

PRESENT:

RUTHANNE MILLER, Chairperson

DONALD BROOKS, Member

NICK ALBERTI, Member

HECTOR RODRIGUEZ, Member

MIKE SILVERSTEIN, Member

JAMES SHORT, Member

HERMAN JONES, Member

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

3:25 p.m.

CHAIR MILLER: Okay, why don't we start a little early?

I'm to call the case, the Attic, 1841 Columbia Road, Northwest, License No. 86065 in ANC 1C, and this regards a request to extend safekeeping.

Do you want to introduce yourselves for the record, when you're ready?

MR. PASCALL: Good afternoon. Paul Pascall of Pascall & Weiss for the license holder.

MR. BONNELL: Good afternoon. Peter Bonnell for the license holder.

CHAIR MILLER: Okay, so, this is an evidentiary hearing. We're just going to find out where you are on this.

MR. PASCALL: Well, if I can make some proffer?

CHAIR MILLER: Okay.

MR. PASCALL: This building at

1 1841 Columbia Road is -- was an older building
2 that the present owners did a \$9 million
3 rehabilitation. There are 116 units in the
4 building, which is two more than they were
5 before.

6 The way it was handled, the
7 building is still entirely rent controlled.
8 They didn't have to remove anybody to do the
9 rehab.

10 But they've had some issues in
11 renting out the space on the first floor,
12 where the license was held.

13 They've gone to a number of
14 brokers and they finally have now hired the
15 Papadopoulos firm, which I think is the number
16 one firm in the District of Columbia, dealing
17 with restaurants, and so, we're hoping to get
18 some success with that.

19 They've had a few letters of
20 intent, one for a cookie place, one for a vet
21 place, one for a wine bar, but they just
22 haven't been able to tie it together.

1 I do know that the moratorium has
2 ended in the Adams Morgan area, because this
3 is in the Adams Morgan area, and so,
4 theoretically, a new person can come in and
5 apply for a license, but having the license
6 available is -- enhances their ability to
7 release the site.

8 So, for that reason, we ask for an
9 additional renewal. Matter of fact, I have
10 the renewal check with me today for the
11 upcoming renewals, which are due by the end of
12 the month, and they'd like to have another six
13 month period to continue to try to market this
14 site, and if you go by the building, you'll
15 see they've done a nice a job there. It's a
16 credit to the neighborhood, what they did with
17 the building.

18 CHAIR MILLER: Great, okay. So,
19 you're the owner of the building?

20 MR. BONNELL: I'm the --

21 CHAIR MILLER: And the licensee?

22 MR. BONNELL: The management

1 company, yes.

2 CHAIR MILLER: And a license,
3 right?

4 MR. BONNELL: Yes, the entity that
5 owns the building also owns the license.

6 CHAIR MILLER: Okay, okay, so,
7 what you're saying is, you'd like to market
8 that license with the space, if that makes
9 that a better --

10 MR. BONNELL: That's correct.

11 CHAIR MILLER: -- easily sellable
12 -- okay, and you anticipate being able to do
13 that within six months or what?

14 MR. BONNELL: I hope so. We have
15 -- we have a number of letters of intent from
16 a couple different groups, and we're very
17 close to being able to negotiate a lease.

18 If somebody goes in there who
19 needs the liquor license, then we'll go
20 through the process to give it to them.

21 If somebody ends up taking the
22 space and doesn't need the liquor license,

1 then we probably won't ask for a further
2 extension.

3 CHAIR MILLER: Okay, that's what
4 you're waiting to see, if you can market them
5 together, okay, and how long has it been in
6 safekeeping?

