

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:                   :  
   :  
Dancing Crab, LLC,                 :  
t/a Dancing Crab                   :  
4615 41st Street NW               :  
Retailer CR - ANC 3E               :  
License No. 90297                  :  
   :  
(Request to Extend                 :  
Safekeeping)                       :

Wednesday  
May 2, 2018

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
- NICK ALBERTI, Member
- BOBBY CATO, JR., Member
- DONALD ISAAC, SR., Member
- MIKE SILVERSTEIN, Member
- JAMES SHORT, Member

ALSO PRESENT:

- STEPHEN O'BRIEN, Licensee's Attorney
- TOM McDOWELL, Business Manager

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

2 1:30 p.m.

3 CHAIRPERSON ANDERSON: I'll call the  
4 next case, the Dancing Crab, License No. 90297.

5 This is a request to extend the  
6 safekeeping of license. This is a license that  
7 has been in safekeeping since December 23, 2013.

8 So what we need to find out is that I  
9 don't recall if this case has been before me  
10 before, because I don't have the transcript to  
11 see if this case has appeared before, at least,  
12 me as the Board Chair prior to this date. So I  
13 need to find out from the licensee why is it the  
14 license has been in safekeeping now for four and  
15 a half years. And what is their plan to bring  
16 this license into use and what's the time line to  
17 bring this license into use?

18 Providing -- even if the Board was to  
19 grant the request for safekeeping, it would be  
20 through September 30, 2018. It's now March. So  
21 will this license be in operation by September  
22 30, 2018? And if it's not going to be in

1 operation by -- which is -- we normally grant  
2 these requests for six months, so that's why I'm  
3 throwing that date out.

4 So is it going to be in -- so even if  
5 we were to agree with you today and we grant the  
6 request, it would be through September 30, 2018.  
7 So that's one deadline that we need to address.  
8 And if you are unable to bring this license into  
9 operation by September 30, 2018, what deadline  
10 are we talking about and what are your plans to--  
11 it can't be -- what are your plans?

12 MR. O'BRIEN: Stephen O'Brien for the  
13 licensee.

14 CHAIRPERSON ANDERSON: Good afternoon,  
15 sir.

16 MR. O'BRIEN: I'm accompanied by Tom  
17 McDowell, who is the business manager for the  
18 ownership of the --

19 MR. McDOWELL: McDowell.

20 MR. O'BRIEN: -- license. The  
21 reporter has our business cards for spellings.

22 CHAIRPERSON ANDERSON: Sure. That's

1 fine. Thanks.

2 MR. O'BRIEN: Since the Chair is not  
3 familiar with this, I'll give a very brief recap.  
4 The Dancing Crab business exists -- has existed  
5 at the 41st Street, N.W., site, which is just off  
6 of Wisconsin Avenue by Brandywine Street.

7 The Dancing Crab has existed there for  
8 40 years maybe. Under previous ownership, the  
9 licensee became problematic for the Board and was  
10 facing serious disciplinary prospects. The long-  
11 time patrons and family of the business, a  
12 husband and a wife team, Carlos and May-May,  
13 that's M-A-Y hyphen M-A-Y Horcasitas bought the  
14 business in, I guess, 2013 or 2012 and attempted  
15 to rehabilitate it. Meaning, bring the business  
16 back to its former glory.

17 Now, that was not successful and the  
18 business was shutdown and the license put into  
19 safekeeping, as the Chair says, four years ago.

20 The owners also purchased the building  
21 the Dancing Crab was located in and an adjacent  
22 building. And they have been pursuing

1 redevelopment of that site, those two buildings  
2 now for several years and it has culminated in  
3 the filing, in the recent months with the Board  
4 of Zoning Adjustment for approval of a Planned  
5 Unit Development.

6 Now, what I passed up to the Board  
7 staff before this session started was, what do  
8 you call it, the plans and the renderings and the  
9 concept for this new building.

10 The answer to the Board, to the  
11 Chair's question is no, it will not be ready to  
12 reopen by September 30th. Assuming that the  
13 Planned Unit Development approval at the Zoning  
14 Commission goes forward as anticipated, we think  
15 that the most optimistic date for resumption of  
16 use of the license would be in very late 2019.  
17 But to be candid, more likely the first quarter  
18 of 2020.

