

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
 :
Shallamar Enterprises, :
LLC, :
t/a Capitol Hill Tandoor :
& Grill :
419 8th Street SE : Fact Finding
Retailer CR : Hearing
License No. 60689 :
 :
(Request to Extend :
Safekeeping) :

Thursday
November 7, 2019

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
JAMES SHORT, Member

ALSO PRESENT:

JULIE HUSSAIN, APPLICANT
RICHARD BIANCO, APPLICANT

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

2 11:29 a.m.

3 MR. ANDERSON: We're back on the
4 record. Our next case, a fact finding hearing,
5 Capitol Hill Tandoor & Grill, License No. 60689.
6 Will the parties please approach and identify
7 themselves for the record, please?

8 MS. HUSSAIN: Good morning; Julie
9 Hussain, owner.

10 MR. BIANCO: Good morning; Richard
11 Bianco on behalf of the establishment.

12 MR. ANDERSON: Good morning, Mr.
13 Bianco. All right. This license has been in
14 safekeeping since August 19th, 2017, so this is
15 over two years.

16 MR. BIANCO: Yes, sir.

17 MR. ANDERSON: So, where are we, and
18 when do you anticipate this business will be
19 operational?

20 MR. BIANCO: Mr. Anderson, so this
21 particular establishment closed for extensive,
22 extensive renovations. They're essentially doing
23 a gut job renovation, and they've been diligently
24 pursuing that. It's still in permitting, believe
25 it or not.

1 They filed -- there's three permits at
2 issue here. The first is a demolition permit
3 which they filed in May of 2017. And according
4 to the permit status by DCRA as of yesterday,
5 that permit is still in HPRB review.

6 MR. ANDERSON: What is HPRB?

7 MR. BIANCO: Historic Preservation
8 Review Board.

9 MR. ANDERSON: Okay.

10 MR. BIANCO: Their second permit is
11 for interior demolition, and that was filed in
12 July of 2017. There have been various filings
13 since then, and the current status of that is
14 what's called wall check verification, which is a
15 process done by DCRA to verify the exterior walls
16 of the premises are not encroaching on the
17 neighboring properties, and they haven't done
18 that yet.

19 The third permit is the biggest one,
20 and that is the actual building permit where the
21 shell building that will exist after the
22 demolition will be completely renovated and
23 rebuilt. That permit was filed in January of
24 2018. In mid-September of 2018, DCRA finally
25 replied with comments to the structural review

1 and notified the applicant, and we are now in the
2 process of our structural engineer responding to
3 DCRA's comments to that particular application.

4 I do have copies for the Board of the
5 permit status from DCRA if you'd like to --

6 MR. ANDERSON: I was just about to
7 say, that would have been appropriate if all the
8 information was filed with the requests, then at
9 least the Board is aware that the owner is in the
10 process of doing what's necessary, and we're not
11 in a wait and see. But I know --- but what's
12 taking -- I mean, if -- are you telling me that
13 it's like two and a half years, and the District
14 cannot make a decision? What's taking so long?
15 I mean, I -- this is two years.

16 MR. SHORT: Mr. Chair, can I comment?

17 MR. ANDERSON: Yes, Mr. Short.

18 MR. SHORT: Okay. Mr. Bianco and Mr.
19 Chair, I'm kind of familiar with this process,
20 especially when you're talking about the core
21 building, and you're talking about Capitol Hill.

22 There's an awful lot of red tape, Mr.
23 Chair, and if these documents -- it looks like
24 they are the official from the DCRA and the track
25 status of building permit application.

1 It does take an awful long time, and
2 in the process on Capitol Hill, there's a lot of
3 people, complain, complain, complain. But the
4 federal government is involved in the
5 Preservation Review Board. They're not
6 accountable to a lot of people, only to
7 themselves, and the city council has a problem
8 with them also.

