

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

2 10:59 a.m.

3 CHAIRPERSON ANDERSON: The next case is
4 a Fact-Finding Hearing on formerly-Marrakesh/Aura
5 Lounge, License Number 112033.

6 Mr. Orellana, can you please elevate
7 the rights of the licensee in this case, please.

8 MR. ORELLANA: The licensee is not
9 available.

10 CHAIRPERSON ANDERSON: Hold on.

11 I believe -- I think for this case
12 there was a representative from the Veritas Law
13 Firm was supposed to represent the licensee in
14 this case.

15 MR. ORELLANA: Mr. Kline, your access
16 has been elevated.

17 MR. KLINE: Good morning.

18 CHAIRPERSON ANDERSON: Good morning,
19 Mr. Kline. Can you identify yourself for the
20 record, please.

21 MR. KLINE: Yes. Andrew Kline of the
22 Veritas Law Firm here on behalf of the licensee.
23 And Mike Cassar is, I believe also here.

24 CHAIRPERSON ANDERSON: So, Mike Cassar,
25 can yo identify yourself for the record so we can

1 elevate your rights, please. Okay. All right.

2 I can hear you but I can't see you.

3 MR. CASSAR: My camera is not working,
4 unfortunately.

5 CHAIRPERSON ANDERSON: All right.

6 MR. CASSAR: So, good morning.

7 CHAIRPERSON ANDERSON: Good morning,
8 it's fine.

9 Mr. Kline, can you please spell and
10 state your name for the record, please?

11 MR. KLINE: My name, Andrew Kline, A-N-
12 D-R-E-W, Kline, K-L-I-N-E.

13 CHAIRPERSON ANDERSON: And, Mr. Cassar,
14 can you please spell and state your name for the
15 record and your relationship?

16 My name is Michael Cassar. Michael,
17 M-I-C-H-A-E-L, Cassar. C-A-S-S-A-R. And I am the
18 building owner.

19 CHAIRPERSON ANDERSON: You are the
20 building owner. Do you currently have the
21 license, sir?

22 MR. CLINE: He controls the company
23 that has the license, yes, sir.

24 MR. CASSAR: That's correct.

25 CHAIRPERSON ANDERSON: All right.

1 Thank you.

2 All right. As you know, this is a
3 Fact-finding Hearing and a request has been made
4 to keep the license in safekeeping at least
5 through March 31, 2023.

6 It is my understanding that this
7 license has been in safekeeping since 2018. I'm
8 aware that we had the Covid and we were told that
9 that put some damper in the renovation and so
10 what we are here today can you give us an update
11 -- why are we here today?

12 MR. KLINE: Yes. Thank you, Mr.
13 Chairman.

14 So, yes, I mean Covid has presented a
15 great deal of difficulty. This building and we
16 can show you some pictures as to what it looked
17 like at one point has been completely renovated
18 and we are about two weeks away from a base
19 building Certificate of Occupancy.

20 The building has been redeveloped as
21 co-residency with residences upstairs and a
22 restaurant intended on the first two levels.

23 There are also plans that have been
24 developed to some extent which I can also share
25 with you which are ready to go. There were

1 negotiations with a tenant that we thought were
2 going to finalized last month. There were eight
3 months of negotiations, about 10 or 12 rounds of
4 lease drafts going back and forth and,
5 unfortunately, when the tenant was presented with
6 the signed lease last month he backed out of the
7 deal.

8 At this point it is a very desirable
9 package and as I said, we can show you the plans.
10 The owner has developed the restaurant plans
11 which is unusual. So, it's turn-key, it's ready
12 to go. The permit for the tenant fidel is ready
13 to go, can be applied for as soon as the base
14 building permit has been issued which is as I
15 said we expect to be in the next couple of weeks.
16 Covid has as the chair intimated, I mean, it's
17 been a problem. And my client has been at this
18 since 2019. And it has taken quite a bit of time
19 to get the building back up to code, redeveloped,
20 remodeled and as I said, I'm happy to share with
21 you photos of what it looks like and also the
22 plans for the restaurant which have been
23 developed at great expense and/or ready to go,
24 ready to be filed are a full set of permit
25 drawings and ready to go.

1 We expect that we will have a tenant
2 ready in place to file a transfer application by
3 the end of the year. We would ask the Board's
4 indulgence in allowing us to do that. The
5 license has been maintained. The payments have
6 been made. The safekeeping fees have been paid
7 and it would seem to be unfair through no fault
8 of the operators that they've been unable to get
9 this reopened if the license were now canceled
10 and not allowed to proceed to move forward
11 because that will cause great delays. And
12 there's already been a great deal of financial
13 stress as a result of the delays that have come
14 about because of the Covid Pandemic.

