

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

2 11:02 a.m.

3 CHAIRPERSON ANDERSON: Okay. The next
4 case on our calendar is another fact finding
5 hearing. This is, it's formerly
6 Sterling/Gunston, LLC, t/a To Be Determined,
7 License Number 111806.

8 Ms. Andrews, I'm going to wait a
9 minute, please.

10 MS. ANDREWS: Sure. Let me get the
11 last parties off.

12 CHAIRPERSON ANDERSON: Yes, that's why
13 I stopped. I was waiting for them to get off
14 before I asked you to elevate the rights of the
15 others. But at the appropriate time, you can
16 elevate the rights of the parties in this case,
17 please.

18 MS. ANDREWS: Okay. Ms. Miller, your
19 rights have been elevated. And, Mr. Blanchard,
20 your rights have been elevated. And, Mr.
21 Herndon, your rights have been elevated. That's
22 all, Mr. Chair.

23 CHAIRPERSON ANDERSON: Thank you, Ms.
24 Andrews.

25 MR. BLANCHARD: Good morning,

1 everyone.

2 CHAIRPERSON ANDERSON: Good morning,
3 Mr. Blanchard. Can you please spell and state
4 your name for the record? And then you can let
5 me know who else is with you, and then they can
6 identify themselves. So, Mr. Blanchard, go
7 ahead, please.

8 MR. BLANCHARD: Yes. Good morning.
9 Good morning, Chairman Anderson and members of
10 the ABC Board. My name is Lyle Blanchard. And
11 I'm representing the owner, Sterling/Gunston,
12 LLC. With me this morning are, should be two
13 witnesses, Ms. Liesa Miller and Mr. Austin
14 Herndon.

15 CHAIRPERSON ANDERSON: Mr. Blanchard,
16 good morning. Thank you. Can you just spell
17 your name for the record, please?

18 MR. BLANCHARD: Oh, I'm sorry. Yes,
19 it's first name Lyle, L-Y-L-E. Last name is
20 Blanchard, B-L-A-N-C-H-A-R-D.

21 CHAIRPERSON ANDERSON: Ms. Miller, can
22 you please spell and state your name for the
23 record, please, and your relationship?

24 MS. MILLER: Good morning. It's Liesa
25 Miller. It's L-I-E-S-A, last name Miller, M-I-L-

1 L-E-R. And I'm the regional property manager.

2 CHAIRPERSON ANDERSON: Good morning.

3 And, Mr. Herndon, can you please spell and state
4 your name for the record and relationship,
5 please? We can't hear you, Mr. Herndon.

6 MR. HERNDON: Sorry about that. Hi.
7 Austin Herndon, A-U-S-T-I-N, H-E-R-N-D-O-N. And
8 I'm the senior vice president of leasing at
9 Bernstein Management, who is the manager of the
10 building.

11 CHAIRPERSON ANDERSON: Good morning.
12 Mr. Blanchard, this license has been in
13 safekeeping since September 12, 2018. And we're
14 just trying to find out where are we in bringing
15 this restaurant license back into the fold.

16 So I know that you have sent requests
17 requesting a six-month extension. But the Board
18 is not satisfied with the response that was
19 provided or I'm -- well, let me ask that way***.
20 I'm not sure -- well, the Board is not satisfied
21 with the response.

22 So that's one of the reasons why we're
23 having this hearing today, and so you can let us
24 know where it is, where is it that, what's going
25 on with this license, and what's the timeline

1 that you believe the tenant would be identified
2 so this license can be back into production, into
3 productive use.

4 MR. BLANCHARD: Thank you. Thank you,
5 Mr., Chairman Anderson.

6 Sterling/Gunston, LLC is the owner of
7 the property at 1603 17th Street. It has another
8 address as well. But the address listed on the
9 license is 1603 17th Street.

10 Sterling/Gunston was, you are correct,
11 was granted permission on September 12, 2018 to
12 transfer the license of its former tenant,
13 Pansaari LLC, into the landlord's name and place
14 what is now a Class E restaurant license 111806
15 into safekeeping until such time as the landlord
16 could find a new tenant.

