDE: You and I see eye to eye on  
3 these --

4 MR. SHORT: Thank you very much.

5 MR. LEFANDE: Okay.

6 MR. LEFANDE: And I said I haven't pumped  
7 nearly as much water as you have, but I've pumped  
8 a little and I know a little bit about pressure  
9 and I know a little bit about what pressure can  
10 do and the first marshal signed off on it.

11 MR. SHORT: What's the gallons on these  
12 tanks? What's the gallons on each one of them?

13 MR. LEFANDE: 250 gallons.

14 MR. SHORT: In each one of those tanks?

15 MR. LEFANDE: Yeah.

16 MR. SHORT: And they --

17 UNKNOWN SPEAKER: How much, sir?

18 MR. SHORT: 250 he said.

19 UNKNOWN SPEAKER: 250?

20 MR. SHORT: Yes.

21 MR. LEFANDE: So, we'll bring a copy of the  
22 plan with the fire marshal's stamp on it for you

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1 to have. We'll bring a copy of that for you to  
2 have.

3 MR. SHORT: Well, I -- I --

4 MR. LEFANDE: We'll have it here tomorrow.

5 MR. SHORT: And if you don't mind, I'm going  
6 to also ask the fire marshal's office if they  
7 know that this is the kind of operation, no  
8 coverage at all around these tanks and that  
9 bridge being right there. I'm going to ask them  
10 too, if that's okay with you. I'm going to ask  
11 them why they signed off on that knowing what we  
12 know about different things. Is that okay if I  
13 ask the fire marshal or the fire chief myself?  
14 Is that fine?

15 MR. LEFANDE: Yeah.

16 MR. SHORT: Thank you, I'm going to do that.

17 MR. LEFANDE: I think we can all come to an  
18 accord on that.

19 MR. SHORT: Glad to have your permission.  
20 Thank you.

21 MR. LEFANDE: Yeah, there's a lot more  
22 pressure in the sprinkler pipe going on than

1 there is in anything that he's goto --

2 MR. SHORT: I think you're mixing apples and  
3 oranges and -- or maybe even grapefruits and  
4 carrots, but I just say this to you: I'm going  
5 to ask those questions and I don't think there's  
6 another --

7 MR. LEFANDE: We won't have the copy.

8 MR. SHORT: I don't think there's another  
9 stadium in the whole United States of America  
10 that has this kind of open tanks, no protection,  
11 no walls, no ceiling, no cover, and that's fine.  
12 I don't -- I'm going to ask the question. So, if  
13 they do, I will be able to say, if something  
14 happens, I did ask the question and everybody  
15 seemed to think it was okay.

16 MR. STEWART: I mean every stadium has kegs  
17 of beer in them and why [inaudible 4:38] the same  
18 --

19 MR. SHORT: Yes and just as big as this?

20 Just as big as this. I understand.

21 MR. LEFANDE: I'm talking about a keg of beer  
22 there with almost four times as much pressure in

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1 it in every stadium in America. So we will get  
2 you the stamped plans showing that they signed  
3 off on it and we welcome --

4 MR. SHORT: And just for the record -- all of  
5 those kegs --

6 MR. LEFANDE: without -- and with any talk  
7 with the fire marshal that you might have.

8 MR. SHORT: -- just -- like you just  
9 mentioned, and I want this on the record, all of  
10 those kegs you mentioned are in closed buildings  
11 with approved storage areas in a closed building  
12 and most of those storage areas have to have a  
13 two-hour firewall around. I do know that to be a  
14 fact.

15 MR. LEFANDE: Mm hmm.

16 MR. SHORT: Okay, if you don't have to have  
17 it we will check. Thank you very much.

18 MR. LEFANDE: [inaudible 4:39] thanks.

19 MR. SHORT: That's all I have, Mr. Chair,  
20 thank you.

21 CHAIRPERSON ANDERSON: Questions by any other  
22 board members? Yes, Ms. Miller?

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1 MS. MILLER: I just have a few. Just  
2 following up on that and I'm not an expert in  
3 that area of barrels, but if you had to enclose  
4 them, could you? On the site?

5 MR. STEWART: It's the aesthetics that people  
6 like --

7 MS. MILLER: Mm hmm. Okay.

8 MR. STEWART: -- with the tanks outside,  
9 plus, I mean they're triple jacketed, so there's  
10 three layers of stainless steel around them and  
11 there's glycol chlorine through them and  
12 insulation, so -- stainless is about -- I think  
13 it's about an eighth of an inch thick, so people  
14 like looking at them.

15 MS. MILLER: Mm hmm.

16 MR. STEWART: They like seeing them.

17 MS. MILLER: Okay.

18 MR. STEWART: I mean, Dogfish Head, when you  
19 come in the place there's ten of them right in a  
20 row if you walk through the building right there.  
21 I was just at Deschutes Brewing in Oregon and  
22 they've got all theirs outside just stacked up

1 and they go three stories tall. Those ones are  
2 1200 barrels. And mine are 25 barrels.

3 MS. MILLER: Okay, so I am not an expert in  
4 that, I just wanted to find out where you could  
5 go or not really in your plan.

6 MR. STEWART: Yeah.

7 MS. MILLER: So you mentioned you have a few  
8 other establishments?

9 MR. STEWART: I've had seven over the years.

10 MS. MILLER: How about in -- what do you have  
11 in the district now?

12 MR. STEWART: Just the one in Trinidad.

13 MS. MILLER: Trinidad, and what is that?

14 MR. STEWART: Bardo Trinidad.

15 MS. MILLER: Is that a manufacturing or --

16 MR. STEWART: It's a brew pub.

17 MS. MILLER: Brew pub.

18 MR. STEWART: Right, as opposed to a brewery,  
19 but under the federals we're a brewery with a  
20 tavern attached.

21 MS. MILLER: Okay.

22 MR. STEWART: In D.C., we're a brew pub.

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1 MS. MILLER: Okay. So, I want to ask this  
2 "legal" question; Mr. LeFande may want to pay  
3 attention. There is a statute 25-303, that goes  
4 to restrictions on holding a conflicting  
5 interest. Do you want to address that?

6 MR. STEWART: Fred McNally already took care  
7 of that.

8 MS. MILLER: How so?

9 MR. STEWART: He brought that up with me --

10 MS. MILLER: Okay.

11 MR. STEWART: -- about two months ago and  
12 says, "you know, you can't own both of those."

13 MS. MILLER: Okay.

14 MR. STEWART: And I said, "okay, fine. I  
15 understand, Fred. I knew that."

16 MS. MILLER: Okay.

17 MR. STEWART: And he said, well, basically I  
18 said "all right, well, you know as soon as the  
19 license comes through on the riverfront, we will  
20 turn over the license for Trinidad, hand it to  
21 ABRA for safekeeping. And, you know, if I sell  
22 it, that's fine. If I tear it down and build

1       condos, that's fine. But I will not own the  
2       tavern license and also the brewery license.

3           MS. MILLER: Okay.

4           MR. STEWART: But, I think there's a letter  
5       in the file that Fred had me write --

6           MS. MILLER: Okay, all right, so that's --  
7       you're aware of it and that's not going to be an  
8       issue.

9           MR. STEWART: Fred has gone over that.

10          MS. MILLER: Okay.

11          MR. LEFANDE: Actually, it's giving up all  
12       operations in Trinidad in favor of this new  
13       location.

14          MS. MILLER: Right, okay.

15          MR. STEWART: Me and my brother decided which  
16       one was going to make more money, which one's a  
17       better location, Riverfront, so if we have a  
18       choice of A and B, we're taking B, so we're going  
19       to wind up with a vacant lot in Trinidad. I mean  
20       there's just not going to be any kind of  
21       operation there.

22          MS. MILLER: Okay. So, my other line of

1 questioning is about whether there are going to  
2 be any adverse impacts on the surrounding area.  
3 We heard about -- from the previous application  
4 was a different type of application, right. And  
5 okay, so they're different, and so what I'd like  
6 to hear is because of the type of operation  
7 you're going to have now if this is true, you're  
8 not going to have the same kind of adverse  
9 impacts on the neighbors, such as noise, or  
10 things -- let's start with noise. Is that  
11 something that you've thought through? I was  
12 saying in the previous application there were  
13 different types of concerns. It was a different  
14 type of application, I understand that -- but it  
15 was a different operation. So, I'm asking you,  
16 okay you're doing a different operation, are you  
17 going to, therefore, because this operation is  
18 different in a certain way, for instance less  
19 people or less traffic or whatever --

20 MR. STEWART: But the old one was 3:00 a.m.  
21 and breweries close at midnight.

22 MS. MILLER: Okay.

1           MR. STEWART: So, that automatically chops  
2 off three hours of pain and suffering or problems  
3 or whatever.