7 MR. PASCALL: I think this is the
8 fourth request.

9 CHAIR MILLER: Fourth request,
10 every six months?

11 MR. PASCALL: It's been about a
12 year and a half or so.

13 CHAIR MILLER: Year and a half,
14 okay. All right, other questions? Yes, Mr.
15 Brooks?

16 MEMBER BROOKS: Yes, I'm just
17 trying to imagine exactly where this is
18 located at 1841 Columbia Road.

19 MR. BONNELL: Do you know where
20 the Bank of America is?

21 MEMBER BROOKS: Yes.

22 MR. BONNELL: By Columbia Road.

1 MEMBER BROOKS: Yes.

2 MR. BONNELL: And Café Napoleon.

3 MEMBER BROOKS: I do.

4 MR. BONNELL: It's that -- it's
5 that strip.

6 MEMBER BROOKS: Yes, I know the
7 area, because I live around the corner.

8 MR. BONNELL: Okay, so, I'm
9 surprised you're asking that question.

10 MEMBER BROOKS: Yes, now, is this
11 downstairs location?

12 MR. BONNELL: They're on the --

13 MEMBER BROOKS: Or on the first
14 level?

15 MR. BONNELL: There is a space
16 next door to Napoleon, that was basement and
17 first floor.

18 MEMBER BROOKS: Right.

19 MR. BONNELL: And the license was
20 associated with that space.

21 MEMBER BROOKS: Okay, so, part of
22 the space is in the basement?

1 MR. BONNELL: Correct.

2 MEMBER BROOKS: Okay, so, that
3 wouldn't be a problem, as far as leasing?

4 MR. BONNELL: No, as long as
5 there's first floor space. Usually, what
6 happens is, you get a market rate for the
7 first floor space, and then there's some lower
8 rates paid for the basement space.

9 MEMBER BROOKS: Okay, and who is
10 the last tenant?

11 MR. BONNELL: We had a tenant in
12 there called Solid Core, which was a fitness
13 concept.

14 MEMBER BROOKS: Yes, sir.

15 MR. BONNELL: And they -- we had -
16 - we parted ways, because they were too loud
17 and they were disturbing the residents.

18 MEMBER BROOKS: Yes, I heard that.
19 Okay, so, they're no longer there?

20 MR. BONNELL: They're no longer
21 there.

22 MEMBER BROOKS: I didn't realize

1 that, yes.

2 MR. BONNELL: As of the 28th.

3 MEMBER BROOKS: Yes, right, okay.

4 MR. PASCALL: It probably means
5 that he'd be -- if he gets an ABC license
6 holder, he'll make sure that they're not loud
7 either.

8 CHAIR MILLER: Right.

9 MEMBER BROOKS: Yes, well, my
10 cousin's wife was coming there, so I just
11 thought --

12 MR. BONNELL: Yes, that's right.

13 MEMBER BROOKS: Okay, thank you,
14 Madam Chair.

15 CHAIR MILLER: You're welcome. Mr.
16 Alberti?

17 MEMBER ALBERTI: I guess I'm
18 curious. You had this fitness -- you had a
19 lease for this fitness company.

20 MR. BONNELL: We did.

21 MEMBER ALBERTI: For how long?

22 MR. BONNELL: Not quite a year.

1 MEMBER ALBERTI: From when to
2 when?

3 MR. BONNELL: Well, it ended on
4 February 28th and I think it started in May of
5 last year. I didn't bring that with me.

6 MEMBER ALBERTI: Okay, so, what
7 were you doing with the license in that
8 interim period?

9 MR. BONNELL: We had another
10 vacant space in the complex.

11 MEMBER ALBERTI: Okay.

12 MR. PASCALL: Same address, 1841.

13 MEMBER ALBERTI: Okay, but so,
14 there was other space for -- and how long --
15 when did you start offering that space?

16 MR. BONNELL: That space was for -
17 - was offered the last time I was here.

18 MEMBER ALBERTI: Six months ago?

19 MR. BONNELL: About six months
20 ago.

21 MEMBER ALBERTI: So, is that the
22 first -- was it -- when did it begin -- when

1 did it become available?

2 MR. BONNELL: That space, not the
3 Solid Core space, but the other space became
4 available about six months after we bought the
5 property in April of 2012.

6 MEMBER ALBERTI: Okay.

7 MR. BONNELL: So, late 2012.

8 MEMBER ALBERTI: So, you see what
9 I'm getting at? It's like how come it's taken
10 you so long to get a tenant who might possibly
11 use the liquor license?

12 MR. BONNELL: We got a -- we were
13 in a good place, when we had Solid Core.

14 MEMBER ALBERTI: Okay.

15 MR. BONNELL: Unfortunately, we
16 had to throw them out, and in the meantime, we
17 had to lease the former -- it was a former dry
18 cleaner space, and we were marketing the
19 license with that space, then we had -- we
20 leased it to a -- it's like a homeware store.
21 I'm not sure how to describe it. It's called
22 Urban Dwell. They have --

1 MEMBER ALBERTI: Okay.

2 MR. BONNELL: -- you know, stuff
3 for your house. So, they didn't need the
4 license, but by the time we signed the lease
5 with them, we realized we had to throw Solid
6 Core out, and so, we wanted to keep the
7 license and try to market the Solid Core
8 space.

