

**Zoning Commission Order No. 18-03 *et seq.***  
**Request for Extension of Time to Begin Construction**  
**4611-4615 41st Street, NW (Square 1769, Lot 32)**

**Affidavit of Applicant in Support of Two-Year Extension of Time**

I, Tom McDowell, being duly sworn, depose and state as follows:

1. I am Tom McDowell the representative of Dancing Crab Properties, LLC and 10009 Field Road, Inc., which are together the owner of property located at 4611-4615 41st Street, NW (Square 1769, Lot 32).
2. Development of the Property was approved pursuant to Z.C. Order No. 18-03, effective as of March 1, 2019, which granted a consolidated Planned Unit Development (“PUD”) and a related Zoning Map Amendment from the MU-4 zone to the MU-5-B zone to develop the Property with a new mixed-use residential building with approximately 41 residential units and restaurant/bar use on the ground floor and in penthouse habitable space.
3. Pursuant to Z.C. Order No. 18-03, Decision No. F.2, the PUD was valid for a period of two years, such that a building permit application was required to be filed no later than March 1, 2021, and construction was required to commence no later than March 1, 2022.
4. Pursuant to Z.C. Order No. 18-03(1), the Office of Zoning issued an administrative Covid-19 one-year extension of the original Order, such that a building permit application was required to be filed no later than March 1, 2022, and construction was required to commence no later than March 1, 2023. In accordance with this timeline, we filed a building permit application for the PUD on January 20, 2022, thus vesting the PUD and meeting the first portion of the condition in Z.C. Order No. 18-03, Decision No. F.2, as extended.
5. Despite our good faith efforts to start construction after filing the building permit for the PUD, we were unable to do so due to our inability to secure all required governmental agency approvals for building permit issuance due to delays in the approval process that were beyond our reasonable control. Indeed, we have taken many steps to move the project forward, including preparing and recording the required PUD covenant, working diligently to apply for and obtain raze permits to demolish the existing structures on the Property, to apply for and respond to comments through the building permit review process, and file and process a variety of other construction prerequisites.
6. For example, we applied for and received raze permits to demolish the existing structures on the Property on September 20, 2021 (Permit Nos. R2000073 and R2000077) (Exhibit 1), which have since been demolished. *See* photographs of the Property (Exhibit 2) showing that the structures have been razed.
7. On January 20, 2022, we timely filed a building permit application with the Department of Buildings (“DOB”) (Permit No. B2203165), which was accepted as complete on January 30, 2022, and referred to the reviewing disciplines on February 1, 2022. Since that time,

we have received and responded to four complete rounds of comments from DOB reviewers, and as of the date of this Affidavit, we have received permit approval from almost all of the reviewing disciplines and are currently in our fifth round of comments to resolve the final outstanding items. *See* ProjectDox Building Permit Workflow Routing Slip and Department Review Status List (Exhibit 3).

8. We also submitted a variety of other permits, including (i) an application for bay window projections on January 19, 2022, which was approved and issued on February 15, 2023. *See* TOPS Application Status Page and Permit No. PA388779 (Exhibit 4); and (ii) an application for a public space permit on January 19, 2022, which was approved on February 16, 2023, with the permit to be issued upon payment of fees. *See* TOPS Application Status Page (Exhibit 5).
9. We prepared the PUD Covenant required by Z.C. Order No. 18-03, Conclusion of Law No. F.1, which we recorded in the Land Records of the District of Columbia on February 17, 2022, as Instrument No. 2022018979 (Exhibit 6).
10. We also submitted a draft Inclusionary Zoning Covenant and Certificate of Inclusionary Zoning Compliance, which was approved by DHCD on October 6, 2022.
11. On May 5, 2022, submitted an Environmental Impact Screening Form (“EISF”) Application and associated documentation and correspondence to DOEE. By letter dated February 7, 2023, DOEE issued an Environmental Assessment Report for the Project, concluding that it found “no apparent significant adverse impact or likelihood of substantial negative impact on the environmental as a result of the proposed project.” *See* DOEE Memo and Environmental Assessment (Exhibit 7).
12. In anticipation of receiving our building permit in the very near future, on January 5, 2023, we posted notice signs on the Property indicating the filing of a building permit, which signs are required to be posted for at least 30 days immediately prior to the issuance of a building permit. *See* 10-A DCMR § 106.2.18.3.1.1 and photographs of the posted signage (Exhibit 8).
13. As it relates to construction work, we submitted an application for an Excavation Sheet piling and Shoring permit on January 17, 2023, which is currently under review by DOB (Permit No. SH2300009). *See* Sheet piling and Shoring Department Review Status and TOPS Application Status Page (Exhibit 9).

Based on the foregoing, it is clear that we have taken many steps to move forward with site redevelopment as quickly as possible and in accordance with the PUD approval. Although we have been unable to start construction, we have been working diligently to obtain our final permits, as evidenced by our very recent activity working with DOB. We are still very much committed to moving forward with construction of this project, and will do so as soon as we receive building permit approval. Indeed, we have invested substantial resources in the Property over many years, including legal, architectural, engineering, permitting, and other consulting fees, such that there is no financial advantage for us not to move forward with construction of the building, and we have every incentive to do so as soon as feasible.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

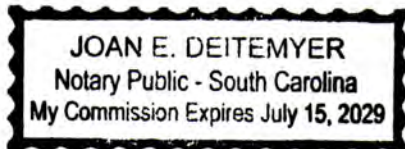
I solemnly affirm under the penalty of perjury that the contents of this Affidavit are true and correct to the best of my personal knowledge.

Dancing Crab Properties, LLC  
10009 Field Road, Inc.,

By: Tom McDowell  
Tom McDowell, representative

Sworn and subscribed to me this 17 day of February, 2023.

Joan E. Deitemyer  
Notary Public



**EXHIBIT 1 TO AFFIDAVIT**



# Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862



## RAZE PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT  
THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND

PERMIT NO. R2000073



Date: 09/20/2021

Address of Project: <b>4611 41ST ST NW</b>				Zone:		Ward: <b>3</b>	Square: <b>1769</b>	Suffix:	Lot: <b>0001</b>
Description of Work: Raze Two-story masonry commercial building.						Bldg Vacant: <b>Yes</b>	No. of Bldg(s): <b>1</b>	Raze entire Bldg.:	
Permission Is Hereby Granted To <b>Dancing Crab Properties, Llc</b>		Owner Address: <b>10009 FIELDS ROAD INC 9101 RIVER ROAD POTOMAC, MD 20854</b>		Length: <b>97 FT</b>	Width: <b>35 FT</b>	Height: <b>20 FT</b>	Vol of Bldg. <b>67900 CU.FT</b>	PERMIT FEE: <b>\$1,530.10</b>	
Building Material: <b>Brick</b>	Party Wall: <b>No</b>	Existing Use: <b>Restaurants - A-2</b>		Insurance Co <b>TBD</b>		Insurance Policy No.: <b>1111</b>		Existing Units: <b>0</b>	
Building Construction Type <b>Type I - Fire-Resistive Non-combustible</b>		Raze Contractor:		Address:			Tel No.:		Lic No.:
Conditions/ Restrictions:  <b>CONDITIONS:</b> As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one(1) year of the data appearing on this permit or the permit is automatically void. If work is started, any application									
Disturbing Paint in Pre-1978 Residential Properties or in Child-Occupied Facilities If work related to this Permit will disturb more than 2 square feet of paint, the permit holder must abide by all applicable requirements in the District's "Lead Hazard Prevention and Elimination Act, as amended" (for more info, see <a href="http://www.ddoe.dc.gov">www.ddoe.dc.gov</a> , Lead and Healthy Housing Division), and must also abide by any applicable requirements of EPA's "Renovation, Repair and Painting Rule" (for more info, see <a href="http://www.epa.gov/lead">www.epa.gov/lead</a> , Renovation, Repair and Painting).									
Director: Ernest Chrappah <i>Ernest Chrappah</i>				Permit Clerk <b>Jacqueline Arce</b>			Expiration Date: <b>9/20/2022</b>		
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 To schedule a CONSTRUCTION INSPECTION or for INQUIRIES CALL (202) 442-9557 Call Miss Utility at 811 or 1-800-257-7777 at least 48 Hours prior to excavation to obtain a ticket. <a href="http://www.missutility.net/wshingtondc/dcstatelaw.asp">http://www.missutility.net/wshingtondc/dcstatelaw.asp</a>									



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## RAZE PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT  
THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND

PERMIT NO. R2000077



Date: 09/20/2021

Address of Project: <b>4615 41ST ST NW</b>				Zone: <b>MU-4</b>	Ward: <b>3</b>	Square: <b>1769</b>	Suffix:	Lot: <b>0002</b>
Description of Work: Raze Two-story masonry commercial building.				Bldg Vacant: <b>Yes</b>	No. of Bldg(s): <b>1</b>	Raze entire Bldg.:		
Permission Is Hereby Granted To <b>Dancing Crab Properties, Llc</b>		Owner Address: <b>10009 FIELDS ROAD INC 9101 RIVER ROAD POTOMAC, MD 20854</b>		Length: <b>97 FT</b>	Width: <b>34 FT</b>	Height: <b>20 FT</b>	Vol of Bldg. <b>65960 CU.FT</b>	PERMIT FEE: <b>\$1,451.12</b>
Building Material: <b>Brick</b>	Party Wall: <b>No</b>	Existing Use: <b>Restaurants - A-2</b>		Insurance Co <b>TBD</b>		Insurance Policy No.: <b>0</b>		Existing Units: <b>0</b>
Building Construction Type <b>TYPE II - Non-Combustible Construction</b>		Raze Contractor:		Address:			Tel No.:	Lic No.:
Conditions/ Restrictions:  <b>CONDITIONS:</b> As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one(1) year of the data appearing on this permit or the permit is automatically void. If work is started, any application								
Disturbing Paint in Pre-1978 Residential Properties or in Child-Occupied Facilities If work related to this Permit will disturb more than 2 square feet of paint, the permit holder must abide by all applicable requirements in the District's "Lead Hazard Prevention and Elimination Act, as amended" (for more info, see <a href="http://www.ddoe.dc.gov">www.ddoe.dc.gov</a> , Lead and Healthy Housing Division), and must also abide by any applicable requirements of EPA's "Renovation, Repair and Painting Rule" (for more info, see <a href="http://www.epa.gov/lead">www.epa.gov/lead</a> , Renovation, Repair and Painting).								
Director: Ernest Chrappah		Permit Clerk <b>Jacqueline Arce</b>			Expiration Date: <b>9/20/2022</b>			
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 To schedule a CONSTRUCTION INSPECTION or for INQUIRIES CALL (202) 442-9557 Call Miss Utility at 811 or 1-800-257-7777 at least 48 Hours prior to excavation to obtain a ticket. <a href="http://www.missutility.net/wshingtondc/dcstatelaw.asp">http://www.missutility.net/wshingtondc/dcstatelaw.asp</a>								

**EXHIBIT 2 TO AFFIDAVIT**



## Photographs of Property – Demolished Buildings





## Photographs of Property – Demolished Buildings



**EXHIBIT 3 TO AFFIDAVIT**

## Current Project - Workflow Routing Slip

**B2203165**

							Completed				
Task Name	Status	Created	Updated	Group	User	Cycle	Date	Days	Hours	Min	Sec
ApplicantUpload	Complete	1/20/2022 12:56:24 PM	1/20/2022 5:18:12 PM	Applicant	Beth Davis	0	1/20/2022 5:18:12 PM	0	4	21	48
PreScreenReview	Complete	1/20/2022 5:18:12 PM	1/24/2022 7:57:13 AM	PRC	Tezrah Thomas	0	1/24/2022 7:57:13 AM	3	14	39	1
CorrectionComplete	Complete	1/24/2022 7:57:14 AM	1/30/2022 10:18:51 AM	Applicant	Beth Davis	0	1/30/2022 10:18:51 AM	6	2	21	37
PreScreenReview	Complete	1/30/2022 10:18:51 AM	2/1/2022 1:28:14 PM	PRC	Dolleene Robinson	0	2/1/2022 1:28:14 PM	2	3	9	23
BeginReview	Complete	2/1/2022 1:28:15 PM	2/1/2022 1:40:15 PM	PRC	Dolleene Robinson	0	2/1/2022 1:40:15 PM	0	0	12	0
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/1/2022 1:48:14 PM	DC Water Review Supervisor	Vahid Bilvardi	1	2/1/2022 1:48:14 PM	0	0	7	58
DepartmentReview	Complete	2/1/2022 1:47:57 PM	2/1/2022 1:48:42 PM	DC Water Review	Vahid Bilvardi	1	2/1/2022 1:48:42 PM	0	0	0	45
DepartmentReview	Complete	2/1/2022 3:47:13 PM	2/1/2022 3:49:30 PM	DOEE AQ Review	Becky Okorie	1	2/1/2022 3:49:30 PM	0	0	2	17
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/1/2022 3:50:37 PM	DOEE Review Supervisor	Saba Gharavi	1	2/1/2022 3:50:37 PM	0	2	10	21
DepartmentReview	Complete	2/1/2022 3:47:14 PM	2/1/2022 3:52:07 PM	DOEE SE-SW Review	Nykia Barnes	1	2/1/2022 3:52:07 PM	0	0	4	53
DepartmentReview	Complete	2/1/2022 3:47:14 PM	2/1/2022 3:53:26 PM	DOEE GAR Review	Nykia Barnes	1	2/1/2022 3:53:26 PM	0	0	6	12
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/1/2022 5:39:02 PM	Zoning Review Supervisor	Mamadou Ndaw	1	2/1/2022 5:39:02 PM	0	3	58	46
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/2/2022 9:37:40 AM	Plumbing Review Supervisor	SEMERE HADERA-2	1	2/2/2022 9:37:40 AM	0	19	57	24

## Current Project - Workflow Routing Slip

							Completed				
Task Name	Status	Created	Updated	Group	User	Cycle	Date	Days	Hours	Min	Sec
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/2/2022 9:38:16 AM	Structural Review Supervisor	SEMERE HADERA-2	1	2/2/2022 9:38:16 AM	0	19	58	0
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/2/2022 9:38:54 AM	Mechanical Review Supervisor	SEMERE HADERA-2	1	2/2/2022 9:38:54 AM	0	19	58	38
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/2/2022 9:39:34 AM	Green Review Supervisor	SEMERE HADERA-2	1	2/2/2022 9:39:34 AM	0	19	59	18
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/2/2022 9:40:08 AM	Fire Review Supervisor	SEMERE HADERA-2	1	2/2/2022 9:40:08 AM	0	19	59	52
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/2/2022 9:40:41 AM	Energy Review Supervisor	SEMERE HADERA-2	1	2/2/2022 9:40:41 AM	0	20	0	25
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/2/2022 9:41:22 AM	Elevator Review Supervisor	SEMERE HADERA-2	1	2/2/2022 9:41:22 AM	0	20	1	6
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/2/2022 9:42:11 AM	Electrical Review Supervisor	SEMERE HADERA-2	1	2/2/2022 9:42:11 AM	0	20	1	55
DepartmentReview	Complete	2/1/2022 3:48:20 PM	2/2/2022 9:53:53 AM	DOEE SE-SW Review	Saba Gharavi	1	2/2/2022 9:53:53 AM	0	18	5	33
DepartmentReview	Complete	2/1/2022 3:48:20 PM	2/2/2022 9:56:54 AM	DOEE GAR Review	Saba Gharavi	1	2/2/2022 9:56:54 AM	0	18	8	34
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/2/2022 10:36:06 AM	DOH Review Supervisor	Bruce Flippens	1	2/2/2022 10:36:06 AM	0	20	55	50
DepartmentReview	Complete	2/2/2022 9:40:27 AM	2/10/2022 11:04:39 AM	Energy Review	Rafael Palomino- ramirez	1	2/10/2022 11:04:39 AM	8	1	24	12
DepartmentReview	Complete	2/2/2022 9:39:20 AM	2/10/2022 11:11:22 AM	Green Review	Rafael Palomino- ramirez	1	2/10/2022 11:11:22 AM	8	1	32	2

## Current Project - Workflow Routing Slip

							Completed				
Task Name	Status	Created	Updated	Group	User	Cycle	Date	Days	Hours	Min	Sec
DepartmentReview	Complete	2/2/2022 10:35:46 AM	2/11/2022 10:19:33 AM	DOH FD Review	Bruce Flippens	1	2/11/2022 10:19:33 AM	8	23	43	47
DepartmentReview	Complete	2/2/2022 9:39:56 AM	2/15/2022 9:36:41 AM	Fire Review	Luchi Lu	1	2/15/2022 9:36:41 AM	12	23	56	45
DepartmentReview	Complete	2/2/2022 9:41:07 AM	2/15/2022 9:37:25 AM	Elevator Review	Luchi Lu	1	2/15/2022 9:37:25 AM	12	23	56	18
DepartmentReview	Complete	2/1/2022 1:40:16 PM	2/21/2022 9:27:28 AM	DDOT Review Supervisor	Tiffany Tenbrook	1	2/21/2022 9:27:28 AM	19	19	47	12
DepartmentReview	Complete	2/2/2022 9:38:04 AM	2/23/2022 3:32:21 PM	Structural Review	Bihon Debessai	1	2/23/2022 3:32:21 PM	21	5	54	17
DepartmentReview	Complete	2/2/2022 9:38:42 AM	2/23/2022 4:13:03 PM	Mechanical Review	Alec Petrillo-Groh	1	2/23/2022 4:13:03 PM	21	6	34	21
DepartmentReview	Complete	2/2/2022 9:37:25 AM	2/23/2022 4:14:59 PM	Plumbing Review	Alec Petrillo-Groh	1	2/23/2022 4:14:59 PM	21	6	37	34
DepartmentReview	Complete	2/2/2022 9:41:59 AM	2/24/2022 8:25:28 AM	Electrical Review	Marcus Eudell	1	2/24/2022 8:25:28 AM	21	22	43	29
DepartmentReview	Complete	2/21/2022 9:27:16 AM	3/2/2022 2:44:45 PM	DDOT Review	Andre Morgan	1	3/2/2022 2:44:45 PM	9	5	17	29
DepartmentReview	Complete	2/1/2022 5:38:51 PM	3/8/2022 1:14:52 PM	Zoning Review	Ramon Washington	1	3/8/2022 1:14:52 PM	34	19	36	1
ReviewQA	Complete	3/8/2022 1:14:52 PM	3/9/2022 3:38:35 PM	QA Review	Shaun Baskerville	1	3/9/2022 3:38:35 PM	1	2	23	43
ReviewComplete	Complete	3/9/2022 3:38:35 PM	3/9/2022 3:38:59 PM	QA Review	Shaun Baskerville	1	3/9/2022 3:38:59 PM	0	0	0	24
ApplicantResubmit	Complete	3/9/2022 3:39:00 PM	4/20/2022 1:09:33 PM	Applicant	Beth Davis	1	4/20/2022 1:09:33 PM	41	21	30	33
ResubmitReceived	Complete	4/20/2022 1:09:33 PM	4/21/2022 11:42:26 AM	File Room	Aaron Easterling	1	4/21/2022 11:42:26 AM	0	22	32	53
DepartmentReview	Complete	4/21/2022 11:42:27 AM	4/21/2022 1:32:28 PM	DC Water Review	Vahid Bilvardi	2	4/21/2022 1:32:28 PM	0	1	50	1

## Current Project - Workflow Routing Slip

							Completed				
Task Name	Status	Created	Updated	Group	User	Cycle	Date	Days	Hours	Min	Sec
DepartmentReview	Complete	4/21/2022 11:42:27 AM	4/21/2022 1:32:28 PM	DC Water Review	Vahid Bilvardi	3	4/21/2022 1:32:28 PM	0	1	50	1
DepartmentReview	Complete	4/21/2022 11:42:27 AM	4/25/2022 10:17:24 AM	DOEE SE-SW Review	Saba Gharavi	3	4/25/2022 10:17:24 AM	3	22	34	57
DepartmentReview	Complete	4/21/2022 11:42:27 AM	4/25/2022 10:17:24 AM	DOEE SE-SW Review	Saba Gharavi	4	4/25/2022 10:17:24 AM	3	22	34	57
DepartmentReview	Complete	4/21/2022 11:42:27 AM	4/25/2022 10:20:12 AM	DOEE GAR Review	Saba Gharavi	4	4/25/2022 10:20:12 AM	3	22	37	45
DepartmentReview	Complete	4/21/2022 11:42:28 AM	4/26/2022 10:20:42 AM	DOH FD Review	Bruce Flippens	4	4/26/2022 10:20:42 AM	4	22	38	14
DepartmentReview	Complete	4/21/2022 11:42:28 AM	4/26/2022 10:49:04 AM	DDOT Review	Andre Morgan	4	4/26/2022 10:49:04 AM	4	23	6	36
DepartmentReview	Complete	4/21/2022 11:42:28 AM	4/27/2022 4:37:25 PM	Electrical Review	Alina Mahmood	4	4/27/2022 4:37:25 PM	6	4	54	57
DepartmentReview	Complete	4/21/2022 11:42:27 AM	4/28/2022 10:57:05 AM	Fire Review	Luchi Lu	4	4/28/2022 10:57:05 AM	6	23	14	38
DepartmentReview	Complete	4/21/2022 11:42:28 AM	4/28/2022 10:58:10 AM	Elevator Review	Luchi Lu	4	4/28/2022 10:58:10 AM	6	23	15	42
DepartmentReview	Complete	4/21/2022 11:42:27 AM	4/28/2022 4:11:27 PM	Plumbing Review	Alec Petrillo-Groh	4	4/28/2022 4:11:27 PM	7	4	29	0
DepartmentReview	Complete	4/21/2022 11:42:27 AM	4/28/2022 4:12:22 PM	Mechanical Review	Alec Petrillo-Groh	4	4/28/2022 4:12:22 PM	7	4	29	55
DepartmentReview	Complete	4/21/2022 11:42:27 AM	5/2/2022 10:53:31 AM	Structural Review	Bihon Debessai	4	5/2/2022 10:53:31 AM	10	23	11	4
DepartmentReview	Complete	4/21/2022 11:42:27 AM	5/2/2022 12:57:06 PM	Green Review	Rafael Palomino-ramirez	4	5/2/2022 12:57:06 PM	11	1	14	39
DepartmentReview	Complete	4/21/2022 11:42:27 AM	5/2/2022 1:40:46 PM	Energy Review	Rafael Palomino-ramirez	4	5/2/2022 1:40:46 PM	11	1	58	19

## Current Project - Workflow Routing Slip

							Completed				
Task Name	Status	Created	Updated	Group	User	Cycle	Date	Days	Hours	Min	Sec
DepartmentReview	Complete	4/21/2022 11:42:27 AM	5/6/2022 2:03:13 PM	Zoning Review	Ramon Washington	4	5/6/2022 2:03:13 PM	15	2	20	46
DepartmentReview	Complete	5/6/2022 2:02:54 PM	5/6/2022 3:06:14 PM	QA Review	Shaun Baskerville	4	5/6/2022 3:06:14 PM	0	1	3	20
DepartmentReview	Complete	5/6/2022 3:04:56 PM	5/25/2022 11:01:22 AM	Mandatory Meeting	Mamadou Ndaw	4	5/25/2022 11:01:22 AM	18	19	56	26
ReviewQA	Complete	5/25/2022 11:01:22 AM	5/25/2022 11:05:33 AM	QA Review	LaShawn Dickey	4	5/25/2022 11:05:33 AM	0	0	4	11
ReviewComplete	Complete	5/25/2022 11:05:33 AM	5/25/2022 11:05:51 AM	QA Review	LaShawn Dickey	4	5/25/2022 11:05:51 AM	0	0	0	18
ApplicantResubmit	Complete	5/25/2022 11:05:51 AM	8/3/2022 12:40:57 PM	Applicant	Beth Davis	4	8/3/2022 12:40:57 PM	70	1	35	6
ResubmitReceived	Complete	8/3/2022 12:40:58 PM	8/6/2022 1:05:31 PM	File Room	Anthony LeCount	4	8/6/2022 1:05:31 PM	3	0	24	33
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/8/2022 8:46:08 AM	DC Water Review	Vahid Bilvardi	4	8/8/2022 8:46:08 AM	1	19	40	36
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/8/2022 1:22:00 PM	DOEE SE-SW Review	Saba Gharavi	4	8/8/2022 1:22:00 PM	2	0	16	28
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/8/2022 1:25:32 PM	DOEE GAR Review	Saba Gharavi	4	8/8/2022 1:25:32 PM	2	0	20	0
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/9/2022 10:37:50 AM	DOH FD Review	Bruce Flippens	4	8/9/2022 10:37:50 AM	2	21	32	18
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/9/2022 3:41:26 PM	Electrical Review	Alina Mahmood	4	8/9/2022 3:41:26 PM	3	2	35	54
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/12/2022 3:01:04 PM	Structural Review	Bihon Debessai	4	8/12/2022 3:01:04 PM	6	1	55	32
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/15/2022 10:49:05 AM	Fire Review	Luchi Lu	4	8/15/2022 10:49:05 AM	8	21	43	33
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/15/2022 10:49:39 AM	Elevator Review	Luchi Lu	4	8/15/2022 10:49:39 AM	8	21	44	7



## Current Project - Workflow Routing Slip

							Completed				
Task Name	Status	Created	Updated	Group	User	Cycle	Date	Days	Hours	Min	Sec
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/15/2022 2:08:51 PM	DDOT Review	Shawntanishia Zackery	4	8/15/2022 2:08:51 PM	9	1	3	19
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/18/2022 1:59:43 PM	Energy Review	Rafael Palomino-ramirez	4	8/18/2022 1:59:43 PM	12	0	54	11
DepartmentReview	Complete	8/6/2022 1:05:32 PM	8/30/2022 1:51:54 PM	Zoning Review	Ramon Washington	4	8/30/2022 1:51:54 PM	24	0	46	22
ReviewQA	Complete	8/30/2022 1:51:54 PM	8/30/2022 1:57:05 PM	QA Review	Shaun Baskerville	4	8/30/2022 1:57:05 PM	0	0	5	11
ReviewComplete	Complete	8/30/2022 1:57:06 PM	8/30/2022 1:57:47 PM	QA Review	Shaun Baskerville	4	8/30/2022 1:57:47 PM	0	0	0	41
ApplicantResubmit	Complete	8/30/2022 1:57:48 PM	11/1/2022 9:30:44 AM	Applicant	Beth Davis	4	11/1/2022 9:30:44 AM	62	19	32	56
ResubmitReceived	Complete	11/1/2022 9:30:52 AM	11/1/2022 11:02:13 AM	File Room	Anthony LeCount	4	11/1/2022 11:02:13 AM	0	1	31	21
DepartmentReview	Complete	11/1/2022 11:02:22 AM	11/1/2022 11:14:04 AM	DC Water Review	Vahid Bilvardi	4	11/1/2022 11:14:04 AM	0	0	11	42
DepartmentReview	Complete	11/1/2022 11:02:22 AM	11/1/2022 2:52:59 PM	DOEE SE-SW Review	Saba Gharavi	4	11/1/2022 2:52:59 PM	0	3	50	37
DepartmentReview	Complete	11/1/2022 11:02:22 AM	11/1/2022 3:08:23 PM	DOEE GAR Review	Saba Gharavi	4	11/1/2022 3:08:23 PM	0	4	6	1
DepartmentReview	Complete	11/1/2022 11:02:22 AM	11/1/2022 4:22:19 PM	DDOT Review	Shawntanishia Zackery	4	11/1/2022 4:22:19 PM	0	5	19	57
DepartmentReview	Complete	11/1/2022 11:02:22 AM	11/2/2022 9:15:11 PM	Structural Review	Stanley Skinner	4	11/2/2022 9:15:11 PM	1	10	12	49
DepartmentReview	Complete	11/1/2022 11:02:22 AM	11/9/2022 12:24:45 PM	Energy Review	Rafael Palomino-ramirez	4	11/9/2022 12:24:45 PM	8	1	22	23
DepartmentReview	Complete	11/1/2022 11:02:22 AM	11/27/2022 4:31:35 PM	Zoning Review	Ramon Washington	4	11/27/2022 4:31:35 PM	26	5	29	13

## Current Project - Workflow Routing Slip

							Completed				
Task Name	Status	Created	Updated	Group	User	Cycle	Date	Days	Hours	Min	Sec
ReviewQA	Complete	11/27/2022 4:31:35 PM	11/28/2022 9:47:41 AM	QA Review	LaShawn Dickey	4	11/28/2022 9:47:41 AM	0	17	16	6
ReviewComplete	Complete	11/28/2022 9:47:41 AM	11/28/2022 9:48:05 AM	QA Review	LaShawn Dickey	4	11/28/2022 9:48:05 AM	0	0	0	24
ApplicantResubmit	Complete	11/28/2022 9:48:07 AM	1/30/2023 11:41:03 AM	Applicant		5					



## Current Project - Department Review Status

**B2203165**

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
1						
	DC Water Review	Vahid Bilvardi vahid.bilvardi@dcwater.com	HFC	04/21/2022	The submitted Set of Civil Plans of this project is under direct review by DCWater and is waiting for addressing comments by applicant engineer. DC Water reference 20-140459	
	DDOT Review	Andre Morgan andre.morgan@dc.gov	HFC	03/02/2022	per applicants request	
	DOEE AQ Review	Becky Okorie becky.okorie@dc.gov	Approved	02/01/2022	No Comments	
	DOEE GAR Review	Saba Gharavi saba.gharavi@dc.gov	HFC	02/02/2022	See DOEE SE-SW REVIEW Under review in the SGS with James Dunbar (Plan No. 6486)	
	DOEE SE-SW Review	Saba Gharavi saba.gharavi@dc.gov	HFC	02/02/2022	DOEE 6486 resubmitted 1/31/22 to james.dunbar@dc.gov for review. If approved, the status will be updated.  DO NOT UPLOAD CIVIL REVISIONS INTO PROJECTDOX.	
	DOH FD Review	Bruce Flippens Bruce.Flippens@dc.gov	HFC	02/11/2022	1. Does the scope of work include any retail or commercial food service operations? 2. Does the scope of work include any aquatic operations or recreational water features?	
	Electrical Review	Marcus Eudell meudell@safebuilt.com	HFC	02/24/2022	Electrical Plans show no information on Solar Panels. Submit revisions with pertaining to - NEC-Article 690.	



## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	Elevator Review	Luchi Lu luchi.lu@dc.gov	HFC	02/15/2022	<p>ground floor - Doors of Stair 1 and 2 on the ground floor swing in different directions. At ground floor, stairway doors shall meet 2017 DCBC, 1010.1.9.11. Please verify. Door CA-1 shall swing into the direction of egress [2017 DCBC, 1010.1.2.1] Provide calculation to verify door encroachment from Stairway 1 [1005.7.1.]</p> <p>Cellar - [A0100] Restaurant at cellar level - When the occupant load is more than 50, door shall swing to the egress direction [2017 DCBC, 1010.1.2.1.] Specify the fire rating of generator room per 2017 DCBC, 403.4.8.1.</p> <p>egress - [0013] Provide calculation of remoteness per DCMR 12A, 2017, 1007.1.1 on all floors.</p> <p>elevators - Provide plans of sufficient detail including make, type of elevators (traction, MRL, hydraulic). Show location of the elevator machine room. Provide full height sectional view of elevator shaft with fire rating [2017 DCBC, 713] and dimensioned details of elevator pit [ASME A17.1, 2010, 2.2.1] and drainage details of sump pit [ASME A17.1, 2010, 2.2.2.5 and DCPC 2017, 301.6.], as well as backup power sources. [DCMR 12, 2017, 106.2.6] and 2017 DCBC, 907.2.13.1.1.]</p> <p>Unit chart - Provide a complete Unit Chart. Type A units for R-2 shall meet DCMR 12, 2017, 1107.6.2.2.1. Type B units for R-2 shall meet DCMR 12, 2017, 1107.6.2.2.2.</p> <p>FAAP - [F002] It shows a LED of fire pump. Provide more details of the fire pump room construction [913.2.1.]</p>	
	Energy Review	Rafael Palomino-ramirez Rafael.palomino-Ramirez@dc.gov	HFC	02/10/2022	<p>1. Per DCRA policy all new applications accepted after Feb 1 2015 should provide an Energy Verification Sheet (EVS). Please to continue with the review provide EVS found at <a href="https://docs.google.com/spreadsheets/d/18zDPihemP8yz9u7CDZwffhLCLCURhgJrnERDhXyvBsM/copy">https://docs.google.com/spreadsheets/d/18zDPihemP8yz9u7CDZwffhLCLCURhgJrnERDhXyvBsM/copy</a> fill out per instructions and share link with edit access.</p> <p>The DCRA link below directs our customers to "How To" videos for the new Energy and Green Worksheets.</p> <p><a href="https://dcra.dc.gov/service/energy-and-green-building">https://dcra.dc.gov/service/energy-and-green-building</a></p> <p>DCRA reserves the right to add additional, new review comments at future reviews for the project team to address.</p>	
					<p>ground floor - Doors of Stair 1 and 2 on the ground floor swing in different directions. At ground floor, stairway doors shall meet 2017 DCBC, 1010.1.9.11. Please verify.</p>	



## Current Project - Department Review Status

				<p>Door CA-1 shall swing into the direction of egress [2017 DCBC, 1010.1.2.1] Provide calculation to verify door encroachment from Stairway 1 [1005.7.1.]</p> <p>Cellar - [A0100] Restaurant at cellar level - When the occupant load is more than 50, door shall swing to the egress direction [2017 DCBC, 1010.1.2.1.] Specify the fire rating of generator room per 2017 DCBC, 403.4.8.1.</p> <p>egress - [0013] Provide calculation of remoteness per DCMR 12A, 2017, 1007.1.1 on all floors.</p> <p>elevators - Provide plans of sufficient detail including make, type of elevators (traction, MRL, hydraulic). Show location of the elevator machine room. Provide full height sectional view of elevator shaft with fire rating [2017 DCBC, 713] and dimensioned details of elevator pit [ASME A17.1, 2010, 2.2.1] and drainage details of sump pit [ASME A17.1, 2010, 2.2.2.5 and DCPC 2017, 301.6.], as well as backup power sources. [DCMR 12, 2017, 106.2.6] and 2017 DCBC, 907.2.13.1.1.]</p> <p>Unit chart - Provide a complete Unit Chart. Type A units for R-2 shall meet DCMR 12, 2017, 1107.6.2.2.1. Type B units for R-2 shall meet DCMR 12, 2017, 1107.6.2.2.2.</p> <p>FAAP - [F002] It shows a LED of fire pump. Provide more details of the fire pump room construction [913.2.1.]</p> <p>ground floor - Doors of Stair 1 and 2 on the ground floor swing into different directions. At ground floor, stairway doors shall meet 2017 DCBC, 1010.1.9.11. Please verify. Door CA-1 shall swing into the direction of egress [2017 DCBC, 1010.1.2.1] Provide calculation to verify door encroachment from Stairway 1 [1005.7.1.]</p> <p>Cellar - [A0100] Restaurant at cellar level - When the occupant load is more than 50, door shall swing to the egress direction [2017 DCBC, 1010.1.2.1.] Specify the fire rating of generator room per 2017 DCBC, 403.4.8.1.</p> <p>egress - [0013] Provide calculation of remoteness per DCMR 12A, 2017, 1007.1.1 on all floors.</p> <p>elevators - Provide plans of sufficient detail including make, type of elevators (traction, MRL, hydraulic). Show location of elevator machine room. Provide full height sectional view of elevator shaft with fire rating [2017 DCBC, 713] and dimensioned details of elevator pit [ASME A17.1, 2010, 2.2.1] and drainage details of sump pit [ASME A17.1, 2010, 2.2.2.5 and DCPC 2017, 301.6.], as well as backup power sources. [DCMR 12, 2017, 106.2.6] and 2017 DCBC, 907.2.13.1.1.]</p>
Fire Review	Luchi Lu luchi.lu@dc.gov	HFC	02/15/2022	



# Current Project - Department Review Status

				<p>Unit chart - Provide a complete Unit Chart. Type A units for R-2 shall meet DCMR 12, 2017, 1107.6.2.2.1. Type B units for R-2 shall meet DCMR 12, 2017, 1107.6.2.2.2.</p> <p>FAAP - [F002] It shows a LED of fire pump. Provide more details of the fire pump room construction [913.2.1.]</p> <p>ground floor - Doors of Stair 1 and 2 on the ground floor swing into different directions. At ground floor, stairway doors shall meet 2017 DCBC, 1010.1.9.11. Please verify. Door CA-1 shall swing into the direction of egress [2017 DCBC, 1010.1.2.1] Provide calculation to verify door encroachment from Stairway 1 [1005.7.1.]</p> <p>Cellar - [A0100] Restaurant at cellar level - When the occupant load is more than 50, door shall swing to the egress direction [2017 DCBC, 1010.1.2.1.] Specify the fire rating of generator room per 2017 DCBC, 403.4.8.1.</p> <p>egress - [0013] Provide calculation of remoteness per DCMR 12A, 2017, 1007.1.1 on all floors.</p> <p>elevators - Provide plans of sufficient detail including make, type of elevators (traction, MRL, hydraulic). Show location of elevator machine room. Provide full height sectional view of elevator shaft with fire rating [2017 DCBC, 713] and dimensioned details of elevator pit [ASME A17.1, 2010, 2.2.1] and drainage details of sump pit [ASME A17.1, 2010, 2.2.2.5 and DCPC 2017, 301.6.], as well as backup power sources. [DCMR 12, 2017, 106.2.6] and 2017 DCBC, 907.2.13.1.1.]</p> <p>Unit chart - Provide a complete Unit Chart. Type A units for R-2 shall meet DCMR 12, 2017, 1107.6.2.2.1. Type B units for R-2 shall meet DCMR 12, 2017, 1107.6.2.2.2.</p> <p>FAAP - [F002] It shows a LED of fire pump. Provide more details of the fire pump room construction [913.2.1.]</p>
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## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	Green Review	Rafael Palomino-ramirez Rafael.palomino-Ramirez@dc.gov	HFC	02/10/2022	1- Per 2017 DCMR-A, Chapter 1, Section 101.12, this project needs to comply with the Green Construction Code or alternative compliance pathways such as LEED as it is a project whose aggregate area of alteration, addition and associated site development is over 10,000 square feet. a) If using the DC Green Code to comply with this requirement, please fill out a Green and Energy Compliance Sheet (GCS) found at <a href="https://docs.google.com/spreadsheets/d/18zDPihemP8yz9u7CDZwffhLCLCURhgJrnERDHXyvBsM/copy">https://docs.google.com/spreadsheets/d/18zDPihemP8yz9u7CDZwffhLCLCURhgJrnERDHXyvBsM/copy</a> per the instructions, reference specific pages within the plan set of where compliance is located and SHARE LINK WITH EDIT ACCESS. b) If complying with LEED, please invite green.building@dc.gov to the LEED Online account and provide a LEED score card of how the project will be achieving LEED certified status.	
	Mechanical Review	Alec Petrillo-Groh alec.petrillo-groh@dc.gov	HFC	02/23/2022	1) Per the 2017 DC Mechanical Code (DCMC), Section 401.2 (1): "Each new dwelling unit shall be ventilated by mechanical means in accordance with Section 403 and shall have at least one opening to the outdoors for natural ventilation of not less than 4 percent of the floor area of the habitable spaces of the dwelling unit." Provide additional information and calculations demonstrating compliance with the referenced NATURAL ventilation requirements.	
	Plumbing Review	Alec Petrillo-Groh alec.petrillo-groh@dc.gov	HFC	02/23/2022	1) Per the 2017 DC Mechanical Code (DCMC), Section 401.2 (1): "Each new dwelling unit shall be ventilated by mechanical means in accordance with Section 403 and shall have at least one opening to the outdoors for natural ventilation of not less than 4 percent of the floor area of the habitable spaces of the dwelling unit." Provide additional information and calculations demonstrating compliance with the referenced NATURAL ventilation requirements.	
					1. Plat: Provide evidence of adjoining neighbor notification, consisting of: (1) evidence of the posting required by Section 106.2.18.3.1.1; (2) evidence of the delivery of written notice required by Section 106.2.18.3.1.2; and (3) the affidavit of maintenance required by Section 106.2.18.3.1.3. [2017 DCMR 12A section 106.2.18.3.1] 2. Plat: Verify of no adverse effect of this construction due to increased loads caused by snow drift buildup to the adjoining properties by means of structural analysis. Submit Photographs of the roof(s) of the adjoining Properties and identify any existing vent stacks, chimneys and openings that may be affected by the new construction. [2017 DCMR 12A 3307] 3. 0001: Upload the missing plan of Window schedule A1002. [2017 DCMR 12A section 106.1] 4. 0002, 0010: Rectify the lot number 1 and 2 at all applicable plans to read 32 as shown at the plat. [2017 DCMR 12A section 106.1] 5. 0013: Show north orientation on all applicable plans. [2017 DCMR 12A section 106.1] 6. 0013: Rectify/clarify the direction of swing of the proposed door. [2015 IBC section 1010.1.2.1] 7. 0013: Provide complete egress code analysis of the eight floor to include use and occupant load of the spaces. [2017 DCMR 12A section 106.1] 8. 0016: Provide complete architectural and structural plan details of the proposed canopy. [2017 DCMR 12A section 3202.12.21]	



## Current Project - Department Review Status

Structural Review	Bihon Debessai Bihon.Debessai@dc.gov	HFC	02/23/2022	<p>9. A0101, A0102, A0103: Provide detailed analysis of the at-risk openings including the required covenant. [2017 DCMR 12A section 705.8.7]</p> <p>10. A0104: Provide the structural design details of the proposed solar panels. [2017 DCMR 12A section 106.2.4]</p> <p>11. L100: All landscaping plans shall bear the seal and signature of the applicable design professional. [2017 DCMR 12A section 106.4]</p> <p>12. S001: Revisit the soil bearing value to reflect the distinct values of 7500 PSF and 4500 PSF for column and wall foundations as recommended by the uploaded Geotech report. [2017 DCMR 12A section 106.2.4]</p> <p>13. S001: Verify the effect of the roof rain Photovoltaic panel systems, and landscaping loads in the design of the proposed structure. [2015 IBC sections 1611 and 1607.12]</p> <p>14. S0100, S0301: Provide complete and detailed underpinning design and procedure prepared by registered professional engineer or if not part of this permit please provide a statement to that effect. Please note no work at the vicinity of this adjoining property can be conduct prior to underpinning work is completed. [DCMR 12 of 2017 section 106.2]</p> <p>15. S0203: Provide structural Calculation, sealed, and signed by a design professional registered to practice in DC, with the following contents</p> <ul style="list-style-type: none"><li>? Introduction with general background information and scope of the services provided</li><li>? List of Design Criteria</li><li>? List of all codes and standards used</li><li>? Structural model – with typical plans Showing proposed vertical and lateral load resisting systems.</li><li>? Software employed and its limitations.</li><li>? Representative design analysis and design results- and design for lateral force resisting systems.</li><li>? Analysis and design document shall clearly identify compliance with the provisions of the code.</li><li>? Separate chapter on lateral load analysis</li><li>? Conclusion</li></ul> <p>16. 0002: Rectify the wrong construction type VB shown at your application (Accela) to read IB [2015 IBC section 602.1]</p> <p>N.B: Please either submit written responses or populate the ProjectDox Plan Review form</p>
				<p>CIZC COMMENT - 1.PROVIDE A DRAFT COVENANT APPROVAL EMAIL FROM DHCD.</p> <p>2.PROVIDE A SCHEDULE OF INTERIOR AND EXTERIOR FINISHES, EQUIPMENT AND APPLIANCES COMPARING MARKET RATE TO THE IZ UNIT UNITS.</p> <p>3.P ROVIDE A COPY OF THE DCRA RECEIPT SHOWING THE \$250 IZ REVIEW HAS BEEN PAID.</p> <p>4. PROVIDE PENTHOUSE AFFORDABLE HOUSING ADDENDUM (PAHA) FORM FOR THE PROPOSED HABITABLE PENTHOUSE SPACE.</p> <p>CIZC COMMENT - 2 - PROVIDE OWNER"S SIGHTURE.</p> <p>PLAT COMMENT - 8. YOU ARE REQUIRED 6 OFF STREET PARKING SPACES</p>





# Current Project - Department Review Status

	Zoning Review	Ramon Washington Ramon.washington@dc.gov	HFC	03/08/2022	<p>FOR THE PROPOSED RESTAURANT AND 12 FOR THE RESIDENTIAL USE, DCMR TITLE 11, SUBTITLE C701.5.</p> <p>9. NO INDIVIDUAL GAP MAY EXCEED 20FT. IN WIDTH. YOU ARE REQUIRED TO PROVIDE SCREENING FOR THE PROPOSED PARKING SPACES, DCMR TITLE 11, SUBTITLE C714.2, (a, c, d, (1), (2), (A, B, C). PROVIDE A DETAILED SECTION SHOWING HOW THE CONDITIONS WILL BE MET.</p> <p>10. PROVIDE A ZONING EATING ESTABLISHMENT QUESTIONNAIRE AND A MENU FOR THE PROPOSED RESTAURANT USE.</p> <p>ZC ORDER NO.18-03 - COMMENT - 5. PROVIDE AN UPDATED ZONING ADMINISTRATOR (ZA), BZA, ZC MODIFICATION FORM FOR THE RELIEF RECEIVED FROM THE BZA, ZC TO CONFIRM THE PLANS SUBMITTED TO DCRA HAVE NOT BEEN MODIFIED FROM THE PLANS APPROVED BY THE BZA, ZC, DCMR TITLE 11, SUBTITLES A304.10, (a – h), A304.5, (a – d).</p> <p>6. PROVIDE A TIMELINE MATRIX FOR Z.C. ORDER NO.18-03 DETAILING HOW AND WHEN ALL CONDITIONS WILL BE MET.</p> <p>7. PROVIDE A ZONING CODE ANALYSIS SHEET FOR THE PROPOSED PROJECT.</p> <p>A0103 - FLR. PLN. COMMENT - 4. PROVIDE PENTHOUSE AFFORDABLE HOUSING ADDENDUM (PAHA) FORM FOR THE PROPOSED HABITABLE PENTHOUSE SPACE.</p> <p>11. YOU ARE REQUIRED TO PROVIDE 14 LONG TERM AND 4 SHORT TERM BICYCLE PARKING SPACES FOR THE PROPOSED USE, DCMR TITLE 11, SUBTITLE C802.1.</p> <p>12. WHEN BICYCLE PARKING SPACES ARE REQUIRED, SIGNS SHALL BE POSTED IN A PROMINENT PLACE AT EACH ENTRANCE TO THE BUILDING OR STRUCTURE STATING WHERE BICYCLE PARKING SPACES ARE LOCATED, DCMR TITLE 11, SUBTITLE C801.1.</p> <p>13. WHERE REQUIRED LONG-TERM BICYCLE PARKING IS PROVIDED IN A BICYCLE ROOM, THE ROOM SHALL HAVE EITHER SOLID WALLS OR FLOOR-TO-CEILING FENCING. THE ROOM SHALL HAVE LOCKED DOORS, DCMR TITLE 11, SUBTITLE C805.5.</p> <p>RESPOND POINT BY POINT TO ALL COMMENTS IN WRITING. FAILURE TO RESPOND TO ALL COMMENTS IN WRITING WILL RESULT IN AN ADDITIONAL REVIEW CYCLE. ADDITIONAL COMMENTS MAY FOLLOW.?</p> <p>CIZC COMMENT - 1.PROVIDE A DRAFT COVENANT APPROVAL EMAIL FROM DHCD.</p> <p>2.PROVIDE A SCHEDULE OF INTERIOR AND EXTERIOR FINISHES, EQUIPMENT AND APPLIANCES COMPARING MARKET RATE TO THE IZ UNIT UNITS.</p> <p>3.PROVIDE A COPY OF THE DCRA RECEIPT SHOWING THE \$250 IZ REVIEW HAS BEEN PAID.</p> <p>4.PROVIDE PENTHOUSE AFFORDABLE HOUSING ADDENDUM (PAHA) FORM FOR THE PROPOSED HABITABLE PENTHOUSE SPACE.</p>
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## Current Project - Department Review Status

					<p>CIZC COMMENT - 2 - PROVIDE OWNER'S SIGNATURE.</p> <p>PLAT COMMENT - 8. YOU ARE REQUIRED 6 OFF STREET PARKING SPACES FOR THE PROPOSED RESTAURANT AND 12 FOR THE RESIDENTIAL USE, DCMR TITLE 11, SUBTITLE C701.5.</p> <p>9. NO INDIVIDUAL GAP MAY EXCEED 20FT. IN WIDTH. YOU ARE REQUIRED TO PROVIDE SCREENING FOR THE PROPOSED PARKING SPACES, DCMR TITLE 11, SUBTITLE C714.2, (a, c, d, (1), (2), (A, B, C). PROVIDE A DETAILED SECTION SHOWING HOW THE CONDITIONS WILL BE MET.</p> <p>ZC ORDER NO.18-03 - COMMENT - 5. PROVIDE AN UPDATED ZONING ADMINISTRATOR (ZA), BZA, ZC MODIFICATION FORM FOR THE RELIEF RECEIVED FROM THE BZA, ZC TO CONFIRM THE PLANS SUBMITTED TO DCRA HAVE NOT BEEN MODIFIED FROM THE PLANS APPROVED BY THE BZA, ZC, DCMR TITLE 11, SUBTITLES A304.10, (a – h), A304.5, (a – d).</p> <p>6. PROVIDE A TIMELINE MATRIX FOR Z.C. ORDER NO.18-03 DETAILING HOW AND WHEN ALL CONDITIONS WILL BE MET.</p> <p>A0103 - FLR. PLN. COMMENT - 4. PROVIDE PENTHOUSE AFFORDABLE HOUSING ADDENDUM (PAHA) FORM FOR THE PROPOSED HABITABLE PENTHOUSE SPACE.</p>
2					
	DC Water Review	Vahid Bilvardi vahid.bilvardi@dcwater.com	HFC	04/21/2022	The submitted Set of Civil Plans for this project is under DCWater in house review and is waiting for addressing comments by applicant engineer. DC Water reference 20-140459
	DDOT Review	Andre Morgan andre.morgan@dc.gov	HFC	04/26/2022	DDOT tracking number 388779 is in a Revise and Resubmit status and tracking number 388751 must be resubmitted. DDOT permits are required for all proposed work/projections beyond the property or building restriction line. You can apply online via <a href="https://TOPS.DDOT.DC.GOV">https://TOPS.DDOT.DC.GOV</a> . Please upload a copy of the issued permit to the supporting documents folder
	DOEE GAR Review	Saba Gharavi saba.gharavi@dc.gov	HFC	04/25/2022	project is under review with James Dunbar (plan No. 6486)
	DOEE SE-SW Review	Saba Gharavi saba.gharavi@dc.gov	HFC	04/25/2022	project is under review with James Dunbar (plan No. 6486)



## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	DOH FD Review	Bruce Flippens Bruce.Flippens@dc.gov	HFC	04/26/2022	Provide a written response describing how each comment was addressed. 1. Provide a finish schedule. 2. Provide equipment specification sheets. 3. Provide a menu. 4. Provide a completed DC Health Plan Review Packet. 5. Provide Food Service drawings with corresponding equipment schedule for this project. 6. If the food service operations will be permitted separately, please indicate that in the scope of work. 7. More comments may follow. 8. Pay DOH plan review fee of \$300.00 check, credit card, or money order made payable to DC Treasurer at either DCRA or DC Health. Upload the invoice and receipt to the Supporting Documents folder. 9. Email douglas.dalier@dc.gov or bruce.flippens@dc.gov directly for plan review invoice, Plan Review Guidance Packet, or variance application/guidance packet if needed.	
	Electrical Review	Alina Mahmood alina.mahmood@dc.gov	HFC	04/27/2022	1. Revise one line diagram to include the disconnect switch for future solar system. [NEC 2014 690.] Provide SOL# (permit #) for future solar system if applicable.	
	Elevator Review	Luchi Lu luchi.lu@dc.gov	HFC	04/28/2022	Address previous fire and elevator review comments of FAAP and new fire pump.	
	Energy Review	Rafael Palomino-ramirez Rafael.palomino-Ramirez@dc.gov	HFC	05/02/2022	Comment 1 (Cycle 1) was not addressed. Per DCRA policy all new applications accepted after Feb 1 2015 should provide an Energy Verification Sheet (EVS). Please to continue with the review provide EVS found at <a href="https://docs.google.com/spreadsheets/d/18zDPihemP8yz9u7CDZwffhLCLCURhgJrnERDHXyvBsM/copy">https://docs.google.com/spreadsheets/d/18zDPihemP8yz9u7CDZwffhLCLCURhgJrnERDHXyvBsM/copy</a> fill out per instructions and share link with edit access. The DCRA link below directs our customers to "How To" videos for the new Energy and Green Worksheets. <a href="https://dcra.dc.gov/service/energy-and-green-building">https://dcra.dc.gov/service/energy-and-green-building</a> DCRA reserves the right to add additional, new review comments at future reviews for the project team to address.  NOTE:  1.- To continue the review provide EVS found at link listed above.  2.- If following performance path, a) This project shall comply with all mandatory provisions, please fill out EVS and provide compliance location on set of drawings.  b) Energy model provided on supporting documents is following requirements on ASHRAE 90.1-2010 and shall comply with requirements listed on 2017 DC Energy code – Appendix G. Review.	
	Fire Review	Luchi Lu luchi.lu@dc.gov	HFC	04/28/2022	Address previous fire and elevator review comments of FAAP and new fire pump.	



## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	Green Review	Rafael Palomino-ramirez Rafael.palomino-Ramirez@dc.gov	Approved	05/02/2022	1000121840 - LEED v4 BD+C: NC	
	Mandatory Meeting	Mamadou Ndaw Mamadou.Ndaw@dc.gov	Approved	05/25/2022	No Comments	
	Mechanical Review	Alec Petrillo-Groh alec.petrillo-groh@dc.gov	Approved	04/28/2022	No Comments	
	Plumbing Review	Alec Petrillo-Groh alec.petrillo-groh@dc.gov	Approved	04/28/2022	No Comments	
	Structural Review	Bihon Debessai Bihon.Debessai@dc.gov	HFC	05/02/2022	Please either submit written responses or populate the ProjectDox Plan Review form. Not addressed, please provide response to every comment.	



## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	Zoning Review	Ramon Washington Ramon.washington@dc.gov	HFC	05/06/2022	MANDATORY MEETING REQUIRED PRIOR TO RESUBMITTAL OF JOB. PREVIOUS COMMENTS NOT ADDRESSED. CIZC COMMENT - 1. PROVIDE A DRAFT COVENANT APPROVAL EMAIL FROM DHCD. 2. PROVIDE A SCHEDULE OF INTERIOR AND EXTERIOR FINISHES, EQUIPMENT AND APPLIANCES COMPARING MARKET RATE TO THE IZ UNIT UNITS. 3. PROVIDE A COPY OF THE DCRA RECEIPT SHOWING THE \$250 IZ REVIEW HAS BEEN PAID. 4. PROVIDE PENTHOUSE AFFORDABLE HOUSING ADDENDUM (PAHA) FORM FOR THE PROPOSED HABITABLE PENTHOUSE SPACE. CIZC COMMENT - 2 - PROVIDE OWNER'S SIGNATURE. PLAT COMMENT - 8. YOU ARE REQUIRED 6 OFF STREET PARKING SPACES FOR THE PROPOSED RESTAURANT AND 12 FOR THE RESIDENTIAL USE, DCMR TITLE 11, SUBTITLE C701.5. 9. NO INDIVIDUAL GAP MAY EXCEED 20FT. IN WIDTH. YOU ARE REQUIRED TO PROVIDE SCREENING FOR THE PROPOSED PARKING SPACES, DCMR TITLE 11, SUBTITLE C714.2, (a, c, d, (1), (2), (A, B, C). PROVIDE A DETAILED SECTION SHOWING HOW THE CONDITIONS WILL BE MET. 10. PROVIDE A ZONING EATING ESTABLISHMENT QUESTIONNAIRE AND A MENU FOR THE PROPOSED RESTAURANT USE. ZC ORDER NO.18-03 - COMMENT - 5. PROVIDE AN UPDATED ZONING ADMINISTRATOR (ZA), BZA, ZC MODIFICATION FORM FOR THE RELIEF RECEIVED FROM THE BZA, ZC TO CONFIRM THE PLANS SUBMITTED TO DCRA HAVE NOT BEEN MODIFIED FROM THE PLANS APPROVED BY THE BZA, ZC, DCMR TITLE 11, SUBTITLES A304.10, (a – h), A304.5, (a – d). 6. PROVIDE A TIMELINE MATRIX FOR Z.C. ORDER NO.18-03 DETAILING HOW AND WHEN ALL CONDITIONS WILL BE MET. 7. PROVIDE A ZONING CODE ANALYSIS SHEET FOR THE PROPOSED PROJECT. A0103 - FLR. PLN. COMMENT - 4. PROVIDE PENTHOUSE AFFORDABLE HOUSING ADDENDUM (PAHA) FORM FOR THE PROPOSED HABITABLE PENTHOUSE SPACE. 11. YOU ARE REQUIRED TO PROVIDE 14 LONG TERM AND 4 SHORT TERM BICYCLE PARKING SPACES FOR THE PROPOSED USE, DCMR TITLE 11, SUBTITLE C802.1. 12. WHEN BICYCLE PARKING SPACES ARE REQUIRED, SIGNS SHALL BE POSTED IN A PROMINENT PLACE AT EACH ENTRANCE TO THE BUILDING OR STRUCTURE STATING WHERE BICYCLE PARKING SPACES ARE LOCATED, DCMR TITLE 11, SUBTITLE C801.1. 13. WHERE REQUIRED LONG-TERM BICYCLE PARKING IS PROVIDED IN A BICYCLE ROOM, THE ROOM SHALL HAVE EITHER SOLID WALLS OR FLOOR-TO-CEILING FENCING. THE ROOM SHALL HAVE LOCKED DOORS, DCMR TITLE 11, SUBTITLE C805.5. RESPOND POINT BY POINT TO ALL COMMENTS IN WRITING. FAILURE TO RESPOND TO ALL COMMENTS IN WRITING WILL RESULT IN AN ADDITIONAL REVIEW CYCLE. ADDITIONAL COMMENTS MAY FOLLOW.	
3						
	DC Water Review	Vahid Bilvardi vahid.bilvardi@dcwater.com	HFC	08/08/2022	The submitted Set of Civil Plans for this project is under DCWater in house review, and Comments will be sent to applicant civil engineer. DC Water reference 22-519146	
	DDOT Review	Shawntanishia Zackery shawntanishia.zackery@dc.gov	HFC	08/15/2022	Construction permits 388751 and 388779 are both noted, however both permits must be issued.	



## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	DOEE GAR Review	Saba Gharavi saba.gharavi@dc.gov	HFC	08/08/2022	Under review with Julianne Bautista (plan No. 6486)	
	DOEE SE-SW Review	Saba Gharavi saba.gharavi@dc.gov	HFC	08/08/2022	Under review with Julianne Bautista (plan No. 6486)	
	DOH FD Review	Bruce Flippens Bruce.Flippens@dc.gov	N/A	08/09/2022	Comment response states Bar/Restaurant Fit out will be done on separate permit	
	Electrical Review	Alina Mahmood alina.mahmood@dc.gov	Approved	08/09/2022	No Comments	
	Elevator Review	Luchi Lu luchi.lu@dc.gov	Approved	08/15/2022	No Comments	
	Energy Review	Rafael Palomino-ramirez Rafael.palomino-Ramirez@dc.gov	HFC	08/18/2022	<p>1. Per 2017 DC Energy code Section 5.5.3.1 – Insulation above deck shall be not less than R-33ci (Not more than U-0.028). Review the following,</p> <p>a. A0100, A0101, A0300, A0903 - Restaurant ceiling (Ground floor) under parking garage, service space, car share and ramp.</p> <p>b. A0103, A0907 – Ceiling seventh floor under patio and green area (1/A0907) list 4 inches rigid insulation.</p> <p>c. A0103, A0907 – Ceiling penthouse (1/A0907) list 4 inches rigid insulation.</p> <p>2. Per 2017 DC Energy code Section 5.5.3.2 – Above grade walls that are part of the building envelope shall comply with requirements of Table 5.5. Review the following,</p> <p>a. A0101, A1000 – Wall type F0.4 (second floor – Parking garage/Unit 203 and corridor) shall be insulated with R-12.5ci or U-0.081.</p> <p>3. Per 2017 DC Energy code Section 5.5.3.3 – Below grade walls that are part of the building envelope shall comply with requirements of Table 5.5. Review the following,</p> <p>a. A0100, A1000 – Wall types X2.4, X2.5, X2.6 (Cellar and Ground floor) shall be insulated with R-8ci or C-0.119.</p> <p>4. Per 2017 DC Energy code Section 8.1.5 – EVS list N/A, it is not N/A and need to be addressed.</p> <p>5. Per 2017 DC Energy code Section 8.1.5.1 – EVS list N/A, it is not N/A and need to be addressed.</p> <p>6. Per 2017 DC Energy code Section 8.1.5.2 – EVS list N/A, it is not N/A and need to be addressed.</p> <p>7. Per 2017 DC Energy code Section 8.1.5.2.1 – EVS list N/A, it is not N/A and need to be addressed.</p> <p>8. Per 2017 DC Energy code Section 9.4.1.1 (h) – E002, E005 – Provide automatic full off lighting controls at future restaurant and Future Barr/Lounge areas.</p> <p>9. Per 2017 DC Energy code Section 9.4.1.4 – EVS list compliance on E002, reviewer cannot find compliance. Provide exterior lighting controls.</p> <p>10. Per 2017 DC Energy code Sections 11.1.1 – EVS list N/A, it is not N/A and need to be addressed. Please identify who will be providing commissioning services for this project to ensure they are approved by DCRA to complete commissioning. The commissioning agent shall provide a commissioning plan. Additional information can be found at <a href="https://dcra.dc.gov/node/1422466">https://dcra.dc.gov/node/1422466</a></p> <p>The following systems and associated controls, if included in the project, shall be commissioned:</p> <p>a. Heating, ventilating, air-conditioning, and refrigeration systems (mechanical and/or passive).</p>	



## Current Project - Department Review Status

					<p>b. Building envelope systems, components, and assemblies to verify the airtightness and thermal and moisture integrity. Building envelope airtightness commissioning shall also comply with Section 11.3.1.3.</p> <p>c. Lighting systems.</p> <p>d. Fenestration control systems: Automatic controls for shading devices and dynamic glazing.</p> <p>e. Irrigation.</p> <p>f. Domestic and process water pumping and mixing systems.</p> <p>g. Service water heating systems.</p> <p>h. Renewable energy systems.</p> <p>i. Water measurement devices.</p> <p>j. Energy measurement devices.</p> <p>11. Per 2017 DC Energy code Section 13.1.1.1 – A0104 - Building projects shall contain on-site renewable energy systems that provide the annual energy production equivalent of not less than 10.0 kBtu/ft<sup>2</sup> (32 kWh/m<sup>2</sup>) multiplied by the gross roof area in ft<sup>2</sup> (m<sup>2</sup>). The annual energy production shall be the combined sum of all on-site renewable energy systems.</p>
	Fire Review	Luchi Lu luchi.lu@dc.gov	Approved	08/15/2022	No Comments
	Structural Review	Bihon Debessai Bihon.Debessai@dc.gov	HFC	08/12/2022	<p>1. Plat: Provide evidence of adjoining neighbor notification, consisting of: (1) evidence of the posting required by Section 106.2.18.3.1.1; (2) evidence of the delivery of written notice required by Section 106.2.18.3.1.2; and (3) the affidavit of maintenance required by Section 106.2.18.3.1.3. [2017 DCMR 12A section 106.2.18.3.1] Not addressed. Not found at supporting documents folder</p> <p>2. Plat: Verify of no adverse effect of this construction due to increased loads caused by snow drift buildup to the adjoining properties by means of structural analysis. Submit Photographs of the roof(s) of the adjoining Properties and identify any existing vent stacks, chimneys and openings that may be affected by the new construction. [2017 DCMR 12A 3307] OK, but no work shall be conducted prior to the recommended reinforcement of the adjacent building existing roof.</p> <p>8. 0016: Provide complete architectural and structural plan details of the proposed canopy. [2017 DCMR 12A section 3202.12.2] OK, note that a separate permit for the proposed canopy shall be obtained prior to any canopy construction.</p> <p>9. A0101, A0102, A0103: Provide detailed analysis of the at-risk openings including the required covenant. [2017 DCMR 12A section 705.8.7] Not addressed, please provide the analysis and draft of the covenant</p> <p>14. S0100, S0301: Provide complete and detailed underpinning design and procedure prepared by registered professional engineer or if not part of this permit please provide a statement to that effect. Please note no work at the vicinity of this adjoining property can be conduct prior to underpinning work is completed. [DCMR 12 of 2017 section 106.2] OK, but no work shall be conducted prior to obtaining the permit of underpinning</p>



## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	Zoning Review	Ramon Washington Ramon.washington@dc.gov	HFC	08/30/2022	PROVIDE THE DHCD IZ COVENANT DRAFT APPROVAL EMAIL. IF YOU HAVE NOT ALREADY DONE SO, PLEASE EMAIL Mr. Bulmash at gene.bulmash@dc.gov TO INITIATE THE PROCESS WITH DHCD. THIS CIZC APPLICATION CANNOT BE APPROVED WITHOUT DHCD APPROVAL FIRST.  RESPOND POINT BY POINT TO ALL COMMENTS IN WRITING. FAILURE TO RESPOND TO ALL COMMENTS IN WRITING WILL RESULT IN AN ADDITIONAL REVIEW CYCLE. ADDITIONAL COMMENTS MAY FOLLOW.?	
4						
	DC Water Review	Vahid Bilvardi vahid.bilvardi@dcwater.com	Approved	11/01/2022	Approved- The inspection fees Paid. DCWater Approval reference 21-138336. The applicant should upload all signed and sealed and approved plans by DCWater to ProjectDox as proof of DCWater approval.	
	DDOT Review	Shawntanishia Zackery shawntanishia.zackery@dc.gov	HFC	11/01/2022	Construction permits 388751 and 388779 are both noted, however both permits must be issued	
	DOEE GAR Review	Saba Gharavi saba.gharavi@dc.gov	HFC	11/01/2022	Enter the building permit number in the SGS.	
	DOEE SE-SW Review	Saba Gharavi saba.gharavi@dc.gov	HFC	11/01/2022	Enter the permit number in the SGS.	





## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	Energy Review	Rafael Palomino-ramirez Rafael.palomino-Ramirez@dc.gov	HFC	11/09/2022	<p>Comment 8 (cycle 3) was not addressed. Per 2017 DC Energy code Section 9.4.1.1 (h) – E002, E005 – Provide automatic full off lighting controls at future restaurant and Future Barr/Lounge areas.</p> <p>- Respond letter list lighting control for future restaurant and bar will be provided by tenant under separate permit set.</p> <p>NOTE 11/09/2022 – Lighting systems provided at future restaurant and bar (white box area) shall be controlled by an automatic full off lighting control, provide.</p> <p>Comment 9 (cycle 3) was not addressed. Per 2017 DC Energy code Section 9.4.1.4 – EVS list compliance on E002, reviewer cannot find compliance. Provide exterior lighting controls.</p> <p>- Respond letter list Time clock show on drawing 2/E002 to control exterior light.</p> <p>NOTE 11/09/2022 – Exterior lights shall be controlled by a device that atomically turns off the lighting when sufficiently daylight is available and timeclock.</p> <p>Comment 10 (Cycle 3) was not addressed. Per 2017 DC Energy code Sections 11.1.1 – EVS list N/A, it is not N/A and need to be addressed. Please identify who will be providing commissioning services for this project to ensure they are approved by DCRA to complete commissioning. The commissioning agent shall provide a commissioning plan. Additional information can be found at <a href="https://dcra.dc.gov/node/1422466">https://dcra.dc.gov/node/1422466</a></p> <p>The following systems and associated controls, if included in the project, shall be commissioned:</p> <ul style="list-style-type: none"><li>a. Heating, ventilating, air-conditioning, and refrigeration systems (mechanical and/or passive).</li><li>b. Building envelope systems, components, and assemblies to verify the airtightness and thermal and moisture integrity. Building envelope airtightness commissioning shall also comply with Section 11.3.1.3.</li><li>c. Lighting systems.</li><li>d. Fenestration control systems: Automatic controls for shading devices and dynamic glazing.</li><li>e. Irrigation.</li><li>f. Domestic and process water pumping and mixing systems.</li><li>g. Service water heating systems.</li><li>h. Renewable energy systems.</li><li>i. Water measurement devices.</li><li>j. Energy measurement devices.</li></ul> <p>- Respond letter list compliance on drawing M009.</p> <p>NOTE 11/09/2022 – Drawing M009 only show a DOAS schedule. Please identify who will be your commissioning agent, the commissioning agent shall provide a commissioning plan that covers all the systems listed on section 11.3.1.3.</p> <p>Comment 11 (Cycle 3) was not addressed. Per 2017 DC Energy code Section 13.1.1.1 – A0104 - Building projects shall contain on-site renewable energy systems that provide the annual energy production equivalent of not less than 10.0 kBtu/ft2 (32 kWh/m2) multiplied by the gross roof area in ft2 (m2). The annual energy production shall be the combined sum of all on-site renewable energy systems.</p> <p>- Respond letter list that the system will produce 14,456 kWh/yr.</p> <p>NOTE 11/09/2022 – Provide energy production calculations in set of drawings.</p>	



## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	Structural Review	Stanley Skinner sskinner@safebuilt.com	HFC	11/02/2022	<p>PREVIOUS ITEM(S) NOT ADDRESSED</p> <p>1. Plat: Provide evidence of adjoining neighbor notification, consisting of: (1) evidence of the posting required by Section 106.2.18.3.1.1; (2) evidence of the delivery of written notice required by Section 106.2.18.3.1.2; and (3) the affidavit of maintenance required by Section 106.2.18.3.1.3. [2017 DCMR 12A section 106.2.18.3.1] Not addressed. Not found at supporting documents folder</p> <p>2. Plat: Verify of no adverse effect of this construction due to increased loads caused by snow drift buildup to the adjoining properties by means of structural analysis. Submit Photographs of the roof(s) of the adjoining Properties and identify any existing vent stacks, chimneys and openings that may be affected by the new construction. [2017 DCMR 12A 3307] OK, but no work shall be conducted prior to the recommended reinforcement of the adjacent building existing roof.</p> <p>8. 0016: Provide complete architectural and structural plan details of the proposed canopy. [2017 DCMR 12A section 3202.12.2] OK, note that a separate permit for the proposed canopy shall be obtained prior to any canopy construction.</p> <p>9. A0101, A0102, A0103: Provide detailed analysis of the at-risk openings including the required covenant. [2017 DCMR 12A section 705.8.7] Not addressed, please provide the analysis and draft of the covenant</p> <p>14. S0100, S0301: Provide complete and detailed underpinning design and procedure prepared by registered professional engineer or if not part of this permit please provide a statement to that effect. Please note no work at the vicinity of this adjoining property can be conduct prior to underpinning work is completed. [DCMR 12 of 2017 section 106.2] OK, but no work shall be conducted prior to obtaining the permit of underpinning</p> <p>Submit a response addressing these correction items and provide bubbles on the revisions to the drawings. Demonstrate compliance.</p>	



## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments	
	Zoning Review	Ramon Washington Ramon.washington@dc.gov	HFC	11/27/2022	<p>PLAT COMMENTS - PREVIOUS COMMENT FROM 5-6-22 NOT ADDRESSED. NO INDIVIDUAL GAP MAY EXCEED 20FT. IN WIDTH. YOU ARE REQUIRED TO PROVIDE SCREENING FOR THE PROPOSED PARKING SPACES, DCMR TITLE 11, SUBTITLE C714.2, (a, c, d, (1), (2), (A, B, C). PROVIDE A DETAILED SECTION SHOWING HOW THE CONDITIONS WILL BE MET.</p> <p>CLEARLY LABEL SHARED CAR PARKING SPACES ON THE PLAT, DCMR TITLE 11, SUBTITLE C708.3, (b, 2, 3).</p> <p>RESPOND POINT BY POINT TO ALL COMMENTS IN WRITING. FAILURE TO RESPOND TO ALL COMMENTS IN WRITING WILL RESULT IN AN ADDITIONAL REVIEW CYCLE. ADDITIONAL COMMENTS MAY FOLLOW.?</p> <p>PLAT COMMENTS - PREVIOUS COMMENT FROM 5-6-22 NOT ADDRESSED. NO INDIVIDUAL GAP MAY EXCEED 20FT. IN WIDTH. YOU ARE REQUIRED TO PROVIDE SCREENING FOR THE PROPOSED PARKING SPACES, DCMR TITLE 11, SUBTITLE C714.2, (a, c, d, (1), (2), (A, B, C). PROVIDE A DETAILED SECTION SHOWING HOW THE CONDITIONS WILL BE MET.</p> <p>CLEARLY LABEL SHARED CAR PARKING SPACES ON THE PLAT, DCMR TITLE 11, SUBTITLE C708.3, (b, 2, 3).</p>	

**EXHIBIT 4 TO AFFIDAVIT**



GOVERNMENT OF DISTRICT OF COLUMBIA  
DEPARTMENT OF TRANSPORTATION  
1100 4TH STREET SW / 2ND FLOOR, WASHINGTON, DC 20024  
PUBLIC SPACE PERMIT



EWR No:

Work Location: 4611 41ST STREET NW, WASHINGTON, DC 20016,

Permission Granted To: Dancing Crab Properties LLC

Work Zone Deposit No:

Inspection Fee No:

Street Light Deposit No:

Wet Utility Deposit No:

PERMIT NO: PA388779

Source Permit:

Permit Fee: \$247.50

Work Zone Deposit Amount: \$0.00

Inspection Fee Amount: \$0.00

Street Light Deposit Amount: \$0.00

Wet Utility Deposit Amount: \$0.00

Ward: 3

Lot: 0032

Square: 1769

*Permission is hereby granted to the entity named above to perform the work described herein at the address shown above in strict accordance  
With all conditions stated on all pages of this permit as well as on the application submitted.*

Type of Permit:

Projections: Bay Window(s)

Work Details:

Bay Projections attached to the building are associated with this permit. The public space improvements for the site are listed under 388751.  
All utility work is phased separately. \*\*\*\*BEFORE STARTING WORK A PUBLIC SPACE OCCUPANCY PERMIT IS REQUIRED.\*\*\*\*

Conditions:

- \*A 6 foot wide clear and unobstructed pedestrian pathway must be maintained at all times, except that within the Central Business District, this pathway must be maintained at 10 feet wide.
- \*A One Call ticket must be obtained and on site for any work in public space for which a One Call ticket is required. Permittee must immediately notify the One Call Center of damage that occurs during excavation.
- \*All excavation operations shall comply with District Department of Transportation Standard Specifications for Highways and Structures Sections 207 and 611. All work shall be conducted so as to avoid injury to tree trunks, branches, and roots. Excavations within limits of tree root spread shall proceed with care either by use of hand tools or with equipment that will not cause tree root damage. If there are any tree conflicts on this job site permit holder must suspend all work that contributes to the conflict and immediately notify the Urban Forestry Administration at 202 671 5133 to receive clearance to continue conflicting work.
- \*All information on the permit application (i.e. contact information, deposit/refund information, etc.) must be valid; invalid information will automatically result in the revocation of the permit.
- \*All street trees located within the work zone shall have a 6' high chain link fence placed around the tree space to the extent of the box (min 4' x 9') or in a continuous planting space to the extent of the dripline. The fence shall be installed prior to work starting and removed after work has been completed.
- \*All work must comply with all District regulations and statutes. Violation may result in revocation of this permit.
- \*Emergency No Parking or Reserved Parking signs must be posted 72 hours prior to occupancy in residential areas and 24 hrs prior to occupancy in commercial areas.
- \*Extended restoration may be required. The level of restoration shall be determined by DDOT. A DDOT Public Space Inspections Officer must verify the level of restoration prior the commencement of any excavation in the public space; call 202-645-7050 to schedule an inspection.
- \*Hours of operations in public space are shown on the approved Traffic Control Plan.
- \*If steel plates are used at this job site, an additional steel plate occupancy permit is required.
- \*Must follow approved site plan without deviation.
- \*Must not block any Metro Transit bus stops or Metro entrances without the permission of WMATA and DDOT.
- \*Must not block Fire Hydrants or any important utility structures (e.g. manholes, vault grates, ventilation, traffic signal box, etc...)
- \*No blocking of alleys with vehicles or equipment.
- \*No change to size, layout, design or materials from the approved drawings is allowed.
- \*No change to size, layout, design or materials from the existing feature is allowed.
- \*No crossing of sidewalk with trucks.
- \*No sales permitted in public space.
- \*No work in public space is allowed during official DC government holidays.
- \*Occupancy permit is required
- \*Permit holder is responsible for all damage to public space as a result of work done under this permit.
- \*Permit holder responsible for obtaining any additional permits required by statute or regulation including DOH, DDOE and DCRA permits.
- \*Permittee and their contractor must adhere to all Suspension of Work Notice(s) as issued by DDOT.
- \*Permittee or their contractor must notify PSI prior to the commencement of work in public space and again prior to final restoration work. Please call (202) 645-7050, Monday-Friday, 7:00 am-3:30 pm.
- \*Person who posts an unauthorized sign or removes an authorized sign is subject to a fine of \$100 per day.
- \*The Source Permit, renewal permit, TCP and all approved drawings are required to be on the premises and posted at all times.
- \*This construction permit requires a separate valid permit for temporary occupancy to be on site during the time work is being performed.
- \*This permit does not authorize any installation of non-standard materials in the proposed public space
- \*This permit does not authorize the posting of No Parking signs. A separate public space occupancy permit is required.
- \*This permit is not valid until the later of the Effective Date and the Issuance Date.

\*This permit is only valid in conjunction with separate temporary occupancy permit(s) for individual or grouped locations which reference this permit number or batch permit number.

\*This permit is revocable at any time at the discretion of FEMS, MPD and/or DDOT

\*This permit must be carried in the vehicle and be posted at a location where it may be viewed by the public.

\*This permit must be on site at all times and visible from public space.

\*Work hours in public space are listed on the approved Traffic Control Plan. Any work in public space before 7am or after 7pm Mon. thru Sat. or all day Sun. requires an additional permit from DCRA.

**Additional Condition:** Per (PSRD) Mr. Elliott M. Garrett the Traffic Control Plan will be approved on the Public Space Occupancy Permit. Please Public Space Occupancy Permit. 1/12/2023 10:48:44 AM Per plans submitted on submitted 06/14. Sayra Molina; 1/12/2023 10:45:44 A

No work in public space before 9:30am or after 3:30pm; Any work after 7pm will require a separate DCRA after hours permit. Must have permits onsite (Excavation/Occupancy/TCP) All ENP signs must be pre-printed from dTOPS and have all appropriate permit info listed incl. contact permit number and posted at least 72 hours prior to occupying space in residential and 24 hrs in bus district All flaggers on site must be certified All signs used must be permitted on separate occupancy permit, not used in the roadway for longer than five (5) calendar days, unless they are rotating must be pinned, welded and feathered according to DC specifications. Must contact PSI prior to performing any restorations MaShelia Gibson; 1/12/2023 10:51:57 AM All street trees within or directly adjacent to the limits of work must be protected with 6 ft. tall chain link fence to of the tree box (minimum 4' x 9') or the drip line in a planting strip. The drip line is defined as the ground area under the canopy of a tree. All tree protection measures and excavation operations shall comply with the 2013 District Department of Transportation Standard Specifications for Highways and Structures (Gold Book) Sections 207.03, 608.07, and 608.08. All utility work shall be conducted so as to avoid injury to tree trunks, branches and roots. When utilities must be installed within the rootzone of a street tree, tunneling (Pneumatic Excavation or Hydroexcavation) shall be used for trenching and root pruning. The rootzone is measured at 4.5' above grade from the near side of the trunk to the distance that equals the tree diameter 1.5 ft. or to the drip line of a street tree whichever is greater. When proposed work in public space ROW or on private property may impact the canopy of a tree 14" diameter or greater, approval of arborist is required. If there are any tree-related conflicts on this job site permit holder must suspend work that contributes to the conflict and immediately contact Michael Chuko, Ward 3 Arborist at michael.chuko@dc.gov or 202-527-4149 to request clearance to continue conflicting work. Michael Chuko

Issue Date: 02/15/2023

Frank Morris

Permit Expires: 06/30/2023

Everett Lott

---

Public Space Permit Staff

---

Director

d.



## Appendix – A

PERMIT NO: PA388779

### Work type dimensions:

Projections: Bay Window(s) - Total Dimension: 63 SQFT

Location	Dimensions
4611 41ST STREET NW	3 x 7 (length x width)
4611 41ST STREET NW	3 x 7 (length x width)
4611 41ST STREET NW	3 x 7 (length x width)





# District of Columbia Transportation Online Permitting System



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Welcome **Beth Davis, CONTRACTOR**

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## Application Summary

**THIS IS NOT A PERMIT**

**Tracking Number:** 388779

**Status:** **Approved**

**Permit Number:** N/A

**Permit Issued Date:** N/A

**EWR Number:** N/A

**Renewal?:** No

**Source Permit Number:** N/A

**Assigned Technician:** Frank Morris

Tel: (202)741-7650

Email: frank.morris@dc.gov

**Assigned Inspector:** MaShelia Gibson

Email: MaShelia.Gibson@dc.gov

**Work Location:** 4611 41ST STREET NW

**Work Dates:** 02/01/2023 to 06/30/2023

**Work Description:** Projections: Bay Window(s)

**Detail Scope of work:** Bay Projections attached to the building are associated with this permit. The public space improvements for the site are listed under 388751. All utility work is phased separately. \*\*\*\*BEFORE STARTING WORK A PUBLIC SPACE OCCUPANCY PERMIT IS REQUIRED.\*\*\*\*

**Document Submitted:** Tenleytown\_Structural\_PermitSet.pdf, 17202-DC\_22\_0408-RevSettoDDOTPart1of2.pdf, 17202-DC\_22\_0408-RevSettoDDOTPart2of2.pdf, 0016PUBLICSPACEPROJECTIONS.pdf [View Documents](#)

**Application Creation Date:** 01/19/2022

**Ready For Review Date**  1/19/2022 3:23:07 PM

**Application Expire Date:** 2/18/2022

**Business Name:** N/A

**Business Owner Name:** N/A

**Project Name:** Dancing Crab Properties Development( 461141NWDC )



**Permittee Information:** Dancing Crab Properties LLC  
 9101 RIVER RD, POTOMAC, MD 20854  
 Tel: (301)370-0369  
 Email: contractorservicesdc@gmail.com

**Owner Information:** Dancing Crab Properties LLC  
 9101 RIVER RD, POTOMAC, MD 20854  
 Tel: (301)370-0369  
 Email: contractorservicesdc@gmail.com

**Agent Information:** N/A

**Contractor Information:** Beth Davis  
 14508 Chesterfield Road, Rockville, MD 20853  
 Tel: (301)370-0369  
 Email: contractorservicesdc@gmail.com

**Work Zone Deposit Status:** N/A

**Street Light Deposit Status:** N/A

**Wet Utility Deposit Status:** N/A

**Inspection Status:** Monitoring project

**Permit Office Comments:** N/A

**Materials need to be submitted for review:** SM 002 - Scaled Plans, SM 009 - Cert Plans

**Utility Agencies:** OP, PSRDPLN, UFA, TWZT, ADA/CIVIL RIGHT, SIOD, TPPA

### Invoices Info:

Invoice Name	SOAR Number	Fee Amount	Payment Status	Payment Date	Deposit Refund Status
Permit Receipt	301592910	\$247.50	Not Paid		

### Reviewing Agencies Info:

Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
OP-Urban Design	APPROVED	Chris Shaheen	chris.shaheen@dc.gov (202)442-7616	01/20/2023	May 13 2022 2:53PM cshaheen wrote - Additional information is needed to complete review of this application. Include plans showing the width of the building measured at the property line and dimensions for window projections, both how far they extend into public space and that their width is within the 24.5' allowance for this type of projection. Include a floor plan showing the interior layout of the projections. Include an elevation of the building showing the design of the window projections. Jun 16 2022 9:37AM cshaheen wrote - Approved as shown on plans submitted 06/14.
PSRD Planning	APPROVED	Evelyn Israel	evelyn.israel@dc.gov (202)671-2730	01/20/2023	
UFA	APPROVED WITH CONDITION	Michael Chuko	michael.chuko@dc.gov (202)673-5133	01/20/2023	May 25 2022 10:00AM mchuko wrote - No pruning of street trees without arborist approval All street trees within or directly adjacent to the limits of work must be protected with 6 ft. tall chain link fence to the extent of the tree box (minimum 4' x 9') or the drip line in a planting strip. The drip line is defined as the ground area under the canopy of a tree. All tree and root protection measures and excavation operations shall comply with the 2013 District Department of Transportation Standard Specifications for Highways and Structures (Gold Book) Sections 207.03, 608.07, and 608.08. All utility work shall be conducted so as to avoid injury to tree trunks, branches, and roots. When utilities must be installed within the rootzone of a street tree, tunneling (Pneumatic Excavation or Hydroexcavation) shall be used in lieu of trenching and root pruning. The rootzone is measured at 4.5' above grade from the near side of the trunk to the distance that equals the tree diameter x 1.5 ft. or to the drip line of a street tree whichever is greater. When proposed work in public space ROW or on private property may impact the rootzone of a tree 14" diameter or greater, approval of

Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
TWZT	APPROVED	Keenan Meaders	keenan.meaders@dc.gov (202)442-4624	01/20/2023	<p>arborist is required. If there are any tree-related conflicts on this job site permit holder must suspend all work that contributes to the conflict and immediately contact Michael Chuko, Ward 3 Arborist at michael.chuko@dc.gov or 202-527-4149 to receive clearance to continue conflicting work. Jan 12 2023 10:51AM mchuko wrote - All street trees within or directly adjacent to the limits of work must be protected with 6 ft. tall chain link fence to the extent of the tree box (minimum 4' x 9') or the drip line in a planting strip. The drip line is defined as the ground area under the canopy of a tree. All tree and root protection measures and excavation operations shall comply with the 2013 District Department of Transportation Standard Specifications for Highways and Structures (Gold Book) Sections 207.03, 608.07, and 608.08. All utility work shall be conducted so as to avoid injury to tree trunks, branches, and roots. When utilities must be installed within the rootzone of a street tree, tunneling (Pneumatic Excavation or Hydroexcavation) shall be used in lieu of trenching and root pruning. The rootzone is measured at 4.5' above grade from the near side of the trunk to the distance that equals the tree diameter x 1.5 ft. or to the drip line of a street tree whichever is greater. When proposed work in public space ROW or on private property may impact the rootzone of a tree 14" diameter or greater, approval of arborist is required. If there are any tree-related conflicts on this job site permit holder must suspend all work that contributes to the conflict and immediately contact Michael Chuko, Ward 3 Arborist at michael.chuko@dc.gov or 202-527-4149 to receive clearance to continue conflicting work.</p> <p>May 26 2022 11:01AM kmeaders wrote - TCP IS APPROVED FOR THIS PROJECT BY O. OBADARE UNDER 388751. PLEASE FOLLOW ALL DDOT REGULATIONS AND GUIDELINES.</p> <p>Jan 12 2023 9:31AM kmeaders wrote - TCP IS APPROVED FOR THIS PROJECT BY O. OBADARE UNDER 388751. PLEASE FOLLOW ALL DDOT REGULATIONS AND GUIDELINES.</p>
ADA/CIVIL RIGHT	APPROVED	Cesar Barreto	cesar.barreto@dc.gov (202)671-2829	01/20/2023	<p>May 10 2022 7:47AM magibson wrote - No work in public space before 9:30am or after 3:30pm; Any work after 7pm will require a separate DCRA after hours permit. Must have all permits onsite (Excavation/Occupancy/TCP) All ENP signs must be pre-printed from dTOPS and have all appropriate permit info listed incl. contact and permit number and posted at least 72 hours prior to occupying space in resid and 24 hrs in bus district All flaggers on site must be certified All steel plates used must be permitted on separate occupancy permit, not used in the roadway for longer than five (5) calendar days, unless they are rotating plates, and must be pinned, welded and feathered according to dc specifications. Must contact PSI prior to performing any restorations Jan 12 2023 10:45AM magibson wrote - No work in public space before 9:30am or after 3:30pm; Any work after 7pm will require a separate DCRA after hours permit. Must have all permits onsite (Excavation/Occupancy/TCP) All ENP signs must be pre-printed from dTOPS and have all appropriate permit info listed incl. contact and permit number and posted at least 72 hours prior to occupying space in resid and 24 hrs in bus district All flaggers on site must be certified All steel plates used must be permitted on separate occupancy permit, not used in the roadway for longer than five (5) calendar days, unless they are rotating plates, and must be pinned, welded and feathered according to dc specifications. Must contact PSI prior to performing any restorations</p>
PSI	APPROVED WITH CONDITION	MaShelia Gibson	MaShelia.Gibson@dc.gov	01/20/2023	
Planning and Sustainability Division	APPROVED WITH CONDITION	Sayra Molina	sayra.molina@dc.gov (202)671-4675	01/20/2023	<p>Jun 10 2022 4:28PM smolina2 wrote - Additional information is needed to complete review of this application. Include plans showing the width of the building measured at the property line and dimensions for window projections, both how far they extend into public space and that their width is within the 24.5' allowance for this type of projection. Include a floor plan showing the interior layout of the projections. Include an elevation of the building showing the design of the window projections.</p> <p>Jul 7 2022 11:38AM smolina2 wrote - Per plans submitted on submitted 06/14. Jan 12 2023 10:48AM smolina2 wrote - Per plans submitted on submitted 06/14.</p>

### Inspections:

	Tracking Number	Date Added	Inspection Date	Inspector	Contact Info	Notes to Applicant
<a href="#">View Details</a>	388779	1/12/2023	1/12/2023	MaShelia Gibson	MaShelia.Gibson@dc.gov	
<a href="#">View Details</a>	388779	9/23/2022	9/23/2022	MaShelia Gibson	MaShelia.Gibson@dc.gov	
<a href="#">View Details</a>	388779	7/13/2022	7/13/2022	MaShelia Gibson	MaShelia.Gibson@dc.gov	
<a href="#">View Details</a>	388779	5/10/2022	5/10/2022	MaShelia Gibson	MaShelia.Gibson@dc.gov	
<a href="#">View Details</a>	388779	2/24/2022	2/24/2022	MaShelia Gibson	MaShelia.Gibson@dc.gov	

**Selected Type Descriptives:**

	Type Descriptives	Dimension Details	Tree Listing
	Type Descriptive Group: Projections		
	Bay Window(s)	3 x 7 (length x width)	
	Bay Window(s)	3 x 7 (length x width)	
	Bay Window(s)	3 x 7 (length x width)	
	Location	Dimension Details	Tree Listing
	Type Descriptive Group: Projections		
	Type Descriptive: Bay Window(s); Total Dimension: 63 SQFT		
	4611 41ST STREET NW	3 x 7 (length x width)	
	4611 41ST STREET NW	3 x 7 (length x width)	
	4611 41ST STREET NW	3 x 7 (length x width)	

**Requested Days:****Payment Options****Online Payment**

Make this Payment -

Permit Fees: \$247.50Total: \$247.50 **Payment at Treasury Office**

Please print all invoices and take them to the Office of the DC Treasurer at 1101 4th Street SW, 2nd Floor, Washington, DC 20024.

After payment you have to take the receipt(s) to Permit Office at 1100 4th Street SW, 2nd Floor, Washington, DC 20024.

Once the technician marks the application as "Paid" you will be able to print the permit at following locations.