4           MS. MILLER: Okay, how about the number of  
5 patrons that you're going to be serving?

6           MR. STEWART: Same 750.

7           MS. MILLER: Same amount of people. So it's  
8 the same amount of people but earlier hours.

9           MR. STEWART: Earlier hours, right.

10          MS. MILLER: Are you going to be -- is the  
11 emphasis in this type of operation going to be  
12 serving or is it going to be brewing? Or is it  
13 going to be equal?

14          MR. STEWART: Well I think D.C. Brau, they  
15 have a very good -- those guys are smart and they  
16 have a good game plan, and I was hoping to do  
17 something similar to what they do. They use a  
18 lot of their, like, sales in the real world to  
19 drive people coming to buy T-shirts and beer  
20 coasters and growlers and everything else at the  
21 brewery, because retail is where you make a lot  
22 of money. And so, and it's a lot about the whole

1 beer culture. They want to go see a brewery. I  
2 mean, there's like 20 of them in Loudoun County  
3 and people just want to go see a brewery.

4 MS. MILLER: Are you going to be serving  
5 food?

6 MR. STEWART: I do not plan on serving any  
7 food. I'm doing the same as I did in Trinidad  
8 and like the old school German beer gardens where  
9 you brought your picnic with you and you got beer  
10 from the brewery in Germany.

11 MS. MILLER: People have to bring their own  
12 food?

13 MR. STEWART: People bring their own food or  
14 they'll order pizza from Sicilian Pizza.

15 MS. MILLER: Oh, so you have pizza.

16 MR. STEWART: We are their biggest customer.

17 MS. MILLER: You have pizza?

18 MR. STEWART: Well, if you order from  
19 Sicilian Pizza you will.

20 MS. MILLER: What's that mean?

21 MR. ALBERTI: They deliver.

22 MS. MILLER: They deliver to your brewery?

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1 MR. STEWART: Right, yes.

2 MS. MILLER: Okay.

3 MR. STEWART: They're very nice to us because

4 --

5 MS. MILLER: But what's the opening hours?

6 You said you're going to end at midnight. What  
7 time are you going to start?

8 MR. STEWART: Well, on the weekdays it will  
9 be 11:00 a.m. I mean, on weekends it will be  
10 11:00 a.m. On weekdays I'm not sure.

11 MS. MILLER: You don't know yet. Is it going  
12 to be seven days a week or you don't know yet?

13 MR. STEWART: It would be seven days a week,  
14 yes.

15 MS. MILLER: Okay, so when -- the other  
16 problem -- one of the other problems I recall  
17 from the previous application was the concern  
18 about pedestrian safety during baseball games or  
19 something. So, have you thought about that?

20 MR. STEWART: Yeah, I mean, I work there  
21 every day, right?

22 MS. MILLER: Okay.

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1 MR. STEWART: Building this place.

2 MS. MILLER: Yeah.

3 MR. STEWART: And there are ball games going  
4 every day, and the people there are very  
5 organized. I mean the people running the show  
6 there with their crossing guards and you know  
7 blocking off the street and everything else,  
8 they're very organized, you know, they block off  
9 the street, people walk back and forth, and it  
10 seemed like a whole red herring, this whole  
11 concept of Bardo patrons are going to get in the  
12 way of cars leaving the Nationals parking area.  
13 I mean, that's just a ludicrous concept to start  
14 with, because who cares? Are people more  
15 important or are cars more important? I mean,  
16 who's going to stand up and say, 'yeah, people  
17 are blocking the way of the people leaving the  
18 parking garage with their cars'? I mean, that's  
19 just ludicrous you know. So, the Nationals block  
20 off that road, Potomac Avenue, and people walk  
21 back and forth all the time, you know. It's very  
22 organized. They're very safe. You know. And I

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1 think it was a whole red herring, this whole  
2 thing about traffic safety blown up by the  
3 Nationals just to block this thing.

4 MS. MILLER: Okay, let me ask you this.

5 MR. LEFANDE: Hold on. I'm sorry, Ms.  
6 Miller, could I just have a moment?

7 MS. MILLER: Yeah.

8 MR. STEWART: The fact from the Nationals is  
9 people walk from all over the place to come to  
10 the stadium. Not only are they coming from the  
11 metro, but they are walking from back in  
12 Sparrow's Point where the new stadium is going  
13 because there's lots of parking back there. So,  
14 the people walking to the stadium are going from  
15 all over the place and really what we're talking  
16 about is the Bardo patrons walking across Potomac  
17 Avenue. There's a lot more dangerous stuff --  
18 walking across South Capitol Street to come into  
19 the stadium from all the parking in that back  
20 area is like way worse than anything we're doing.

21 MS. MILLER: Okay, but --

22 MR. LEFANDE: Again, one of the points that I

1 made in the opening statement was that the  
2 traffic, the overall plan for that, was to have  
3 this pedestrian friendly area. I mean, the  
4 Capitol Gateway Overlay was intended to get  
5 people -- you know -- it's supposed to be over  
6 40,000, they're winding up with 32,000 people,  
7 into here without driving for the most part. I  
8 mean, there's parking there but that's not what  
9 most -- a lot of people are doing. But even then  
10 people -- there's this whole undeveloped area at  
11 Buzzard's Point where there's empty lots that are  
12 selling parking for those games, and all of those  
13 people are coming through South Capitol Street  
14 and across Potomac Avenue during game day and  
15 we're talking about 31,000 to 32,000 people --  
16 supposed to be 41,000 people -- ingressing into  
17 the stadium and we're asking the question what's  
18 the impact of 750 people, potentially, at this  
19 one location.

20 MS. MILLER: Okay. Now I don't remember --

21 MR. STEWART: We're only 2% of the whole

22 mess; 98% of the mess is Nationals; 2% is us.

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1 MS. MILLER: So, also I don't remember the  
2 name of this exactly, but when we had that  
3 hearing there was some mention about how there  
4 was a planning group or something with the  
5 Nationals and I don't know who else that you guys  
6 weren't a part of that planning.

7 MR. ALBERTI: Traffic plan.

8 MS. MILLER: Traffic plan?

9 Traffic plan.

10 MS. MILLER: Yeah. And I don't know how  
11 frequently they met but my question goes to -- I  
12 mean I think it's a good idea to coordinate with  
13 a lot of entities when you have a new  
14 establishment, be it the police, be it the ANC.

15 Okay, so be it the Nationals I guess in this  
16 situation, so I'm wondering in the year or so  
17 that's gone by, I don't know exactly how long  
18 it's been, but in anticipation of this plan have  
19 you coordinated with the Nationals or MPD or ANC  
20 about this traffic situation or noise situation?

21 MR. STEWART: Well, it was March that --

22 MS. MILLER: It was March.

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1           MR. STEWART: -- the ruling came out and now  
2       it's August --

3           MS. MILLER: Okay.

4           MR. STEWART: -- but no I have not. Because  
5       you know we --

6           UNKNOWN SPEAKER: [inaudible 4:51]

7           MR. STEWART: Yeah, I mean once we get  
8       something ironed out that's workable then we'll  
9       move forward and do that. I'm not going to go in  
10      there and say, 'hey, we're thinking about it.'

11          MR. LEFANDE: We've unfortunately had a bit  
12       of an adversarial position -- an adversarial  
13       position with the stadium which we don't really  
14       understand.