9 MEMBER ALBERTI: Okay, so, all
10 right. So, there was always this, while you
11 were juggling --

12 MR. BONNELL: There was always a
13 vacant space.

14 MEMBER ALBERTI: -- the clients,
15 there was always this uncertainty that you
16 might have -- okay.

17 MR. PASCALL: Yes, I presume if it
18 all got leased out, then they wouldn't need
19 the license and --

20 MEMBER ALBERTI: That's what I'm
21 trying to -- I'm trying to understand, right.

22 MR. PASCALL: Yes, I'd be the

1 first one to bring it down here for you.

2 MEMBER ALBERTI: Okay, I am just a
3 little concerned that we -- we have this
4 perpetual uncertainty going, you keep coming
5 in, asking us.

6 Some point, it's going to have to
7 end. So, I'll just throw that out there.

8 MR. BONNELL: I think we're at the
9 end this time.

10 MEMBER ALBERTI: Okay.

11 MR. BONNELL: We're very close to
12 a lease with somebody. We're very close to
13 getting to the point of negotiating a lease
14 with somebody.

15 MEMBER ALBERTI: Okay.

16 MR. BONNELL: They wouldn't need
17 the license. If that lease gets signed, then
18 you're not going to see me again.

19 MEMBER ALBERTI: Okay, great.

20 Thank you.

21 CHAIR MILLER: Others? Yes, Mr.
22 Rodriguez?

1 MEMBER RODRIGUEZ: So, there was a
2 workout place there before?

3 MR. BONNELL: Yes.

4 MEMBER RODRIGUEZ: How long ago
5 was that?

6 MR. BONNELL: They moved out on
7 February 28th, after having been there for
8 almost a year.

9 MEMBER RODRIGUEZ: Yes, yes, I
10 remember going by there and seeing that.

11 MR. BONNELL: Probably hearing it
12 too.

13 MEMBER RODRIGUEZ: Yes, they used
14 to make a lot of noise there.

15 Okay, so, as far as, you know, the
16 area, you know, there's a lot of competition
17 for liquor licenses in that area, and there's
18 a lot of liquor licenses there and so, you
19 intend to look for somebody who will set up
20 there, an establishment, or what is it that
21 you want to establish there?

22 MR. BONNELL: We want something

1 that fits in with what's predominantly a
2 residential building, something that's an
3 amenity to the residents that live -- we're
4 primarily a residential real estate company,
5 so we want something that's an amenity for the
6 people who live there.

7 MEMBER RODRIGUEZ: Okay.

8 MR. BONNELL: It doesn't
9 necessarily have to be a licensee. It could
10 be something that works well for the
11 neighborhood, but we want to have the option
12 of the license open, at least until we sign a
13 long-term lease.

14 MEMBER RODRIGUEZ: Okay, all
15 right. We have a lot of time here that you've
16 been with this liquor license, and I like to
17 see, you know, you expedite this as quickly as
18 you can.

19 That's all I can tell you, but you
20 know, we're taking a close look at all of
21 these licenses that we're holding back. So,
22 maybe somebody else can use that license, if

1 you don't use it soon as you can.

2 MR. PASCALL: Well, you know, at
3 one time, that license was saleable, but now,
4 you know, other than having to go through the
5 normal processes of dealing with the different
6 associations and the neighbors up there, which
7 I've had to deal with on a couple of
8 occasions, this obviously -- if a restaurant
9 type operation -- and they don't want a dive
10 in there. They want to put, like he said,
11 something that's an amenity to the building.

12 You know, I think obviously,
13 they're anxious to rent because vacant space
14 is no good to them either. So, we hear your
15 message.

16 MEMBER RODRIGUEZ: Yes, and there
17 is places that, you know, are having problems
18 because the rents are very high in some cases,
19 and you're saying that the landlords are very
20 greedy.

21 So, people can't, you know, rent
22 those spots. I don't think you're in that

1 position.

2 MR. BONNELL: We're not. We're
3 very eager to have --

4 MR. PASCALL: They aren't, but my
5 family owns 12 warehouses in the union market,
6 so, I may be viewed at some point --

7 MEMBER RODRIGUEZ: Yes, I just
8 keep hearing that in the neighborhood, you
9 know. All right.

10 MR. PASCALL: I wear a lot of
11 hats, as Mr. Alberti knows.

12 MEMBER ALBERTI: I know.

13 CHAIR MILLER: I just have one
14 more question, I think. Did you use this
15 license before somewhere?

16 MR. BONNELL: We did not. When we
17 purchased the property in April 2012, the
18 tenant that was using it had disappeared. So,
19 we weren't sure if they were operating or not
20 when we closed. After we closed, we
21 discovered that they were not, so, we put the
22 license in safekeeping.