<b>Permit Office</b> 1100 4th Street SW Washington, DC 20024 (202) 442-4670 <a href="#">View Map</a>	<b>First District Head Quarters</b> 101 M St S.W Washington, DC 20024 (202) 698-0555 <a href="#">View Map</a>	<b>Second District Station</b> 3320 Idaho Avenue, NW Washington, DC 20016 (202) 715-7300 <a href="#">View Map</a>	<b>Third District Station</b> 1620 V Street, NW Washington, DC 20009 (202) 673-6815 <a href="#">View Map</a>
<b>Fourth District Station</b> 6001 Georgia Avenue, NW Washington, DC 20011 (202) 715-7400 <a href="#">View Map</a>	<b>Fifth District Station</b> <b>(Out of Order)</b> 1805 Bladensburg Road, NE Washington, DC 20002 (202) 698-0150 <a href="#">View Map</a>	<b>Sixth District Station</b> 5002 Hayes Street NE Washington, DC 20019 (202) 698-0880 <a href="#">View Map</a>	<b>Seventh District Station</b> 2455 Alabama Avenue, SE Washington, DC 20020 (202) 698-1500 <a href="#">View Map</a>

**Permit Renewal History:** No records to display

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**EXHIBIT 5 TO AFFIDAVIT**



District of Columbia

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Welcome **Beth Davis, CONTRACTOR**

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## Application Summary

**THIS IS NOT A PERMIT**

**Tracking Number:** 388751

**Status:** **Assigned**

**Permit Number:** N/A

**Permit Issued Date:** N/A

**EWR Number:** N/A

**Renewal?:** No

**Source Permit Number:** N/A

**Assigned Technician:** Catrina Felder

Tel: (202)442-4960

Email: [catrina.felder@dc.gov](mailto:catrina.felder@dc.gov)

**Assigned Inspector:** MaShelia Gibson

Email: [MaShelia.Gibson@dc.gov](mailto:MaShelia.Gibson@dc.gov)

**Work Location:** 4611 41ST STREET NW

**Work Dates:** 04/01/2022 to 03/31/2023

**Work Description:** Paving: ADA Curb Ramp, Paving: Curb & Gutter(s), Paving: Patio (porous concrete/pervious pavers ONLY), Paving: Roadway(s), Paving: Sidewalk (porous/pervious), Paving: Sidewalk(s), Fixture: Bench(es), Fixture: Bike Rack(s): DDOT Standard, Fixture: Planter Box behind Sidewalk to 42", Fixture: Retaining Wall to 42", Landscaping: Tree Removal

**Detail Scope of work:** Public Space Improvements associated with the PUD at lot 0032. Building related projections and all utility construction will be permitted under separate DDOT tracking numbers.

**Document Submitted:** 388751461141stStreetNWGeneral.pdf, PUDOrder.pdf, Tenleytown\_Landscape\_PermitSet.pdf, DDOTCivilSet.pdf, 17202-DC\_22\_0408-RevSettoDDOTPart1of2.pdf, 17202-DC\_22\_0408-TCP.pdf, 17202-DC\_22\_0408-RevSettoDDOTPart2of2.pdf, 17202-DC\_22\_0408-DDOT(response).pdf, NoteRegardingPublicSpaceMeeting.pdf, TenleytownStreetlightPlan.pdf, CIV400PublicSpacePlan.pdf, CIV402PublicSpaceDetails.pdf, CIV405StreetscapeMarkingandSignagePlan.pdf, TenleytownStreetlights7-13-22(3).pdf, CIV400Revised.pdf, CIV405Revised.pdf, TCP GUIDELINES 2.pdf, tcp\_01.pdf, 4611 41st Street NW bike rack comments.tiff, DDOT bike parking guide.pdf, 608.02-StandardPlantingDetail-StreetTree.pdf, 608.03-StandardPlantingDetail-

DeciduousTree.pdf, 608.08-PlantEstablishment-Spring.pdf, 608.09-PlantEstablishment-Fall.pdf, ApprovedTCP388751.pdf, DDOT Vertical Traffic Calming Guidelines[93].pdf [View Documents](#)

**Application Creation Date:** 01/19/2022

**Ready For Review Date**  1/19/2022 3:18:33 PM

**Application Expire Date:** 2/18/2022

**Business Name:** N/A

**Business Owner Name:** N/A

**Project Name:** Dancing Crab Properties Development( 461141NWDC )

**Permittee Information:** Dancing Crab Properties LLC  
9101 RIVER RD, POTOMAC, MD 20854  
Tel: (301)370-0369  
Email: contractorservicesdc@gmail.com

**Owner Information:** Dancing Crab Properties LLC  
9101 RIVER RD, POTOMAC, MD 20854  
Tel: (301)370-0369  
Email: contractorservicesdc@gmail.com

**Agent Information:** N/A

**Contractor Information:** Beth Davis  
14508 Chesterfield Road, Rockville, MD 20853  
Tel: (301)370-0369  
Email: contractorservicesdc@gmail.com

**Work zone deposit refund Information:** Dancing Crab Properties LLC  
9101 RIVER RD, POTOMAC, DC 20854  
Tel: (301)370-0369  
Email: contractorservicesdc@gmail.com

**Work Zone Deposit Status:** No deposit

**Inspection Fees refund Information:** Dancing Crab Properties LLC  
9101 RIVER RD, POTOMAC, DC 20854  
Tel: (301)370-0369  
Email: contractorservicesdc@gmail.com

**Street Light Deposit Status:** N/A

**Wet Utility Deposit Status:** N/A

**Inspection Status:** Monitoring project

**Permit Office Comments:** N/A

**Materials need to be submitted for review:** SM 002 - Scaled Plans, SM 009 - Cert Plans, SM 022 - Public Space Committee Plans - Paving, Fixtures, Furniture, Structures, SM 034 - Photos, SM 040 - Erosion Control Plan

**Utility Agencies:** IPMA, SIOD, PSRDPLN, UFA, OP, DOEE/SE, IPMA/Stormwater, PEPCO, DCWater/Paving, VERIZON, WASH GAS, DDOTGIS, TOA, ASSET MANAGEMENT, FIRE, TWZT, ANC, WMATA, SMD-ANC, PPSA/Bike and Ped, PSRA, TWZT, TPPA, STREETLIGHT, TOA-METER

### Invoices Info:

Invoice Name	SOAR Number	Fee Amount	Payment Status	Payment Date	Deposit Refund Status
Permit Receipt	301592892	\$10483.00	Not Paid		No deposit
Work Zone Journal	S92893	\$20,332.22	Not Paid		
Inspection Journal	W92894	\$3,054.23	Not Paid		

Invoice Name	SOAR Number	Fee Amount	Payment Status	Payment Date	Deposit Refund Status
Permit Application Fee	A92906	\$50.00	Paid	01/19/2022	No deposit
<b>Reviewing Agencies Info:</b>					
Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
IPMA	APPROVED	Edwin Edokwe	edwin.edokwe@dc.gov (202)442-4670	05/16/2022	Mar 14 2022 3:04PM eedokwe wrote - The applicant to upload showing location of existing building and Proposed building wrt public right-of-way. To schedule a meeting for further project discussion 3/17/2022
PSI	APPROVED WITH CONDITION	MaShelia Gibson	MaShelia.Gibson@dc.gov	03/14/2022	Mar 1 2022 8:36AM magibson wrote - No work in public space before 9:30am or after 3:30pm; Any work after 7pm will require a separate DCRA after hours permit. Must have all permits onsite (Excavation/Occupancy/TCP) All ENP signs must be pre-printed from dTOPS and have all appropriate permit info listed incl. contact and permit number and posted at least 72 hours prior to occupying space in resid and 24 hrs in bus district All flaggers on site must be certified All steel plates used must be permitted on separate occupancy permit, not used in the roadway for longer than five (5) calendar days, unless they are rotating plates, and must be pinned, welded and feathered according to dc specifications. Must contact PSI prior to performing any restorations
PSRD Planning	REVIEW NOT REQUIRED	Evelyn Israel	evelyn.israel@dc.gov (202)671-2730	03/14/2022	Mar 14 2022 4:02PM sdendy wrote - UFD will approve the removal of the Black Walnut tree if new street trees are added to the three (3) proposed planting areas. 1. Contact DDOT Arborist Michael Chuko at michael.chuko@dc.gov for a recommended tree species. 2. New street trees require additional soil volume per the DDOT Green Infrastructure Standards - https://ddot.dc.gov/node/469792 3. Add soil volume details proposed to be used on this project - e.g. structural soil, structural cells, root path ... 4. Show extents of soil volume on the plan and provide calculations based on the following - * Large Trees: 1,500 cubic feet of soil within a 27 foot radius. * Medium Trees: 1,000 cubic feet of soil within a 22 foot radius. * Small Trees: 600 cubic feet of soil within a 16 foot radius. * Where soil volumes within the maximum allowable radii for adjacent trees overlap, up to 25% of the required soil volume per tree may be shared. 5. Add the uploaded DDOT Tree Planting details to the plan - DDOT Standard Drawings 608.02, 608.03, 608.08, and 608.09. 6. Add the following DDOT Tree Planting notes to the plan - •Tree planting and staking shall comply with the current version of the District Department of Transportation Standard Specifications for Highways and Structures, Section 608.02 and per Standard Drawings No. 608.02 and 608.03. Deciduous trees shall only be planted between October 15 and May 1 as per the Spring and Fall Planting Season dates (Standard Drawing No. 608.08 and 608.09). • Peat moss is not allowed for use as a soil amendment. • Companion plants (i.e. perennials, grasses, bulbs, shrubs, etc.) to be installed in a tree space must conform to the current version of the DDOT Design and Engineering Manual Chapter 47 - Landscape Design and DCMR Title 24 Section 109 - Beautification of Tree Spaces. Companion plants shall not exceed 3 feet in height, have a shallow root system and be planted at minimum 2 feet from the root flare (crown) of the street tree. • Grass/sod in continuous planting strips shall not be planted within 4 feet of the root flare of the tree. • Finish off unplanted areas in a tree space with a 2-3" layer of double shredded
UFA	APPROVED WITH CONDITION	Sharon Dendy	sharon.dendy@dc.gov (202)671-5129	05/16/2022	



Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
					hardwood mulch, but do not place up against or mound around the root flare. • Contractor shall contact Michael Chuko, Ward _3_ Arborist at michael.chuko@dc.gov when the street trees are ready to be planted, providing at least 48 hours' notice. May 13 2022 1:16PM sdendy wrote - Approved with the following conditions 1. Contact DDOT Arborist Michael Chuko at michael.chuko@dc.gov to confirm the tree species to be planted. 2. Add Landscaping: Tree Planting to this construction application.
OP-Urban Design	APPROVED	Timothy Maher	timothy.maher@dc.gov (202)442-7704	05/16/2022	
DOEE/SE	APPROVED WITH CONDITION	Nykia Barnes	nykia.barnes@dc.gov (202)442-6715	03/14/2022	Feb 23 2022 9:54AM nbarnes wrote - Conditional approval for DDOT PSC. This project is assigned to james.dunbar@dc.gov for stormwater management review and requires final approval through the DCRA permitting process.
IPMA/Stormwater	APPROVED	Noah Bell	noah.bell@dc.gov	07/26/2022	Mar 14 2022 11:44AM noahbell wrote - Please provide a sediment and erosion control plan that shows the total limits of disturbance (public + private). The total disturbed area appears to be greater than 5,000 square feet, please provide a stormwater management plan and Stormwater Management Plan Compliance Data sheet. Per Section 1101.2 of the DC Plumbing Code, runoff from impervious surfaces must not cross property lines. Please provide downspout locations and grading information to demonstrate that the private areas will not drain to the public space and comply with the DC Plumbing Code. Furthermore, please provide details for any stormwater management facilities proposed in the ROW. Please follow DDOT GI standards for green infrastructure in the public space. A maintenance covenant will need to be recorded and filed with the DC recorder of deeds for any facilities in the public space. Provide drainage computations (including but not limited to spread, bypass, HGL) per the DDOT DEM. Provide profiles and cross section of proposed drainage structures. May 16 2022 10:43AM noahbell wrote - Please follow DDOT GI standards for green infrastructure in the public space. Bioretention facility in public space (6486-2-1) must have minimum width of 4'-0". Please provide the landscape plans that show the detail for the cable-rail system surrounding the bioretention facility in public space. Jun 10 2022 9:06AM noahbell wrote - Previous comments have not been addressed. Jul 6 2022 2:52PM noahbell wrote - Previous comments have not been addressed.
PEPCO	PENDING	Mangliwe Bimizi	mangliwe.bimizi@exeloncorp.com (202)428-1164	02/15/2023	
DC Water-Paving	APPROVED	David Paige	david.paige@dcwater.com (202)646-8622	03/14/2022	
VERIZON	APPROVED	Mary Polk	mary.e.polk@verizon.com (301)282-2463	03/14/2022	
WASH GAS	APPROVED WITH CONDITION	Don Srisukwattananan	SM- WGLreview@ENEngineering.com (443)577-3290	03/14/2022	Feb 21 2022 9:48AM dsrisukwattan wrote - There are active Washington Gas facilities within the proposed project limits that are in close proximity to the proposed excavation. As a condition of this approval, the following requirements shall be met by the applicant. The contractor shall follow all federal regulations, which require notification to District One Call (Miss Utility) before excavation and no mechanized equipment shall be used within 2' of an active natural gas facility. The following notation shall be included in the developer's approved construction drawings. Note: CONTRACTOR SHALL TAKE EXTRA PRECAUTION WHERE THE CONSTRUCTION ACTIVITIES AND EXCAVATIONS WILL BE PERFORMED WITHIN 5 FEET OF THE EXISTING WASHINGTON GAS FACILITIES AND PIPELINES. IT IS

Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
DDOT GIS	NO OBJECTION	Faisal Khan	faisal.khan@dc.gov	03/14/2022	RECOMMENDED THAT FIELD VERIFICATIONS OF THE EXISTING WASHINGTON GAS FACILITIES SHOULD BE PERFORMED BY THE CONTRACTOR PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY WASHINGTON GAS AT (703)750-1000 TO SCHEDULE PERSONNEL FOR DAMAGE PREVENTION 10 BUSINESS DAYS PRIOR TO ANY CONSTRUCTION ACTIVITIES. ANY EXPOSURE OF THE EXISTING GAS MAINS DURING THE CONSTRUCTION SHALL BE PERFORMED UNDER SUPERVISION OF ONSITE WASHINGTON GAS PERSONNEL(S). ALL EXPOSED GAS MAINS SHALL BE PROTECTED BY A WGL APPROVED PROTECTIVE SHEILD. IF THERE IS A SEPARATION OF 6-INCHES TO 12-INCHES, A PROTECTIVE SHIELD MAY BE USED, WHICH MUST BE MADE OF FIBERGLASS REINFORCED PLASTIC (FRP), OR OTHER APPROVED INSULTATING MATERIAL. IF THERE IS A SEPARATION LESS THAN 6-INCHES, A COMBINATION OF A PROTECTIVE SHIELD AND SLEEVE MUST BE USED. THE PROTECTIVE SLEEVE MUST CONSIST OF EITHER A GRAY PVC SEMI-CIRCULAR SLEEVE, WHICH COMES IN 60-INCH LENGTHS, OR A LARGER PLASTIC PIPE. THIS PROTECTIVE SLEEVE MUST BE INSTALLED OVER THE GAS PIPE SO THAT THE PROTECTIVE SLEEVE EXTENDS AT LEAST 9-INCHES ON EITHER SIDE OF THE AREA IN CONFLICT.
TOA	APPROVED	Derek Voight	derek.voight@dc.gov	02/15/2023	May 12 2022 9:25AM dvoight wrote - Please provide a signing and marking reflecting the new high visibility crosswalk markings and W11-2 signage at new crosswalk. Also show existing marking to be maintained or replaced follow construction impacts. Jul 12 2022 10:12PM dvoight wrote - As this concept has mitigated the raised crosswalk, please see reviewer uploads for the DDOT Vertical Defection Policy with standard details for the design of raised crosswalks and appropriate signage. This is a local roadway so the 22' width applies. This crossing will need to tie into ADA compliant ramps on both sidewalks and is unclear if this is being provided. In addition, marking color, width, and scheme should be provided on the marking plans. I'm happy to assist or discuss these matters further. Email: derek.voight@dc.gov Feb 2 2023 11:16AM dvoight wrote - Revisions completed
ASSET MANAGEMENT	APPROVED	Tianeka Downing	tianeka.downing@dc.gov (202)409-2781	03/14/2022	Feb 22 2022 3:15PM tdowningASSET wrote - No conflict with work plans.
FEMS/Const	APPROVED WITH CONDITION	Cyntrill Griffin	cyntrill.griffin@dc.gov (202)727-1605	03/14/2022	Feb 23 2022 11:18AM cgriffin wrote - BASED ON DC FIRE & EMS DEPARTMENT/OFFICE OF THE FIRE MARSHAL REVIEW OF THE LISTED TRAFFIC CONTROL PLAN (TCP) SUBMITTAL FOR: Plans submitted for Temporary Street / Alley closings are APPROVED as noted: 1. Subject to field inspection to verify compliance with adopted Codes, Standards and submitted plans. These documents are reviewed for compliance with the current International Fire Code and all applicable federal and local fire ordinances. 2. Approved plans with original signatures must be onsite during operational period of closing. 3. The following notifications must be made prior to start of closing and upon completion of closing. • EMERGENCY RESPONDERS MUST HAVE ACCESS WHEN NEEDED AT ALL TIMES. • THE ALLEY MUST BE CLEAR AND ACCESSIBLE EACH DAY AFTER WORKING HOURS. (Re-opening of Street / Alley) A. DCFEMS Deputy Fire Chief of Operation @ 202-673-3290 B. DC Office of Unified Communications @ 202-373-3805 C. DC HSEMA @202-727-6161 D. MISS UTILITY @1 800-257-7777 4. A list of

Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
TWZT	APPROVED WITH CONDITION	Oluwaseun Obadare	oluwaseun.obadare@dc.gov (202)439-5045	05/16/2022	<p>Applicable IFC Codes: A. 503.2.1 - Fire apparatus access road shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. • 503.2.2 - The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations. B. 507.5.4 - Obstruction.: Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. C. 507.5.5 – A 3-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. NOTE: IF THESE FIRE CODE REQUIREMENTS CANNOT BE SATISFIED, IT IS THE RESPONSIBILITY OF THE PERMIT APPLICANT TO CONSULT WITH THE FEMS OFFICE OF THE FIRE MARSHAL PLANS AND PERMIT SECTION SUPERVISOR (202) 727-3650. FOR FURTHER GUIDANCE TO ACHIEVE ACCEPTABLE COMPLIANCE. FIRE MARSHALS OFFICE DIRECT NUMBER (202) 727-1614</p> <p>Feb 22 2022 9:49AM oobadaretwzt wrote - - Please upload a customized traffic control plan with appropriate traffic control signs/devices. Show work zone, pedestrian pathway, existing roadway configuration, existing pavement markings, direction of traffic, adjacent street names with crosswalk, bike lanes, bus stops etc. Apr 25 2022 12:59PM oobadaretwzt wrote - - No work in public space during rush hour, at night or before 8AM on weekends. - Coordinate with local ongoing construction work in public space to provide safe passage of vehicle and pedestrian traffic. - Contractor shall have Fire Marshal's approval prior to roadway closure. - Roadway closure/detour signs and devices must always be set up during closure. - Provide flagger operation to monitor pedestrian safety when crossing sidewalk with construction materials, equipment and construction trucks entering and exiting the job site from the alley. No construction trucks staging/idling in the alley at any time. - All flagger must be certified and have their certification in their possession at all times when flagging. - Roadway and sidewalk shall remain open outside approved work hours. - Materials and equipment authorized for storage in public space shall be secured and delineated to eliminate danger to pedestrians, bicyclists, and motorists during work and non-work hours. - All trenches in sidewalk and roadway must be backfilled or secure with steel plates at the end of each workday. - Install "steel plate ahead" signs wherever steel plates have been installed. - Notify affected businesses and residents 72hrs prior to occupying public space. - Do not block fire hydrants, bus stop, school parking, embassies parking, car share, bike share, bike lane, public meter, important utility structures and follow posted parking enforcement signs.</p>
ANC	PENDING	ANC 3E	3E@anc.dc.gov	02/15/2023	
WMATA/JDAC	UNDER REVIEW	LaShawn Bost	lbost@wmata.com (202)442-4670	02/15/2023	
Single Members District	PENDING	SMD 3E01	3E01@anc.dc.gov	02/15/2023	
PPSA/Bike and Ped	APPROVED WITH	Greg Matlesky	greg.matlesky@dc.gov (202)535-1942	05/16/2022	Mar 9 2022 6:57PM gmatlesky wrote - Revisions needed: - Please add measurements to site plan showing distances between the short-term bike

Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
	CONDITION				<p>racks from one another (2.5' minimum; 4' recommended) and distance from the closest edge of the southern-most bike rack to the planting area (3' minimum). See attached photo for more information. - Ensure bike racks conform to the design and spacing guidelines stipulated in the DDOT Bike Parking Guide (attached), including distances of the bike racks from one another and from nearby planting strips, street furniture, utility covers, manholes, and other fixed objects. Bike racks must also be galvanized or stainless steel and covered with a powdercoat, PVC, or thermoplastic coating. May 16 2022 9:54AM gmatlesky wrote - Bike rack locations are approved on the condition the bicycle racks conform to the design guidelines stipulated in the DDOT Bike Parking Guide. Racks shall be made of galvanized or stainless steel and covered with a powdercoat, PVC, or thermoplastic coating. Racks shall also not have their anchors arranged along a single axis, which leaves the rack vulnerable to a "fulcrum attack".</p>
TWZT	APPROVED WITH CONDITION	Oluwaseun Obadare	oluwaseun.obadare@dc.gov (202)439-5045	06/13/2022	<p>Feb 22 2022 9:49AM oobadaretwzt wrote - - Please upload a customized traffic control plan with appropriate traffic control signs/devices. Show work zone, pedestrian pathway, existing roadway configuration, existing pavement markings, direction of traffic, adjacent street names with crosswalk, bike lanes, bus stops etc. Feb 22 2022 10:19AM hmasud3 wrote - Traffic Control Plans shall match existing roadway configuration and pavement markings of all streets shown on the plan Traffic Control Plans shall include two main full intersections Traffic Control Plans shall include scope of work, duration, PHASE (if in fact the project requires more than one phase) and all other requirements as shown on the Submittal Guidelines on pages 4, 5, and 6 Traffic Control Plans shall include all existing signs and devices for the ongoing long-term projects. Signs and devices must be grey out to differentiate the existing from the proposed under this application. Please contact Hamza Masud at (202) 695-0372 or hamza.masud@dc.gov for any questions pertaining to the review of this permit application. Apr 25 2022 4:54PM hmasud3 wrote - Please upload all pages of TCP as one .pdf file. May 24 2022 10:52AM oobadaretwzt wrote - - ATTACHED APPROVED CONSTRUCTION PERMIT PA388751 TCP STILL VALID. - PLEASE FOLLOW ALL EXISTING PERMIT CONDITIONS AND REQUIREMENTS. - TCP IS ONLY VALID FOR 6 MONTHS AFTER INITIAL SEAL HAS BEEN PLACED ON BY DDOT. A CLEAN TCP MUST BE SUBMITTED FOR REVIEW AND APPROVAL THEREAFTER.</p>
Planning and Sustainability Division	APPROVED WITH CONDITION	Sayra Molina	sayra.molina@dc.gov (202)671-4675	09/22/2022	<p>Mar 14 2022 1:40PM smolina2 wrote - Based on the PDRM on August 15, 2019 the following items were discussed and need to be address through the hearing process: - Add flares to curb ramps where adjacent grass is not present; - Crosswalk material, please use DDOT standard material; - Ensure that all planter/retaining wall sticking into sidewalk at northern edge of property are removed and do not stick out into the sidewalk. - Special paving around bike racks to be removed, go with concrete. Remove special paving around art piece and replace with grass. Art piece will need PSC approval; - Ensure bike racks to be 45 degrees or move away from sidewalk so that 6 foot bikes don't obstruct sidewalk if locked to rack; - All vaults should be located on private property, - May 16 2022 1:24PM smolina2 wrote - Previous concerns have been addressed, approved per plans submitted on 4/25/2022, Sheet CIV400. Aug 31 2022 4:18PM smolina2 wrote - PSD notes that the Applicant is proposing a non-standard material, the specialty pavement on the crosswalk. PSD does not oppose, however as part of the permit the Applicant should obtain a covenant of maintenance for the non-standard material.</p>

Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
Streetlight/Electrical	PENDING	Ali Zamani	ali.zamani@dc.gov (202)442-4670	02/15/2023	Mar 2 2022 3:17PM azamani2 wrote - This locations nee strrrt light paln .APPLICANT SHALL BE SUBMITTING NEW STREET LIGHT PLAN THAT SHOWING CIRCUIT TYPE, VOLTAGE AND LOCATION OF POWER SOURCE, LUMINAIRE TYPE, LUMENS AND LOCATIONS LIGHT STANDARD TYPE, AND LENGTH, AND FOUNDATION DETAILS, SIZE AND BE LOCATION OF ELECTRICAL CONDUIT, CONDUCTOR SIZE, LOCATION OF DIRECT BURIAL APPLICANT SHALL SUBMITTING NEW STREET LIGHT PLAN THAT SHOWING AND CABLE, AND LOCATIONS OF MH, THE ABOVE DESIGN AND STREETLIGHT PLAN DEVELOPMENT SHOULD BE PREPARED BASE ON APPROVED LIGHTING ANALYSIS AND DDOT STREETLIGHT AND PLAN. OR DOWNTOWN STREETSCAPE REGULATION IF IT APPLIES ALSO DC STREETLIGHT POLICY AND DESIGN GUILTINESS. PHOTOMETRIC CALCULATIONS ALSO PROVIDE THE VOLTAGE DROP CALCULATION. May 11 2022 11:46AM azamani2 wrote - This locations nee street light plan .APPLICANT SHALL BE SUBMITTING NEW STREET LIGHT PLAN THAT SHOWING CIRCUIT TYPE, VOLTAGE AND LOCATION OF POWER SOURCE, LUMINAIRE TYPE, LUMENS AND LOCATIONS LIGHT STANDARD TYPE, AND LENGTH, AND FOUNDATION DETAILS, SIZE AND BE LOCATION OF ELECTRICAL CONDUIT, CONDUCTOR SIZE, LOCATION OF DIRECT BURIAL APPLICANT SHALL SUBMITTING NEW STREET LIGHT PLAN THAT SHOWING AND CABLE, AND LOCATIONS OF MH, THE ABOVE DESIGN AND STREETLIGHT PLAN DEVELOPMENT SHOULD BE PREPARED BASE ON APPROVED LIGHTING ANALYSIS AND DDOT STREETLIGHT AND PLAN. OR DOWNTOWN STREETSCAPE REGULATION IF IT APPLIES ALSO DC STREETLIGHT POLICY AND DESIGN GUILTINESS. PHOTOMETRIC CALCULATIONS ALSO PROVIDE THE VOLTAGE DROP CALCULATION. F Jul 5 2022 2:28PM azamani2 wrote - Applicant shall be revising Street light plan alley light fixture should be 55W LED 2700K not 3000k
TOA-METER	APPROVED	Dennis Ayuk	dennis.ayuk@dc.gov (202)671-2700	07/28/2022	

### Inspections:

	Tracking Number	Date Added	Inspection Date	Inspector	Contact Info	Notes to Applicant
<a href="#">View Details</a>	388751	1/13/2023	1/12/2023	MaShelia Gibson	MaShelia.Gibson@dc.gov	follow up inspection of this location for project...
<a href="#">View Details</a>	388751	9/23/2022	9/23/2022	MaShelia Gibson	MaShelia.Gibson@dc.gov	
<a href="#">View Details</a>	388751	7/13/2022	7/13/2022	MaShelia Gibson	MaShelia.Gibson@dc.gov	
<a href="#">View Details</a>	388751	5/10/2022	5/10/2022	MaShelia Gibson	MaShelia.Gibson@dc.gov	
<a href="#">View Details</a>	388751	3/1/2022	3/1/2022	MaShelia Gibson	MaShelia.Gibson@dc.gov	
<a href="#">View Details</a>	388751	2/24/2022	2/24/2022	MaShelia Gibson	MaShelia.Gibson@dc.gov	

## Selected Type Descriptives:

Type Descriptives		Dimension Details	Tree Listing
Type Descriptive Group: Fixture			
	Bench(es)	2 (Quantity)	
	Bike Rack(s): DDOT Standard	41 (Quantity)	
	Planter Box behind Sidewalk to 42"	8 x 4 (length x width)	
	Retaining Wall to 42"	7 x 3 (length x width)	
Type Descriptive Group: Landscaping			
	Tree Removal	12 (Diameter)	
Type Descriptive Group: Paving			
	ADA Curb Ramp	1 (Quantity)	
	Curb & Gutter(s)	120 x 3 (length x width)	
	Curb & Gutter(s)	75 x 3 (length x width)	
	Curb & Gutter(s)	75 x 3 (length x width)	
	Patio (porous concrete/pervious pavers ONLY)	16 x 25 (length x width)	
	Roadway(s)	50 x 17 (length x width)	
	Sidewalk (porous/pervious)	12 x 8 (length x width)	
	Sidewalk(s)	26 x 12 (length x width)	
	Sidewalk(s)	50 x 8 (length x width)	
Location		Dimension Details	Tree Listing
Type Descriptive Group: Fixture			
	Type Descriptive: Bench(es); Total Dimension: 2		
	4611 41ST STREET NW	2 (Quantity)	
	Type Descriptive: Bike Rack(s): DDOT Standard; Total Dimension: 41		
	4611 41ST STREET NW	41 (Quantity)	
	Type Descriptive: Planter Box behind Sidewalk to 42"; Total Dimension: 32 SQFT		
	4611 41ST STREET NW	8 x 4 (length x width)	
	Type Descriptive: Retaining Wall to 42"; Total Dimension: 21 SQFT		
	4611 41ST STREET NW	7 x 3 (length x width)	
Type Descriptive Group: Landscaping			
	Type Descriptive: Tree Removal; Total Dimension: 12.4		
	4611 41ST STREET NW	12 (Diameter)	
Type Descriptive Group: Paving			
	Type Descriptive: ADA Curb Ramp; Total Dimension: 1		
	4611 41ST STREET NW	1 (Quantity)	
	Type Descriptive: Curb & Gutter(s); Total Dimension: 810 SQFT		
	4611 41ST STREET NW	120 x 3 (length x width)	
	4611 41ST STREET NW	75 x 3 (length x width)	

	Location	Dimension Details	Tree Listing
	4611 41ST STREET NW	75 x 3 (length x width)	
	Type Descriptive: Patio (porous concrete/pervious pavers ONLY); Total Dimension: 400 SQFT		
	4611 41ST STREET NW	16 x 25 (length x width)	
	Type Descriptive: Roadway(s); Total Dimension: 850 SQFT		
	4611 41ST STREET NW	50 x 17 (length x width)	
	Type Descriptive: Sidewalk (porous/pervious); Total Dimension: 96 SQFT		
	4611 41ST STREET NW	12 x 8 (length x width)	
	Type Descriptive: Sidewalk(s); Total Dimension: 712 SQFT		
	4611 41ST STREET NW	26 x 12 (length x width)	
	4611 41ST STREET NW	50 x 8 (length x width)	

**Requested Days:****Inspection Details**

	Inspection Date	Inspector	Notes to Applicant	Uploaded File
<a href="#">View Details</a>	1/12/2023	MaShelia Gibson	follow up inspection of this location for project...	<a href="#">388751_insp_489033_44.jpg</a> <a href="#">388751_insp_968054_45.jpg</a> <a href="#">388751_insp_025105_46.jpg</a> <a href="#">388751_insp_603126_47.jpg</a> <a href="#">388751_insp_027328_48.jpg</a> <a href="#">388751_insp_249298_49.jpg</a>

**Permit Renewal History:** No records to display

Back



**EXHIBIT 6 TO AFFIDAVIT**

**PLANNED UNIT DEVELOPMENT COVENANT**

**Z.C. CASE NO. 18-03**

**Dancing Crab Properties, LLC**

**Consolidated PUD and Related Map Amendment @ Square 1769**

THIS PLANNED UNIT DEVELOPMENT COVENANT (this “**Covenant**”), is made by **DANCING CRAB PROPERTIES LLC**, a District of Columbia limited liability company, and **10009 FIELDS ROAD, INC**, a Maryland corporation (collectively the “**Owner**”) for the benefit of the **DISTRICT OF COLUMBIA**, a municipal corporation (the “**District**”), effective as of this 11th day of February, 2022.