15          MS. MILLER: Okay.

16          MR. LEFANDE: Other than the fact that he  
17       sells beer for a third of the cost that they do  
18       inside the stadium. That's the only thing we can  
19       figure out is that beer costs 10 bucks inside the  
20       stadium and it costs \$3 and \$4 at Bardo. It  
21       doesn't really make any sense to us but we're  
22       talking about a traffic plan that DDOT revises

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1 every year for 41,500 people per stadium event,  
2 so they can't try to predict that we're only  
3 going to have 32 people -- 32,000 people show up  
4 this time, they have to have that ramped up to  
5 deal with a capacity crowd. Now, we're 9000  
6 people short according to that Washington Post  
7 article that we passed up there. We're 9000  
8 people short every single game. Now, we're  
9 talking now about 7% of that being Bardo  
10 customers. So, we've got this 9000 person over-  
11 capacity for this traffic plan that they can't  
12 reduce because they need to operate it at  
13 capacity, and we're talking about adding 6 or 7%  
14 to that in Bardo patrons, and this is -- this is  
15 a mosquito bite on the back of the elephant here  
16 and unless we want to start talking about why  
17 they're losing beer sales that costs three times  
18 as much I think that's a heck of a lot more  
19 germane to their argument than whether or not  
20 this 6 or 7% increase on an overcapacity -- use  
21 of an overcapacity -- has any real effect on the  
22 DDOT traffic plan. We certainly welcome the

1 opportunity to cooperate and coordinate with DDOT  
2 and all of the other relevant authorities in  
3 managing any traffic that goes on at Bardo and we  
4 just haven't been afforded the opportunity to do  
5 that, particularly with the Nationals because we  
6 don't want us there, because they're only selling  
7 75% of the seats that they want to sell and I  
8 mean, it's only selling 75% of the beer that they  
9 want to sell. And they just see this as  
10 inconvenient to them and we don't think it's  
11 appropriate but we have to respect their  
12 motivations. Once we move on beyond this  
13 adversarial point we absolutely want to cooperate  
14 with them.

15 MS. MILLER: What did you say about DDOT?

16 MR. LEFANDE: DDOT is the operation -- is the  
17 DC agency that creates the traffic plan for the  
18 stadium events, so they have a DDOT map which  
19 reflects the DDOT annual traffic plan that has --  
20 that doesn't look much different than this shot  
21 here, but it just shows the location where the  
22 traffic people stand and where the things that

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1       they do, like shutting down Potomac Avenue to  
2       make that pedestrian ingress/egress at the time  
3       of the stadium events. Those sorts of things are  
4       all done by the District of Columbia Department  
5       of Transportation, DDOT.

6           MS. MILLER: I guess my question is, I didn't  
7       know whether you had checked in with them.

8           MR. LEFANDE: We haven't gotten to that point  
9       yet.

10          MS. MILLER: You haven't gotten -- when would  
11       you do that?

12          MR. LEFANDE: We haven't gotten to that point  
13       yet because we're not on the map yet. We  
14       literally are not on the map yet. And once --  
15       you know -- we get to a point where this is  
16       happening, we want to be an active participant in  
17       that and we want to actively facilitate their  
18       plan to promote pedestrian safety, because we are  
19       a pedestrian oriented clientele.

20          MS. MILLER: So, you're saying you have to be  
21       approved first before you --

22          MR. LEFANDE: Well, I'm just saying we've got

1       a lot of stuff on our plate right now and tried  
2       to count the number of angels on the head of a  
3       pin because we don't have a license to do this  
4       yet is a little difficult for us at this point.

5           MS. MILLER: Okay, so I don't have very many  
6       questions left, but the fact that you're being an  
7       open air type of service area -- hospitality area  
8       right? Your benches are all in the open. Is  
9       there anything different from the noise impact  
10      that we heard about that was discussed in the  
11      last proceeding, other than the hours you're  
12      going to be operating earlier hours.

13          MR. LEFANDE: First of all what I'd like to  
14       do is solicit some testimony on these points if  
15       it's possible. I mean I'd like him to be  
16       responsive to your question but it's a rather  
17       complicated question and it's also rather an  
18       important issue.

19          MS. MILLER: Right.

20          MR. LEFANDE: We've got some exhibits that  
21       we'd like to talk about and we'd like to talk  
22       about the configuration of the property and I

1 think that would be best done through some  
2 examination of the exhibits.

3 MS. MILLER: I don't have a problem with  
4 that, yeah. However it works. We just want to  
5 gather the facts that we need.

6 MR. LEFANDE: Yeah, I'd like to start with a  
7 photograph which I'd like to offer as an exhibit,  
8 essentially first an aerial photograph showing  
9 the area where the location is going to be, and  
10 I'm going to ask that this get put into your  
11 exhibits as part of the record for the  
12 application, in that first of all we have a vast  
13 divide between the area -- traditionally  
14 industrial area -- where the brew pub is going to  
15 be and the -- any residential -- extant  
16 residential areas. And we have some very unique  
17 features here, both in the topography and also in  
18 the other uses here which I think sort of negate  
19 this -- what we believe was a disingenuous  
20 argument about the noise that is potential from  
21 750 people, particularly when there's 32,000  
22 people right next door.

1           First of all, one of the things that we've  
2   noticed is that there is this enormous sound  
3   barrier that is created by the South Capitol  
4   Street Bridge. The South Capitol Street Bridge  
5   projects some 20 feet into the air for the entire  
6   length of the west side of the property and as  
7   you can see it's a massive concrete wall here  
8   which is well defined here just by looking at the  
9   shadow that's cast upon the property throughout  
10   here. And that this creates an enormous sound  
11   barrier that's buffeted by two other things:  
12   First of all, what was the old southwest shop,  
13   the old Metropolitan Police Department  
14   maintenance headquarters which is now the U-Haul  
15   building, which is a 4-story building directly  
16   across the street from South Capitol Street and,  
17   of course, this enormous stadium, all of which  
18   completely blocks any noise of the human voice  
19   that could possibly emanate from this property.  
20   Then, we have this amazing situation of having a  
21   heliport directly next to the property and we sat  
22   there and photographed a D.C. Police helicopter

1 hovering for over a half an hour doing touch and  
2 go practice within a stone's throw, and this is  
3 actually the property line right here underneath  
4 the bridge and there's a helicopter continuously  
5 hovering at this location and I'm going to again  
6 offer up these photographs here as exhibits. And  
7 then, even further amazingly is this enormous  
8 concrete recovery facility crushing rocks on the  
9 same -- on the next block over on Potomac Avenue  
10 from our location. And this is the view of the  
11 concrete plant through the fence at Bardo. So,  
12 we have this massive machinery with these giant  
13 trucks crushing concrete and hauling it off to  
14 other locations going on to the northeast and  
15 then we have helicopter practice going on  
16 directly to the southeast. And we have this  
17 enormous structure that's blocking off any noise  
18 that we can possibly produce. There's no --  
19 that's the underside of the South Capitol Street  
20 Bridge as seen from the Bardo property. So,  
21 we're just a little baffled given 40,000 --  
22 potentially 41,000 people making noise directly

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1 to the north of us, helicopter practice to the  
2 southeast of us, and stone-crushing, giant,  
3 monolithic machinery going on to the northeast --  
4 sorry, northwest of us. And we don't even have  
5 an entertainment license. We're talking about  
6 spoken voice which is not regulatable from the  
7 D.C. Noise Regulations. So, we find this  
8 argument about abatement of noise, given our  
9 neighbors, to be quite dumbounding and I -- sure  
10 we can keep our voices down, but I don't think  
11 that's going to be possible given how much noise  
12 the neighbors are making. They're simply -- this  
13 was a concrete viaduct before it was going to be  
14 Bardo. This was an industrial area, has been an  
15 industrial area, everything south of Potomac  
16 Avenue in this area, for as long as I've been  
17 here which is, you know, almost 50 years, and  
18 this is a vast improvement over the prior uses of  
19 that property in that regard and it's a vast  
20 improvement over the current uses over most of  
21 the neighbors with regards to noise.

22 MR. SHORT: Ms. Ruthanne? Ms. Miller, can I

1 just?

2 MS. MILLER: Yeah.

3 MR. SHORT: What are the hours -- what are  
4 the hours of that concrete plant? Are they open  
5 at 11:00 at night? At 12:00 at night?

6 MR. LEFANDE: I think they're open really  
7 early in the mornings.

8 MR. SHORT: Right and they close around --  
9 just before rush hour because of all that traffic  
10 coming over the bridge, so --

11 MR. LEFANDE: Yeah, yeah.

12 MR. SHORT: So, their noise is -- I'd say for  
13 50 years that plant's been down there. They  
14 start early in the morning, the traverse across  
15 the bridge. And then you mentioned -- what was  
16 the other location you mentioned?

17 MR. LEFANDE: The D.C. heli -- the D.C.  
18 Police helicopter.

19 MR. SHORT: The police helicopter -- I'm very  
20 familiar with it.

21 MR. LEFANDE: That's 24 hours. You know  
22 that.

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1 MR. SHORT: That's right behind you.

2 MR. LEFANDE: That's right behind us, yes.

3 MR. SHORT: Yeah, I understand. I'm very  
4 familiar with it too.

5 MR. LEFANDE: And you know about the touch  
6 and go practice where the guy just sits there and  
7 hovers --

8 MR. SHORT: Hopefully one day they don't have  
9 to rescue you or I, so they can do all that they  
10 want, please. All they want. I'll just say I'm  
11 glad they're back flying again, because they had  
12 stopped them from flying for a while. But you  
13 mentioned another business.

