

TO: District of Columbia Zoning Commission

FROM: Crystal Myers, Project Manager, Development Review Division

JL for Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: March 13, 2025

SUBJECT: Extension Request – PUD Case 18-03B, 4615 Wisconsin Ave. NW

I. RECOMMENDATION

OP recommends **approval** of the request for a two-year extension of time to start construction of the building to March 1, 2027.

II. PROJECT SUMMARY

Address:	4615 Wisconsin Ave., NW (formerly 4611-4615 41 St. NW)
Applicant:	Holland and Knight on behalf of Dancing Crab Properties, LLC and 1009 Field Road, Inc.
Legal Description:	Square 1769, Lot 32
Ward / ANC	Ward 3 / ANC 3E
Project Summary:	PUD and related map amendment to rezone the property from MU-4 to the MU-5-B zone. The project is for a 41-unit residential building with ground floor restaurant/bar and habitable penthouse.
Order Effective Date:	March 1, 2019
Previous Extensions:	One-year Covid-19 Related extension to March 1, 2022, ZC 18-03 (1) Two-year Time Extension to March 1, 2025, ZC 18-03A
Order Expiration Date:	March 1, 2025
Request	Two-year extension of the deadline to begin construction of the Building, such that construction must begin no later than March 1, 2027.

III. PHOTOS OF THE SITE



Site in 2017



Site in 2023

IV. EVALUATION OF THE EXTENSION REQUEST

Subtitle Z, § 705.2

The extension of a PUD is allowed for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Zoning Commission determines that the following requirements are met:

- (a) *The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.*

The application submitted to the Zoning Commission is dated February 14, 2025, and has been in the public record since filing.

- (b) *There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the Commission’s justification for approving the original application.*

Zoning Regulations:

There has been no substantial change to the Zoning Regulations that would affect the material facts upon which this case was approved.

Comprehensive Plan:

In the 2021 Comprehensive Plan Future Land Use Map designation for the site changed from medium density residential/moderate density commercial to high density residential/ medium density commercial. Although the new designation could anticipate additional height and density, the approved PUD project is not inconsistent with this updated designation. Other Comp Plan changes within the 2021 Comp Plan would not substantially change the material facts upon which the original analysis and approval was based.

Surrounding Development:

OP is unaware of any significant new development in the surrounding area that would materially impact the facts upon which this case was approved.

- (c) *The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in Subtitle Y, § 705.2 (c)*

One or more of the following criteria must be met:

- (1) *An inability to obtain sufficient project financing for the planned unit development, following an applicant’s diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant’s reasonable control;*

N/A

- (2) *An inability to secure all required governmental agency approvals for a planned unit development by the expiration date of the planned unit development order because of delays in the governmental agency approval process that are beyond the applicant’s reasonable control;*

The Applicant provided sufficient justification for the requested extension in their Statement, ([Exhibit 2](#)). As the Applicant details in their Statement, they started the permit review process in January 2022 and acquired some, but not all the approvals needed to begin construction. The project's shoring and sheeting permit review process is pending because DDOT and WMATA have not completed their reviews and because the Applicant has to post a new bond.

- (3) *The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the planned unit development order.*

NA

V. OTHER DISTRICT AGENCY COMMENTS:

As of the date of this report, comments from other Agencies had not been filed to the record.

VI. ANC COMMENTS:

As of the date of this report, comments from the ANCs have not been filed to the record.

VII. PUBLIC COMMENTS:

There were none in the file when OP completed this report.