9 But at any rate, this is Capitol Hill
10 Proper. This is Barracks Row, and there's a lot
11 of things going on over there. They've had a lot
12 of problems with the popups and all those other
13 things in the community, so they're making
14 everybody -- they're checking their list, and
15 they're checking it twice, I guess. I would
16 think that it's not unreasonable to think that
17 this could happen on Capitol Hill.

18 MR. BIANCO: To add -- thank you, Mr.
19 Short. I appreciate that insight; I think it's
20 100 percent accurate. I can add to that a little
21 bit by saying that I spent about 20 percent of my
22 practice dealing with licensure matters, but the
23 rest of it's in real estate. So I have some
24 experience with this, and I can tell you that for
25 a renovation of this broad of a scope, a

1 permitting process of two and a half years, at
2 this point, the way DCRA runs its permitting, is
3 an unfortunate reality.

4 I share office space with an
5 architectural firm, and I have the pleasure of
6 hearing them on the phone with DCRA daily,
7 yelling about permit processing times of a year
8 to two. In some terrible cases, it could even be
9 three years to get through permitting when HPRB
10 approval is required is unfortunately -- it's not
11 unusual.

12 And here where we're going through
13 this process, it's been an extreme financial
14 hardship. They're not operating. They have no
15 income. They want to be open very much more than
16 the Board wants them to be open.

17 MR. ANDERSON: Anything else? Any
18 other representation you want to make?

19 MR. BIANCO: No, sir.

20 MR. ANDERSON: I mean, what else is
21 this? Because clearly what you're saying to me
22 is that this restaurant is not going to be
23 operational by April 1st, 2020. Will it be
24 clear, then, that if you're going to request
25 another extension, that you provide us

1 documentation to provide the Board with
2 documentation to say where we are in the process?
3 If you provide the documentation and say, This is
4 where we are in the process, the Board will
5 understand that, okay, this is just an operation
6 that -- this is not a licensee not utilizing the
7 license or not doing what's necessary.

8 But if you provide us the status to
9 say, This is where we are in the process, then
10 the Board will understand that it's beyond your
11 control, and you're doing everything you need to
12 do to move the process along.

13 But all we got was a letter asking for
14 six months' extension. It doesn't tell us where
15 we are. Although it's a Class E license, our job
16 is, we don't want to keep a lot of licenses in
17 safekeeping unless it's a class of license where
18 people cannot, because of the laws, this license
19 cannot be utilized.

20 A Class E license, a restaurant, in
21 every neighborhood where there's a moratorium,
22 there's never a moratorium on a restaurant
23 license. Yes?

24 MS. HUSSAIN: Could I -- I have a
25 question. The next time I submit a letter asking

1 for an extension, do we scan these --

2 MR. ANDERSON: Provide us --

3 MS. HUSSAIN: -- current ones that I
4 get, to scan those and send them along with --

5 MR. ANDERSON: Yes, ma'am, send that
6 with your request. At least the Board will look
7 at it, and we'll see that you are doing what it
8 is that you need to do to move this process
9 along. I mean, we don't know what's going on. I
10 don't know how long this process is, so that's
11 why my first question to you before Mr. Short
12 jumped in was, Okay, that's two years.

13 I mean, the mayor talks about DCRA and
14 expeditors; why are you coming in and telling me
15 that you put an application in two years ago.
16 It's two and a half years, and you're still
17 waiting for approval?

18 So to me that's hard to believe
19 because I don't know. I don't know, and a
20 typical person, if you say that to a typical
21 person that you're waiting two and a half years
22 for the District to approve something. And I
23 believe if you go see the mayor in the street
24 today and he heard, I'm waiting two and a half
25 years for something to happen, she's going to

1 say, That's impossible. My agency doesn't work
2 that way.

3 Because that's not, in these days and
4 times, you don't anticipate that anything would
5 take this long to process. Okay?