14 MR. LEFANDE: We were just telling that  
15 helicopter rescue on the Potomac this summer, so  
16 I know what you're talking about.

17 MR. SHORT: Okay, so you're familiar, okay.  
18 Well, again, what were the other businesses you  
19 mentioned?

20 MR. LEFANDE: We're talking about the  
21 stadium?

22 MR. SHORT: No, not the stadium. You

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1 mentioned some other businesses, you mentioned  
2 the concrete, and you mentioned some other  
3 business you said potentially could make some  
4 noise and I was wanting to know what are their  
5 hours, because Bardo, if permitted they'll be  
6 open at 12:00 at night so even when the stadium  
7 is gone and empty, potentially they'll be the  
8 only noise down there, correct?

9 MR. LEFANDE: Spoken voice.

10 MR. SHORT: I understand.

11 MR. LEFANDE: That is a depression pointing  
12 away --

13 MR. SHORT: I'm very familiar, very familiar,  
14 very familiar.

15 MR. LEFANDE: We want to talk about the other  
16 businesses that are -- let's talk about our ABRA  
17 regulated neighbors such as the Schulman Mart and  
18 Liquor at First and Q. This is -- these are our  
19 peers in this neighborhood. Or Last Stop Liquor  
20 at, I believe it's L and South Capitol Street?

21 That's from my childhood.

22 MR. SHORT: I've never heard of north and

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1 [inaudible 5:04] I really haven't.

2 MS. MILLER: [inaudible ]

3 MR. SHORT: Maybe, but not ever.

4 MR. LEFANDE: And what is going on out front.

5 MR. SHORT: Excuse me?

6 MR. LEFANDE: The shootings going on out  
7 front.

8 MR. SHORT: With these liquor stores? Have  
9 you been there?

10 MR. LEFANDE: I'm there all the time. And  
11 then the other thing we have is we of course have  
12 the probation office there on South Capitol  
13 Street and International Motors which I guess was  
14 part of the old D.C. Southwest shop there where  
15 they got about 10 million taxi cabs getting  
16 worked on at any given time. They are there.

17 Because we used to go down to Southwest Shop when  
18 we got our police cars worked on and --

19 MR. SHORT: What time do they close?

20 MR. LEFANDE: And they were there at all  
21 hours of the night.

22 MR. SHORT: What time do they close?

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1 MR. LEFANDE: They don't.

2 MR. SHORT: What are their business hours?

3 MR. LEFANDE: I don't know but I can tell  
4 you, having been working down at the Southwest  
5 shop getting my police car fixed in the middle of  
6 the night, those cab drivers were down there --

7 MR. SHORT: They've got that the private auto  
8 shop right around the corner there, too, right?

9 MR. LEFANDE: Apparatus is at South -- at  
10 First and L --

11 MR. SHORT: Half.

12 MR. LEFANDE: Half and L.

13 MR. SHORT: Again, most of those businesses  
14 are closed -- this business is going to be open  
15 until 12:00 midnight. The cab -- that's what he  
16 simply said. I'm just saying most of those  
17 businesses will be closed, other than the stadium  
18 being open for a late game, that area gets kind  
19 of quiet in the evenings, I think.

20 MR. LEFANDE: Beer fermenting doesn't make a  
21 lot of noise. It just sits there and ferments.  
22 Other than that we have people drinking and

1 having a nice time under a bridge on the other  
2 side of an enormous concrete abutment on the  
3 other side of the southwest shop from anybody  
4 who's there now. And to say that these folks are  
5 a potential contributor to a noise problem in  
6 this very decidedly industrial area, I think has  
7 no foundation in reality.

8 CHAIRPERSON ANDERSON: Yes, Mr. Silverstein -  
9 -

10 MS. MILLER: Can I finish or do you want --

11 MR. SILVERSTEIN: Excuse me.

12 CHAIRPERSON ANDERSON: Hold on.

13 MS. MILLER: Or I can go after.

14 CHAIRPERSON ANDERSON: Yeah, let him go  
15 after.

16 MR. SILVERSTEIN: Mr. Stewart, Ms. Miller  
17 asked if you had to enclose, would you --  
18 enclosing the storage and manufacturing part, and  
19 your answer was 'it's the aesthetics, people like  
20 it'. In other words your answer is 'I would  
21 prefer not to.' But I'd like to -- you know --  
22 re-ask the question. If you had to enclose it,

1 would you?

2 MR. STEWART: Well, I don't know what you  
3 mean "had to," because my federals don't require  
4 it, the DCRA doesn't require it, so who's  
5 requiring it?

6 MR. SILVERSTEIN: Well, okay then, let's talk  
7 about that. I've seen places with giant tanks  
8 that were visible to the public and they can be  
9 pretty impressive and I've seen them at various  
10 breweries --

11 MR. STEWART: Got it.

12 MR. SILVERSTEIN: But those places were 24/7  
13 security guarded. What is going to be your  
14 security when you're closed?

15 MR. STEWART: The same as what we're doing in  
16 Trinidad and we've had no problems.

17 MR. SILVERSTEIN: That's not -- that answer  
18 doesn't help me.

19 MS. MILLER: Yeah.

20 MR. STEWART: I've been working for 25-26  
21 years in this business okay? My track record,  
22 you know, goes back 26 years of obeying the

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1       Virginia law, the Virginia ABC law, the DC law,  
2       etc. I'm in Trinidad, I'm in DC right now, I  
3       have a license, etc., etc. We haven't had any  
4       problems in Trinidad. What we're doing works.  
5       Okay? We're going to do the same thing up here.

6            MR. SILVERSTEIN: But what is it you're  
7       doing? I mean, you're telling me you're a  
8       wonderful person, that's fine. I'm trying to  
9       figure out what is your security, sir. That's  
10      all I'm asking.

11          MR. STEWART: You mean in Trinidad or what we  
12      plan down there?

13          MR. SILVERSTEIN: Well, I was asking you what  
14      are you going to have? Are you going to have a  
15      security person down there? Are you going to  
16      have alarms? Are you going to have motion  
17      sensors? Are you going to have someone there  
18      with a machine gun? What are you going to have?

19          MR. STEWART: Okay, starting off. Yeah, fair  
20      enough, sorry, all right. Yeah, we're going to  
21      have a dog there full time, 24/7, okay?

22          MR. SILVERSTEIN: You are.

1           MR. STEWART: Our dog. We have a dog in  
2       Trinidad and nobody bothers Trinidad. Nobody  
3       bothers our dog. And we will have also security  
4       cameras, motion sensors and there'll [inaudible  
5       5:09] on that. On the location remotely. And I  
6       have to meet with MRP to coordinate with their  
7       security company that does their stuff, because  
8       the way it's laid out is they're having -- they  
9       just built phase 1 building, okay? Phase 2 is  
10      next where we will start turning it into a park.  
11      Phase 3 is where we are. And phase 4 is where  
12      the bridge is and they're going to tear down the  
13      bridge and build phase 4 once the bridge is torn  
14      down and built. Okay? Phase two wraps around  
15      thus, so their security will spill over into our  
16      area, so I need to coordinate with them to  
17      determine what they're doing, because also I  
18      don't want to trip off their alarms and have  
19      their security people come, which has happened in  
20      the past. So, we will have all of those -- yes,  
21      we will have security cameras, there will be a  
22      private security company that comes, we'll have a

1       dog, and we will have to coordinate with MRP to  
2       make sure that our security as it is set up does  
3       not trigger their stuff. So, there's four  
4       things.

5            MR. SILVERSTEIN: Okay.

6            MR. STEWART: I'm sorry, I just didn't really  
7       --

8            MR. SILVERSTEIN: No, I was trying to  
9       determine -- you have an enormous amount of  
10      equipment out here that is of value to you, you  
11      have things that people -- it's somewhat of an  
12      attractive nuisance when you're talking beer --  
13      people's antennae go up.

14           MR. STEWART: Right.

15           MR. SILVERSTEIN: And I was trying to  
16      determine what your security is.

17           MR. STEWART: Fair enough.

18           MR. SILVERSTEIN: Now, this is next to a  
19      very, very difficult intersection: Potomac  
20      Avenue, especially the bottom part of the South  
21      Capitol Street Bridge where cars coming into the  
22      district are going downhill off of the bridge.