**W I T N E S S E T H:**

WHEREAS, Owner owns in fee simple title to that certain real property in the District of Columbia known as Lot 32 in Square 1769<sup>1</sup> (the “**PUD Site**”), as is more particularly described in Exhibit A attached hereto and incorporated herein.

WHEREAS, the Zoning Commission for the District of Columbia (the “**Commission**”) approved a Consolidated Planned Unit Development (“**PUD**”) and a related Zoning Map Amendment for the PUD Site pursuant Subtitle X, Chapter 3 and Subtitle Z of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“**DCMR**”) pursuant to Z.C. Order No. 18-03, dated December 17, 2018, and which became final and effective upon its publication in the D.C. Register on March 1, 2019 (the “**Original Order**”).

WHEREAS, the Commission approved an extension of the Original Order pursuant to Z.C. Order No. 18-03(1), dated January 26, 2021, and which became final and effective upon its

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<sup>1</sup> At the time that Z.C. Order No. 18-03 was issued the Property was known as Lots 1 and 2 in Square 1769. A subdivision plat was recorded in the Office of the Surveyor on September 30, 2019, at book 216, page 78, which combined Lots 1 and 2 into a single record lot that is now known as Lot 32 in Square 1769.

publication in the D.C. Register on February 5, 2021 (the “**Extension Order**”) (the Original Order and the Extension Order are collectively referred to herein as the “**Order**”).

WHEREAS, Subtitles X § 311.3 and Z § 702.10 require that Owner enter into this Covenant binding the Owner, and its successors and assigns in title, to construct on and use the PUD Site in accordance with the Order, including all modifications, alterations or amendments thereto approved by the Commission.

NOW, THEREFORE, in consideration of the foregoing recitals, which are a material part hereof, it is agreed between the parties hereto as follows:

1. Approved Plans, Terms and Conditions. The terms and conditions of the Commission’s approval of the Consolidated PUD and a related Zoning Map Amendment for the PUD Site in the Order (as the same may be amended and/or modified from time to time by the Commission), are incorporated herein by reference and made a part hereof as Exhibit B and Exhibit C and shall be considered a part of this Covenant. The PUD Site shall be constructed on, and used in accordance with, the plans approved by the Order and its conditions and restrictions, subject to such changes as the Zoning Administrator of the District of Columbia may authorize pursuant to Subtitle A § 304.5, or as the Commission may authorize pursuant to Subtitle Z §§ 703 or 704. Owner covenants that it shall use the PUD Site only in accordance with the terms of the Order, as the same may be further amended and/or modified from time to time by the Commission, subject to the terms and conditions contained herein and the provisions of Subtitle X, Chapter 3.

2. Additional Time to Construct PUD. The Commission may consider, in accordance with and subject to the limitations of Subtitle Z § 705, an application filed by Owner demonstrating good cause to extend the validity period of the Order and the time period requirements for filing a

building permit application and commencing construction in accordance with Decision No. F2 of the Original Order as extended by the Extension Order.

3. Default. In the event that Owner fails to file for a building permit to construct, or fails to commence construction of the approved PUD, within the time period specified in Subtitle Z §§ 702.2 and 702.3 and Decision No. F2 of the Original Order as extended by the Extension Order, as modified by any extension of time granted by the Commission for good cause shown pursuant to Subtitle Z § 705, the benefits granted by the Order shall terminate pursuant to Subtitle Z § 702.6 and this Covenant shall be deemed null and void.

4. Future Conveyance. Owner covenants that if any conveyance of all or any part of the PUD Site takes place, such conveyance shall contain a specific covenant binding the grantee, its successors and assigns, to develop and use the PUD Site in accordance with the terms and conditions of this Covenant and the grantee, its successors and assigns shall be considered a declarant to this Covenant.

5. Covenants to Run with the Land. The covenants and restrictions contained herein shall be deemed real covenants running with the land and shall bind the Owner, and its successors and assigns, and shall inure to the benefit of the Owner and the District, their successors and assigns. Such covenants are not binding upon any party who no longer has a property interest in the PUD Site. In the event that all or part of the PUD Site is sold or otherwise conveyed by the Owner, the purchaser or transferee and its successors and assigns shall be considered the Owner hereunder, and the District shall continue to be deemed the beneficiary of the Covenant for the purposes of enforcing all covenants, conditions and restrictions contained herein applicable to the PUD Site and/or the Owner.

6. Recordation. Owner shall record this Covenant, as fully executed by the parties hereto, among the land records of the District of Columbia (the “**Land Records**”) and shall file a certified copy of this Covenant with the Zoning Administrator and the Commission.

7. Counterparts. This Covenant may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

8. Rescission/Alteration of Covenant. If the Commission modifies or amends the Order, no formal amendment of this Covenant shall be required, provided that Owner, or its successors or assigns, records a notice of modification in the Land Records together with a copy of the written order authorizing the modification or amendment. No other amendment of the obligations created by this Covenant is permitted without the written consent of the District and, if determined by the Office of Zoning Legal Division to be necessary, without the prior approval of the Commission.

**[SIGNATURES ON FOLLOWING PAGES]**

IN WITNESS WHEREOF, a District of Columbia limited liability company, has caused this Instrument to be executed and delivered in its name by Carlos Horcasitas, a duly authorized Manager and Member, and by May-May A. Horcasitas, a duly authorized Manager and Member, as of the day and year first hereinbefore written.

**DANCING CRAB PROPERTIES, LLC,**  
a District of Columbia limited liability company

By: [Signature]  
Name: Carlos Horcasitas  
Title: Manager and Member

By: [Signature] May-May Horcasitas  
Name: May-May Horcasitas  
Title: Manager and Member

Maryland )  
Montgomery ) ss:

This Instrument was acknowledged before me on Jan 27, 2022, by May-May A. Horcasitas a duly appointed Manager and Member and by Carlos Horcasitas, a duly appointed Manager and Member of Dancing Crab Properties, LLC, a District of Columbia limited liability company.

WITNESS my hand and official seal this 27 day of Jan 2022.

[Signature]  
Notary Public  
[ Notarial Seal ]

My Commission Expires:

THAN C. TRAN  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 6, 2022



IN WITNESS WHEREOF, 10009 Fields Road, Inc., a Maryland corporation, has caused this Instrument to be executed by Carlos Horcasitas its PRESIDENT, and does hereby appoint said ~~Carlos Horcasitas~~ <sup>CH</sup> as its attorney-in-fact for purposes of executing, acknowledging and delivering this Instrument, for and on behalf of said corporation, all as of the day and year first hereinabove written.

**10009 FIELDS ROAD, INC.,**  
a Maryland corporation

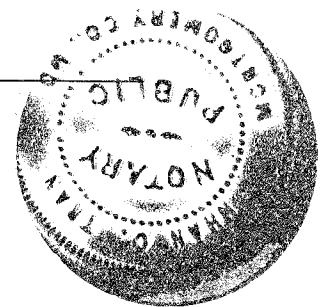
By: [Signature]  
Name: CARLOS HORCASITAS  
Title: PRESIDENT

Maryland )  
Montgomery ) ss:

**BEFORE ME**, a Notary Public in and for the jurisdiction aforesaid, personally appeared this date 27 ~~28~~ <sup>CH</sup>, personally well known (or satisfactorily proven) to me to be the person whose name is subscribed to the foregoing and annexed Instrument, who, being by me first duly sworn, did depose and state that s/he is the ~~representative~~ <sup>President</sup> and attorney-in-fact of 10009 Fields Road, Inc., which entity is a party to the foregoing and annexed Instrument, and that s/he, being duly authorized so to do, executed said Instrument on behalf of said entity and acknowledged the same as its free act and deed for the uses and purposes therein contained.

**WITNESS** my hand and official seal this 27 day of Jan 2022.

[Signature]  
Notary Public  
[ Notarial Seal ]



My Commission Expires:

NHAN C. TRAN  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 8, 2022

APPROVED:

Matthew Le Grant  
Matthew LeGrant, Zoning Administrator,  
Department of Consumer and Regulatory Affairs

2-11-2022

Date

(PUD Covenant pursuant to Subtitles X § 311.3 and Z § 702.10 for Lot 32 in Square 1769 for a Consolidated PUD and Map Amendment approved by Z.C. Order No. 18-03 and extended by Z.C. Order No. 18-03(1))



APPROVED AS TO LEGAL SUFFICIENCY:

H Lovick  
Hillary Lovick, Attorney Advisor  
Office of Zoning Legal Division

February 8, 2022  
Date

(PUD Covenant pursuant to Subtitles X § 311.3 and Z § 702.10 for Lot 32 in Square 1769 for a Consolidated PUD and Map Amendment approved by Z.C. Order No. 18-03 and extended by Z.C. Order No. 18-03(1))

## LEGAL DESCRIPTION OF THE PUD SITE

All that certain lot or parcel of land situated, lying and being in the District of Columbia, and being more particularly described as follows:

Lot numbered Thirty Two (32) in Square numbered One Thousand Seven Hundred and Sixty Nine (1769) in the subdivision made as per plat recorded in the Office of the Surveyor of the District of Columbia in Book 216 at Page 78.

[illegible]

**EXHIBIT B**  
**ZONING COMMISSION ORDER NO. 18-03**

[appended]

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 18-03**

**Z.C. Case No. 18-03**  
**Dancing Crab Properties, LLC**  
**(Consolidated PUD and Related Map Amendment @ Square 1769)**  
**December 17, 2018**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on October 29, 2018, to consider an application for a consolidated planned unit development ("PUD") and a related Zoning Map amendment filed by Dancing Crab Properties, LLC ("Applicant"). The Commission considered the application pursuant to Subtitle X, Chapter 3 and Subtitle Z of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11-Z DCMR Chapter 400. For the reasons stated below, the Commission **HEREBY APPROVES** the application.

**FINDINGS OF FACT**

**The Application, Parties, and Hearing**

1. On March 26, 2018, the Applicant filed an application with the Commission for a consolidated PUD and a related Zoning Map amendment from the MU-4 zone to the MU-5-B zone for property located at 4611-4615 41<sup>st</sup> Street, N.W. (Square 1769, Lots 1 and 2) ("Site"). The Site has approximately 6,855 square feet of land area and is surrounded by private property to the north and south, 41<sup>st</sup> Street to the west, and a public alley to the east.
2. The Applicant will develop the Site with a new seven-story apartment house with approximately 41 residential units and restaurant/bar use on the ground floor and in penthouse habitable space. Two of the residential units will be two-bedroom Inclusionary Zoning ("IZ") units reserved for households earning up to 60% of the Median Family Income ("MFI"), and one of the residential units will be a one-bedroom IZ unit reserved for households earning up to 50% of the MFI. The project ("Project") will have a maximum building height of 79 feet, four inches, not including the penthouse. The Project will contain approximately 34,535 square feet of total gross floor area (5.04 floor area ratio ["FAR"]), of which approximately 28,762 square feet of gross floor area will be devoted to residential use, approximately 2,450 square feet of gross floor area will be devoted to the restaurant/bar use on the ground floor, and approximately 1,754 square feet of penthouse habitable space will be devoted to the restaurant/bar use on the roof. The Project will

contain nine on-site parking spaces and one service-delivery loading space, all accessed from the rear alley.

3. By report dated June 1, 2018 (Exhibit ["Ex."] 10), the Office of Planning ("OP") recommended that the Commission set down the application for a public hearing. The OP setdown report requested that the Applicant: (a) confirm the number of IZ units in the Project; (b) provide additional details on the proposed public benefits and amenities package; and (c) provide samples of the building materials.
4. At its public meeting held on June 11, 2018, the Commission reviewed the application, requested additional information from the Applicant on various items, and voted to schedule a public hearing on the application.
5. On July 3, 2018, the Applicant submitted its prehearing submission. (Ex. 11-13.) The prehearing submission included revised architectural drawing sheets and responded to the comments and requests for additional information raised by the Commission at the setdown meeting and by OP in the OP setdown report. Specifically, the Applicant's prehearing submission: (a) confirmed that residents of the Project would not be eligible to obtain residential parking permits ("RPPs"); (b) confirmed that the Applicant was unaware of any other development plans for the block on which the Site is located; (c) provided a close up rendering showing a view of the building's front entrance; (d) provided more information on the rooftop and penthouse space, including detailed drawings and information on the proposed lighting and solar panels; (e) confirmed the requested design flexibility language; (f) clarified the IZ proffer and confirmed that the proffer exceeded the minimum IZ requirement imposed by the Zoning Regulations; and (g) provided more information on mural proposed to be located on the building's south façade. The Applicant also indicated that it was in the process of working with Advisory Neighborhood Commission ("ANC") 3E, the ANC in which the Site is located, on the public benefits and amenities package and would submit a complete list of public benefits prior to the public hearing. The Applicant also stated that it would provide samples of the proposed building materials at the public hearing.
6. On August 28, 2018, the Applicant submitted a Multimodal Transportation Assessment Report, prepared by Wells + Associates. (Ex. 18.) The cover letter submitting the transportation report indicated that the Applicant had also submitted the report to the District Department of Transportation ("DDOT") on August 13, 2018.
7. On September 7, 2018, the Applicant submitted a supplemental prehearing submission which included the following: (a) updated architectural drawings that included renderings of the building within its context, revised landscape and public space plans, and floor plans showing the locations and sizes of the proposed IZ units; (b) a description of the Applicant's proposed public benefits and amenities package; and (c) refined language regarding the requested design flexibility. (Ex. 19.)

8. On September 17, 2018, OP submitted a report recommending approval of the application with conditions. (Ex. 22.)
9. On September 17, 2018, DDOT submitted a report stating no objection to the application with conditions. (Ex. 21.)
10. On September 17, 2018, the Applicant submitted a letter requesting that the Commission postpone the public hearing until October 29, 2018, to give the Applicant additional time to continue working with ANC 3E. (Ex. 23.) The Applicant's request was approved and notice of the rescheduled public hearing was published in the *D.C. Register* on September 28, 2018. (Ex. 24-26.)
11. On October 22, 2018, ANC 3E submitted a resolution that was passed by a unanimous vote of 5-0-0 and a memorandum of understanding ("MOU") signed by the Applicant and the ANC setting forth the Applicant's commitments with respect to the Project's public benefits and amenities and other mitigation measures. (Ex. 28-28A.) The ANC resolution specifically requested that the Commission incorporate the provisions of the MOU into any order approving the Project.
12. On October 29, 2018, testimony was submitted by Ms. Marilyn Simon stating that: (a) any order approving the application should include a strong and enforceable condition restricting residents of the Project from obtaining RPP(s); and (b) the Applicant's affordable housing proffer incorrectly calculated the matter-of-right IZ set-aside requirements and therefore the Applicant should be required to increase its affordable housing proffer. (Ex. 30.)
13. On October 29, 2018, testimony was submitted by DC for Reasonable Development: Ward 3 Accountability Group ("DC4RD") stating that the Project was inconsistent with the Comprehensive Plan for two reasons. (Ex. 33.) First, DC4RD alleged that the amount of affordable housing in the Project could not be deemed a "substantial benefit" and that the lack of family-sized units (three or more bedrooms) was "unacceptable at a time of an affordability crises for families." Based on these assertions, DC4RD requested that 30% of the residential density in the Project be dedicated to family-sized affordable housing. Second, DC4RD claimed that the Project's cumulative impacts would have a substantial burden on public services, which had not been sufficiently evaluated as part of the PUD process.
14. After proper notice, the Commission held a public hearing on the application on October 29, 2018. The parties to the case were the Applicant and ANC 3E.
15. At the public hearing, the Applicant submitted a response to Ms. Simon's written testimony with calculations confirming that its IZ proffer was properly calculated. (Ex. 34.)
16. At the public hearing, OP rested on the record and confirmed its support for the application subject to the following conditions:

- a. Hours of operation and use of roof must be limited to no later than midnight;
  - b. No live or amplified music permitted on the roof;
  - c. All lighting must be shielded so it is contained to the roof area and turned off by 1:00 a.m. except for any code-required emergency lights; and
  - d. The ground-floor restaurant space and rooftop restaurant/lounge should not be considered a proffered benefit.
17. At the public hearing the Applicant proposed the following conditions in response to and instead of OP's suggested conditions: (Ex. 35.)
- a. The hours of operation and use of the rooftop restaurant/bar shall be limited to those hours authorized by any license(s) issued by the D.C. Alcoholic Beverage Regulation Administration ("ABRA");
  - b. Amplified live music shall not be permitted after midnight outside on the roof. Instrumental or recorded music conveyed via speakers, or other sound system, shall be permitted and shall comply at all times with the requirements of the D.C. Noise Control Act; and
  - c. All lighting will be shielded so it is contained to the roof area and complies with all applicable D.C. Building Code requirements.
18. At the public hearing, DDOT rested on the record and confirmed its support for the application subject to the following conditions, to which the Applicant agreed:
- a. Design, fund, and install the proposed curb bulb-outs to facilitate safer pedestrian crossings;
  - b. Fund and install two electric vehicle charging stations;
  - c. Implement a loading management plan that restricts all trucks greater than 30 feet in length from serving the site; and
  - d. Implement the TDM plan proposed in the Applicant's August 13, 2018 transportation report, with the one modification: if an agreement is not reached with a carshare company to provide service in the two reserved carshare spaces prior to the Project's first Certificate of Occupancy, then the Applicant shall offer a \$10 SmarTrip card to each dwelling unit.
19. At the conclusion of the public hearing the Commission took proposed action to approve the PUD and related Zoning Map amendment. The Commission left the record open only

for the three following submissions: (a) an analysis from OP regarding the Applicant's affordable housing proffer; (b) a response from Ms. Simon regarding the Applicant's affordable housing proffer and OP's analysis thereof; and (c) a post-hearing submission from the Applicant, to include a response to OP's and Ms. Simon's post-hearing submissions, a consolidated set of fully updated architectural plans and elevations, and draft Findings of Fact and Conclusions of Law.

20. On October 31, 2018, the proposed action was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the Home Rule Act. (Ex. 37.)
21. On November 2, 2018, OP submitted a supplemental report regarding the Applicant's affordable housing proffer. (Ex. 38.) In that report, OP stated that it "has confirmed that the [A]pplicant's use of the IZ set aside percentages is correct and consistent with intent and practice." (Ex. 38, p. 1.) OP referenced 11-X DCMR § 305.2, which provides that the PUD public benefits must be greater than would likely result from development of the site as a matter of right. Under the matter-of-right scenario, OP concluded that the Project would be required to set aside 2,746.03 square feet for IZ units, but that the Project proposes to set aside 3,882 square feet for IZ units, which is 1,136 square feet more than would have be required. Thus, OP concluded that "[t]he 1,136 sq. ft. is the public benefit." (Ex. 38, p. 1.) OP also indicated that the set aside section in the Zoning Regulations was being clarified in Z.C. Case No. 04-33I.
22. On November 9, 2018, Ms. Simon submitted a response to the Applicant's affordable housing proffer and OP's supplemental report, as requested by the Commission at the close of the public hearing. (Ex. 40.) Ms. Simon's response stated that: (a) the Applicant and OP are using the proposed IZ regulations (Z.C. Case No. 04-33I) rather than the current IZ regulations to calculate the IZ requirements for the Project, which create significantly different IZ requirements; and (b) the Applicant should use the current IZ regulations which do not permit the Project to take advantage of the "reduced" IZ requirement of eight percent GFA or 50% of the bonus density because the Project does not use steel and concrete to frame more than 50% of the dwelling units. Ms. Simon's supplemental report also commented on and provided proposed language for the RPP restriction proposed by the Applicant. However, the Commission did not request this information from Ms. Simon at the public hearing as it had already addressed and accepted the Applicant's condition related to RPP restrictions.
23. On November 16, 2018, the Applicant filed its post-hearing submission (Ex. 41), which included: (a) a response to OP and Ms. Simon's post-hearing submissions regarding the IZ proffer; (b) updated architectural plans and elevations depicting the final design of the enhanced public space improvements negotiated with ANC 3E; and (c) confirmation on the Applicant's RPP condition. (Ex. 41.)
24. On November 19, 2018, the Applicant filed its final list of proffers and draft conditions pursuant to 11-X DCMR § 308.12.



25. On November 30, 2018, NCPC's Director of Urban Design and Plan Review submitted a letter stating that the Project was determined to be exempt from NCPC review. (Ex. 43.)
26. The Commission took final action to approve the PUD and related Zoning Map amendment on December 17, 2018.

### **The Site and Surrounding Area**

27. The Site is located in the Tenleytown neighborhood of Ward 3, directly adjacent to the commercial corridor of upper Wisconsin Avenue, N.W. The Site has approximately 6,855 square feet of land area and is surrounded by private property to the north and south, 41<sup>st</sup> Street to the west, and a public alley to the east. The Site is presently improved with two existing two-story buildings, one of which is operated as the Tenley Bar and Grill. The existing buildings will be razed as part of redevelopment.
28. The area surrounding the Site is generally improved with commercial office, retail, and service uses. To the south of the Site is a mixed-use retail district surrounding the Tenleytown Metrorail station, which is home to a variety of retail, service, and dining establishments, including stores such as Best Buy, CVS, The Container Store, and Whole Foods; fast-casual and full-service restaurants and bars; the Tenley-Friendship Neighborhood Library; The Citizen Heights Church; and various beauty salons, among other uses and commercial establishments. To the south of the Tenleytown Metrorail station is American University. To the north of the Site is the Fort Reno Park and Deal Middle School. To the east of the Site is the Woodrow Wilson High School, and to the west of the Site are additional neighborhood-serving restaurants and bars along Wisconsin Avenue, N.W. Farther to the east and west of the Site are low-density residential neighborhoods.
29. Immediately to the north of the Site is an existing four-story commercial building that is constructed to its southern property line. Immediately to the south of the Site is a parking lot at the corner of Wisconsin Avenue, N.W. and Brandywine Street, N.W. Across Wisconsin Avenue from the Site is a seven-story mixed-use building developed as a PUD pursuant to Z.C. Order No. 10-23, and an existing four-story building that was approved to be converted to an eight-story mixed-use building as a PUD pursuant to Z.C. Order No. 16-26, which had an effective date of March 30, 2018.
30. The surrounding neighborhood is well-served by multiple transportation options. The Tenleytown Metrorail station, which services the red line, is located approximately 0.1 mile to the south of the Site. At least 10 different bus lines are located along Wisconsin Avenue, with bus stops adjacent to the Site. Multiple permanent carshare spaces are located within a half-mile of the Site, serviced by Zipcar and Hertz on Demand, and a Capitol Bikeshare station is located approximately 0.2 miles from the Site. Public sidewalks, crosswalks, and bicycle lanes are also well established in the area.

### **Existing and Proposed Zoning**

31. The Site's existing zoning is MU-4. The application requested a Zoning Map amendment to rezone the Site to the MU-5B zone. Properties on the east and west sides of Wisconsin Avenue, N.W. near the Site are primarily designated as MU districts. The PUDs across Wisconsin Avenue from the Site are zoned MU-7. The Tenleytown mixed-use retail district is zoned MU-7, properties to the north are zoned MU-4, and properties to the south are zoned MU-3, MU-4, and MU-5A. Properties near the Site but not located along Wisconsin Avenue are primarily zoned R-1-B and R-2.
32. Development Under Existing Zoning. The MU-4 zone is intended to permit moderate-density mixed-use development; provide facilities for shipping and business needs, housing, and mixed uses; and be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops and include office employment centers, shopping centers, and moderate bulk mixed-use centers. (11-G DCMR § 400.3.)
33. The MU-4 zone permits a maximum density of 2.5 FAR (1.5 FAR maximum non-residential), 3.0 FAR with IZ, 3.6 FAR as a PUD, and 2.01 FAR maximum non-residential as a PUD. (11-G DCMR § 402.1 and 11-X DCMR §§ 303.3 and 303.4.) The MU-4 zone permits a maximum building height of 50 feet with no limit on the number of stories, 65 feet for a PUD, and a maximum penthouse height of 12 feet (15 feet for penthouse mechanical space) and one story (second story permitted for penthouse mechanical space). (11-G DCMR §§ 403.1 and 403.3 and 11-X DCMR § 303.7.) The MU-4 zone permits a maximum lot occupancy of 60% and 75% with IZ. (11-G DCMR § 404.1.)
34. Development Under Proposed Zoning. The Applicant proposed to rezone the Site to the MU-5B zone to allow for the development of a mixed-use apartment house with ground-floor retail. The MU-5 zones are intended to permit medium-density, compact mixed-use development with an emphasis on residential use. (11-G DCMR § 400.4(a).) The MU-5 zones provide for areas with facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. (11-G DCMR § 400.4(b).) The MU-5 zones are located on arterial streets, in uptown and regional centers, and at rapid transit stops. (11-G DCMR § 400.4(c).)
35. The MU-5B zone permits a maximum density of 3.5 FAR (1.5 FAR maximum for non-residential uses) and 4.2 FAR with IZ. (11-G DCMR § 402.1.) The MU-5B zone permits a maximum building height of 75 feet with no limit on the number of stories and a maximum penthouse height of 20 feet and one story, with a second story permitted for penthouse mechanical space. (11-G DCMR §§ 403.1 and 403.3.) The MU-5B zone permits a maximum lot occupancy of 80%. (11-G DCMR § 404.1.)
36. A PUD in the MU-5B zone is permitted a maximum density of 5.04 FAR (2.01 FAR maximum for non-residential uses) and a maximum building height of 90 feet. (11-X DCMR §§ 303.3, 303.4, 303.7.)

## **Project Description**

37. As shown on the Architectural Plans and Elevations dated November 16, 2018 (“Architectural Plans”), the Site will be redeveloped with a new seven-story apartment house with approximately 41 residential units and a restaurant/bar on the ground floor and in penthouse habitable space. (Ex. 41A1-41A3.) Two of the residential units will be two-bedroom IZ units reserved for households earning up to 60% of the MFI, and one of the residential units will be a one-bedroom IZ unit reserved for households earning up to 50% of the MFI. The Project will have a maximum building height of 79 feet, four inches, not including the penthouse. The Project will contain approximately 34,535 square feet of total gross floor area (5.04 FAR), of which approximately 28,762 square feet of gross floor area will be devoted to residential use, approximately 2,450 square feet of gross floor area will be devoted to the restaurant/bar use on the ground floor, and approximately 1,754 square feet of penthouse habitable space will be devoted to the additional restaurant/bar use on the roof.
38. The Project will contain nine on-site parking spaces and one service-delivery loading space, all accessed from the rear alley. Five of the parking spaces will be located in an interior parking garage, with two of the five spaces dedicated as electric vehicle charging stations. The remaining four parking spaces will be located at-grade in the rear yard perpendicular to the alley, with two of the four spaces dedicated as car-share spaces. The service/delivery loading space will abut a loading platform that will have direct access to the building’s trash room, service area, and service elevator. Although not required, the service/delivery space is being provided to serve the loading needs of the bar/restaurant use. Residential loading facilities are not required for the Project. Long-term interior bicycle parking will be located in the cellar accessed via the building’s primary residential entrance and via the rear alley.
39. The building includes expansive storefront windows and glass entry doors along 41<sup>st</sup> Street that were designed to activate the street level and create a strong physical relationship between interior and exterior spaces. Above the first level, the building façade is organized into three glassy volumes separated by brick piers that celebrate the building’s verticality and identify the three apartment units fronting 41<sup>st</sup> Street on each residential floor. The building is primarily clad in red brick with limestone detailing that creates strong horizontal elements at regular intervals. The residential floors are identified by the uniform treatment of aluminum-clad sawtooth bays on 41<sup>st</sup> Street and at a large closed court on the east side of the building, which will be visible as the building is approached from the south.
40. The penthouse and roof terrace serve as an extension of the ground-floor bar/restaurant use. The penthouse will be clad in fiber cement panels that correspond with the building’s limestone base. The penthouse will have floor to ceiling glazing along the majority of the south and west walls that will provide stunning, panoramic views of the city from inside, as well as connections to the exterior roof deck. A smaller room and separate roof deck will be located on the southeast corner of the roof and will be separated from the main roof deck by the courtyard.

41. The public space streetscape and landscape design for the Project fosters an active and pedestrian-friendly environment. Large planted areas in public space provide greening of the public space between the sidewalk and the face of the building, capture stormwater, and define the residential entry and outdoor restaurant/bar seating areas. The existing red brick pavers in the strip between the curb and the sidewalk will be removed. The curb will be extended out to the bike lane and converted to a bioretention planting area paved plaza with a public art installation and short-term bicycle parking. The painted gore triangle between 41<sup>st</sup> Street, N.W. and Wisconsin Avenue, N.W. will be raised, and a new curb installed around a planted area. The curb extension, raised gore area will and a new raised crosswalk will slow traffic exiting Wisconsin Avenue, N.W. onto 41<sup>st</sup> Street, N.W., narrow the width of the pedestrian crossing and increase pedestrian safety around the site. The new concrete sidewalk in front of the Site will be widened to eight feet to provide a comfortable and safe pedestrian environment. The existing built-in planter in public space north of the Site will be maintained and integrated into the planting area in front of the Project. The area between the sidewalk and the property line will be paved with granite pavers. As set forth below, the Applicant worked closely with ANC 3E and DDOT to enhance the public space improvements such that they are being provided in excess of the standards normally required for public space adjacent to a PUD.
42. The Project is designed to integrate a host of sustainable features and will be designed to achieve LEED-Gold certification under v.4. In addition, the Site is located in a mixed-use, walkable neighborhood with convenient access to public transportation options and existing infrastructure and services. The Project will include a variety of strategies to satisfy the Green Area Ratio (“GAR”) and stormwater management requirements, such as intensive and extensive green roof areas, a bioretention area at the third floor courtyard, permeable paving in the outdoor parking area accessed from the alley, and in-ground planters in public space. The Project will install solar photovoltaic panels on the penthouse roof.