15 I'm happy to share whatever you want
16 to see.

17 CHAIRPERSON ANDERSON: I will ask that
18 you share what you need to share with regard to
19 the renovation of the building.

20 So, Mr. Orellana, can you please allow
21 Mr. Kline to share his briefing.

22 MR. ORELLANA: Your access has been
23 elevated.

24 MR. KLINE: Okay, great.

25 All right. One sec.

1 I've got a series of photographs, I'm
2 going to have --

3 CHAIRPERSON ANDERSON: You're not
4 sharing your screen with us, Ms. Kline.

5 MR. KLINE: All right. I'm doing that
6 now.

7 CHAIRPERSON ANDERSON: Okay.

8 MR. KLINE: All right. Mr. Cassar, of
9 you would describe to the Board, each of these
10 photos. I'm going to zip through them pretty
11 quickly. But tell the Board what we're looking
12 at.

13 MR. CASSAR: This is what the building
14 looks like today actually. You can see the top
15 part. Well, this is the commercial space.

16 MR. KLINE: Okay. I'll go back. You
17 weren't done with the first one.

18 MR. CASSAR: Well, we can keep going,
19 that's fine.

20 MR. KLINE: Okay.

21 MR. CASSAR: This is the commercial
22 space, the basement portion of it. You could see
23 it looks like two buildings. The original
24 building was the front part of it. The back part
25 of it is what we added as part of the new

1 building.

2 This is the first floor of the
3 commercial space.

4 This is what the units look like
5 inside.

6 MR. KLINE: These are the residences
7 upstairs?

8 MR. CASSAR: Yes. These are the
9 residences upstairs. This is the front entry to
10 the residence portion of the building. And that
11 door that's open right there is the entry to the
12 restaurant.

13 MR. KLINE: And just so we're clear.

14 The restaurant portion is the original
15 building, correct?

16 MR. CASSAR: That's correct.

17 MR. KLINE: And that's been occupied by
18 a restaurant and that's the premises that's
19 licensed under this license.

20 MR. CASSAR: That's correct.

21 More copies, more pictures of the
22 commercial space.

23 This is what the building looked like
24 under construction.

25 Again, under construction.

1 Elevator pit.

2 MR. KLINE: Construction?

3 MR. CASSAR: Yup. This is, you know,
4 before the new addition in the rear went up.

5 MR. KLINE: Right. And to the right is
6 where the addition went on?

7 MR. CASSAR: Yup, that's correct.

8 This was when we finished the basement
9 space.

10 And this is the big hole that we goto
11 to deal with. The building was landlocked so the
12 only equipment that I could fit was whatever I
13 could squeeze through the front door. And
14 needless to say, it was very, very time staking.

15 MR. KLINE: What is this?

16 MR. CASSAR: This was when we removed
17 the original slab. We underpinned the building
18 15 feet and so we have to remove the original
19 slab and dig down 15 feet across a 4,000 square
20 foot footprint. And we hit blue rock after
21 removing the slab, immediately after removing the
22 slab. So, we had to jackhammer our way almost
23 60,000 cubic feet of rock were removed out of
24 this space. And --

25 MR. KLINE: And this is underneath the

1 original building is that correct?

2 MR. CASSAR: That's correct. You are
3 standing in the building, in the original
4 building right now at the front entrance.

5 This is what it looks like today.

6 MR. KLINE: And this is the back of the
7 residential building?

8 MR. CASSAR: This is the back of the
9 residential building. Now, mind you the two
10 buildings, it's not two buildings. It is one big
11 building because the floors span from the front
12 of the original building to the back of the new
13 building. And so the entire building was
14 reconstructed.

15 MR. KLINE: Okay. But this is the new
16 portion?

17 MR. CASSAR: That is correct.

18 MR. KLINE: Same thing?

19 MR. CASSAR: Yup. And that was just
20 again a picture of the whole -- the back of the
21 property looking to the front of the property.

22 The structure that you see standing
23 there was the original existing building.

24 MR. KLINE: All right. Let me show you
25 something else. What is this? Can you what's on

1 the screen now?

2 MR. CASSAR: This is the equipment list
3 that we had speced out for the operator.

4 MR. KLINE: So, this is what would put
5 in in connection with the renovation of the
6 restaurant?

7 MR. CASSAR: That's correct.

8 MR. KLINE: All right. And I'm happy
9 to make hard copies of this available or
10 electronic copies of this available for the Board
11 to review at the Board Member's convenience.

12 And what do you have here?

13 MR. CASSAR: This is just part of the
14 plans for the restaurant space. I don't think
15 that picture says it. Well, this is actually the
16 permit set right there.