1 They often do not look and see pedestrians or  
2 bicyclists and they naturally, because they're  
3 going downhill, they speed up. And even if it's  
4 just a bit because gravity here is not your  
5 friend, and they speed up as they go down the  
6 bridge approach, do you expect any of your  
7 patrons to park across the street in those dirt  
8 lots or anything like that when it's not game  
9 day. Do you have any --

10 MR. STEWART: I expect them to park in the  
11 lot, the dirt lot right next to us and we have a  
12 gate that opens into that lot and that lot holds  
13 300 people, so on non-game days I think you're  
14 correct that they will park in that lot, but in  
15 order to keep them from going up into the  
16 roadway, they can walk straight to the gate. I'm  
17 not sure --

18 MR. SILVERSTEIN: They walk under the bridge?

19 MR. STEWART: Under the bridge, correct,  
20 straight into our lot from that, so they don't  
21 have to -- the police commander stated he doesn't  
22 want people in the public space, and I understood

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1 what he meant at that point. He doesn't want  
2 them on the sidewalks, street, or anything, so it  
3 will be -- The people will not go into the public  
4 space. They'll park in that lot but Mr. Alberti  
5 brought up the fact at the last hearing that that  
6 lot will be full of people going to the ballgame,  
7 and they'll park along the [inaudible 5:12] okay?

8 MR. SILVERSTEIN: Yeah, we play 90 days a  
9 year it's going to be full.

10 MR. STEWART: Right.

11 MR. SILVERSTEIN: So, hopefully a little  
12 warm.

13 MR. STEWART: You can see the people can park  
14 there at any time they want for Bardo, but when  
15 there's not game days, it'll be open, and they  
16 can come right to our front gate and walk in.

17 MR. SILVERSTEIN: This part that shows -- at  
18 the break I think Mr. Alberti was giving you the  
19 hairy eyebrow on this.

20 MR. ALBERTI: No, no I was giving him the  
21 hairy eyebrow because he didn't mention that it's  
22 an entrance. When I asked earlier I got two

1       entrances and I didn't get this third entrance.

2           MR. STEWART: No, that's the entrance to the  
3       left side, the west side.

4           MR. SILVERSTEIN: That's right, that's right,  
5       you said the east side. I think you must have  
6       misspoke.

7           MR. STEWART: I'm sorry.

8           MR. ALBERTI: So, okay it wasn't the east  
9       side, it was the west side?

10          MR. STEWART: West side is the entrance that  
11       goes into the lot next to --

12          MR. ALBERTI: Underneath the bridge.

13          MR. STEWART: Sorry.

14          MR. LEFANDE: That's all part of the bridge,  
15       stops here and then you start back to here.

16          [inaudible 5:13]

17          MR. SILVERSTEIN: There had been great  
18       concern at the hearing that we had --

19          MR. STEWART: Basically right here, if you're  
20       looking through here, this is where the gate is.  
21       That's the parking lot and behind it's the  
22       helicopter and the gate is right behind where

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1 you're looking.

2 MR. SILVERSTEIN: Now we know -- I've been  
3 going over the notes from the February board  
4 hearing we had and Commander Robert Conte had  
5 great concerns about pedestrian safety and one  
6 comment was people will leave and go across  
7 Potomac Street whether there's a TCO there or  
8 not, but if they're going under the bridge, and  
9 if you direct them under the bridge, you've  
10 eliminated that.

11 MR. STEWART: After talking to Commander  
12 Brown --

13 MR. SILVERSTEIN: Any concern? I'm sorry,  
14 what were you saying about Commander Brown?

15 MR. STEWART: Yeah, that's correct. We  
16 talked to Commander Brown and that's what we  
17 decided.

18 MR. SILVERSTEIN: Okay. Any concern about  
19 bicyclists? You're saying people are going to  
20 bicycle over here, having a few brews and then  
21 going out onto South Capitol Street with the cars  
22 coming at night --

1           MR. STEWART: I think most of the bicycles  
2 will stick to the bike trail. The Anacostia  
3 River trail and it goes across the bridge to the  
4 other side and goes up the river. They open the  
5 College Park Maryland in about two or three  
6 months. So, they can leave my establishment and  
7 go on the bike trail all the way to College Park  
8 Maryland with never hitting traffic which will be  
9 nice.

10          MR. SILVERSTEIN: No, that's not true.  
11         Because there's -- the bike path will not -- I'm  
12 pretty sure it doesn't come continuously down.  
13 There's roadways they have to traverse. I think  
14 it stops at some point and they have to traverse  
15 the roadways.

16          MR. STEWART: You mean on the new section  
17 that they're building?

18          MR. SHORT: Yeah, it doesn't come all the way  
19 over to your establishment.

20          MR. SILVERSTEIN: It doesn't go onto Bennett  
21 Road.

22          MR. ALBERTI: No, but down there it doesn't

1 come all the way over to your establishment, we  
2 established that at the last hearing.

3 MR. STEWART: When you're on the other side,  
4 on the Anacostia side, if you cross the bridge  
5 you can ride --

6 MR. ALBERTI: It's across the bridge, I got  
7 you, yeah, you can go all the way to College  
8 Park.

9 MR. STEWART: Yeah, right, that's what I  
10 said.

11 MR. ALBERTI: Okay.

12 MR. SHORT: Is there much lighting down in  
13 there? After the sun goes down there's not a lot  
14 of lighting is it?

15 MR. ALBERTI: I'm not doing it.

16 MR. SHORT: I'm not either.

17 MR. SILVERSTEIN: If you're closing at 12  
18 midnight and somebody's taking a bike back up to  
19 Bladensburg, I don't think they're going to make  
20 it.

21 MR. ALBERTI: I think we digress here, I  
22 think we digress. I'm sorry. I'll refrain from

1 any comments.

2 MR. STEWART: A lot of people say that, but I  
3 think that [inaudible 5:15] Trail is a lot worse.

4 MR. ALBERTI: All right.

5 MR. STEWART: There haven't been any muggings  
6 on Anacostia.

7 MR. SILVERSTEIN: All right, I think we  
8 digress. And help me out with this, if you  
9 could, Mr. Stewart. You spoke about the feds  
10 that you've talked to and gotten approval of, you  
11 know, federal license. What -- help me out,  
12 what agency and who?

13 MR. STEWART: Oh that's the TTB. They used  
14 to be the ATF and they split them off and now  
15 it's the TTB.

16 MR. SILVERSTEIN: And what did you get from  
17 them and who did you -- and who's your POC there  
18 and what -- what's the status because you  
19 mentioned the Tobacco and Tax Bureau is not --

20 MR. STEWART: Tax and Trade Bureau -- TTB.

21 MR. SILVERSTEIN: That's currently in limbo.  
22 What have you gotten? What is the status of

1 anything that's at this point that's firmed up?

2 MR. STEWART: TTB is interesting. It's  
3 actually a great concept. They don't charge any  
4 money, you apply on line, and you get accepted on  
5 line. Just imagine if ABRA was like that.

6 MR. SHORT: So that means you can get your  
7 places moved tomorrow, correct? If it's that  
8 easy, yeah.

9 MR. STEWART: Oh, no, I -- that is one of the  
10 downfalls of taking six months to do this.

11 MR. SILVERSTEIN: That's certainly an  
12 interesting concept. We'll chew on that at  
13 dinner.

14 MR. STEWART: Yeah.

15 MR. SILVERSTEIN: But you have -- what do you  
16 have, where did you -- what's going on?

17 MR. STEWART: What I have, I currently have a  
18 federal permit for the brewery in Trinidad and  
19 what I've put in for is the second location, so  
20 that the same company would own it and so that's  
21 being processed, and again --

22 MR. SILVERSTEIN: A federal permit for the

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1 brewery in Trinidad.

2 MR. STEWART: Production of beer. Brewery,  
3 yes. With a tavern attached in Trinidad, is what  
4 I have right now.

5 MR. SILVERSTEIN: Okay, and do you have  
6 anything at all for -- have you had anything  
7 approved for this particular?

8 MR. STEWART: I have not had anything  
9 approved for the Riverfront from the TTB yet.

10 MR. SILVERSTEIN: Nothing approved for  
11 Riverfront.

12 MR. STEWART: No, but they keep telling me  
13 it's any day, so --

14 MR. SHORT: Any day. So, should we wait to  
15 make our decision based on theirs? I mean you  
16 said -- you said it was --

17 MR. STEWART: I can't operate either way.

18 MR. SHORT: You said it would be nice if ABRA  
19 were like them, so why don't we just wait until  
20 they give you -- so we can be nice like them.