### **Zoning Flexibility**

43. Flexibility to Provide a Restaurant/Bar Use in the Penthouse. The Applicant requested flexibility to provide a restaurant/bar use in the penthouse of the proposed building. Pursuant to 11-C DCMR § 1500.3, a penthouse may house a nightclub, bar, cocktail lounge, or restaurant if approved as a special exception pursuant to 11-X DCMR Chapter 9. In this case, the Commission finds that the proposed restaurant/bar use in the penthouse will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The restaurant/bar use will provide a unique and enjoyable dining option for neighborhood residents, including residents of the Project, and will not create any adverse effects given the conditions imposed herein. The penthouse structure itself will comply with all height, bulk, and setback standards set forth in 11-C DCMR § 1500.
44. The Commission also finds that the proposed restaurant/bar use will not tend to affect adversely the use of neighboring property for the following reasons and because of the conditions imposed on its use in this Order. The Site is surrounded by commercial uses in

all directions. Directly to the north is a commercial building and directly to the south is a parking lot. Across Wisconsin Avenue to the west are other mixed-use residential and commercial buildings with ground-floor retail, with the closest residential use being the apartment house approved in Z.C. Order No. 10-23, which is approximately 150 feet away from the Site and across Wisconsin Avenue. To the east of the Site, across the alley, are commercial uses. Moreover, the ANC stated that the rooftop restaurant/bar space will “be among, if not the, highest in DC, with a commanding view, rooftop restaurant/bars are popular, and there are currently none in the immediate area.” (ANC Resolution, Ex. 28A, p. 2.) Therefore, the Commission concludes that the proposed restaurant/bar use in the penthouse will have little or no impact on surrounding residential uses, and will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring property, given the conditions imposed by this Order.

45. Flexibility from the Minimum PUD Land Area Requirement. The Applicant requested flexibility from 11-X DCMR § 301.1, which provides that the minimum land area for a PUD in the MU-5B zone is 15,000 square feet. Pursuant to 11-X DCMR § 301.3, the Commission may waive the minimum PUD land area requirement to no less than 5,000 square feet for applications in Zone Groups 2, 5, and 6,<sup>1</sup> provided the Commission finds that the development is of exceptional merit and is in the best interests of the District of Columbia or the country and achieves one of the standards set forth in 11-X DCMR § 301.3(a)-(c). The criteria of 11-X DCMR § 301.3(c) is that the development is located outside of the Central Employment Area (“CEA”) and at least 80% of the gross floor area of the development is used exclusively for dwelling units and uses accessory thereto.
46. The Commission finds that the Project meets the requirements of 11-X DCMR § 301.3(c) because the Site is located outside of the CEA and approximately 82% of the Project’s gross floor area is dedicated to dwelling units and accessory uses thereto. Moreover, reducing the minimum PUD land area requirement for the Project is in the best interests of the District because it will allow for development of a PUD that includes new housing and affordable housing in an amount greater than the minimum required by the Zoning Regulations, will include larger-sized affordable units, and is located in a mixed-use, walkable, and transit-oriented location that will have a minimal impact on the environment. The Project is also one of exceptional merit due to its associated public benefits and amenities, architectural design, proposed ground-floor commercial uses that will benefit the neighborhood and increase economic development in the area, and improvements to the surrounding public space. The Commission agrees with OP’s analysis as well, where it stated that the Project’s “new housing and its amenities including the two-bedroom IZ units for families at up to 60% median income and the streetscape and public space improvements near the metro station should result in the Project being of an exceptional merit in the best interest of the City.” (Ex. 22, p. 10.) Therefore, the Commission concludes that flexibility from the minimum PUD land area requirements is appropriate in this case.

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<sup>1</sup> Per 11-X DCMR § 301.1, the MU-5B zone is within Zone Group 6 for “any other zone.”

### **Development Flexibility**

47. The Applicant also requests flexibility in the following additional areas:
- a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
  - b. To vary the final selection of the color of the exterior materials, within the color ranges reflected in the approved Architectural Plans, without making changes to the exterior materials; and to make minor refinements to exterior details, locations and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes that do not substantially alter the exterior design necessary to comply with all applicable District of Columbia laws and regulations;
  - c. To provide a range in the number of residential dwelling units of plus or minus 10% from the number depicted on the approved Architectural Plans;
  - d. To make refinements to the parking configuration, including layout, number of parking spaces, and other elements, so long as the number of parking spaces provided is at least the minimum number of spaces required by the Zoning Regulations;
  - e. To vary the location, attributes, and general design of the streetscape incorporated in the Project to comply with the requirements of and the approval by the DDOT Public Space Division;
  - f. To vary the font, message, logo, location, and color of the proposed signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the approved Architectural Plans and compliant with the D.C. signage regulations; and
  - g. To vary the sustainable features of the Project, provided the total number of LEED points achievable for the Project does not decrease below LEED Gold v.4.
48. The Commission concluded the request for design flexibility for exterior materials was overly broad and granted similar, but narrower, design flexibility.

### **Public Benefits and Amenities**

49. Superior Urban Design, Architecture, and Landscaping (11-X DCMR § 305.5(a) and (b)) and Site Planning and Efficient Economical Land Utilization (11-X DCMR § 305.5(c)). The Project's architectural character and ground-floor streetscape will be a significant improvement over the existing buildings on the PUD Site and the surrounding

neighborhood. The Project will use high quality materials throughout and will incorporate detailing at regular floor intervals to enhance the building's design and articulate its scale. Tall storefront glazing at the ground floor, an elegant steel and glass canopy at the building entrance, and metal-clad bays with large glass openings will all contribute to the building's dynamic façade. In addition, extensive landscaping in the public space at the front of the building will define the residential entry and outdoor seating area, and exterior lighting elements will be installed to create a safe and inviting streetscape and an enjoyable pedestrian experience.

50. The building's third-floor courtyard will be landscaped with a bioretention garden and will provide enhanced views. Areas of intensive and extensive green roof will also be provided.
51. In reviewing the Project, the ANC found that the "new residences and attractive retail space the Project will afford will enhance the vibrance of the neighborhood" (Ex. 28A, pp. 1-2) and OP similarly concluded that the Project's "landscaping and site planning would significantly improve the pedestrian environment around the site," and that the infill site is in a transit-oriented area that is "efficiently and economically utilizing land in the District." (Ex. 22, p. 14.)
52. Housing and Affordable Housing (Subtitle X § 305.5(f) and (g)). The Project results in the creation of new housing and affordable housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Future Land Use Map. The Project will replace an underutilized commercial site with approximately 41 new residential units, three of which will be designated IZ units. The affordable housing proffer exceeds the amount of square footage that would have been required through matter-of-right development under existing zoning. Specifically, the Applicant will dedicate a minimum of 12.7% of the residential gross floor area and including penthouse habitable floor area combined to IZ units (approximately 3,882 square feet of gross floor area). Two IZ units will be reserved for households earning up to 60% of the median family income ("MFI") and one IZ unit will be reserved for households earning up to 50% of the MFI. The units reserved at 60% of the MFI will each have approximately 1,445 square feet of gross floor area and two bedrooms. The unit reserved at 50% of the MFI will have approximately 992 square feet of gross floor area and one bedroom.
53. In reviewing the IZ proffer, the ANC explained that "like most of the District of Columbia, our neighborhood needs more affordable housing, and especially affordable housing suitable for families," and commended the Applicant for providing "greater than 25% more affordable housing than would be required under the existing MU-4 zoning, and greater than 50% more affordable housing than would be required under MU-5B zoning, including at least two affordable units with two bedrooms." The ANC also found that the Project "consists of a mix of unit sizes, some of which should be suitable for small families as well as singles." (Ex. 28A.) As set forth in the Contested Issues section of this Order, OP also reviewed and supported the Applicant's affordable housing proffer, and confirmed the Applicant's calculations with respect to the amount of IZ being provided over the amount required by the Zoning Regulations.

54. Environmental Benefits (Subtitle X § 305.5(k)). The Project has been designed to integrate a host of sustainable features, including providing a minimum of 640 square feet of solar panels on the top of the building's penthouse to help generate a portion of the building's energy consumption. In addition, the Applicant will certify the Project with the USGBC as LEED Gold v.4.
55. In its report, OP indicated that DOEE worked with the Applicant on its solar installation proposal and its LEED commitments and "is in support of the proposal." (Ex. 22, p. 15.)
56. Commemorative Works or Public Art (Subtitle X § 305.5(d)). Following the effective date of Z.C. Order No. 18-03, the Applicant will engage with ANC 3E to select the subject matter and artist for a mural to be located on the south façade of the Project, with the approximate location and dimensions as shown on Sheet A2.2 of the Architectural Plans. The Applicant will dedicate up to \$25,000 for the design and installation of the mural prior to receiving the first certificate of occupancy for the Project, but the mural need not be installed prior to issuance of the first certificate of occupancy.
57. The OP report correctly notes that the mural is located along a property line and is therefore "at risk." The ANC understood that the location of the mural was "at risk" but still preferred the mural to be installed in its proposed location. The Applicant will work with the ANC to determine the appropriate artist and subject matter for the mural, and the ANC's support of the mural indicates that it would be a benefit to the community. (See Ex. 22, p. 14; Ex. 28A, p. 2.)
58. Uses of Special Value to the Neighborhood Subtitle X § 305.5(q).
- a. Landscaping and Public Space Improvements.
- i. As shown on Sheets A1.0, L1.0-L1.2 and L1.4-L1.7 of the Architectural Plans, the Project will include a variety of significant public space improvements adjacent to the Site and on the west side of 41<sup>st</sup> Street, N.W. The public space improvements will include the following:
- A. Enhanced streetscape design elements along 41<sup>st</sup> Street directly adjacent to the Project's entrance, including: (i) a bioretention planting area; (ii) granite pavers between the building façade and the sidewalk; (iii) bar-height seating facing the sidewalk and movable tables and chairs for the café seating; (iv) planters with stone curbs; (v) building exterior light fixtures and in-ground light fixtures; and (vi) bench seating at the residential entry;
- B. An eight-foot-wide concrete public sidewalk that replaces the existing six-foot-wide public sidewalk adjacent to the Site;



- C. A speed table in the location and with the materials as shown on Sheets L1.0 and 1.1 of the Architectural Plans to slow traffic;
- D. A new curb extension/bulb-out on the east side of 41<sup>st</sup> Street to shorten the pedestrian travel distance across 41<sup>st</sup> Street and slow vehicular traffic. As shown on Sheets L1.0 and 1.1 of the Architectural Plans, the bulb-out will include new stone pavers, short-term bicycle parking for eight bicycles, a public art feature, streetscape plantings, and signage for the new crosswalk; and
- E. On the west side of 41<sup>st</sup> Street, a “traffic-calming curb extension” in the location and with the landscaping materials as shown on Sheets L1.0 and L1.1 of the Architectural Plans.

The Applicant will maintain the public space improvements listed in FF No. 58 for the life of the Project;

- ii. The Applicant will spend up to \$5,000 for the installation of landscaping on the northern portion of Reservation 503, which is located between 41<sup>st</sup> Street to the east and Wisconsin Avenue to the west (“Reservation 503 North”), and will maintain the landscaping in Reservation 503 North for the life of the Project;
  - iii. If or when the owner of property located at 4600 Wisconsin Avenue, N.W. (Square 1732, Lot 53) (“4600 Wisconsin Owner”) stops maintaining the landscaped area approved to be developed in Z.C. Order No. 10-23, Decision No. 10 (view “A” in Ex. 19B) on the southern portion of Reservation 503 (“Reservation 503 South”), the Applicant shall maintain Reservation 503 South for the life of the Project; and
  - iv. In working with the Applicant on its proposed landscape and public space plans, the ANC noted that they would “[a]dd significant traffic calming and placemaking elements, including extending the pedestrian area in front of the restaurant into the street and improving the space with public art and special paving, transforming triangular road lane markings into a raised, landscaped space, and replacing an ordinary painted crosswalk with a raised, attractively-patterned crosswalk.” (Ex. 28A, pp. 1-2.) OP agreed that the “streetscape improvements would be attractive additions to the pedestrian environment and would help to further activate the area.”; and (Ex. 22, p. 16.)
- b. Donation to Friendship Place. The Applicant will contribute \$35,000 to Friendship Place to make improvements needed as a result of leaking and flooding in their basement, including but not limited to installing new pipes, waterproofing the basement’s foundation, installing additional landscaping that would keep water

away from the building and its foundation, and replacing the building's front and side doors. The ANC and OP both agreed that this contribution amounted to a public benefit that would help to support a local homeless services provider. (Ex. 28A, p. 2; Ex. 22, p. 16.)

### **Transportation Demand Management**

59. The Applicant committed to the following TDM measures:

- a. Develop and maintain a property management website that will include information on and links to current transportation programs and services such as: (i) Capital Bikeshare, carsharing services, and ride-hailing services; (ii) information about transportation apps, such as Citymapper, Spotcycle, and Transit and other transportation resources, such as DDOT's D.C. Bicycle Map and goDCgo.com; (iii) links to the Commuter Connections Rideshare Program, which provides complimentary information on a variety of commuter programs to assist in determining which commuting options work best for commuters; (iv) information about the Commuter Connections Guaranteed Ride Home Program, which provides commuters who regularly carpool, vanpool, bike, walk or take transit to work with a free and reliable ride home in an emergency; and (v) information about the Commuter Connections Pools Program, which incentivizes commuters who currently drive alone to carpool;
- b. Provide an electronic display in a common, shared space in the building that provides real-time public transit information such as nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the number of bicycles available at each location;
- c. Provide two Electric Vehicle ("EV") charging stations internal to the building's garage;
- d. Offer two of the on-site vehicle parking spaces to a car-share provider(s), subject to demand. If an agreement with a car-share provider cannot be reached prior to the issuance of the first certificate of occupancy for the Project, then the Applicant will: (i) host a transportation event for residents and employees of the Project within the first year following the issuance of the first certificate of occupancy; and (ii) provide one \$10 pre-loaded SmarTrip card per dwelling unit and employee upon initial lease-up of the building;
- e. Unbundle the cost of parking spaces from the cost of residential leases; and
- f. Restrict residents of the Project from obtaining a Residential Parking Permit ("RPP") by: (i) placing a clause in emphasized type in all residential leases that prohibits residents from applying for or obtaining RPPs, or using an RPP guest pass within one mile of the Site, upon penalty of mandatory lease termination to the full

extent permitted by law; and (ii) obtaining written authorization from each tenant through a required lease provision that allows the Department of Motor Vehicles (“DMV”) to release to the Applicant every 12 months any and all records of that tenant requesting or receiving an RPP for the Site. The Applicant will take all reasonable steps to obtain and review such records for noncompliance with such lease provisions. The Applicant will also: (i) oppose any effort by Project residents or others to add the Site to the list of properties eligible for RPPs; and (ii) if the Applicant sells any unit(s) at the Project, the Applicant will add a covenant that runs with the land to the deed for the unit(s) prohibiting residents from applying for or obtaining RPPs.

#### **Additional Commitments to ANC 3E**

60. The Applicant also agreed to the following items as part of its MOU with ANC 3E. These items are not considered public benefits and project amenities under 11-X DCMR Chapter 3. However, the Applicant has committed to the following:
- a. The Applicant will reserve a minimum of 4,971 square feet of gross floor area in the Project solely for use as full-service restaurant (“Restaurant Space”) where food is: (i) delivered to the tables by a server; (ii) paid for after consumption; and (iii) served on non-disposable plates with non-disposable cutlery. Notwithstanding the definition of “Restaurant” in 11-B DCMR § 100.2, the tenant of the Restaurant Space may be permitted to serve alcoholic beverages, provide entertainment including televisions and live and/or amplified music, and allow dancing, but such uses will be subject to any otherwise applicable licensing restrictions, and the ANC will be permitted to render any such advice it deems appropriate on any future applications for new licenses or renewals;
  - b. The Applicant will install all kitchen exhaust systems associated with the eating and drinking establishment use so that they vent to the roof of the Project;
  - c. The Applicant will prohibit the following uses at the Property: sexually-oriented business establishment; a check-cashing establishment; a pawnbroker; a bank; a nightclub as defined by the D.C. Alcoholic Beverage Regulation Administration (“ABRA”); a mattress store; a convenience store such as 7-Eleven; a professional office; a drug store such as CVS; and any “chain” retail, service, or food service establishment (a “chain” being defined as a business with either at least 10 stores within the District of Columbia or at least 50 stores nationwide). Notwithstanding the foregoing, the ANC may approve a use otherwise prohibited in this paragraph that the ANC believes would provide substantial value for the community. Such approval shall be granted by the ANC only by a formal resolution; and
  - d. The Applicant will prepare a loading management plan as part of the building permitting process, to be implemented for the life of the Project.

### **Compliance with PUD Standards**

61. The application complies with the standards for a PUD set forth in 11-X DCMR, Chapter 3 of the Zoning Regulations.
62. The Project offers a high level of public benefits and project amenities. When compared with the amount of development flexibility requested and project impacts, the application satisfies the balancing test required in 11-X DCMR § 304.3, as is further discussed below.
63. The Site is approximately 6,855 square feet in land area, or 0.15 acres. The Zoning Regulations require a minimum land area of 15,000 square feet for a PUD in the MU-5B zone, but the Commission may waive this requirement to no less than 5,000 square feet upon finding that the development is of exceptional merit and is in the best interests of the District of Columbia or the country and achieves one of the standards set forth in 11-X DCMR § 301.3(a)-(c). (See 11-X DCMR §§ 303.1 and 301.3.) As described in FF No. 45 and 46 and Decision A3, the Commission grants flexibility from the PUD land area requirements of 11-X DCMR § 303.1 because the Project achieves the applicable standards set forth in 11-X DCMR § 301.3.
64. The development is of exceptional merit and is in the best interest of the city. The Project will significantly improve the existing area by virtue of its architectural design, proposed ground floor and penthouse commercial uses that will benefit the neighborhood and increase economic development in the area, and improvements to the surrounding public space.
65. The PUD and related Zoning Map amendment are not inconsistent with the Comprehensive Plan as is set forth in FF Nos. 68-79.
66. The Project has been evaluated under the PUD guidelines for the MU-5B zone. The Project is within the height and density permitted for a PUD within the MU-5B zone.
67. Neither the Commission nor OP identified any unacceptable Project impacts on the surrounding area, and instead found that the Project impacts would be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the Project. OP recommended four conditions to approval, to which the Applicant responded with revised language. As described in FF Nos. 85-87, the Commission concluded that OP's conditions were appropriate and would mitigate any adverse impacts associated with use of the penthouse. DDOT also recommended conditions to approval. At the public hearing, the Applicant agreed to each of DDOT's conditions to mitigate any unfavorable impacts resulting from the Project. The Commission has incorporated the OP conditions, and DDOT conditions into this Order. Therefore, the Commission finds that the Project will not create any unacceptable impacts on the surrounding area.

### **Compliance with Guiding Principles of the Comprehensive Plan**

68. The Commission finds that the Project is not inconsistent with the Comprehensive Plan for the National Capital, including the Future Land Use Map and the Generalized Policy Map. The Commission also finds that the Project complies with the guiding principles in the Comprehensive Plan and furthers a number of the major Citywide and Area Elements of the Comprehensive Plan.
69. The purposes of the Comprehensive Plan are six-fold: (a) to define the requirements and aspirations of District residents and, accordingly, influence social, economic and physical development; (b) to guide executive and legislative decisions on matters affecting the District and its citizens; (c) to promote economic growth and jobs for District residents; (c) to guide private and public development in order to achieve District and community goals; (e) to maintain and enhance the natural and architectural assets of the District; and (f) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. (D.C. Code §1-245(b)).)
70. The Project advances these purposes by promoting the social, physical, and economic development of the District through the provision of a high-quality residential development with a ground floor restaurant/bar on the Site, without generating any adverse impacts. The Project will improve the neighborhood and promote economic growth.
71. Future Land Use Map: According to the Comprehensive Plan Future Land Use Map, the Site is designated mixed use Medium-Density Residential and Moderate-Density Commercial. The Medium-Density Residential designation is used to define neighborhoods or areas where mid-rise (four to seven stories) apartment buildings are the predominant use. Pockets of low- and moderate-density housing may exist within these areas. The Medium-Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone Districts (the RA-2 and RA-3 zones under the 2016 Zoning Regulations) are generally consistent with the Medium-Density designation, although other zones may apply. (10A DCMR § 225.5.)
72. The Moderate-Density Commercial designation is used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in low- density commercial areas but generally do not exceed five stories in height. The corresponding zone districts are generally C-2-A, C-2-B, and C-3-A (the MU-4, MU-5, and MU-7 zones under the 2016 Zoning Regulations), although other districts may apply. (10A DCMR § 225.9.)
73. As the Commission has previously acknowledged, the Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. (See 10A

DCMR § 226.1(a); *see also* Z.C. Order No. 11-13; Z.C. Order No. 10-28.) Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. (*Id.*) By definition, the Map is to be interpreted broadly. (*Id.*) Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here. (*Id.* at § 226.1(c).) The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. (*Id.* at § 226.1(d).) Thus, in evaluating the proposed map amendment, the Site should be viewed in context and not as an isolated parcel.

74. Based on the text of the Comprehensive Plan and the foregoing guidance, and when considering the Site's surrounding context including the zone districts, uses, and approved PUDs in the area, the Commission finds that the Applicant's proposal to rezone the Site from the MU-4 zone to the MU-5B zone to construct a mixed-use building with new housing, affordable housing, and a neighborhood-serving restaurant/bar use is consistent with the Comprehensive Plan's Future Land Use Map designation of the Site. The proposal to construct the building to a height of 79 feet, four inches, and 5.04 FAR is also consistent with this designation. The Commission credits OP's analysis on this matter and its conclusion that the Project is not inconsistent with the Future Land Use Map designations. OP's setback report stated that the "proposed seven-story, 79'-4" mixed use building has a 5.04 FAR, 0.36 of which is commercial FAR, and is not inconsistent with what is considered medium density residential and well within the limits of what is considered moderate density commercial development." (Ex. 10, p. 5; Ex. 22, p. 6.) OP also stated that "the Applicant has requested permission to construct a building at a higher height and density than is permitted as matter-of-right under MU-4 zoning. As the future land use map designates this area for medium density residential and moderate density commercial land use the proposal having MU-5-B level of development would be appropriate." (Ex. 10, p. 13.) OP concluded that the "proposal would be consistent with the intent of the MU-5 (MU-5B) zone and not inconsistent with the medium density residential and moderate density commercial land use designation of the striped Future Land Use." (*Id.* at 14.) Moreover, the MU-5 zone is specifically identified as a corresponding zone district in the Moderate Density Commercial land use category. Therefore, the Commission finds that the Project is not inconsistent with the Future Land Use Map designations for the Site.
75. Generalized Policy Map: The District of Columbia Comprehensive Plan Generalized Policy Map designates the Site as a Main Street Mixed-Use Corridor. Main Street Mixed-Use Corridors are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14<sup>th</sup> Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper-story

residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. (10A DCMR § 223.14.)

76. The Commission finds that the proposed rezoning and PUD redevelopment of the Site is consistent with the policies indicated for Main Street Mixed-Use Corridors because the Project will improve the traditional commercial corridor by providing a pedestrian-oriented streetscape with a traditional retail storefront with residential units in the upper stories. This redevelopment of the underutilized Site will foster economic development and create new housing opportunities within a dense urban neighborhood. The Site is also located in a transit-oriented location, such that redevelopment will support transit use. The Commission also agrees with OP's determination that redevelopment of the Site is consistent with the Main Street Mixed-Use Corridor designation, which is intended to encourage conservation and enhancement of traditional commercial areas. (*See* OP setdown report (Ex. 10, p. 5).) In reference to the Main Street Mixed-Use Corridor designation, OP stated that the "proposed development of the site is not inconsistent with that designation." (*Id.* and Ex. 22, p. 5.) The Project will enhance the pedestrian and transit-oriented environment by widening the sidewalk, adding bicycle and carshare spaces near the metro station, and by improving the streetscape. (Ex. 10, p. 6.) Thus, the Commission finds that the Project is not inconsistent with the Site's designation on the Generalized Policy Map.
77. Compliance with Guiding Principles of the Comprehensive Plan: Based on the entire case record, including the Applicant's statement in support, Comprehensive Plan analysis, and the OP reports, the Commission finds the Project to be not inconsistent with the guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as follows: (Ex. 2, 2F, 10, 22.)
- a. Managing Growth and Change: In order to manage growth and change in the District, the Comprehensive Plan encourages, among other goals, the growth of both residential and non-residential uses. The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. In this case, the Commission finds that the Project is not inconsistent with each of these goals. Redeveloping the Site as a vibrant mixed-use building with residential and restaurant/bar uses will further the revitalization of the surrounding neighborhood. The proposed restaurant/bar use will create new jobs for District residents, further increase the city's tax base, and help to reinvigorate the existing neighborhood fabric. The Applicant worked closely with ANC 3E to identify and commit to uses at the Site that would be valued and prioritized by the community. Therefore, the Commission finds that the proposed residential and non-residential uses at this infill, transit-oriented location will be successful in managing growth and change in the area;

- b. Creating Successful Neighborhoods: One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development from development of the Comprehensive Plan to implementation of the plan's elements. The Commission finds that the Project furthers this goal since, as part of the PUD process, the Applicant worked extensively with ANC 3E to ensure that the Project provides a positive impact on the immediate neighborhood and includes an extensive public benefits and amenities package that is specific to the needs of the local community. A signed MOU between the Applicant and the ANC was submitted to the record with the ANC's resolution describing the ANC's unanimous vote in support of the application; and (Ex. 28, 28A.)
  - c. Building Green and Healthy Communities: A major objective for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. Based on its review of the record, the Commission finds that the Project includes a substantial number of sustainable design features, including rooftop solar panels and a commitment from the Applicant to certify the Project as LEED Gold v.4.
78. Compliance with the Citywide and Area Elements of the Comprehensive Plan. The Commission finds that the Project is not inconsistent with the objectives and policies contained within the Citywide and Area Elements of the Comprehensive Plan, as applicable. The Commission bases this conclusion on its review of the Applicant's statement in support and comprehensive plan analysis and the reports submitted by OP. (Ex. 2, 2F, 10, 22.) Specifically, the Commission concurs with OP's finding that the Project would "further policy statements contained in the Land use, Transportation, Housing, Environmental Protection, and Urban Design Citywide Elements, and the Rock Creek West Area Element" and agrees with OP's detailed analysis regarding the Project's compliance with each of these elements as set forth in the OP hearing report. (Ex. 22, p. 5; Ex. 10, pp. 6-12.)
79. Based on the foregoing, and consistent with the Commission's thorough review of the entire case record, the Commission concludes that the Project is not inconsistent with the Comprehensive Plan, including the Future Land Use Map and the Generalized Policy Map; complies with the guiding principles in the Comprehensive Plan; and furthers a number of the major Citywide and Area Elements of the Comprehensive Plan.

#### **Office of Planning Reports and Testimony**

80. On June 1, 2018, OP submitted a report recommending setdown of the application. (Ex. 10.) The OP setdown report provided an analysis demonstrating that the Project is not inconsistent with the Future Land Use and Generalized Policy Maps of the Comprehensive Plan, and that the Project advances the Land Use, Transportation, Housing, Environmental Protection, and Urban Design Area Elements and the Rock Creek West Area Element of the Comprehensive Plan. (Ex. 10, pp. 4-12.) The OP report stated that the Site would be



easily accessible on foot, bicycle, or vehicle, and that the building's design would blend in with the surrounding architecture along 41<sup>st</sup> Street, N.W. and Wisconsin Avenue, N.W. (Ex. 10, p. 3.) OP also found that the building's expansive storefront windows and glass door would contribute to the streetscape environment, and that the penthouse's floor to ceiling glazing along much of the south and west walls would to provide panoramic views of the city from the inside. (*Id.*)

81. The OP setdown report also requested that the Applicant submit additional materials clarifying the final IZ proffer and the public benefits package, and to provide samples of the building materials. The Applicant provided the requested information in its prehearing submission, supplemental prehearing submission, and at the public hearing. (Ex. 13, 19.)
82. On September 17, 2018, OP submitted a hearing report. (Ex. 22.) The OP hearing report stated that OP "continues to determine that, on balance, the proposal is not inconsistent with the Comprehensive Plan as a whole, including the maps and the policy statements." (Ex. 22, p. 5.) The OP hearing report also reiterated its support for and recommended approval of the Project subject to the following conditions:
  - a. Hours of operation and use of roof must be limited to no later than midnight;
  - b. No live or amplified music is permitted on the roof;
  - c. All lighting must be shielded so it is contained to the roof area and turned off by 1:00 a.m. except for any code-required emergency lights; and
  - d. The ground-floor restaurant space and rooftop restaurant/lounge should not be considered a proffered benefit.
83. At the public hearing, the Applicant responded to OP's requested conditions and submitted the following revised conditions: (Ex. 35).
  - a. The hours of operation and use of the rooftop restaurant/bar shall be limited to those hours authorized by any license(s) issued by ABRA;
  - b. Amplified live music shall not be permitted after midnight outside on the roof. Instrumental or recorded music conveyed via speakers, or other sound system, shall be permitted and shall comply at all times with the requirements of the D.C. Noise Control Act; and
  - c. All lighting will be shielded so it is contained to the roof area and complies with all applicable D.C. Building Code requirements.
84. The Applicant also agreed that the ground-floor restaurant/bar use need not be considered a public benefit as part of the PUD.

85. The Commission considered both sets of conditions and finds that the OP's proposed conditions are appropriate. The Commission felt that the roof top restaurant/bar could cause adverse effects on nearby residences, namely noise and light pollution, and that these effects would be particularly acute late at night. It found that the less stringent conditions proposed by the Applicant were not sufficient to adequately mitigate them and that the conditions proposed by OP are sufficient. Accordingly, the Commission adopts OP's proposed conditions as part of this Order in Decision No. E.1.
86. OP also indicated that the Project's ground-floor and rooftop restaurant/bar use should not be considered a proffered benefit. The Applicant agreed to that condition at the public hearing and the Commission therefore has not included the restaurant/bar use as a proffer in this Order. However, the Commission notes that ANC 3E viewed the restaurant/bar as an amenity to the PUD and the Applicant agreed to conditions related to providing a minimum amount of space in the building dedicated to restaurant/bar uses and restricting the types of uses and tenants that can occupy the restaurant/bar space. (*See* ANC Resolution where the ANC states that the sit-down restaurant use is something that "residents keenly desire" and that "rooftop restaurants/bars are popular, and there are currently none in the immediate area.") (Ex. 28A, p. 2.)
87. Based on the foregoing, as well as the Commission's review of the OP reports in the record, the Applicant's submissions in response thereto, and testimony presented at the public hearing, the Commission finds that the Applicant has fully addressed OP's concerns and has imposed conditions that will fully mitigate any potential impacts caused by the penthouse use such that the Commission can move forward in approving this case with the conditions included herein.

#### **DDOT Report and Testimony**

88. On September 17, 2018, DDOT submitted a hearing report. (Ex. 21.) The DDOT report indicated no objection to the application subject to the Applicant agreeing to do the following:
- a. Design, fund, and install the proposed curb bulb-outs to facilitate safer pedestrian crossings;
  - b. Fund and install two electric vehicle charging stations;
  - c. Implement a loading management plan that restricts all trucks greater than 30 feet in length from serving the Site; and
  - d. Implement the TDM plan proposed in the Applicant's August 13, 2018 transportation report, with the one modification: if an agreement is not reached with a carshare company to provide service in the two reserved carshare spaces prior to the Project's first Certificate of Occupancy, then the Applicant shall offer a \$10 SmarTrip card to each dwelling unit.