17 MR. KLINE: this is the permit set for
18 redevelopment of the restaurant space?

19 MR. CASSAR: Correct. So, that's a
20 full permit set with MEP's. So, all the MEP
21 engineering was completed and this was the set
22 that we were going to be submitting to DCRA.

23 MR. KLINE: All right. And you're
24 prepared to submit that as soon as you have a
25 base building certificate of occupancy and/or a a

1 tenant ready to proceed with the construction?

2 MR. CASSAR: That is correct.

3 MR. KLINE: Okay. I'm trying to find
4 you a layout, Board Members, because I know it's
5 in here.

6 MR. CASSAR: It would probably be at
7 the top of the --

8 MR. KLINE: The top.

9 MR. CASSAR: At the top of the set.

10 MR. KLINE: Okay.

11 MR. CASSAR: There you go. I just saw
12 it. Go down one. Go down again. Yes, so this
13 is the layout with the --

14 MR. KLINE: Oh, here we go.

15 MR. CASSAR: -- seats --

16 MR. KLINE: All right. We can see the
17 layout with the tables and chairs and this is
18 simply how the restaurant will lay out, Members
19 of the Board.

20 So, a lot of progress has been made
21 but we still have a little ways to go as you can
22 see.

23 If you could turn off my sharing, that
24 would be great.

25 CHAIRPERSON ANDERSON: What you need to

1 do, Mr. Kline, is to close your screen. You need
2 to stop sharing.

3 MR. KLINE: Okay.

4 MR. CASSAR: Yes, thank you.

5 CHAIRPERSON ANDERSON: And, Mr. Kline,
6 I will ask that you provide, you can send those
7 documents to licensing, the same place where the
8 request was made to extend safekeeping that these
9 documents be provided to us. Okay. I'd
10 appreciate that.

11 MR. KLINE: Happy to do that and we'll
12 also share them with Legal is that makes things
13 easier.

14 CHAIRPERSON ANDERSON: Yes. Yes,
15 please do.

16 Now, so if the Board was to grant this
17 safekeeping through -- it would be through --
18 this safekeeping. I'm sorry. Is this request
19 through March or was it through September 31st?

20 MR. KLINE: The request is through
21 March, I believe.

22 CHAIRPERSON ANDERSON: it's through
23 March 31st, 2023.

24 MR. KLINE: Yes, that's what we need.
25 I mean, you know, we expect to be -- we expect to

1 be in for a transfer before that but that would
2 make i t comfortable in terms of --

3 CHAIRPERSON ANDERSON: No, I'm just --
4 I don't have your request in front of me so
5 that's why I just wanted to make sure the request
6 that you made was it to extend it through October
7 -- September 31st or was it through like I said I
8 don't have it in front of me.

9 MR. KLINE: I don't have it in front of
10 me, either, Mr. Chairman. But if it was through
11 September then I would at this point on the
12 record amend that to respectfully request that it
13 be extended through the end of March.

14 CHAIRPERSON ANDERSON: Thank you. All
15 right. Any questions by the Board Members?

16 Mr. Grandis, go ahead, please.

17 MEMBER GRANDIS: Thank you. Good
18 morning, Mr. Kline. It's a pleasure to have you
19 explain this request.

20 I'm somewhat familiar with this
21 building and location. I understand what the
22 owner of the building has done. He has expanded
23 the building to the rear so there is no longer a
24 read patio, correct?

25 MR. CASSAR: There was never a rear

1 patio to begin with.

2 MEMBER GRANDIS: I'll move on. Okay.
3 I've been here since --

4 MR. KLINE: Mr. Grandis, Mr. Cassar may
5 not be aware of it but you and I are certainly
6 aware at one point there use made of a rear patio
7 there.

8 MR. CASSAR: Oh, I didn't realize that
9 because I just don't know where people could have
10 stood out there. I mean, there was the back of
11 the building but I don't think there was ever
12 outdoor -- I could be wrong.

13 MEMBER GRANDIS: Thank you, Mr. Kline.
14 I'm glad neither one of us has Alzheimer's yet.
15 But just so your client knows I've been here
16 since the '70s. So, a young chickadee.

17 So, there is no longer a patio.

18 MR. KLINE: There is not.

19 MEMBER GRANDIS: So, my question is, in
20 looking at the diagram it seems that the
21 restaurant usage will be, for the public will
22 just be the first floor?

23 MR. CASSAR: It will be the first floor
24 and the restaurant.

25 MEMBER GRANDIS: And the what, I'm

1 sorry?

2 MR. CASSAR: And the basement of the
3 space. It's 30 -- it's almost 3,600 square feet
4 across two floors.

5 MEMBER GRANDIS: Okay. So, because
6 there wasn't a basement before, I don't believe.
7 I think I heard you say you dug down 15 feet.
8 So, the public is going to be using the basement
9 as well, is that what I hear you saying?