21 MR. STEWART: Well, actually, you can tell  
22 Fred that, that's fine.

1 MR. SHORT: I'm telling you that.

2 MR. STEWART: Okay, that's fine too.

3 CHAIRPERSON ANDERSON: All right, all right.

4 MR. STEWART: But I still have to pay the  
5 \$4000?

6 MR. SILVERSTEIN: So you've applied for these  
7 things online, and there's no specific individual  
8 point of contact, office or anything like that?

9 MR. STEWART: I've never talked to a human,  
10 no human's ever come by to inspect or anything,  
11 it's very abstract. Because in the old days, it  
12 was the ATF, they had a guy come down and he  
13 looked like he'd killed people -- many people --  
14 before. And he like asked all these pointed  
15 questions.

16 MR. SILVERSTEIN: In the old days he may have  
17 been a prohibition agent and may have done that.

18 MR. STEWART: He was a Virginia agent, so I  
19 think he did a lot of southwest, so he had a lot  
20 of gun shootouts.

21 MR. SILVERSTEIN: They could be tough in  
22 Charlottesville, too.

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1           MR. STEWART: Yeah, he was tough. So he  
2 inspected, you know, did all his paperwork, all  
3 the rest of it and gave me the license but after  
4 that they didn't come back.

5           MR. SILVERSTEIN: Okay. Thank you, I have no  
6 further questions.

7           CHAIRPERSON ANDERSON: I'll just have Mr.  
8 Short and then I'm going to have to leave.

9           MR. SHORT: You're right on the river.  
10 You're right on the river.

11          MS. MILLER: I gave up my time to them so  
12 they could ask questions and I have one more  
13 question, so I would just like to be able to ask  
14 it.

15          CHAIRPERSON ANDERSON: All right.

16          MR. SHORT: Well, can I just make one real  
17 quick one?

18          CHAIRPERSON ANDERSON: Mr. Short will ask one  
19 last question, Ms. Miller can ask one more  
20 question. It's 6:30 and I just want everybody to  
21 know that it is 6:30 in the night, as this has  
22 been going on since 4:30 and I'm not sure how

1 productive it has been, but anyway, go ahead, Mr.  
2 Short.

3 MR. SHORT: Mr. LeFande and to your client,  
4 we know that the Anacostia River flows their  
5 floods quite often. Alexandria gets closed down  
6 all the time. So, what provisions have you made  
7 for when the water rises there beside the river,  
8 right there where your benches are going to be.

9 MR. STEWART: Well, we're above the 100 year  
10 flood plain, so that's why the DCRA didn't pick  
11 up.

12 MR. LEFANDE: If you, look, I can hand up --  
13 I should hand up -- I meant to hand these up a  
14 little earlier.

15 MR. SHORT: Mr. LeFande I think that that  
16 answer was sufficient.

17 MR. LEFANDE: Yeah, there's a huge bulkhead,  
18 it's a big step down to the water from where they  
19 are -- it's taller than this --

20 MR. SHORT: So, you're saying they're never  
21 flooded there in the last 10-15 years.

22 MR. LEFANDE: They said 100 years.

1           MR. SHORT: It's never flooded under that  
2 bridge in the last 100 years?

3           MR. STEWART: All I'm saying is they run some  
4 line that says 100 year flood plane on their map  
5 down at DCRA and if you're above that, they don't  
6 care about it; if you're below that then they  
7 give you a hard time. And apparently we're above  
8 it, so they didn't say anything.

9           CHAIRPERSON ANDERSON: All right.

10          MR. SHORT: I'm going to just state this.

11          MR. STEWART: All I know is when they stamped  
12 the planes they checked it.

13          MR. SHORT: I've been on that river all my  
14 life, 70 years and it does flood under that  
15 bridge. It floods under there.

16          MR. LEFANDE: I'm surprised to hear that too,  
17 but there is a really big boulder --

18          MR. SHORT: I know -- I know the area quite  
19 well.

20          CHAIRPERSON ANDERSON: All right, Ms. Miller.

21          MS. MILLER: I just wanted to ask you since  
22 your whole operation is open, right? Open air?

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1     Do you anticipate being closed a lot during the  
2     winter?

3                 MR. STEWART: Yes, ma'am. We'll probably  
4     close up at the end of November -- or, the end of  
5     October --

6                 MS. MILLER: Okay.

7                 MR. STEWART: -- and reopen about March 1st.

8                 MS. MILLER: Okay.

9                 MR. STEWART: It's pretty standard in most of  
10   the places in the east.

11                MS. MILLER: Okay, thank you. That's all.

12                CHAIRPERSON ANDERSON: Well, we have Ms.  
13   Coralie here and the board and as an interested  
14   citizen, what if anything can you add to these  
15   proceedings for the court?

16                MS. FARLEE: Thank you I do have.

17                MR. LEFANDE: Objection stated.

18                CHAIRPERSON ANDERSON: So stated.

19                MS. FARLEE: I do have some questions. I  
20   believe Mr. Stewart said in the beginning that he  
21   didn't update the security plan since our  
22   February hearing because there weren't many

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1       questions, so therefore I'm using that as a  
2       reference and it stated that the security plan  
3       that was submitted then in that application was  
4       dated May 22nd, 2015, so those are going to be  
5       my reference points. There's a statement on page  
6       5 of that about a tower. Okay, I'm sorry, the  
7       tower is on page 6. It would also be an 18-foot  
8       high tower within the premises, that security  
9       personnel can monitor the crowd from, but is that  
10       another security person in addition? There's  
11       going to be two security at each entrance,  
12       security at each entrance, and potential two  
13       additional security MPD RDO. So, is this person  
14       in the tower another person or is that changed  
15       since March of '15.

16                    MR. LEFANDE: We're not answering her  
17       questions. A party shall have the right to call  
18       and examine.

19                    MR. ALBERTI: Okay, so why don't we have Ms.  
20       Farlee tell us what her questions are and I'll  
21       ask them. Mr. LeFande if you want to play this  
22       idiotic game of yours --

1 MR. LEFANDE: I'm asking --

2 MR. ALBERTI: -- we can work around it.

3 MS. FARLEE: Okay. That's my first question.

4 On page 5 of that security plan where it mentions  
5 the RDO, there were only two RDOs and [inaudible  
6 5:23] that there might be more based on the size  
7 of the crowd, so I'd like clarification of that.

8 MR. ALBERTI: Okay, thank you.

9 MS. FARLEE: Is that a total or is it two  
10 versus the size of the crowd? Also in that  
11 security plan on page 7 it talks about in the  
12 written part was the entry, the security would  
13 check proof of age at the point of sale, is what  
14 was printed and I believe at the February hearing  
15 the comment was it would -- the ID would be  
16 checked at the point of entry, at the two or so  
17 entry points, so I would like clarification again  
18 on that -- is this plan being updated or not? On  
19 page 9, there is also a mention of the -- of a  
20 traffic security -- traffic control office on  
21 page 9.

22 MR. ALBERTI: What's it say about traffic

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1 control?

2 MS. FARLEE: Sorry. I have to check that,  
3 I'm sorry, I don't --

4 MR. ALBERTI: I'm not sure I understand the  
5 question with respect to traffic control.

6 MS. FARLEE: Well, it involved how much  
7 responsibility this establishment is going to  
8 assume for traffic control in coordination with  
9 the other --

10 MR. ALBERTI: Okay.

11 MS. FARLEE: -- and especially if it's a non-  
12 ball-game day, especially if it's a non-Nationals  
13 day or other events at the stadium. And  
14 similarly, the security plan on non-game-days  
15 regarding Potomac Avenue. I think --

16 MR. ALBERTI: Well, why don't we start with  
17 those and you can --

18 MS. FARLEE: I think today Mr. Stewart said  
19 there would be a security camera and dogs. Now,  
20 I don't see that in this security plan from March  
21 2015 and I understand it hasn't been updated so  
22 I'm not sure what's current, what's being

1 currently proposed. Those are security  
2 questions.

3 CHAIRPERSON ANDERSON: Hold on. Let me --  
4 Mr. Alberti why don't you overall ask about the  
5 security.

6 MS. FARLEE: I have a couple of other things.

7 MR. ALBERTI: So, so, so, Ms. Farlee brought  
8 up a point. I remember the mention of a tower;  
9 you don't have a tower here. Why the omission of  
10 the tower?

11 MR. STEWART: Even though my attorney doesn't  
12 want me to answer, I figure I might as well  
13 anyway and be agreeable, okay?