19 CHAIRPERSON ANDERSON: So I'm sorry,  
20 I -- so tell me exactly where are we now with  
21 this redevelopment of this property exactly?

22 MR. O'BRIEN: It's before the Zoning

1 Commission.

2 CHAIRPERSON ANDERSON: Is there --

3 MR. O'BRIEN: For approval of a  
4 Planned Unit Development. And what I passed up  
5 and I'm sorry I don't have multiple copies, but  
6 what I passed up is part of the supporting  
7 documentation.

8 The attention here is to demonstrate  
9 to the Board that this really -- this property  
10 truly is under redevelopment.

11 CHAIRPERSON ANDERSON: Sure.

12 MR. O'BRIEN: And it's not the case of  
13 the license just languishing in safekeeping --

14 MEMBER ALBERTI: Can I --

15 MR. O'BRIEN: -- for the fun of it.

16 MEMBER ALBERTI: -- ask a question?

17 CHAIRPERSON ANDERSON: Yes, Mr.

18 Alberti.

19 MEMBER ALBERTI: Do you have a case  
20 number?

21 MR. O'BRIEN: Yes.

22 CHAIRPERSON ANDERSON: That was my

1 next question.

2 MEMBER ALBERTI: Oh, okay, great.

3 MR. O'BRIEN: It's 18-03.

4 MEMBER ALBERTI: Pardon? What?

5 MR. O'BRIEN: Before the Zoning

6 Commission.

7 MEMBER ALBERTI: Yeah.

8 MR. O'BRIEN: 18-03.

9 MEMBER ALBERTI: Okay.

10 MR. O'BRIEN: I have here --

11 MEMBER ALBERTI: That will help us

12 follow along in the future.

13 MR. O'BRIEN: Sure.

14 MEMBER ALBERTI: So maybe we could

15 avoid these.

16 CHAIRPERSON ANDERSON: So what is it

17 that you have in front of you, Mr. O'Brien?

18 MR. O'BRIEN: Well, what the Board has

19 in front of it --

20 CHAIRPERSON ANDERSON: No. You have

21 a piece of paper.

22 MR. O'BRIEN: I have a piece of paper,

1       yes, sir.

2                   CHAIRPERSON ANDERSON:  No, you said I  
3       have it in front of me, so I'm asking what is it  
4       that you have in front of you?

5                   MR. O'BRIEN:  Okay.  I have here  
6       something from the Zoning Commission website that  
7       demonstrates -- and maybe I can pass this up.

8                   CHAIRPERSON ANDERSON:  Yes.

9                   MR. O'BRIEN:  It demonstrates the  
10       existence of the case at the Board of -- I'm  
11       sorry, at the Zoning Commission.  Thank you.

12                   CHAIRPERSON ANDERSON:  And what I'm  
13       stating, Mr. O'Brien, if you have provided the  
14       Board with that information, then we wouldn't  
15       have been here today.  And so what I would ask in  
16       the future, and I know you are an esteemed  
17       attorney and so you know, so, please, I'm not  
18       scolding you.  Okay?

19                   MR. O'BRIEN:  Well, I'm an attorney.  
20       I'll take that part.

21                   CHAIRPERSON ANDERSON:  But I think a  
22       lot of times, at least since I have been here,



1 the Board is concerned that license remain in  
2 safekeeping and it's not being utilized. And so  
3 if the parties provide us information for us to  
4 look at to say okay, fine, it's at the Board of  
5 Zoning and I know that as long as it's at the  
6 Board of Zoning, that you can't control when they  
7 are going to act.

8 MR. O'BRIEN: Yes, sir.

9 CHAIRPERSON ANDERSON: And we can't  
10 order them to do anything, but at least we will  
11 know that there is something going on, active  
12 going on and it's not this owner just sits on the  
13 license and not doing anything with that.

14 MR. O'BRIEN: Yes, sir. And we  
15 understand that. Let me ask Tom, do you know the  
16 date of the filing at the Board of Zoning  
17 Adjustment? I'm sorry. I keep saying Board of  
18 Zoning Adjustment. I mean to say Zoning  
19 Commission.