1 CHAIR MILLER: Okay.

2 MR. PASCALL: I think the
3 landlord, the prior building owner gained the
4 license probably through an involuntary
5 transfer of some security interest, that's how
6 the license --

7 CHAIR MILLER: Okay.

8 MR. PASCALL: They had some nexus,
9 to have control of the license.

10 CHAIR MILLER: Okay, all right,
11 any other questions?

12 Okay, I would move to extend the
13 license for another six months in safekeeping.
14 Do I have second?

15 MEMBER SILVERSTEIN: Second.

16 CHAIR MILLER: Okay, Mr.
17 Silverstein seconded the motion. All those in
18 favor say aye.

19 (Chorus of ayes)

20 CHAIR MILLER: All those opposed?

21 MEMBER BROOKS: Abstained.

22 CHAIR MILLER: Okay, so, it's 5-0-

1 1, to approve the motion to extend the license
2 in safekeeping for another six months.

3 MR. BONNELL: Thank you very much.

4 MR. PASCALL: Thank you.

5 CHAIR MILLER: Okay, good luck.

6 Thank you very much.

7 CHAIR MILLER: All right, that
8 completes our hearings for today, March 18th.
9 I think we have one item on the agenda to
10 resolve and then we'll be finished, and so, I
11 hope we'll be back shortly.

12 (Whereupon, the above-entitled
13 matter went off the record at 3:38 p.m. and
14 resumed at 3:42 p.m.)

15 CHAIR MILLER: Okay, we're back on
16 the agenda. On the record.

17 We had said that we would return
18 to the licensing agenda when we had our full
19 Board, which we do right now.

20 So, number eight of the licensing
21 agenda is a request for a change of hours by
22 Club Timehri, located at 2439 18th Street,

1 Northwest, License No. 077730.

2 They want to have earlier hours,
3 Sunday through Thursday, starting at 11:00
4 a.m. instead of 8:00 p.m., and Friday 6:00
5 p.m. to 2:45 a.m.

6 So, in any event -- I have that
7 right. Any event, they're earlier hours, and
8 I would move that we just grant the request
9 for the change of hours, since they are
10 earlier, and we already had an opportunity to
11 look at some of this issue in the case, in
12 which we were looking at a renewal of the
13 license and a petition to terminate the
14 license, and we had testimony in that case
15 regarding hours, and in our order, we didn't
16 find any evidence that an 8:00 p.m. opening
17 was a means to make the neighborhood safer.

18 Anyway, I'm going to move that we
19 just grant it, at this point. Is there a
20 second?

21 MEMBER SILVERSTEIN: I second,
22 Madam Chair.

1 CHAIR MILLER: Yes, Mr.

2 Silverstein seconded the motion. Any other
3 comments?

4 Not hearing any, then all those in
5 favor of approving the request for change of
6 hours say aye.

7 (Chorus of ayes)

8 MEMBER RODRIGUEZ: Abstain.

9 CHAIR MILLER: Okay, opposed?

10 MEMBER RODRIGUEZ: Opposed.

11 MEMBER ALBERTI: Opposed. Take a
12 roll call. Just take a roll call.

13 MEMBER BROOKS: Somebody jumped
14 the gun.

15 CHAIR MILLER: Okay, Mr. Brooks,
16 do you approve the request for a change of
17 hours?

18 MEMBER BROOKS: I approve.

19 CHAIR MILLER: Okay, Mr. Alberti?

20 MEMBER ALBERTI: Deny.

21 CHAIR MILLER: Okay, Mr.

22 Rodriguez?

1 MEMBER RODRIGUEZ: Deny.

2 CHAIR MILLER: Ms. Miller

3 approves. Mr. Silverstein?

4 MEMBER SILVERSTEIN: I approve.

5 CHAIR MILLER: Mr. Silverstein

6 approves. Mr. Short?

7 MEMBER SHORT: I approve.

8 CHAIR MILLER: Mr. Short approves.

9 Mr. Jones?

10 MEMBER JONES: I approve.

11 CHAIR MILLER: Jones approves.

12 Okay, that is one, two, three, four, five

13 approvals to two denials. The denials --

14 MEMBER ALBERTI: No, it's --

15 MEMBER RODRIGUEZ: That's what it

16 was.

17 MEMBER ALBERTI: All right.

18 CHAIR MILLER: The denials, tell

19 me if somebody else denied, but that's Mr.

20 Alberti opposed and Mr. Rodriguez opposed and

21 that's five to two.

22 Okay, then the motion passes and

1 it's approved.

2 Okay, that is the only item that
3 was outstanding and we've now completed our
4 business and we can adjourn.

5 (Whereupon, the above-entitled
6 matter went off the record at 3:45 p.m.)

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