10 MR. CASSAR: That's correct.

11 MEMBER GRANDIS: Okay. So, I'm not
12 going to ask you to call the document back up,
13 Mr. Kline, but I was trying to figure out is
14 there a -- how would the public leave the
15 building if the front door was locked?

16 MR. CASSAR: There are two other means
17 of egress inside the building itself.

18 MEMBER GRANDIS: What do they empty out
19 on to?

20 MR. CASSAR: There are two exits. One
21 on the very left side of the building and one on
22 the very right side of the building.

23 MEMBER GRANDIS: Okay. I follow that
24 but where does that put you out on? I mean,
25 there's no longer any

1 MR. CASSAR: At the front of the
2 street. On P Street. That's the only way in and
3 out of the building. There is no egress in the
4 rear which is why there are two staircases inside
5 the building for your two means of egress.

6 And so the basement also has a door
7 that allows you to exit through one of the
8 staircases. And then there's a staircase inside
9 the restaurant that allows you access from the
10 first floor to the basement floor.

11 MEMBER GRANDIS: But it's all onto --
12 to the front of the building, correct?

13 MR. CASSAR: That is correct.

14 MEMBER GRANDIS: Okay. Well, it seems
15 like a very nice build out.

16 Mr. Kline, I thought and I might have
17 misheard you, I thought you said that there was a
18 signed lease but then the so-called tenant backed
19 out, is that correct?

20 MR. KLINE: It was never signed. It
21 was fully negotiated. It was presented for
22 signature. It was expected about three weeks ago
23 that it was going to be signed and returned.
24 After eight months of negotiations, eight months
25 of back and forth some 10 to 12 to 15 drafts and

1 back and forth and then the tenant got cold feet
2 and walked at the -- I'll call it on the 11th
3 hour. I think it was about five minutes to
4 twelve.

5 MEMBER GRANDIS: So, Mr. Kline, we
6 understand it's a CT, correct?

7 MR. KLINE: Yes.

8 MEMBER GRANDIS: So, therefore, there's
9 no food requirement but I keep hearing the term
10 restaurant. Does the owner have an interest in
11 what type of restaurant? I'm not saying the
12 cuisine, but as you know, there's some hotels and
13 nice residences on that street that I think would
14 love to see some --

15 MR. KLINE: Yes, I mean, that depends
16 on the desires of the operator. As you know,
17 there are a number of what would be transparent
18 to the public restaurants that have CT licenses
19 for one reason or another. And it really is
20 dependent upon the style of cuisine and how
21 casual it is and other things in terms of their
22 concerns about meeting the minimum service
23 requirements. But, this space is planned with a
24 kitchen so, I mean, it is intended and it is --
25 it's believed that there will be a significant

1 food service component. Whether that rises to
2 the level of meeting the requirements of minimum
3 food service for a CR or not we don't know. But
4 the CT provides the flexibility for that.

5 MEMBER GRANDIS: I want to thank you
6 for your answers, sir. Thank you.

7 MR. KLINE: Thank you, Mr. Grandis.

8 CHAIRPERSON ANDERSON: Any other
9 questions by the other Board Members?

10 MR. CASSAR: Mr. Chair, I'd just like
11 to make a clarification for the record.

12 The bottom floor of this new building
13 or the new portion of the building that would be
14 considered by the building code to be an English
15 basement.

16 Thank you. That's all I have.

17 CHAIRPERSON ANDERSON: All right. Any
18 other questions by the Board Members?

19 All right. Any final comments you
20 want to make, Mr. Kline?

21 MR. KLINE: No. We will as requested
22 by the Chair submit what I was showing the Board
23 today to Licensing and Legal.

24 Covid has delayed many, many things,
25 including our having these hearings virtually and

1 my office returning to its premises downtown.
2 But it's also delayed the normal course of
3 business events, including permitting processes,
4 construction, lease negotiations, almost
5 everything that we can think of. And we would
6 just, given the fact that there's been good faith
7 efforts to move forward, the money's been spend.
8 Payments have been made in connection with
9 maintaining this license that the Board just
10 grant us and indulge us and let us see if we can
11 get this to the finish line.

12 CHAIRPERSON ANDERSON: Thank you for
13 your presentation, Mr. Kline. The Board will
14 take this matter under advisement.

15 Thank you very much.

16 MR. KLINE: Thank you very much.

17 CHAIRPERSON ANDERSON: Have a great
18 day.

19 MR. CASSAR: Thank you very much.

20 CHAIRPERSON ANDERSON: You're welcome,
21 sir.

22 (Whereupon, the above interview was
23 concluded at 11:22 a.m.)
24
25

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In the matter of: Hearing

Before: ABC Board

Date: 09-21-22

Place: Vieoconference

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Court Reporter

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