

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
August 18, 2020

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:00 pm EST on June 16, 2020, on a publicly-posted WebEx Event.

Committee Members Present: Mark Samburg (Co-Chair), Nick Alberti (Co-Chair), Laura Gentile
Committee Members Absent: Roger Caruth, Ramin Taheri
Commissioners Present: Mike Soderman
Community Members Present: Aaron McGovern (Brine), Casey Callister (Duffy’s), Robb Dooling, Larry Janezich, ASL interpreters

I. Call to Order

Mr. Samburg called the meeting to order at 7:00 pm, and noted the presence of a quorum.

II. Community Comment

None

III. Old Business

None

IV. New Business

- Discussion of request by DC Culinary Academy, LLC, t/a Brine at 1357-1359 H Street NE (ABRA #110889) for a modification to the establishment’s settlement agreement and ABRA license to add a Summer Garden endorsement.
 - Mr. McGovern explained that he has filed a stipulated application because of the challenges posed by the current pandemic. Mr. McGovern noted that the summer garden uses space that was previously in the Biergarten Haus summer garden.
 - Mr. Samburg asked whether the plan for the summer garden was seated tables only, with no music or other entertainment. Mr. McGovern confirmed.
 - Mr. Alberti asked what the space’s relationship was to the previous Biergarten space. Mr. McGovern explained that the two establishments share a building (though not an address), and that he simply converted some of the space previously used by Biergarten.
 - Mr. Alberti asked whether Mr. McGovern considered the summer garden to include both the covered space which backs up to the open back, or only the outdoor seating.
 - Commissioner Soderman noted his support for Brine and thanked Mr. McGovern for everything he was doing.
 - Mr. McGovern asked about the mechanism for getting an ANC letter of support for his stipulated application. Mr. Samburg explained it would not be available until the September 2020 ANC 6A meeting, assuming the ANC approved such a letter.
 - Mr. Alberti moved that the ANC provide a letter of support for the stipulated application of DC Culinary Academy, LLC, t/a Brine at 1357-1359 H Street NE (ABRA #110889) for a modification to the establishment’s ABRA license to add a

Summer Garden endorsement. Ms. Gentile seconded, the motion passed 3-0 (Commissioner Soderman was unable to vote due to technical difficulties.)

- Discussion of requests by Callister Technology and Entertainment, LLC, t/a Duffy's Irish Pub at 1016 H Street NE (ABRA #111076) for:
 - A modification to the establishment's settlement agreement to allow live entertainment in the establishment's beer garden on Friday and Saturday nights.
 - Mr. Callister explained that the hope is to have live bands in the beer garden on infrequent occasions.
 - Mr. Alberti noted that he was not predisposed to support outdoor entertainment in any space on H Street because of the proximity to residences, and that even though Duffy's has not caused any problems for the ABL, any allowance here would carry to a future owner.
 - Mr. Callister noted that volume restrictions on sound would still be in place.
 - Mr. Alberti noted that the likelihood of live entertainment exceeding volume restrictions is very high.
 - Mr. Callister asked whether the ABL would be open to considering live entertainment on a more limited basis (ending earlier). Mr. Samburg noted that he would find that helpful. Mr. Alberti noted that he still had concerns, and that residents elsewhere in the city sometimes complain about parties in summer gardens even in afternoons.
 - Mr. Callister noted that Duffy's would still be bound by volume restrictions.
 - Mr. Samburg asked how often Duffy's would plan to have live entertainment in their summer garden. Mr. Callister noted that the entertainment would be on special occasions: St. Patrick's Day, weddings, an occasional Business Improvement District (BID)-sponsored event. Mr. Callister also noted that these events could go a long way to addressing shortfalls resulting from the COVID pandemic.
 - Commissioner Soderman asked to confirm that ANC 6A generally does not allow live music in summer gardens. Mr. Alberti noted that it is the practice of ANC 6A not to do so. Mr. Callister asked whether the ABL was sure there were no exceptions. Mr. Alberti noted that any exceptions were not deliberate. Mr. Samburg noted that in his time on the committee, no exceptions had been deliberately granted.
 - Mr. Callister asked whether further narrowing the request to a limited number of special events would address the ABL's concerns. Commissioner Soderman noted that there is a very real need to help establishments, given current circumstances and asked whether a mechanism to allow for such limited occasions was possible. Mr. Callister noted that his prior location had such an arrangement.
 - Mr. Alberti asked how many "special occasions" Mr. Callister wanted per year for live entertainment in the summer garden. Mr. Callister indicated that he was seeking four occasions.
 - Commissioner Soderman moved that the ANC modify its settlement agreement with Callister Technology and Entertainment, LLC, t/a Duffy's Irish Pub at 1016 H Street NE (ABRA #111076) to allow for four special events per year with live music in the summer garden until 9:00 pm, provided that notice of the event be given to the Chair of the ANC and the Co-Chairs of the ABL at least 48 hours before the event. Mr. Samburg seconded, motion passed unanimously.

- A modification to the establishment's settlement agreement to allow use of the potential "parklet" that may be established.
 - Mr. Callister noted that he had just learned of the possibilities of parklets, but that his current settlement agreement only allows for 9 seats in his sidewalk café, which would not enable him to seat patrons in the parklet.
 - Mr. Alberti clarified the breakdown between summer garden and sidewalk café seating in the establishment's settlement agreement, and asked how many additional sidewalk café seats would be required. Mr. Callister noted that his request would depend on the exact size of any parklet Duffy's receives.
 - Mr. Alberti noted that the ANC could approve a second sidewalk café, defined as the parklet space, and not provide a specific limit on occupancy in the settlement agreement.
 - Commissioner Soderman and Mr. Alberti discussed whether relevant city agencies were going to provide appropriate limits for occupancy, given current health conditions.
 - Mr. Alberti moved that the ANC modify its settlement agreement with Callister Technology and Entertainment, LLC, t/a Duffy's Irish Pub at 1016 H Street NE (ABRA #111076) to allow for a second sidewalk café, coterminous with the designated "parklet," with identical hours to the establishment's existing sidewalk café, and an occupancy limit consistent with all DC government guidance and restrictions. Ms. Gentile seconded, motion passed unanimously.
 - Mr. Alberti noted that the establishment issue may also need to go to a meeting of ANC 6A's Transportation and Public Space (TPS) Committee.
- Mr. Samburg moved to amend the agenda to add an item to discuss a request that ANC 6A seek additional members for the ABL. Mr. Alberti seconded, motion carried unanimously.
 - Mr. Samburg noted that the ABL has recently lost a member who moved out of the District, and that several members have not responded to emails or attended a meeting for some time. Mr. Samburg further noted that unless all active members and/or a Commissioner attend any given meeting, the ABL often does not have a quorum.
 - Mr. Alberti, Ms. Gentile, Commissioner Soderman, and Mr. Samburg discussed need for members to understand the commitment involved with service on the ABL Committee.
 - Mr. Dooling (via interpreter) asked whether each SMD within ANC6A is limited to a single ABL member. Mr. Samburg explained that there is no requirement that each SMD be represented, nor any limit on the number of ABL members from a given SMD.
 - Mr. Samburg moved that the ABL notify the ANC of the need for new membership. Ms. Gentile seconded, the motion passed unanimously.

V. Adjourn

The Committee adjourned at 8:00 pm.

Next meeting date: September 15, 2020