14 MR. ALBERTI: That's a smart move, Mr.  
15 Stewart. That's a very smart move, thank you.

16 MR. STEWART: Well, anyway, I just want to  
17 state that because he's mad at me but anyway.  
18 The tower is two shipping containers stacked on  
19 top of each other which are approximately 16 --

20 MR. ALBERTI: Oh, so you still will have  
21 that?

22 MR. STEWART: Yes. We will still have that.

1 I left it out, yes, that's true.

2 MR. ALBERTI: And where is it, just out of  
3 curiosity?

4 MR. STEWART: It is right on top of the  
5 sanitation units. You see.

6 MR. ALBERTI: Oh, so the sanitation unit and  
7 there'll be another unit on top of that?

8 MR. STEWART: Yes, sir. And that will be the  
9 office and on top of the office they can go stand  
10 on top of the office and look at everything.  
11 That's a central point, so that's the tower.

12 MR. ALBERTI: And that operates in the same  
13 way, okay, thanks.

14 MR. STEWART: It's basically -- yeah, it's  
15 [inaudible 5:28].

16 MR. ALBERTI: So -- so in your earlier  
17 discussions I didn't hear any mention of RDO. Do  
18 you plan on having RDO at any time? What are  
19 those plans?

20 MR. STEWART: Yeah, RDO or off duty cops, or  
21 --

22 MR. ALBERTI: When?

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1           MR. STEWART: The high risk areas, but  
2 certainly when the Nationals are playing because  
3 those people, like I said, are not very well  
4 behaved. And at other times when my brother the  
5 manager thinks he needs it, so, I guarantee  
6 they'll be there at the Nationals and they will  
7 be there at other times when he thinks --

8           MR. ALBERTI: Okay, so on game days you  
9 commit to having RDO or SPO?

10          MR. STEWART: Yes.

11          MR. ALBERTI: All right. And how many?

12          MR. STEWART: They come in twos according to  
13 the police commander.

14          MR. ALBERTI: Okay, and I assume you're  
15 willing to update your security plan to reflect  
16 this.

17          MR. STEWART: Yes.

18          MR. ALBERTI: Okay.

19          MR. STEWART: I mean --

20          MR. ALBERTI: I'm not going to ask the  
21 question about checking of age because I assume  
22 that you will be responsible --

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1           MR. STEWART: Let me just clarify what she  
2    said. We check at the gate and the servers have  
3    a right to check also.

4           MR. ALBERTI: Absolutely, yes and I was just  
5    going to direct you to be mindful of that.

6           MR. STEWART: That's our policy.

7           MR. ALBERTI: All right. Good, that's in  
8    your best interest.

9           MR. STEWART: So, just because you walk  
10   through the gate it doesn't mean you can just do  
11   whatever you want.

12          MR. ALBERTI: Okay.

13          MR. STEWART: People still will be patrolling  
14   and servers have the right to ask.

15          MR. ALBERTI: And you spoke of your intent to  
16   once you get a license to coordinate with --

17          MR. STEWART: DDOT.

18          MR. ALBERTI: DDOT and their overall plans.

19          MR. STEWART: Yes, sir.

20          MR. ALBERTI: We will be monitoring that if  
21   you get the license.

22          MR. STEWART: That's fine.

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1 MR. ALBERTI: If that happens.

2 MR. STEWART: Fine.

3 MR. ALBERTI: And I guess you can update your  
4 plan to reflect the fact that you're going to  
5 have a guard dog and the mention of cameras.

6 MR. STEWART: After hours, yes.

7 MR. ALBERTI: Okay.

8 MR. STEWART: Not when people are there.

9 MS. FARLEE: Security camera?

10 MR. STEWART: I think it's in there, but I'm  
11 not sure, I'm pretty sure I put it in there. But  
12 I will guarantee you --

13 MR. ALBERTI: You want to update the security  
14 plan and provide it to us?

15 MR. STEWART: I can do that. I guarantee  
16 that we'll have security cameras.

17 MR. ALBERTI: Okay, great. Ms. Farlee?

18 MS. FARLEE: Yeah, in the new application it  
19 still lists food trucks, but today I believe you  
20 said there won't be any food, including any food  
21 trucks, so.

22 MR. STEWART: Well, the health department and

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1 Ms. Miller meant that will I be making food and  
2 giving it to people? No. People will bring  
3 their own food. Yeah, food trucks you can buy it  
4 from there. You can order pizza.

5 MR. ALBERTI: Where will food trucks be?

6 MR. STEWART: They will be outside the gate -  
7 - outside of my gate -- just north of that line.

8 MR. ALBERTI: When they're allowed.

9 MR. STEWART: Right.

10 MR. ALBERTI: I assume they're not allowed on  
11 game day, right? You don't know.

12 MR. STEWART: My brother, he's the hands on  
13 guy, I always defer to him, if he thinks he wants  
14 to get six food trucks.

15 MR. ALBERTI: What would your relationship to  
16 the food trucks be? Would you just --

17 MR. STEWART: My brother wants to get money  
18 off of them. I don't think that's going to  
19 happen. I think they're just going to park out  
20 there and do whatever they want. That's my  
21 policy. If they're going to be outside of the  
22 limit of the alcohol serving area.

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1 MS. MILLER: Mm hmm.

2 MR. STEWART: Outside the fence.

3 MR. ALBERTI: So, and they won't be under the  
4 auspices of DDOT at that point and if DDOT  
5 doesn't allow it then you can't have them.

6 MR. STEWART: Correct.

7 MR. ALBERTI: All right.

8 MR. STEWART: Yes, so they're going to be  
9 outside the alcohol service area, they won't be  
10 inside of it, so if people want to buy poppers  
11 and bring them in, fine.

12 MR. ALBERTI: That's fine okay. That's it.

13 MS. FARLEE: A question again about noise.

14 The examples that were provided had to do with  
15 the southwest side, but the key location that we  
16 were concerned about originally was the adjacent  
17 apartment building at --

18 MR. ALBERTI: The new one. The new apartment  
19 building?

20 MS. FARLEE: Yes, 79 Potomac Avenue  
21 Southeast.

22 MR. ALBERTI: Phase 1 of the development.

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1 MS. FARLEE: And it's opening now.

2 MR. ALBERTI: Yeah.

3 MS. FARLEE: Phase one. So there is no  
4 comment about that and there is no buffer between  
5 this --

6 MR. ALBERTI: Okay.

7 MS. FARLEE: -- proposed establishment and  
8 those residences.

9 MR. ALBERTI: Do you want to address that?  
10 Mr. Stewart do you want to address that?

11 MR. STEWART: I think Mr. LeFande addressed  
12 the noise already and --

13 MR. ALBERTI: No, he did not -- you're  
14 talking to me now, you're not talking to Ms.  
15 Farlee, I'm asking the questions. She's not  
16 asking the questions. Mr. LeFande, just keep  
17 that in mind. So, in your --

18 MR. LEFANDE: We've already discussed this --

19 MR. ALBERTI: -- previous -- and this I  
20 notice --

21 MR. LEFANDE: We've already discussed this  
22 and I --

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1 MR. ALBERTI: Fine, Mr. LeFande please, so --

2 MR. LEFANDE: There's nothing to do --

3 MR. ALBERTI: So, I'm going to continue with  
4 my question.

5 MR. LEFANDE: It's not a [inaudible 5:33]  
6 question. It has nothing to do with my  
7 objection, it's just that we already went through  
8 this.

9 MR. ALBERTI: You did, and I noted also that  
10 you did not mention the new apartment building  
11 being built next door. Independent of Ms.  
12 Farlee's comment, I noticed that. So, please  
13 address it.

14 MR. STEWART: We've been in Trinidad for  
15 three years. We've had zero noise complaints,  
16 zero noise violations, and in Trinidad the people  
17 are literally three feet from my fence line,  
18 okay? Zero noise complaints. Zero noise  
19 violations issued by ABRA, zero noise violations  
20 issued by the city, the police, everything.

21 MR. ALBERTI: So, how far are you from the  
22 adjacent apartments. Are the adjacent apartment

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1 building occupied currently?

2 MR. STEWART: No.

3 MR. ALBERTI: Do you know when it will be  
4 occupied?

5 MR. STEWART: I do not know. They've had  
6 lots of delays because of the rain on the  
7 construction and they are running way behind  
8 schedule.

9 MR. ALBERTI: Okay, how far is it from -- how  
10 far is it? What's on the first floor of that  
11 building and how far is it from your property  
12 line?