17 And since then the Board has granted
18 several six-month extensions of safekeeping until
19 now. The license fees are up-to-date, with the
20 third year annual license fee paid this past
21 April.

22 As you will hear from the witnesses,
23 Ms. Miller and Mr. Herndon, the tenant space is
24 attractive, and there have been interest from
25 potential tenants. Hopefully, COVID is now

1 waning and a new tenant will be found that is
2 ready to commit to leasing and transferring the
3 license into its name.

4 Thank you for holding this hearing.
5 We understand the Board's purpose for this
6 hearing is to gather more detail about that
7 process.

8 So Ms. Miller will talk about the
9 history of the space and the property owner's
10 continued need for the license. Mr. Herndon will
11 be talking about the marketing of the tenant
12 space. And then we're available to answer any
13 questions the Board may have at this time. So
14 I'd like to turn to Ms. Miller for her comments.

15 MS. MILLER: Thanks, Mr. Blanchard.
16 So, previously, the space was used as a
17 restaurant. And then they acquired their liquor
18 license and tried to draw more of a happy hour
19 crowd.

20 Where it's situated in DuPont is very
21 close to a lot of restaurants that sell liquor.
22 It's Hank's Oyster Bar. It's Trio. It's Fox and
23 the Hound. And to make this space marketable, we
24 need this liquor license to be able to pass that
25 on to the new tenant.

1 So we haven't had much traction on
2 this space throughout COVID and, you know, just
3 for obvious reasons. And the restaurant was to
4 go in under just a take-out umbrella. But we
5 have picked up as far as traffic on prospects
6 and, which is the reason we'd like to retain this
7 license.

8 MR. HERNDON: And I can probably add
9 a little additional color if you'd like. Just
10 for your recall*** and maybe nobody's aware of
11 this, Pansaari signed a ten-year lease where the
12 ownership, you know, provided funds for the
13 tenant fit-out. Unfortunately, they went out of
14 business after about two and a half, three years.

15 So we put a significant investment in
16 the space that was specifically built out as a
17 restaurant. And with that, a liquor license, you
18 know, was a key component to that.

19 Unfortunately, they went out of business.

20 We have hired PayLNV Retail*** to do
21 the marketing on that space. And interestingly
22 enough, we actually did not have much action on
23 the space, a lot of interest in the space until
24 just the last few months, which is interesting
25 because, you know, retail has had a tough time

1 over the last 20 months or so.

2 But the last couple months interest
3 has picked up significantly. And unfortunately
4 or fortunately, all the interest is typically
5 from restaurant users that would like to have
6 that liquor license.

7 So we're, I feel like we're at a sort
8 of cusp here of hopefully in the 6 months, maybe
9 longer, unfortunately things do take a while, but
10 hopefully in the next 6 to 12 months that we will
11 have a restaurant user for the space that will
12 open up for business and will need that liquor
13 license.

14 CHAIRPERSON ANDERSON: The concern
15 that I have is that if the Board was to grant
16 this extension, what's the expectation, because
17 this is through, would be through March 31, 2022.
18 We're now in November, just a couple more months.

19 So why does that -- so, therefore, it
20 appears that we're looking for another, you would
21 be looking for another extension. So what is it
22 that -- if the Board was to grant this extension,
23 if you come back to us, what would be the
24 expectation of, what would be the expectation?

25 MR. HERNDON: Well, unfortunately, we

1 can't control, you know, the demand right now.
2 Having said that, there will be -- with the
3 liquor license, there's a lot more interest in
4 the property.

5 It's a large space. It's 6,800 square
6 feet. It's larger than most restaurants. It's
7 below grade space with very little windows. So
8 the liquor license fortunately or unfortunately
9 is a key component to us leasing this space.

10 CHAIRPERSON ANDERSON: No, I guess the
11 question I'm asking, sir, it's not apparent based
12 on what you're saying that even, if we were to
13 grant this extension, that on April 1st the
14 license would be, there would be a use. Is that
15 --

16 MR. HERNDON: Yeah.

17 CHAIRPERSON ANDERSON: -- there would
18 be a tenant in this space utilizing the license
19 and utilizing the license and generating taxes
20 for the residents of the District of Columbia.