89. At the public hearing, the Applicant agreed to all of DDOT's conditions and also agreed that they should be included as conditions in this Order. Therefore, the Commission finds that the Applicant fully addressed the comments raised in DDOT's report and that accordingly the Project will not create any adverse impacts on the transportation network that will not be adequately mitigated. The Commission incorporates DDOT's conditions in Decision Nos. B6d., C1c., C1d., and D4. of this Order.

### **Interagency Review**

90. Pursuant to 11-X DCMR § 304.4, the Commission shall find that the Project does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the Project.
91. In this case, and as set forth in the OP setdown report, OP referred the application to the Department of Energy and the Environment ("DOEE"), the Department of Housing and Community Development ("DHCD"), DDOT, the Department of Parks and Recreation ("DPR"), DC Public Schools ("DCPS"), the Department of Public Works ("DPW"), the Department of Aging ("DOA"), the Department of Employment Services ("DOES"), Fire and Emergency Management Services ("FEMS"), the Metropolitan Police Department ("MPD"), DC Water, and the Washington Metropolitan Area Transit Authority ("WMATA"). (Ex. 10, p. 18.) However, none of these agencies other than OP and DDOT submitted any documentation to the record or testified at the public hearing raising concerns or objections to the Project. However, based on the materials in the record and testimony presented at the public hearing, the Commission finds that the Applicant worked closely with OP and DDOT on this application and fully addressed their comments on potential Project impacts. Moreover, given that notice of the Project was provided to 11 other agencies well in advance of the public hearing, the Commission concludes that the lack of comments submitted from those agencies suggests that those agencies found that the Project would not result in unacceptable impacts on the surrounding area or on the operation of services and facilities within their purview.
92. Therefore, the Commission concludes that the Project will not have any negative impacts on the surrounding area and will not have an unacceptable impact on the operation of city services and facilities.

### **Advisory Neighborhood Commission**

93. On October 22, 2018, ANC 3E submitted a resolution that was passed by a unanimous vote of 5-0-0. (Ex. 28A.) In its resolution the ANC stated that "the height and density sought for the Project are appropriate if the Applicant provides amenities and mitigation of harms commensurate with the Project's scope. We believe the Applicant has met that burden." (Ex. 28A, p. 1.) The ANC resolution also stated that the "new residences and attractive retail space the Project will afford will enhance the vibrance of the neighborhood" and that the "Project consists of a mix of unit sizes, some of which should be suitable for small families as well as singles." (*Id.*) The ANC noted that the "primary potential harms associated with

development of this scope are traffic increases and parking shortages. Here, the Applicant's traffic study reasonably predicts the Project will generate few additional car trips during peak periods. (*Id.*) Based on its overall review of the Project and the public benefits and amenities package proposed, ANC 3E also found that the "combination of amenities and mitigation proffered by the Applicant are exemplary, and justify the relief sought given the Project's location in a Medium Density zone and the relatively small number of residential units created by the Project." (Ex. 28A, p. 2.)

94. On October 22, 2018, the ANC also submitted a signed MOU setting forth the Applicant's commitments and requested that the Commission "incorporate each and every provision in the MOU in any order issued in connection with the above-referenced application." (Ex. 28A, p. 2.)
95. At the public hearing, the Applicant testified that it agreed to each of the conditions in the signed MOU. Therefore, as set forth in the Decision section of this Order, the Commission hereby incorporates the conditions of the MOU into this Order.

### **Contested Issues**

#### **Affordable Housing and Compliance with the PUD Requirements of 11-X DCMR § 305.5(f)**

96. Ms. Simon provided written and oral testimony that the Applicant's affordable housing proffer incorrectly calculated the matter-of-right IZ set-aside requirements and therefore the Applicant should be required to increase its affordable housing proffer for it to be considered a PUD public benefit. (Ex. 30.)
97. Pursuant to 11-X DCMR § 305.5(f), public benefits of a proposed PUD may be exhibited and documented in a variety of categories, including "[h]ousing that [e]xceeds the amount that would have been required through matter-of-right development under existing zoning."
98. According to Ms. Simon's testimony, the Zoning Regulations do not define an IZ set-aside requirement when more than half of proposed residential units are not within steel and concrete construction and the Project is in a zone with a matter-of-right height of more than 50 feet. (*See* 11-X DCMR § 1003.1 and 1003.2.) Ms. Simon claimed that under the Site's proposed MU-5B zone the Project would be subject to the IZ set-aside requirement of 11-X DCMR § 1003.1 (10% of the residential square footage or 75% of the achievable bonus density). However, Ms. Simon alleged that "the Applicant chose to assume that, although they are not employing the more costly construction methods, the Project should qualify for the reduced IZ set-aside requirement based solely on their request for a map amendment." (Ex. 30, pp. 2-3.) Ms. Simon stated that the "affordable housing Project in this case meets the IZ requirement, but it exceeds the IZ requirement by only 108 [square feet]..." (*Id.* at 3.)

99. At the public hearing, the Applicant responded to Ms. Simon's testimony and also submitted a written response. (Ex. 34.) In its written response, the Applicant provided calculations showing the proposed IZ proffer (3,882 square feet) compared to: (a) the matter-of-right IZ requirement under the existing MU-4 zone (2,746.03 square feet); and (b) the PUD IZ requirement under the proposed MU-5B zone (2,539.57 square feet). Based on these calculations, the Applicant concluded that the Project would provide 1,136 square feet dedicated to IZ units more than would be required under the minimum requirements, such that all 1,136 square feet should be considered a public benefit of the approved PUD according to 11-X DCMR § 305.5(f). However, even if the Commission assumed Ms. Simon's testimony and calculations to be correct, the Project is providing more square footage devoted to IZ units than would be required by the current regulations since the Applicant is providing 3,882 square feet dedicated to IZ units. Indeed, Ms. Simon did not dispute that the Applicant is providing more IZ than required. (*See* Ex. 30, p. 3 and October 29, 2018 Public Hearing Transcript ["Tr."] p. 34.) At the public hearing, OP also stated that "the application does comply with the zoning regulations and it does exceed the zoning regulations" and also explained that it reviewed the Applicant's IZ calculations with its housing specialist at DHCD who "agreed with the numbers from the Applicant." (*See* Tr., p. 41.)
100. As requested by the Commission at the public hearing, OP submitted a supplemental report responding to the Applicant's affordable housing proffer, Ms. Simon's testimony, and the amount of "excess" affordable housing the Applicant was providing that could be counted as a PUD benefit consistent with 11-X DCMR § 305.5(f). (Ex. 38.) In its report, OP confirmed that "the [A]pplicant's use of the IZ set aside percentages is correct and consistent with intent and practice." (Ex. 38, p. 1.) OP referenced 11-X DCMR § 305.2, which provides that the PUD public benefits must be greater than would likely result from development of the site as a matter of right. Under the matter-of-right scenario, OP concluded that the Project would be required to set aside 2,746.03 square feet for IZ units, but that the Project proposes to set aside 3,882 square feet for IZ units, which is 1,136 square feet more than would have been required. Thus, OP concluded that "[t]he 1,136 sq. ft. is the public benefit." (Ex. 38, p. 1.) OP also indicated that the set aside section in the Zoning Regulations was being clarified in Z.C. Case No. 04-331 to reflect the original intent and practice of the current IZ regulations.
101. On November 9, 2018, Ms. Simon submitted a response to the Applicant's affordable housing proffer and OP's supplemental report, which stated that: (a) the Applicant and OP were using the proposed IZ regulations from Z.C. Case No. 04-331 rather than the current IZ regulations to calculate the IZ requirements for the Project; and (b) the Applicant should use the current IZ regulations for the proposed MU-5B zone, which do not permit the Applicant to take advantage of the "reduced" IZ requirement of eight percent GFA or 50% of the bonus density because the Project does not use steel and concrete to frame more than 50% of the dwelling units.
102. On November 14, 2018, the Applicant submitted a response to OP and Ms. Simon's IZ submissions, confirming its calculations and concluding again that 1,136 square feet of IZ

was being provided in the Project over the amount of IZ required under the matter-of-right requirements. (Ex. 34.) The Applicant's response also noted that the Project included 2,890 square feet dedicated to IZ units at 60% of the MFI (two two-bedroom units at 1,445 square feet each) and 992 square feet dedicated to an IZ unit at 50% of the MFI (one one-bedroom unit) as compared to 140.32 square feet of IZ required to be provided at 50% of the MFI. This affordable housing contribution is one of many other public benefits and project amenities proffered as part of this application, which include a contribution to a local community organization selected by the ANC, the installation of significant public space and traffic calming improvements and maintenance of landscaping in the area, contracting with a local artist to install a mural on the building, installing solar panels on the roof, and certifying the building as LEED Gold v.4, among others. The benefits and amenities package, including the proposed amount of IZ square footages, number of units, size, and subsidy levels, was fully vetted, prepared in consultation with, and supported by the ANC.

103. In addition to the specific issues on affordable housing raised by Ms. Simon, DC4RD also submitted testimony alleging that the amount of affordable housing in the Project could not be deemed a "substantial benefit" and that the lack of family-sized units (three or more bedrooms) was "unacceptable at a time of an affordability crises for families." (Ex. 33.) Based on these assertions, DC4RD requested that 30% of the residential density in the Project be dedicated to family-sized affordable housing. DC4RD also asserted that the Project was inconsistent with a number of Comprehensive Plan policies related to affordable housing.
104. Based on the testimony provided and the written materials filed in the case record, the Commission finds that the amount of affordable housing in the Project is a substantial benefit over the amount of IZ that would be required in the Project as a matter of right. The Commission reviewed Ms. Simon's written and oral testimony regarding the appropriate way to calculate the matter-of-right IZ requirements for the Project, and also reviewed OP's and the Applicant's responses thereto. Based on its review, the Commission agrees with OP and the Applicant that the Project is providing 1,136 square feet of IZ units more than would be required for the Project as a matter of right. The Applicant correctly applied the current IZ regulations as they have consistently been interpreted and applied in other cases, and agrees with OP that ZC Case No. 04-33I is simply being clarified to reflect the original intent and practices of the current IZ requirements. (OP Report, p. 1.) Therefore, the Commission agrees that the matter-of-right IZ requirement for the Project would be 1,136 square feet, acknowledges that the Applicant is providing 3,882 square feet, and concludes that the IZ proffer consistent with 11-X DCMR § 305.5(f) is 1,136 square feet.
105. In addition, the Project also provides 992 square feet of gross floor area dedicated to an IZ unit at 50% of the MFI whereas only 140.3 square feet of IZ at 50% of the MFI would be required based on the size of the penthouse habitable space. (See 11-C DCMR § 1003.2.) The Project provides two large two-bedroom IZ units at 60% of the MFI whereas no two-bedroom market rate units are provided in the Project, such that family-sized housing is specifically being dedicated to the IZ units. Therefore, based on its review of the documents submitted to the record, including Ms. Simon's filings, DC4RD's filing, the

Applicant's filings, and OP's filings (including OP's reference to Z.C. Case No. 04-331 which will clarify the IZ set aside requirements) and also based on the testimony presented at the public hearing, the Commission concludes that: (a) the Applicant is providing significantly more square feet dedicated to IZ units than would be required as a matter of right, all of which should be considered a public benefit in accordance with 11-X DCMR § 305.5(f); (b) the Applicant is providing significantly more square footage devoted to IZ units at 50% of the MFI than would be required under the Zoning Regulations; (c) the Applicant is specifically dedicating the largest units in the Project to IZ units to accommodate families; and (d) a requirement to provide 30% of a residential building to IZ units generally applies to dispositions of District-owned land (*see* D.C. Official Code § 10-801(b-3)(1)(A)) and in this case the Site is not being sold or developed by the District. Therefore, the Commission finds that the Applicant's affordable housing proffer is consistent with the text of Zoning Regulations, amounts to a significant public benefit, and when taken together with the entirety of the Applicant's public benefits and amenities package, finds that the PUD benefits and amenities are reasonable tradeoffs for the requested development flexibility. The Commission further finds that the Project is not inconsistent with the Comprehensive Plan policies cited by DC4RD.

#### Residential Parking Permit Restrictions

106. Ms. Simon's written and oral testimony stated that any Order approving the application should include a strong and enforceable condition restricting residents of the Project from obtaining an RPP(s).
107. At the public hearing, the Applicant testified that although the Project fully complied with the off-street parking requirements of the Zoning Regulations and although no parking relief was needed or requested, the Applicant was still committed to restricting residents of the Project from obtaining RPPs. The conditions agreed to with respect to RPP restrictions were established between the Applicant and the ANC and are set forth in the MOU. (Ex. 28; Decision No.C1f. herein.) Moreover, the ANC stated that the "primary potential harms associated with development of this scope are traffic increases and parking shortages. Here, the Applicant's traffic study reasonably predicts the Project will generate few additional car trips during peak periods." (Ex. 28A, p. 1.) DDOT agreed that the Project "likely will not generate this many peak hour vehicle trips due to the low parking ratio." (Ex. 21, p. 2.) In addition, DDOT found that the "proposed parking ratio is very low and is consistent with DDOT's approach to encouraging non-automotive travel, discouraging automobile ownership, and minimizing traffic congestion in the District." (Ex. 21, p. 2.) Therefore, because the amount of on-site parking and the RPP restrictions have been thoroughly reviewed and supported by both the ANC and DDOT, and because the Commission finds that the restrictions are both enforceable and consistent with other orders issued by the Commission (Z.C. Order Nos. 16-26, 14-14, 16-10, and 10-23), the Commission adopts the Applicant's proposed RPP language as part of this Order.

### Impacts on Public Services

108. DC4RD alleged that the Project's cumulative impacts would have a substantial burden on public services, which had not been sufficiently evaluated as part of the PUD process. (Ex. 33.)
109. The Commission finds that the Project had been referred to 13 District agencies for review, including OP and DDOT, as well as DOEE, DHCD, DPR, DCPS, DPW, DOA, DOES, FEMS, MPD, DC Water, and WMATA. (*See* Ex. 10, p. 18.) OP and DDOT submitted reports on the application and testified at the public hearing that the Project would not create any adverse impacts that could not be adequately mitigated, and the Commission has imposed conditions herein to ensure that any potential impacts will be mitigated. Although other District agencies did not submit reports to the record on this case, the Commission concludes that notice was properly given to those agencies and they did not provide any written or oral testimony addressing concerns with the Project. The Commission therefore finds that the Applicant complied with the applicable Zoning Regulations and the Project is not inconsistent with the Comprehensive Plan policy cited by DC4RD.

### CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD: (a) results in a project superior to what would result from the matter-of-right standards; (b) offers a commendable number or quality of meaningful public benefits; and (c) protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. (11-X DCMR § 300.1.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of 11-X DCMR, Chapter 3 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The mix of uses for the Project is appropriate for the Site. The impact of the Project on the surrounding area is not unacceptable. Accordingly, the Project should be approved.



5. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
6. The Applicant's requests for flexibility are not inconsistent with the Comprehensive Plan. Moreover, the PUD benefits and amenities are reasonable tradeoffs for the requested development flexibility.
7. Approval of the PUD is appropriate because the Project is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the Project will promote the orderly development of the Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP reports in this case and, as explained in this Order, finds its recommendation to grant the application subject to conditions persuasive.
9. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. ANC 3E voted unanimously to support the application based on the signed MOU between the ANC and the Applicant, and asked that the Commission to incorporate the terms of the MOU in this Order. The Commission supports the benefits and mitigation measures included in the MOU and agrees with the ANC's vote in support of the application, and has included the terms of the MOU as conditions of this Order. Therefore, the Commission has given great weight to the ANC.
10. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 et seq. (2007 Repl.)).

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission **ORDERS APPROVAL** of the application for a consolidated PUD and related Zoning Map amendment to rezone the Site from the MU-4 zone to the MU-5B zone. This approval is subject to the following guidelines, conditions, and standards. Whenever compliance is required prior to, on or during a certain time, the timing of the obligation is noted in bold and underlined text.

#### **A. PROJECT DEVELOPMENT**

1. The Project shall be developed substantially in accordance with the Architectural Plans and Elevations prepared by Bonstra Haresign Architects, dated November

16, 2018, and included in the record at Exhibits 41A1-41A3 (the “Plans”), as modified by the guidelines, conditions, and standards herein

2. The Applicant is permitted to establish a bar/restaurant use in the penthouse of the building pursuant to 11-C DCMR § 1500.3 for the reasons set forth in FF Nos. 43-44.
3. The Applicant is granted flexibility from the minimum PUD land area requirements of 11-X DCMR § 301.1 for the reasons set forth in FF Nos. 45-46.
4. The Applicant shall have flexibility with the design of the PUD in the following areas:
  - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
  - b. To vary the final selection of the colors of the exterior materials, based on availability at the time of construction, provided such colors are within the color ranges proposed in the Plans; and to make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
  - c. To provide a range in the number of residential dwelling units of plus or minus 10% from the number depicted on the approved Plans;
  - d. To make refinements to the parking configuration, including layout, number of parking spaces, and other elements, so long as the number of parking spaces provided is at least the minimum number of spaces required by the Zoning Regulations;
  - e. To vary the location, attributes, and general design of the streetscape incorporated in the Project to comply with the requirements of and the approval by the DDOT Public Space Division;
  - f. To vary the font, message, logo, location, and color of the proposed signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the approved Plans and compliant with the DC signage regulations; and
  - g. To vary the sustainable features of the Project, provided the total number of LEED points achievable for the Project does not decrease below LEED Gold v.4.

## B. PUBLIC BENEFITS

1. **For the life of the Project**, the Applicant shall provide the following housing and affordable housing set forth in the following chart:

Residential Unit Type	Square Feet & Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type
<b>Total</b>	28,762 sf GFA resid. + 1,754 sf penthouse habitable space = 30,516 sf total (100%)	41	N/A	N/A	N/A
<b>Market Rate</b>	26,634 sf GFA (87.3%)	38	Market Rate	N/A	Rental
<b>IZ at 60% MFI</b>	2,890 sf GFA (9.5%)	2	Up to 60% MFI	Life of the Project	Rental
<b>IZ at 50% MFI</b>	992 sf GFA (3.2%)	1	Up to 50% MFI	Life of the Project	Rental
<b>Total IZ</b>	3,882 sf GFA (12.7%)	3	50% and 60% MFI	Life of the Project	Rental

2. The covenant required by D.C. Official Code §§ 6-1041.05(a)(2)(2012 Repl.) shall include a provision or provisions requiring compliance with this condition.
3. **Prior to the issuance of the first certificate of occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has installed a minimum of 640 square feet of solar panels on the top of the building's penthouses as shown on Sheet A1.8 of the Plans. (Ex. 41A1.)
4. **Prior to the issuance of the first certificate of occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has registered the Project with the USGBC to commence the LEED-certification process by furnishing a copy of its LEED-certification application to the Zoning Administrator. The application shall indicate that the Project has been designed to include at least the minimum number of points necessary to achieve Gold certification under the USGBC's LEED v.4 standards.
5. **Prior to the issuance of the first certificate of occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has paid up to

\$25,000 and entered into a contract with the artist or a third party for the design and installation of a mural on the south façade of the Project, with the approximate location and dimensions as shown on Sheet A2.2 of the Plans. The mural does not need to be installed prior to issuance of the first certificate of occupancy for the Project. (Ex. 41A2.)

6. **Prior to the issuance of the first certificate of occupancy for the Project**, and subject to DDOT approval, the Applicant shall demonstrate to the Zoning Administrator that it has made the following public space improvements, as shown on Sheets A1.0, L1.0-L1.2 and L1.4-L1.6 of the Plans: (Ex. 41A2-41A3.)
- a. Installed the following enhanced streetscape design elements along 41<sup>st</sup> Street directly adjacent to the Project's entrance: (i) a bioretention planting area; (ii) granite pavers between the building façade and the sidewalk; (iii) bar-height seating facing the sidewalk and movable tables and chairs for the café seating; (iv) planters with stone curbs; (v) building exterior light fixtures and in-ground light fixtures; and (vi) bench seating at the residential entry;
  - b. Widened from six feet to eight feet the existing public sidewalk adjacent to the Site and installed new concrete pavers;
  - c. Installed a speed table in the location and with the materials as shown on Sheets L1.0 and 1.1 of the Plans to slow traffic;
  - d. Installed a new curb extension/bulb-out on the east side of 41<sup>st</sup> Street to shorten the pedestrian travel distance across 41<sup>st</sup> Street and slow vehicular traffic. As shown on Sheets L1.0 and 1.1 of the Plans, the bulb-out shall include new stone pavers, short-term bicycle parking for eight bicycles, a public art feature, streetscape plantings, and signage for the new crosswalk; and
  - e. On the west side of 41<sup>st</sup> Street, installed a "traffic-calming curb extension" in the location and with the landscaping materials as shown on Sheets L1.0 and L1.1 of the Plans.

The Applicant shall maintain the public space improvements listed in Decision No. B6 **for the life of the Project**.

7. **Prior to the issuance of the first certificate of occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has spent up to \$5,000 and installed landscaping in Reservation 503 North. The Applicant shall maintain landscaping in Reservation 503 North **for the life of the Project**.

8. If or when the 4600 Wisconsin Owner stops maintaining the landscaped area on Reservation 503 South, the Applicant shall maintain the Reservation 503 South landscaping **for the life of the Project.**
9. **Prior to the issuance of the first certificate of occupancy for the Project,** the Applicant shall demonstrate to the Zoning Administrator that it has contributed \$35,000 to Friendship Place to make improvements needed as a result of leaking and flooding in their basement, including but not limited to, installing new pipes, waterproofing the basement's foundation, installing additional landscaping that would keep water away from the building and its foundation, and replacing the building's front and side doors, and provide a letter from Friendship Place indicating that the work has been or is being performed.

### C. TRANSPORTATION DEMAND MANAGEMENT MEASURES

1. **For the life of the Project,** the Applicant shall implement the following TDM measures:
  - a. Develop and maintain a property management website that will include information on and links to current transportation programs and services such as: (i) Capital Bikeshare, carsharing services, and ride-hailing services; (ii) information about transportation apps, such as Citymapper, Spotcycle, and Transit and other transportation resources, such as DDOT's DC Bicycle Map and goDCgo.com; (iii) links to the Commuter Connections Rideshare Program, which provides complimentary information on a variety of commuter programs to assist in determining which commuting options work best for commuters; (iv) information about the Commuter Connections Guaranteed Ride Home Program, which provides commuters who regularly carpool, vanpool, bike, walk or take transit to work with a free and reliable ride home in an emergency; and (v) information about the Commuter Connections Pools Program, which incentivizes commuters who currently drive alone to carpool;
  - b. Provide an electronic display in a common, shared space in the building that provides real-time public transit information such as nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the number of bicycles available at each location;
  - c. Provide two EV charging stations internal to the building's garage;
  - d. Offer two of the on-site vehicle parking spaces to a car-share provider(s), subject to demand. If an agreement with a car-share provider cannot be reached **prior to the issuance of the first certificate of occupancy for the Project,** then the Applicant shall (i) host a transportation event for residents and employees of the Project within the first year following the issuance of

- the first certificate of occupancy; and (ii) provide one \$10 pre-loaded SmarTrip card per dwelling unit and employee at initial occupancy of the Project;
- e. Unbundle the cost of parking spaces from the cost of residential leases; and
  - f. Restrict residents of the Project from obtaining an RPP by: (i) placing a clause in emphasized type in all residential leases that prohibits residents from applying for or obtaining RPPs, or using an RPP guest pass within one mile of the Site, upon penalty of mandatory lease termination to the full extent permitted by law; and (ii) obtaining written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant every 12 months any and all records of that tenant requesting or receiving an RPP for the Site. The Applicant shall take all reasonable steps to obtain and review such records for noncompliance with such lease provisions. The Applicant shall also (i) oppose any effort by Project residents or others to add the Site to the list of properties eligible for RPPs; and (ii) if the Applicant sells any unit(s) at the Project, the Applicant shall add a covenant that runs with the land to the deed for the unit(s) prohibiting residents from applying for or obtaining RPPs.

**D. ADDITIONAL COMMITMENTS TO ANC 3E**

1. **Prior to the issuance of the first certificate of occupancy for the Project, and for the life of the Project,** the Applicant shall demonstrate to the Zoning Administrator that it has reserved a minimum of 4,971 square feet in the Project solely for use as a full-service Restaurant Space where food is (i) delivered to the tables by a server; (ii) paid for after consumption; and (iii) served on non-disposable plates with non-disposable cutlery. Notwithstanding the definition of “Restaurant” in 11-B DCMR § 100.2, the tenant of the Restaurant Space may be permitted to serve alcoholic beverages, provide entertainment including televisions and live and/or amplified music, and allow dancing, but such uses shall be subject to any otherwise-applicable licensing restrictions, and the ANC shall be free to render any such advice it deems appropriate on any future applications for new licenses or renewals.
2. **Prior to the issuance of the first certificate of occupancy for the Project,** the Applicant shall demonstrate to the Zoning Administrator that it has installed all kitchen exhaust systems associated with the eating and drinking establishment use so that they vent to the roof of the Project.
3. **For the life of the Project,** the Applicant shall prohibit the following uses at the Property: sexually-oriented business establishment; a check-cashing establishment; a pawnbroker; a bank; a nightclub as defined by ABRA; a mattress store; a convenience store such as 7-Eleven; a professional office; a drug store such as CVS;

and any “chain” retail, service, or food service establishment (a “chain” being defined as a business with either at least 10 stores within the District of Columbia or at least 50 stores nationwide). Notwithstanding the foregoing, the ANC may approve a use otherwise prohibited in this paragraph that the ANC believes would provide substantial value for the community. Such approval shall be granted by the ANC only by a formal resolution.

4. **Prior to the issuance of the first certificate of occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has prepared a loading management plan for the Project, which the Applicant shall implement **for the life of the Project**.

**E. CONDITIONS LIMITING USE OF THE ROOFTOP RESTAURANT/BAR**

1. **For the life of the Project**, the Applicant shall:
  - a. Restrict the hours of operation and use of roof to no later than midnight;
  - b. Prohibit live or amplified music on the roof; and
  - c. Shield all lighting so it is contained to the roof area and turned off by 1:00 a.m. except for any code-required emergency lights.

**F. MISCELLANEOUS**

1. No building permit shall be issued for the Project until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the Site in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD shall be valid for a period of two years from the effective date of this Order. Within such time an application shall be filed for a building permit, with construction to commence within three years of the effective date of this Order.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities,

matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

4. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

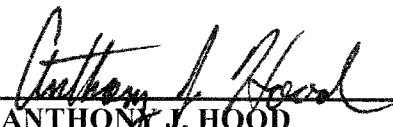
On October 29, 2018, upon the motion of Vice Chairman Miller, as seconded by Commissioner Turnbull, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the application at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter G. May, Michael G. Turnbull, and Peter A. Shapiro to approve).


On December 17, 2018, upon the motion of Commissioner May, as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Peter A. Shapiro, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on March 1, 2019.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

  
\_\_\_\_\_  
ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
\_\_\_\_\_  
SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING



**EXHIBIT C**  
**ZONING COMMISSION ORDER NO. 18-03(1)**

[appended]

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**OFFICE OF ZONING**  
**ZONING COMMISSION**

**ZC Order No. 18-03(1)**

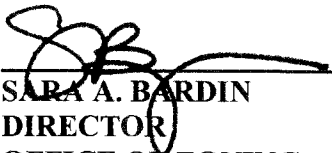
**ZC Case No. 18-03**

**Dancing Crab Properties, LLC**

**Subtitle Z § 705.9 Administrative Covid-19 One-year Time Extension for Consolidated  
PUD & Related Map Amendment @ Lot 32, Square 1769 (4611-4615 41<sup>st</sup> Street, N.W.)  
January 26, 2021**

- Z.C. Order No. 18-03 (the "Order"), effective on March 1, 2019, is valid until March 1, 2021.
- The applicant filed an application to extend the Order's validity per Subtitle Z § 705.9, as adopted by the Zoning Commission's emergency action in Z.C. Case 20-26 by one year.
- Pursuant to Subtitle Z § 705.9, the Director of the Office of Zoning extends the Order's validity to expire on March 1, 2022.

In accordance with the provisions of Subtitle Z § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on February 5, 2021.

  
\_\_\_\_\_  
**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**

Doc #: 2022018979  
Filed & Recorded  
02/17/2022 02:57 PM  
IDA WILLIAMS  
RECORDER OF DEEDS  
WASH DC RECORDER OF DEEDS  
RECORDING FEES \$25.00  
SURCHARGE \$6.50  
TOTAL: \$31.50

**EXHIBIT 7 TO AFFIDAVIT**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
Department of Energy and Environment

**MEMORANDUM**

TO: Christopher Bailey  
Deputy Chief Building Official  
Department of Consumer and Regulatory Affairs  
Attn: Arlette Howard

FROM: Ibrahim Bullo  
Environmental Review Coordinator

DATE: February 7, 2023

SUBJECT: Environmental Assessment: 4611-4615 41<sup>st</sup> Street, NW project

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Attached is an environmental assessment of the subject project. The Department of Energy and Environment has reviewed the Environmental Impact Screening Form (EISF) and related documents for this project, with regard to our areas of concern as specified in the attached document. In summary, we find, in general, no apparent significant adverse impact or likelihood of substantial negative impact on the environment as a result of the proposed project. Therefore, the Department of Energy and Environment does not recommend preparation of an Environmental Impact Statement (EIS) for this project.