13 MR. STEWART: Their building to my property  
14 line is approximately 200 feet.

15 MR. ALBERTI: From your property line to  
16 their building is approximately 200 feet?

17 MR. STEWART: Approximately 200 feet.

18 MR. ALBERTI: Okay. They have apartments on  
19 the first floor? Or what's on the first floor of  
20 it?

21 MR. STEWART: They have retail.

22 MR. ALBERTI: They will have retail? Ms.

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1 Farlee, they'll have retail on the first floor  
2 and is the distance of 200 feet your  
3 understanding? Okay, thank you.

4 MR. STEWART: Yeah, I think there's going --  
5 I'm not sure. James told me that they're having  
6 trouble leasing but there is one restaurant that  
7 is scheduled to go in if they get their permits  
8 and there's three other vacant properties that  
9 they're trying to lease and they're all retail.

10 MR. ALBERTI: Okay.

11 MR. STEWART: And they're all retail, all  
12 first floors, two-story high. 18 feet high.

13 MR. ALBERTI: Okay, thank you. Ms. Farlee?

14 MS. FARLEE: I have no more questions.

15 MR. ALBERTI: All right, any other?

16 MS. FARLEE: No, that's fine, thank you.

17 MR. ALBERTI: Thank you. Can I just mention  
18 one thing before we close? So, we have been  
19 researching this licensing a bit for your  
20 establishment and it's our understanding, and  
21 it's our staff's understanding, that you are  
22 currently licensed by DOH and DCRA as a

1 restaurant.

2 MR. STEWART: In Trinidad.

3 MR. ALBERTI: No, currently here. And there  
4 is a difference between -- I don't want to debate  
5 this because you're going to have to answer to  
6 DOH not us all right? But they say there's a  
7 distinction between a brew pub which is licensed  
8 as a restaurant and a manufacturer.

9 MR. LEFANDE: At

10 MR. ALBERTI: And that the two uses have to  
11 abide, are regulated under separate sections of  
12 the D.C. Code. So, jus be mindful that we will  
13 be having discussions with DOH and you can argue  
14 with them because we're going to be taking their  
15 word and giving them what information we have and  
16 you will not -- if we were to approve the license  
17 it wouldn't be issued until we have confirmation  
18 from DOH that you are properly licensed under  
19 their regulations.

20 MR. LEFANDE: Absolutely.

21 MR. STEWART: Yes, sir that's my  
22 understanding.

1           MR. ALBERTI: I just wanted to make sure that  
2 was clear, so. I don't want to get into a debate  
3 about --

4           MR. STEWART: Okay.

5           MR. ALBERTI: -- what you should or shouldn't  
6 be.

7           MR. LEFANDE: I believe everyone's in  
8 agreement with that.

9           MR. ALBERTI: That's not our office, it's  
10 DCRA and DOH.

11          MR. LEFANDE: We're fully in agreement with  
12 that.

13          MR. ALBERTI: Okay.

14          MR. STEWART: Yep, true.

15          CHAIRPERSON ANDERSON: All right. Do we have  
16 any final questions by any board members? I'll  
17 bring this to a close. Hearing none, Mr.  
18 Stewart, or Mr. LeFande, do you have any final  
19 statements to make?

20          MR. LEFANDE: We have come here today to  
21 demonstrate compliance with D.C. Code 25-301,  
22 general qualifications for all applicants, and

1       that the applicant is of good character,  
2       generally fit for the responsibilities of  
3       licensure and meets the other requirements and  
4       that we will operate in a lawful manner and there  
5       has been no objection to the appropriateness of  
6       the establishment filed with the board, that we  
7       assert the establishment shall be presumed to be  
8       appropriate for the locality section and portion  
9       of the district where it's located. We have  
10      offered the Capitol Gateway Overlay regulations  
11      as evidence that this is the type of activity  
12      that was envisioned by the zoning folks when that  
13      was implemented, and that the D.C. Council has  
14      offered its strong support for the facilitation  
15      of this type of entity in the District of  
16      Columbia, that it inures to the public's benefit.  
17      I believe we have more than adequately addressed  
18      all of prior concerns with regards to noise, with  
19      regards to security, with regards to pedestrian  
20      safety and that we assert that this license  
21      should be granted as a matter of law forthwith,  
22      obviously satisfying the couple of things we've

1 already agreed to take care of such offering Mr.  
2 Short a stamped copy of the plans that the fire  
3 marshal has taken care of that, and that  
4 everybody's happy with the Department of Health  
5 has done. Notwithstanding those things we  
6 believe that the license application is fully in  
7 order, that the board has been afforded the  
8 opportunity to obtain additional information from  
9 the licensee in the course of a proper fact  
10 finding hearing and that being said that the  
11 license should be issued as a matter of law.

12 Thank you.

13 CHAIRPERSON ANDERSON: I think your client  
14 has something to say, can you kind of --

15 MR. STEWART: I just want to say that I  
16 appreciate the fact that from last week to this  
17 week it was seven days as opposed to two months  
18 when you rescheduled it, because I know you guys  
19 are busy and I know that -- thank you.

20 MS. MILLER: You're welcome.

21 MR. ALBERTI: I just want to mention also Mr.  
22 LeFande that we also have representation that you

1 would update the security plan as presented.

2 MR. LEFANDE: If there's something that was  
3 promised and said it would be done we're going to  
4 take care of that.

5 MR. ALBERTI: Absolutely, I just wanted to  
6 make sure we're all on the same page.

7 MR. LEFANDE: Okay, yes, thank you. Thank  
8 you for bringing that up and we will hand that  
9 off to you right away.

10 MR. ALBERTI: Okay.

11 MR. LEFANDE: And thank you for staying so  
12 late to hear us.

13 CHAIRPERSON ANDERSON: Ms. Farlee do you have  
14 any closing thoughts? You don't have to, I'm  
15 just asking, giving you the opportunity since  
16 you're here.

17 MS. FARLEE: Thank you all for your time.

18 MR. ALBERTI: Thank you.

19 MR. LEFANDE: Would the board like these  
20 starter graphs that we? We're not -- obviously  
21 we don't have a formal record.

22 MR. ALBERTI: I think they'll be useful.

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1 MS. MILLER: Yeah I would like one.

2 MR. ALBERTI: More is very useful.

3 MR. LEFANDE: We're passing them around here.

4 MR. ALBERTI: I guess we're the picture book  
5 kind of people.

6 MR. LEFANDE: I'm sorry?

7 MR. ALBERTI: We're the picture book kind of  
8 people.

9 MR. SILVERSTEIN: Thank you very much.

10 CHAIRPERSON ANDERSON: Thank you very much  
11 and the board will take this under advisement.

12 MR. LEFANDE: Thank you.

13 CHAIRPERSON ANDERSON: As chairperson of the  
14 Alcoholic Beverage Control Board for the District  
15 of Columbia and in accordance with D.C. Official  
16 Code 2574 B Closed Meetings and Section 2574  
17 Notice of Meetings of the Open Meetings Act, I  
18 move that the ABC Board hold a closed meeting on  
19 September 14, 2016, for the purpose of discussing  
20 and hearing reports concerning ongoing or planned  
21 investigations of alleged criminal or civil  
22 misconduct or violations of law or regulations

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1 and seeking legal advice from our counsel on the  
2 Board's investigative, legal and licensing agenda  
3 for September 14, 2016, as published in the D.C.  
4 Registry on September 1st, 2016. Is there a  
5 second?

6 MR. SILVERSTEIN: Second.

7 CHAIRPERSON ANDERSON: Mr. Silverstein has  
8 seconded the motion. I will now take a roll call  
9 vote on the motion before us now that it has been  
10 seconded. Ms. Miller?

11 MS. MILLER: Agree.

12 CHAIRPERSON ANDERSON: Mr. Alberti?

13 MR. ALBERTI: I agree.

14 CHAIRPERSON ANDERSON: Mr. Short?

15 MR. SHORT: I agree.

16 CHAIRPERSON ANDERSON: Mr. Silverstein?

17 MR. SILVERSTEIN: I agree.

18 CHAIRPERSON ANDERSON: Mr. Anderson? I  
19 agree. As it appears that the motion has passed,  
20 I hereby give notice that the ABC Board will hold  
21 this aforementioned closed meeting. Pursuant to  
22 the Open Meetings Act, notice will also be posted

1     on the ABC Board here on the room's bulletin  
2     Board, placed on the electronic calendar on  
3     ABRA's website and published in the D.C. Register  
4     in as timely a manner as practical. It is now  
5     7:00 and we are adjourned for the day and we will  
6     reconvene September 14, 2016. Thank you.

7                         (Whereupon the above-entitled matter was  
8     concluded) .