20 MEMBER ALBERTI: March 26th is what  
21 they have recorded in their website.

22 MR. O'BRIEN: All right. Well, there

1 you -- this is --

2 MEMBER ALBERTI: On or about March  
3 26th.

4 MR. O'BRIEN: All right. March 26th.  
5 This is a very recent development.

6 MEMBER ALBERTI: Yes.

7 CHAIRPERSON ANDERSON: Do we have any  
8 other questions by any other Board Members?

9 MEMBER SHORT: Just one.

10 CHAIRPERSON ANDERSON: Go ahead, Mr.  
11 Short.

12 MEMBER SHORT: Mr. O'Brien, how are  
13 you today?

14 MR. O'BRIEN: Good, Chief Short. How  
15 are you?

16 MEMBER SHORT: Great, great, great,  
17 great. Now, I know exactly where this piece of  
18 property is and so it used to be a two-story like  
19 office building or whatever else in that block.

20 MR. O'BRIEN: Townhouses.

21 MEMBER SHORT: Yeah, okay. So now  
22 that whole development is gone and this building

1 is going up? Is that what is happening?

2 MR. O'BRIEN: Well, if you can picture  
3 the intersection, you have got Wisconsin and  
4 Brandywine.

5 MEMBER SHORT: Correct.

6 MR. O'BRIEN: Okay. There used to be  
7 Hechinger on the right, which is now a CVS.

8 MEMBER SHORT: Right.

9 MR. O'BRIEN: Across the street is --  
10 was Sears.

11 MEMBER SHORT: Right.

12 MR. O'BRIEN: Okay. Now, 41st Street  
13 goes off at an angle, at a very slight angle.

14 MEMBER SHORT: Heading north?

15 MR. O'BRIEN: Heading north, yes, sir.  
16 On the corner is and remains -- was and remains a  
17 parking lot. Then you had a row of townhouses.

18 MEMBER SHORT: Okay.

19 MR. O'BRIEN: Which were probably  
20 built as residences once upon a time.

21 MEMBER SHORT: No disrespect, but what  
22 I want to do is just for the record, I wanted to

1 get that that's being developed and that's where  
2 this new Dancing Crab is going to be? Is that  
3 what you are --

4 MR. O'BRIEN: No, we don't know that  
5 it is going to be Dancing Crab.

6 MEMBER SHORT: But it -- the license.

7 MR. O'BRIEN: The license, yes, it's  
8 staying at the same location.

9 MEMBER SHORT: Okay. All right. And  
10 so what you are saying is how long will it be  
11 before this license will be put in?

12 MR. O'BRIEN: We are estimating --

13 MEMBER SHORT: Okay.

14 MR. O'BRIEN: -- fourth quarter of  
15 2019 or first quarter of 2020.

16 MEMBER SHORT: And that's based on  
17 this project and the zoning?

18 MR. O'BRIEN: That's right.

19 MEMBER SHORT: Okay.

20 MR. O'BRIEN: Once the zoning approval  
21 comes through for the Planned Unit Development,  
22 then, of course, construction contracts have to

1 be let and it's going to take, we are guessing,  
2 something close to a year.

3 MEMBER SHORT: Okay. Also for the  
4 record, I would like to say, as a Board Member,  
5 I'm one that is kind of hard on safekeepings, but  
6 when people come with information like this, it  
7 gives us a better idea or perspective that the  
8 license will just not be lingering and being a  
9 burden on the District.

10 Sooner or later this project when it's  
11 finished and this license is able to go in will  
12 be something the District Government will be  
13 proud of.

14 MR. McDOWELL: Thank you.

15 MEMBER SHORT: And benefit the  
16 citizens. Okay. That's all. I just wanted to  
17 have that on the record.

18 MR. O'BRIEN: Thank you, sir.

19 MEMBER SHORT: Thank you. Thank you,  
20 Mr. Chair.

21 CHAIRPERSON ANDERSON: Any other  
22 questions by any of the Board Members? Do you

1 need to make any final statements, Mr. O'Brien,  
2 on behalf of your client?