21 So that's what I'm saying to you,
22 asking you. If we were to grant this extension,
23 it's likely that you're going to come back to us
24 and ask for another one.

25 So what is it that the Board should

1 expect if we were to grant this extension and
2 you're going to come back to us again asking for
3 another six months?

4 MR. HERNDON: Yeah, my -- you know, I
5 hate to, you know, make predictions. But my gut
6 is we're going to have a tenant here in the next
7 six months. I don't know if they will be up and
8 running in the next six months with construction
9 and things like that. But I think we'll have a
10 signed lease.

11 Now I might have just jinxed it by
12 saying that. But we've got a marketing team.
13 We're willing to put in improvements. We're
14 checking all the boxes to get a tenant here.
15 But, you know, like I said, I don't want to make
16 any guarantees.

17 CHAIRPERSON ANDERSON: All right. Any
18 questions by any other Board members?

19 MEMBER GRANDIS: Mr. Chairman?

20 CHAIRPERSON ANDERSON: Yes, Mr.
21 Grandis.

22 MEMBER GRANDIS: Mr. Blanchard, it's
23 a pleasure to see you today and --

24 MR. BLANCHARD: Good to see you, too,
25 Mr. Grandis.

1 MEMBER GRANDIS: I hope you and your
2 family are well.

3 MR. BLANCHARD: Yes, thank you. Hope
4 you are, too.

5 MEMBER GRANDIS: Thank you. Thank you
6 very much. Yes, God willing, right?

7 MR. BLANCHARD: Right.

8 MEMBER GRANDIS: I think I know this
9 space very well. I think you helped your -- I
10 think your clients helped remind me that this is
11 actually on 17th Street in a commercial building,
12 which is somewhat surrounded by a lot of historic
13 townhouses, and that the space itself is -- I
14 don't think you would call it in this basement.
15 I think it is actually a basement. So am I
16 correct, is that this is the space that's, you
17 walk down the concrete stairs to get into the
18 space?

19 MR. BLANCHARD: That's correct.
20 That's right. Mr. Herndon might be able to say
21 something more about this.

22 MR. HERNDON: Yeah, it's -- you walk
23 downstairs from 17th Street. But to be clear,
24 the first two levels are retail, and then there's
25 an apartment building above.

1 MEMBER GRANDIS: Above it, yes. So
2 I'm somewhat puzzled. There is no moratorium
3 against CR restaurants or CR licenses in this
4 area. And it's my understanding I guess by just
5 having this hearing that this particular licensee
6 has been keeping current with the annual fees,
7 which is not a small amount of money I would
8 imagine.

9 Is the purpose of trying to market it
10 with this CR license to somewhat avoid having a
11 packeting or a public comment period? Is that
12 part of the equation here, because if this did
13 not have a current license it would be my
14 understanding that someone could come in and
15 request a CR license in that area?

16 MR. BLANCHARD: Mr. Grandis, the
17 license that was granted to Pansaari before has
18 the hours of 9:00 a.m. to 11:00 p.m. Monday
19 through Sunday. So that's, you know, that's kind
20 of the typical, actually it's a little bit less.
21 You know, it ends earlier than a lot of
22 restaurants' licenses these days that the Board
23 may grant.

24 So a transfer to a new tenant without
25 a substantial change would, you know, speed up

1 the process, make them able to start operating
2 sooner. That's true.

3 And, you know, if the tenant decides
4 to do something beyond that, then that tenant
5 would have to come back to the Board for a
6 substantial change.

7 So there's really nothing. It's just
8 a plain vanilla license. So it's not -- I don't
9 see it as a, any kind of a going around the
10 process really because of that.

11 MEMBER GRANDIS: Right. It's my
12 recollection that at one time the licensee was an
13 acclaimed chef actually in the D.C. area and that
14 there was a lot of interest in going there for
15 meals.

16 But I believe that the last number of
17 years that this license, this location was open
18 it really turned more into a nightclub type of or
19 happy hour with long lines of people trying to go
20 in.