6 MS. HUSSAIN: Right.

7 MR. ANDERSON: So just, if you have to
8 request another extension, which I would hope you
9 didn't have to, but it appears that you probably
10 will --

11 MS. HUSSAIN: Yes.

12 MR. ANDERSON: -- just provide us the
13 status so we will know, and the Board will
14 routinely approve it.

15 MS. HUSSAIN: Okay.

16 MR. ANDERSON: Okay? Any other
17 representation you want to make?

18 MS. HUSSAIN: No, sir. Thank you so
19 much for your time.

20 MR. ANDERSON: You're welcome, and
21 thank you for being here today. With that, I
22 will make a motion that we grant the extension
23 through March 31st, 2020. Is there a second?

24 MR. SHORT: Second.

25 MR. ANDERSON: Mr. Short has seconded

1 the motion. All those in favor say aye.

2 (Chorus of aye.)

3 MR. ANDERSON: Those opposed? The
4 matter is passed 3-0-0. Thank you very much for
5 being here today, ma'am. As I said before, you
6 can save yourself some time when you apply for an
7 extension. Just provide us this information so
8 we will know what is going on. Okay? Have a
9 great day.

10 MR. BIANCO: Have a nice day.

11 MR. ANDERSON: Thank you. All right.
12 The Board will be in recess until 1:30.

13 (Whereupon, the fact finding hearing
14 in the above-entitled matter was concluded at
15 11:40 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 10:15 above-entitled 10:14 accountable 5:6 accurate 5:20 actual 3:20 add 5:18,20 agency 9:1 ago 8:15 Alcoholic 1:2,14,14 Anderson 1:16,18 2:3 2:12,17,20 3:6,9 4:6 4:17 6:17,20 8:2,5 9:7 9:12,16,20,25 10:3,11 anticipate 2:18 9:4 appears 9:9 applicant 1:22,22 4:1 application 4:3,25 8:15 apply 10:6 appreciate 5:19 approach 2:6 appropriate 4:7 approval 6:10 8:17 approve 8:22 9:14 April 6:23 architectural 6:5 asking 7:13,25 August 2:14 aware 4:9 awful 4:22 5:1 aye 10:1,2</p>	<p>cases 6:8 CATO 1:19 Chair 4:16,19,23 Chairperson 1:15,18 check 3:14 checking 5:14,15 Chorus 10:2 city 5:7 class 7:15,17,20 clear 6:24 clearly 6:21 closed 2:21 COLUMBIA 1:1 coming 8:14 comment 4:16 comments 3:25 4:3 community 5:13 complain 5:3,3,3 completely 3:22 concluded 10:14 control 1:2,14,14 7:11 copies 4:4 core 4:20 council 5:7 CR 1:8 current 3:13 8:3</p>	<p>experience 5:24 Extend 1:10 extension 6:25 7:14 8:1 9:8,22 10:7 extensive 2:21,22 exterior 3:15 extreme 6:13</p>	<p style="text-align: center;">J</p> <p>JAMES 1:19 January 3:23 job 2:23 7:15 JR 1:19 Julie 1:22 2:8 July 3:12 jumped 8:12</p>
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		<p style="text-align: center;">H</p> <p>half 4:13 6:1 8:16,21,24 happen 5:17 8:25 hard 8:18 hardship 6:14 heard 8:24 hearing 1:8,14 2:4 6:6 10:13 Hill 1:7 2:5 4:21 5:2,9 5:17 Historic 3:7 hope 9:8 HPRB 3:5,6 6:9 Hussain 1:22 2:8,9 7:24 8:3 9:6,11,15,18</p>	<p style="text-align: center;">M</p> <p>ma'am 8:5 10:5 making 5:13 March 9:23 matter 1:5 10:4,14 matters 5:22 mayor 8:13,23 mean 4:12,15 6:20 8:9 8:13 MEETING 1:3 Member 1:19,19 met 1:14 mid-September 3:24 months' 7:14 moratorium 7:21,22 morning 2:8,10,12 motion 9:22 10:1 move 7:12 8:8</p>
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: ABRA Hearing

Before: Alcoholic Beverage Control Board

Date: 11-07-19

Place: Washington, D.C.

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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