3 MR. O'BRIEN: No, sir.

4 MR. McDOWELL: No.

5 CHAIRPERSON ANDERSON: All right.

6 With that said, I'll make a motion that we grant  
7 the safekeeping through September 30, 2018. Is  
8 there a second?

9 MEMBER SILVERSTEIN: Second.

10 MEMBER SHORT: Second.

11 CHAIRPERSON ANDERSON: Mr. Short has  
12 seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON ANDERSON: Those opposed?

16 The matter passes 6-0-0.

17 Since Mr. O'Brien it is based on the  
18 presentation that you have made today, it is  
19 obvious that you are going to request another  
20 extension again, so what the Board is asking is  
21 that you provide us -- when you send in your  
22 request, you provide us with an explanation of

1 where this project is in as far as the zoning is  
2 concerned, because at least if you provide us and  
3 for each subsequent and if you are also talking  
4 about 2019, apparently you probably will be maybe  
5 requesting two or three more.

6 So what we would ask is that each time  
7 you provide us with a roadmap of where we are in  
8 the project from the Board of Zoning. And so  
9 that would prevent the Board from requesting you  
10 to come here to explain to us what is going on.

11 Okay?

12 MR. O'BRIEN: Very well.

13 CHAIRPERSON ANDERSON: Thank you, sir.

14 Have a --

15 MR. O'BRIEN: Have a great day.

16 CHAIRPERSON ANDERSON: -- good day.

17 All right.

18 (Whereupon, the Fact-Finding Hearing  
19 was concluded at 1:43 p.m.)  
20  
21  
22

<p style="text-align: center;"><b>A</b></p> <p><b>able</b> 13:11  <b>accompanied</b> 3:16  <b>act</b> 9:7  <b>active</b> 9:11  <b>address</b> 3:7  <b>adjacent</b> 4:21  <b>Adjustment</b> 5:4 9:17,18  <b>afternoon</b> 3:14  <b>ago</b> 4:19  <b>agree</b> 3:5  <b>ahead</b> 10:10  <b>Alberti</b> 1:17 6:14,16,18  6:19 7:2,4,7,9,11,14  9:20 10:2,6  <b>Alcoholic</b> 1:2,13,13  <b>ANC</b> 1:7  <b>Anderson</b> 1:15,17 2:3  3:14,22 5:19 6:2,11  6:17,22 7:16,20 8:2,8  8:12,21 9:9 10:7,10  13:21 14:5,11,15  15:13,16  <b>angle</b> 11:13,13  <b>answer</b> 5:10  <b>anticipated</b> 5:14  <b>apparently</b> 15:4  <b>appeared</b> 2:11  <b>approval</b> 5:4,13 6:3  12:20  <b>asking</b> 8:3 14:20  <b>Assuming</b> 5:12  <b>attempted</b> 4:14  <b>attention</b> 6:8  <b>attorney</b> 1:21 8:17,19  <b>Avenue</b> 4:6  <b>avoid</b> 7:15  <b>aye</b> 14:13,14</p>	<p>5:9 10:19,22  <b>buildings</b> 5:1  <b>built</b> 11:20  <b>burden</b> 13:9  <b>business</b> 1:22 3:17,21  4:4,11,14,15,18</p>	<p><b>developed</b> 12:1  <b>development</b> 5:5,13 6:4  10:5,22 12:21  <b>disciplinary</b> 4:10  <b>disrespect</b> 11:21  <b>District</b> 1:1 13:9,12  <b>documentation</b> 6:7  <b>doing</b> 9:13  <b>DONALD</b> 1:18  <b>Donovan</b> 1:15,17</p>	<p><b>grant</b> 2:19 3:1,5 14:6  <b>great</b> 7:2 10:16,16,16  10:17 15:15  <b>guess</b> 4:14  <b>guessing</b> 13:1</p>
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This is to certify that the foregoing transcript

In the matter of: Dancing Crab, LLC

Before: Alcoholic Beverage Control Board

Date: 05-02-18

Place: Washington, D.C.

was duly recorded and accurately transcribed under  
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*Neal R Gross*

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**NEAL R. GROSS**

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