21 I'm somewhat concerned that -- I
22 understand the intent, and I respect the intent.
23 But I just thought that there's a history here
24 where you could, where there was too much ground
25 level and second floor competition to, and this

1 space is 6,000 square feet, that it just was not
2 conducive to a fine dining experience with the
3 competition on those two blocks around there.

4 MR. HERNDON: I think -- so the
5 previous tenant, Pansaari, I can assure you they
6 did not have lines out the door because otherwise
7 they'd still be there. I think you might be
8 referring to a tenant that was there ten-plus
9 years ago, actually maybe even longer. And I
10 can't recall their name.

11 MS. MILLER: Chaos.

12 MR. HERNDON: Chaos. But I don't
13 think they had an acclaimed chef, but I could be
14 wrong.

15 MEMBER GRANDIS: Before that.

16 MR. HERNDON: Yeah.

17 MS. MILLER: So, Mr. Grandis, when
18 Pansaari was there, Rono*** was the owner. And
19 she was a chef. And she held cooking classes.

20 MEMBER GRANDIS: Yes.

21 MS. MILLER: And then she pivoted to
22 more of like a -- she added the liquor license,
23 and she had to add a bathroom. And her goal was
24 to do cooking schools. And she added a market
25 for spices and small retail.

1 And then when that wasn't generating
2 enough income, she thought she could pull in a
3 happy hour crowd. So she added a chai bar and,
4 you know, some alcoholic cocktails and happy
5 hour specials, but never lines out the door,
6 never really got a lot of traction on it.

7 And then, unfortunately, she did end
8 up closing. So she never had lines out the door,
9 didn't have much of a crowd either for lunch or
10 dinner, which is why she tried to pivot to the
11 cooking classes.

12 So I think maybe you might be
13 confusing with the previous Club Chaos, which was
14 a nightclub that predates my time here at
15 Bernstein. But from my understanding, they did
16 have crowds, and it was a much busier place, but,
17 you know, unfortunately, never since Pansaari was
18 in the space.

19 MEMBER GRANDIS: Thank you. Thank
20 you. And thank you all for, you know, the
21 updates. Mr. Chairman, thank you so much.

22 CHAIRPERSON ANDERSON: Thank you, Mr.
23 Grandis. Any other questions by any other Board
24 members? Mr. Blanchard, any final comments you
25 want to make?

1 MR. BLANCHARD: Yes, Mr. Anderson. So
2 you've heard from Ms. Miller and Mr. Herndon.
3 The owner is willing to do a fair amount to
4 attract a new tenant, a new viable tenant,
5 offering tenant improvements and other
6 concessions. So, and Mr. Herndon kind of stuck
7 his neck out and hopefully won't jinx getting a
8 new tenant.

9 But restaurants are slowly coming back
10 now. And I think that momentum is growing in
11 D.C. now that the COVID numbers are down for
12 things to happy between now and March. So the
13 expectation is that we will have a new tenant and
14 be able to transfer the license to that new
15 tenant by March.

16 CHAIRPERSON ANDERSON: Thank you for
17 the presentation, Mr. Blanchard. The Board will
18 take this matter under advisement.

19 Just as an FYI, though, there is a
20 specific statute that requires that once, if you
21 requested an extension, that you need to provide
22 the Board with sufficient information.

23 So what we're asking is that for this
24 case, and for any other case, if you request the
25 extension off the safekeeping status, is to

1 provide us with sufficient information that the
2 Board can make an educated decision whether or
3 not, for us to make a determination whether or
4 not we believe that progress has been made.

5 We might not necessarily agree with
6 the level of progress, but reasonable minds can
7 agree that reasonable progress has been made, and
8 in light of the location and the circumstances
9 that this is what's considered progress.

10 So the Board will take this matter
11 under advisement. And we will issue a decision.
12 Thank you very much for your presentation this
13 morning.

14 MR. BLANCHARD: Thank you.

15 CHAIRPERSON ANDERSON: All right.
16 Thank you.

17 (Whereupon, the above-entitled matter
18 went off the record at 11:21 a.m.)
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This is to certify that the foregoing transcript

In the matter of: Sterling

Before: DCABRA

Date: 11-03-21

Place: teleconference

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Court Reporter

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