Copy via e-mail:  
Edna Ebanks, DOEE

**ENVIRONMENTAL ASSESSMENT**  
**For**  
**The 4611-4615 41<sup>st</sup> Street, NW Project**  
**4611-4615 41<sup>st</sup> Street, NW**

**February 2023**

**Compiled by:**

**Ibrahim Bullo,**  
**Environmental Review Coordinator**

**Department of Energy and Environment**  
**Tommy Wells, Director**

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## **LIST OF FREQUENTLY USED ACRONYMS**

AQD	Air Quality Division
BGS	Below ground surface
BMP	Best management practice
BTEX	Benzene toluene ethyl and xylene
BZA	Board of Zoning Adjustment
CFS	Cubic feet per second
CSA	Comprehensive Site Assessment
DCOP	Dust and Odor Control Plan
DOEE	Department of Energy and Environment
DPW	Department of Public Works
EHA	Environmental Health Administration
EIS	Environmental Impact Statement
EISF	Environmental Impact Screening Form
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FIRMS	National Flood Insurance Rate Maps, published by FEMA
HDPE	High density polyethylene
HSP	Health and Safety Plan
HWD	Hazardous Waste Division
LUST	Leaking underground storage tank
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NOx	Nitrogen oxides
OECEJ	Office of Enforcement, Compliance & Environmental Justice
OSHA	Occupational Safety and Health Administration
PPM	Parts per million
PVC	Polyvinyl chloride
RCP	Reinforced concrete pipe
RRD	Regulatory Recovery Division
SCS	Soil Conservation Service
SSECP	Soil and Sediment Erosion Control Plan
TPH	Total petroleum hydrocarbons
TSD	Toxic Substance Division
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
UST	Underground storage tank
USTD	Underground Storage Tank Division
VOCs	Volatile organic compounds
WPD	Watershed Protection Division
WQD	Water Quality Division



## **LIST OF MATERIALS REVIEWED IN RELATION TO THE PROJECT**

### **A. Materials Provided by Applicant:**

#### **EISF Application and the following documents:**

1. Advantage Environmental Consultants, LLC (AEC), 2019a. Phase I Environmental Site Assessment (Phase I ESA), 4611 and 4615 41<sup>st</sup> Street NW, Washington, DC 20016, AEC Project No. 19-0351, Date of Report: November 8, 2019
2. AEC, 2019b. Phase II Subsurface Investigation (Phase II SI), 4611 and 4615 41<sup>st</sup> Street NW, Washington, DC 20016, AEC Project No. 19-351, Date of Report: December 30, 2019
3. Conceptual Erosion/Sediment Control Plan
4. Conceptual Storm Water Management Plan
5. ECS Mid-Atlantic, LLC (ECS), 2019. Preliminary Geotechnical Engineering Report, Tenleytown Apartments Phase I, 4611-4615 41<sup>st</sup> Street NW, Washington, DC 20016, ECS Project Number 01:29445, Date of Report: October 25, 2019
6. EISF application and attachments, filed on March 9, 2020
7. Email correspondence with attachments from Ibrahim Bullo (Environmental Review Coordinator, DOEE) to RRD dated on February 6, 2023, Subject: Fwd: RRD review comments on EISF # 00-0900, 4611-4615 41<sup>st</sup> Street NW.

### **B. Materials Provided by the Community:**

The District Department of the Environment has received no materials from the community regarding this proposed project.

### **C. In-House Reference Materials and Site Visits:**

#### **1. Water Quality Division**

- a. DC Ground Water Resources Studies (series of four reports).
- b. D.C. Department of Consumer and Regulatory Affairs (DCRA), District of Columbia Wetland Conservation Plan. August 1997.
- c. Johnston, P.M., Geology and Ground-Water Resources of Washington, D.C. and Vicinity. USGS Water Supply Paper (WSP) 1776. Reston, Virginia, 1964.
- d. District of Columbia Sewerage System, 1986.
- e. U.S. Geological Survey (USGS), 1965. Topographic Map Anacostia Quadrangle 7.5 Minute Series. Photo Revised 1979.
- f. (USGS), 1965, Topographic Map Washington West Quadrangle 7.5 Minute Series. Photo Revised 1982.

Environmental Assessment for the 4611-4615 41<sup>st</sup> Street, NW Project  
4611-4615 41<sup>st</sup> Street, NW  
February 2023

## **2. Watershed Protection Division**

- a. DC Storm Water Management Guidebook.
- b. DC Erosion and Sediment Control Standards and Specifications.
- c. DC DPW/WASA General Sewerage Map.
- d. DC WASA Sewer and Water Counter Maps.
- e. DC Soil Survey (USDA-SCS).
- f. FEMA National Flood Insurance Rate Maps.
- g. Site visit.

## **3. Fisheries and Wildlife Division**

- a. District of Columbia List of Endangered and Threatened Species.
- b. U.S. Fish and Wildlife Service List of Threatened and Endangered Species.
- c. Section 6 Guideline for Threatened and Endangered Species Act published by the U.S. Fish and Wildlife Service.

## **4. Air Quality Division**

National Ambient Air Quality Standards.

## **5. Underground Storage Tank Division**

- a. DC UST Access database
- b. DC LUST Access database
- c. Case files (soft and hard) specific for the address(es)
- d. UST Regulations 20DCMR, Chapter 55-70, October 1, 1999

## **6. Toxic Substances Division**

As no toxic substances were identified, no in-house reference materials were reviewed.

## **7. Hazardous Waste Program**

- a. RCRAinfo database
- b. Case files (soft and hard) specific for the address(es)
- c. 20 DCMR, Chapters 42-43, June 8, 2007

## **8. Environmental Justice**

- a. 2000 Census Tract Data.
- b. D.C. Office of Planning State Data Center Data.
- c. US Census Tract Income Data.

## **I. INTRODUCTION AND PURPOSE**

### **A. INTRODUCTION**

The site of the proposed project is 4615 41st Street NW, in Ward 3. The site is currently improved with two, two-story buildings. These buildings will be replaced with the construction of a seven-story mixed-use building with a penthouse with forty-one residential units. There will be less than 7,000 sqft of retail space and eight parking spaces to the rear of the building. The site fronts on 41<sup>st</sup> St NW to the west, a surface parking lot and business to the south, a mixed-use building to the north, and an alley to the east. The zoning classification of the site is MU-4.

### **B. PURPOSE OF THE PROPOSED ACTION**

The purpose of this project is to construct a seven-story with a penthouse with forty-one residential units.

## **II. ENVIRONMENTAL POLICY ACT DIRECTIVES APPLICABLE TO DOEE**

As to this specific project, the District Department of Environment serves as an advisory agency on this project, in determining whether an environmental impact statement is required. Section 7201.2 of Title 20, D.C. Municipal Regulations requires that proposed major actions are to be assessed in a number of areas for their impact on the environment. The following areas, listed in the regulations, fall within the mandate of the District Department of the Environment. They are whether:

1. The action might have a significant adverse effect on a rare or endangered species of animal or plant, or the habitat of the species (§7201.2 (a));
2. The action might violate published national or local standards relating to hazardous waste (§7201.2 (b));
3. The action might significantly deplete or degrade ground water resources (§7201.2 (c));
4. The action might significantly interfere with ground water recharge (§7201.2 (d));
5. The action might cause significant flooding, erosion or sedimentation (§7201.2 (f));
6. The action might significantly diminish habitat for fish or wildlife (§7201.2 (h));
7. The action might create a potential public health hazard or would involve the use, production or disposal of materials that pose a hazard to people, animal or plant populations in the area (§7201.2 (i));
8. The action might violate any ambient air quality standard, contribute significantly to an existing or projected air quality violation, or expose sensitive receptors to significant pollutant concentrations (§7201.2 (j)); and
9. The action might cause significant adverse change in existing surface water quality or quantity (§7201.2 (l)).

### III. DOEE DIVISIONS INVOLVED IN REVIEWING THIS PROJECT

The divisions within the District Department of Environment that are responsible for reviewing this project are as follows:

<u>Area Reviewed</u>	<u>DOEE Division/Office</u>
Water quality	Water Quality Division
Sedimentation, storm water management and watershed protection	Watershed Protection Division
Vegetation and wildlife	Fisheries and Wildlife Division
Air quality	Air Quality Division
Underground storage tanks/leaking underground storage tanks	Underground Storage Tank Division
Toxic substances	Toxic Substances Division
Hazardous wastes	Hazardous Waste Program
Environmental justice concerns	Office of Enforcement, Compliance & Environmental Justice

Specific reports from each of the aforementioned divisions are presented in Section VI of this Report.

### IV. LIST OF NEEDED PERMITS AND APPROVALS REQUIRING DOEE INVOLVEMENT

The construction and operation of the various components associated with the proposed project could require permits and approvals from DOEE divisions. Table 1.0 provides a list of the environmental related permit and approval requirements which may be applicable to the proposed action:

**Table 1.0**  
**Permits and Approvals**  
**Associated with DOEE**

<u>Action</u>	<u>Permit/Approval Requirement</u>	<u>Approving Agency</u>	<u>Permit Issuing Agency</u>
Stormwater Management	Construction Permit	DOEE	DCRA
Erosion and Sediment Control	Construction Permit	DOEE	DCRA

Site Characterization Report & Corrective Action Plan for Soil and Groundwater Remediation	Approval	DOEE	DCRA
Wells	Permit	DOEE	DCRA
Air Pollution Equipment	Permit	DOEE	DOEE
Fishing	License	DOEE	DOEE
Biological Research	Permit	DOEE	DOEE
Underground Storage Tank Installation, Abandonment & Removal	Approval	DOEE	DOEE

## **V. ENVIRONMENTAL SETTING AND CONSEQUENCES**

### **A. WATER QUALITY**

#### **1. Environmental Setting**

Per the ECS (2019) report, the environmental setting is described as follows:

The site is located in the Piedmont Physiographic Province of Washington, D.C. The soils in the Province consist primarily of residually weathered soils derived from the in situ weathering of the underlying parent bedrock. Although these materials normally retain some of the structure of the original bedrock, they typically have much lower density. A typical mature weathering profile of the Piedmont province, the soils are generally found to be finer grained at the surface where most weathering has occurred. Particle size of the soils generally increase with increase depth, changing first to weathered and finally to unweathered parent bedrock.

Groundwater was not encountered in one soil boring advanced at the site to a depth of 50 feet below the existing ground surface (ECS. 2019). Based on the EISF application (Part II.15), the topographic map for the site (USGS, 1965), and WSP (Johnston, 1964), there are no streams, lakes, ponds, springs, or wetlands within 100 feet of the project site.

## **2. Environmental Consequences**

Sections 7201.1 (c), (d) and (l) of the Environmental Policy Act implementing regulations provide that a project should be assessed to determine whether:

- (c) The action might significantly deplete or degrade ground water resources;
- (d) The action might significantly interfere with groundwater recharge; or
- (l) The action might cause significant adverse change in the existing surface water quality or quantity.

### **Ground Water**

***The following addresses Sections 7201.2(c) and (d) of the Environmental Policy Act regulations.***

The EISF, Parts III.2 and II.12 indicate that the maximum depth of excavation will be 25 feet below the existing ground surface and the groundwater was not encountered at the depth of 50 feet below the existing ground surface, indicating that the groundwater level is well below the proposed lowest level of development. Therefore, dewatering of groundwater will not be required during and after construction (EISF Part III.23). Because of the size of the proposed project site, overall, there is no expected impact on groundwater flow as a result of the proposed project.

The applicant states that there is soil contamination at the site (EISF Part II.7(a)). During the Phase I ESA (AEC, 2019a), there were recognized environmental conditions (RECs) identified associated with the former on-site rug and carpet cleaners, and the long-term use of the adjoining property as a filling station. Additionally, during the Phase II Subsurface Investigation (AEC, 2019b), the petroleum compound, tetrachloroethene (PCE), and Naphthalene were detected in the soil samples collected at the project site.

Based on the email correspondence dated February 6, 2023, the applicant has developed a Contaminated Soil Management Plan (CSMP) including detailed requirements for managing impacted or contaminated materials encountered during site excavation activities. In the CSMP, petroleum impacted soil that is excavated will be loaded directly onto trucks, removed from the site, and disposed of offsite properly. Additionally, if any contaminated groundwater is encountered or rainwater comes in contact with any contaminated soil during construction, the applicant has committed to the following:

- (1) Containerize the known or potentially contaminated groundwater or rainwater in a holding tank, obtain accurate, reproducible, and representative water samples from the tank (s) and have them analyzed in a laboratory for all contaminants of concern using USEPA approved methods.

If the laboratory analytical results of water samples collected from the containerized tank(s) is:

- (a) Above DC Water's Pretreatment Standards, the applicant must obtain a discharge permit from DC Water before discharging to the sanitary or combined sewer system; or
- (b) Below DC Water's Pretreatment Standards but exceeds DC Surface Water Quality Standards, the applicant must contact DOEE/WQD for guidance on handling/treatment of the contaminated water, and a discharge permit from USEPA to discharge treated water in the District's municipal separate sewer system (MS4) or surface waters;

(Note: Under these conditions, the applicant shall develop and submit a work plan stating how contaminated water will be treated. The work plan must be approved by DOEE/WQD prior to the submission of discharge permit application to USEPA. The work shall be performed in accordance with the approved work plan and comply with discharge permit conditions.)

- (2) Hire an independent environmental consultant to investigate the site to determine if any contaminated soil is identified during construction that can adversely impact US and District's waters;
- (3) Containerize all installation/investigation-derived wastes including but not limited to soils, muds, and sediments from known or potentially contaminated sites; collect accurate, reproducible, and representative samples for all contaminants of concern, and have samples analyzed in a laboratory using USEPA approved methods for characterization for offsite disposal;
- (4) Provide a soil, sediment, and water sampling plan, a quality assurance and quality control plan, a sediment and erosion control plan, and a health and safety plan for known or potentially contaminated sites for review and approval prior to the start of work to DOEE/WQD;
- (5) Take all necessary steps to minimize or prevent any discharge of contaminated water and soil that has a reasonable likelihood of adversely affecting human health or the environment;

- (6) Provide work completion report documenting procedures taken and all investigation records including but not limited to as-built plans/drawings, deviations from the approved work plans if any, boring logs, fields tests results, and laboratory analysis results with quality assurance quality control, data quality issues, and chain-of-custody to DOEE/WQD within 30 days of work completion; and
- (7) Complete all work in accordance with all permit conditions, and Federal and District Laws and Regulations.

The response to EISF, Part III.48 indicates that there are no contaminants or hazardous substances that will affect groundwater quality or be generated at the site. Consequently, if the guidance provided herein is adhered to, the project is anticipated to have minimal impact on groundwater quality.

Currently, 100 percent of the project site area is impervious (EISF, Part II.1.b). Based on the email correspondence dated February 6, 2023, 58.7 percent of the area will become impervious after the project is complete. Additionally, EISF Part III.33 indicates that the proposed project will not interfere with groundwater recharge. Based on the project size and location, the proposed development at the site is anticipated to have minimal impact on groundwater recharge in the area.

### **Surface Water**

*The following addresses Section (I) of the Environmental Policy Act regulations.*

EISF, Parts II.14 and II.15 state that the project site is more than 100 feet away from the nearest hydraulically down gradient natural surface water body. Consequently, the project is expected to have minimal impact to surface water flow. This property is serviced by the Combined Sewer System (CSS). Based on the depth of excavation and expected depth of the groundwater level at the site, dewatering of groundwater will not be required during the construction (EISF, Part III.23). Additionally, based on the email correspondence dated February 6, 2023, the applicant has committed to the requirements present in the Groundwater section above, in this EISF. Therefore, no contaminated groundwater is anticipated to be discharged to the District's MS4 or to surface waters.

The applicant states that the project will not adversely affect existing surface water quality (EISF, Part III.34). Therefore, if the guidance provided herein is adhered to, minimal or no impact to surface water quality is anticipated from the project

### **3. Conclusion**

In view of the above, the WQD has assessed that there is no apparent significant adverse impact or likelihood of substantial negative impact to the environment with regards to Sections



7201.2(c), (d), and (l) of the Environmental Policy Act. Therefore, preparation of an Environmental Impact Statement is not recommended for areas of concern to the WQD.

## **B. SEDIMENTATION AND STORM WATER MANAGEMENT/ WATERSHED PROTECTION**

### **1. Environmental Setting**

According to the EISF application, approximately 100% of the site has a slope of 0-10%. The EISF application identifies 100% existing impervious coverage. The runoff from the site is currently treated by stormwater management facilities. The site is located within the Combined Storm Sewer System (CSS) area. The area to be disturbed is 0.19 acres.

In order to meet the stormwater management requirements of 21 District of Columbia Municipal Regulations (DCMR) Chapter 5 and bring the site into compliance, the owner proposes to treat and control the runoff from the proposed development by installing permeable pavement, green roofs and bioretention. There is disturbance proposed within the public right-of-way (PROW). Therefore, stormwater management in the PROW must be met to the Maximum Extent Practicable.

### **2. Environmental Consequences**

Section 7201.1(f) of the Environmental Policy Act implementing regulations provides that a project should be assessed to determine whether:

The action might cause significant flooding, erosion or sedimentation.

A review of the EISF application and the erosion and sediment control and stormwater management plans submitted for the project shows that appropriate stormwater management and erosion and control measures would be provided to meet DOEE's regulatory requirements.

### **3. Conclusion**

Based on review of the submitted EISF package, RRD does not anticipate any significant adverse impact to the environment provided that adequate erosion and sediment control and stormwater management measures are implemented. Therefore, preparation of an Environmental Impact Statement is not required in the areas of concern to RRD.

## **C. VEGETATION AND WILDLIFE**

### **1. Environmental Setting**

The site for this project is 4611-4615 41<sup>st</sup> Street, NW, Washington, DC, an urban setting.

## **2. Environmental Consequences**

Section 7201.1 (h) of the Environmental Policy Act's implementing regulations provide that a project should be assessed to determine whether:

The action might significantly diminish habitat for fish, wildlife or plants.

## **3. Conclusion**

After review of the plans for the above project, and based on other in-house documents, the Fisheries and Wildlife Division has determined that there is no apparent significant adverse impact or likelihood of substantial negative impact to the environment as a result of the proposed project. Therefore, preparation of an environmental impact statement is not recommended for the areas of concern to the Fisheries and Wildlife Division.

## **D. AIR QUALITY**

### **1. Environmental Setting**

The project site is located within the National Capital Interstate Air Quality Control Region, which includes the Washington, D.C. metropolitan area. The region currently meets the National Ambient Air Quality Standards (NAAQS) for all criteria air pollutants with the exception of ozone. The U.S. Environmental Protection Agency (EPA) has designated the region as a "non-attainment area" for ozone. Until 1996, EPA had also designated the region as a "non-attainment area" for carbon monoxide (CO); however, EPA re-designated the region as an "attainment area" with a maintenance plan for CO that year because the region had not been violating the NAAQS for CO. There have been no monitored violations of the NAAQS for CO since the 1996 re-designation. The District was required to continue to perform enhanced evaluations to ensure that the CO NAAQS was not violated during a 20-year maintenance period according to Clean Air Act requirements. This 20-year maintenance period ended on March 16, 2016, but the District is continuing to require hot-spot analyses for CO through the EISF process.

Additionally, EPA had designated the District as a non-attainment area with respect to the 1997 fine particulate matter annual standard of  $15 \mu\text{g}/\text{m}^3$ . However, on October 6, 2014, EPA published a re-designation for the District to an "attainment area" in the Federal Register. This re-designation became effective on November 5, 2014. In recent years, the District has monitored attainment with this standard as well as the newer (identical) 2006  $15 \mu\text{g}/\text{m}^3$  annual standard and the 2012 annual standard of  $12 \mu\text{g}/\text{m}^3$ . As of November 6, 2014, the District is operating under a maintenance plan. It should be noted that, while the District is monitoring attainment with these standards, the monitored levels are only marginally below the newer standard, so a high level of vigilance is needed to ensure that it is not violated.

Air quality in the Washington, DC-MD-VA metropolitan area has exceeded the NAAQS for 8-hour ozone in the recent several years. The highest levels of ozone generally occur during the summer (May to September) when the warmer temperature and sunlight intensity enhances the formation of ozone. Oxides of nitrogen (NOx) and volatile organic compounds (VOCs) are the primary precursor pollutants for ozone formation. Ozone is a secondary air pollutant and a regional air quality issue requiring mitigation at a metropolitan and larger regional level.

In the District, based on 2011 data, approximately 42 percent of VOCs that form ozone come from on-road and non-road mobile sources. Large facilities such as power plants, larger boiler plants, and factories cause only a small portion (about one percent) of the VOC emissions in the District. The remaining portion (approximately 57 percent) of VOCs is emitted from a multitude of small sources, including printers, service stations, construction contractors, paints, and cleaning solvents.

Based on 2011 data, approximately 76 percent of NOx emissions in the District that form ozone come from on-road and non-road mobile sources. Large facilities such as power plants, larger boiler plants, and factories make up approximately seven percent of the NOx emissions. The remaining approximately 17 percent come from smaller “area” sources.

## **2. Environmental Consequences**

The Environmental Policy Act sets out the impact on air quality as a potential significant impact. Specifically, section 7201.2 (k) of the regulations provides that a project should be assessed to determine whether:

The action might violate any ambient air quality standard, contribute significantly to an existing or projected air quality violation, or expose sensitive receptors to significant pollutant concentrations.

Questions 9 through 15a in Part III of the EISF application set out a series of questions to which an applicant must respond which are designed to elicit information regarding potential air quality impacts. In response to question 9, the applicant indicated that the proposed project would not provide for a net gain of greater than 50 residential units, including but not limited to apartment dwellings, condominium units, co-op units, housing units, a subdivision or other housing complex, hotel rooms and dormitory rooms (41 residential units are to be constructed). In response to question 10, the applicant indicated that the project would not provide 50 or more net new parking spaces (8 parking spaces will be provided). The answer to question 11 states that the proposed project would not consist of shopping, office, conference, and/or commercial facilities having 50,000 or more square feet of gross floor space (the ground floor will provide less than 7,000 sqft of retail space). The applicant’s response to question 12 indicated that the proposed project would not consist of entertainment and/or recreation facilities, including but not limited

to theaters, parks, auditoriums, sport stadiums, rooftop facilities, or bowling alleys, having the capacity to accommodate more than 400 persons at one time.

In response to question 13, regarding whether or not the proposed project will maintain new equipment that burns fuel, such as, but not limited to, stationary generators, boilers with heat input ratings greater than 5 MMBTU/hour, or other stationary air pollution emitting equipment, the applicant indicated that no such equipment would be maintained. However, question 42 indicated that the project would maintain an emergency generator. Based on this response, it appears that a separate Chapter 2 permit to construct will be required.

In response to question 14 the applicant indicated that there will not be an emission of odorous or other air pollutants from any source that is likely to injure the public health or welfare, or which would interfere with the reasonable enjoyment of life and property.

In response to question 15a, which relates to controlling fugitive dust emissions during work, the applicant responded: "Perimeter sediment controls, water application during construction. Compliance with Standard 44.0 DOEE, see Conceptual Sediment Control Plan." The applicant will be required to comply with the requirements of 20 DCMR § 605 during construction.

AQD has completed its review of the EISF of the above project and determined that no air quality study is required.

Any installation of fuel-burning equipment (such as boilers) with heat input ratings greater than 5 MMBTU/hour, stationary generators (any size), or other stationary air pollutant emitting equipment will need to go through a separate air quality permitting process prior to their construction being initiated. The EISF specifically notes that the project will maintain an emergency generator at the site. The applicant must obtain a permit before construction, installation, or operation of any generator and/or any other pollutant-emitting equipment subject to air quality permitting regulations begins. The applicant may contact AQD at (202) 535-1747 with any questions about this permitting process.

If any crushing or screening is to occur at the site, such as needed to crush concrete being removed from the site, an air quality permit must be obtained for such operations.

20 DCMR § 800, Control of Asbestos, must be followed during razing, demolition, or renovation of any existing structures at the site. It is likely these requirements are specifically applicable to the existing buildings at the site. The applicant may contact AQD at (202) 535-2998 with questions about asbestos abatement permitting or raze requirements as they relate to asbestos.

If any soil vapor extraction or groundwater remediation is required at the site, the applicant must comply with the requirements of 20 DCMR § 717, Soil and Groundwater Remediation. Fugitive dust must be controlled by methods ensuring compliance with 20 DCMR § 605, Control of Fugitive Dust. Odors and other nuisance pollutants must be controlled to ensure compliance with

20 DCMR § 903. Engine idling for both on-road vehicles (gasoline or diesel) and nonroad diesel vehicles and engines must be limited so as to comply with 20 DCMR § 900.

### **3. Conclusion**

Based on this review, and provided the project is implemented as proposed, AQD believes that the proposed project will not violate any air quality standard. So, in regard to Section 7201.2 (k) of the Environmental Policy Act, the preparation of an environmental impact statement is not recommended for areas of concern to the Air Quality Division.

## **E. UNDERGROUND STORAGE TANKS/LEAKING UNDERGROUND STORAGE TANKS**

### **1. Environmental Setting**

As per the USTB records review of the data maintained within the Department of Energy and Environment (DOEE), no Underground Storage Tanks (USTs) are currently or formerly registered to the subject Site. No current or former Leaking Underground Storage Tank (LUST) Cases are associated with the site. A Phase II Environmental Site Assessment report submitted to DOEE in association with the EISF application indicated that evidence of soil contamination was observed at the site. One of the chemicals of concern, bromochloromethane exceeded significantly above the residential standard and, therefore, notified to DOEE's Remediation & Site Response Program for further guidance. Based on the history of the site and the evidence of impacted materials in the subsurface soils, the DOEE UST Branch is recommending a close observation during development.

### **2. Environmental Consequences**

A detailed environmental site assessment/excavation during the construction stages will reveal any unknown or buried tanks and other subsurface conditions, such as petroleum contamination. Any unknown or buried tanks found must be reported to DOEE for an inspection before removal or abandonment-in-place.

The soil excavated from areas of new construction must be screened in the field to determine the presence of potential environmental impacts. If evidence of impacts of environmental contaminants are identified during construction excavation the presence of such contamination must be reported to DOEE within 24 hours. If evidence of impacts are identified soil samples should be collected and if the samples test results indicate levels above the DC standards for TPH-DRO, TPH-GRO and BTEX, or are above established disposal criterion for VOC – impacted soil, the soil must be shipped to an approved off-site treatment facility. Reuse of contaminated soil onsite is not acceptable. Contaminated soil should be tested and reported to DOEE if above our standards after post excavation confirmatory analysis.

Contaminated groundwater produced during dewatering must be treated according to the District's water discharge standards. A pretreatment discharge permit must be obtained from WASA prior to any discharge to any sanitary or combined sewer.

There may be other contaminants on the property that are not under the purview of UST or LUST Programs, these may be related to aboveground activities, such as petroleum spills, waste oil dumping, car repair shops, mechanic shops, paint shops, pesticides use, etc. and may require the involvement of other Programs within the Department of Energy and Environment.

As a best management practice, a remediation plan should include dust and contaminants odor control measures that prevent or minimize off-site migration.

It is noted that the Project that does not involve the installation of new underground storage tank systems for storing petroleum or hazardous materials. Should UST installation be part of the future operational plans, the Developer is required to contact our office for further guidance, to request an inspection during installation and to register the tanks before operation commences, send design plans, notification form and \$200 application fee per tank. Failure to comply with this requirement may result in enforcement action. Any UST System installed on the property should be managed and operated in accordance with all applicable District and Federal Regulations.

### **3. Conclusion**

Considering all of the above and based on this review of the EIA application and information attached, it is the judgment of the UST Branch that there may not be significant adverse impact or likelihood of substantial negative impact to the environment as a result of the proposed project and that likely impacts can be mitigated by the developers to reduce potential harm to health and the environment.

## **F. TOXIC SUBSTANCES**

### **1. Environmental Setting**

There are no known toxic substances in use at the site, nor does the project plan indicate any will be used, disturbed or created in concentrations that would constitute a significant adverse impact on the environment.

### **2. Environmental Consequences**

Section 7201.1(j) of the Environmental Policy Act implementing regulations provides that a project should be assessed to determine whether:

The action would create a potential public health hazard or would involve the use, production or disposal of materials that pose a hazard to people, animals or plant populations in the area.

Based upon the plan submitted, there is no indication that adverse environmental impacts would occur in the areas of interest to the Toxic Substance Division for the following reasons:

- No species of plants or animals were identified as threatened or endangered and therefore would not be affected if there were any releases of pesticides during construction of the project;
- There are no reported effects of pesticides to public health and safety originating from this site where pesticides may have been applied according to label directions; and
- Pesticide products will not be applied at this site as part of the project according to the information provided.

### **3. Conclusion**

In view of the above, the Toxic Substance Division has determined that there is no apparent significant adverse impact or likelihood of substantial negative impact to the environment as a result of the proposed project. Therefore, the Division does not recommend that an environmental impact statement be required for this project.

## **G. HAZARDOUS WASTES**

### **1. Environmental Setting**

There are no known hazardous wastes present at the site of the proposed project in concentrations that would result in a significant adverse impact on the environment. Review of the project plan does not indicate the production or disposal of hazardous wastes in concentrations that would result in a significant adverse environmental impact.

### **2. Environmental Consequences**

Sections 7201.1 (b) and (j) of the Environmental Policy Act implementing regulations provide that a project should be assessed to determine whether:

- (b) The action might violate published national or local standards relating to hazardous wastes; and
- (j) The action might create a potential public health hazard or would involve the use, production or disposal of materials that pose a hazard to people, animals or plant populations in the area.

There is no indication that the proposed action would violate published national or local standards relating to hazardous wastes, nor will the action create a potential public health hazard or involve the use, production or disposal of materials that pose a hazard to people, animals or plant populations in the area. However, since the project may generate UW fluorescent lamps during renovation of the existing building, an active EPA ID Number must be obtained from the DOEE-HW program prior to generating regulated waste streams.

### **3. Conclusion**

In view of the above, the Hazardous Waste Program has determined that there is no apparent significant adverse impact or likelihood of substantial negative impact to the environment as a result of the proposed project. Therefore, preparation of an environmental impact statement is not recommended for areas of concern to the Hazardous Waste Program.

## **H. ENVIRONMENTAL JUSTICE**

Environmental justice, as defined by the U.S. Environmental Protection Agency (EPA), is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations and policies.” It follows that environmental injustice occurs when certain segments of society, such as low-income and minority communities, bear a disproportionate share of the harmful effects of governmental decisions. The District Department of the Environment (DOEE), of course, strives for environmental justice in all its actions—including the review of this proposal.

Federal law and a presidential order guide the District’s environmental justice policies. First, Title VI of the Civil Rights Act of 1964 prohibits intentional discrimination on the grounds of race, color, or national origin under any program or activity receiving federal financial assistance. Second, President Clinton’s Executive Order 12898 directs each federal agency to make achieving environmental justice part of its mission by identifying and addressing as appropriate, disproportionately high and adverse human health effects of its programs, policies and activities on minority and low-income populations. Projects with disproportionate negative impact directly contravene these legal requirements.

The above federal obligations also govern District agencies that receive federal assistance. Since DOEE is one of those agencies, its mandate to protect and restore the environment, conserve natural resources, provide energy-related policy, and improve the quality of life in the District of Columbia fall at least in part under federal purview. Thus, in the interest of environmental justice, DOEE must also examine the potential adverse impacts on the communities in which environmentally burdensome projects are sited, especially those communities that are predominantly low-income and/or minority.



One aspect of this examination is to provide opportunities for community input in the EISF review process and to ensure that meetings and notices are accessible to minority and low-income communities potentially affected by a proposed project. This project, however, will not need that level of community involvement. DOE's Office of Enforcement and Environmental Justice (OEEJ) has found no indication that this project—Construction of a mixed use commercial and residential building at the properties 4611-4615 41<sup>st</sup> St, NW—would be environmentally burdensome or would otherwise pose a disparate and unjustified health risk to the community in which it would be sited.

In support of that conclusion, OEEJ reviewed the submitted EISF and demographic information related to the project area using EJSCREEN and other databases.<sup>1</sup> The project area<sup>2</sup> has a lower percentage of low-income citizens than the District as a whole (approximately 9 percent—versus 31 percent for the District as a whole).<sup>3</sup> The area has a lower percentage of minority citizens than the District as a whole (26 percent—versus 64 percent for the District as a whole).<sup>4</sup> In terms of vulnerable populations, 7 percent of the project area's residents are children five years old or younger, and 15 percent are seniors 64 years and older. OEEJ concludes that no racial or ethnic minority or low-income group of people will bear disproportionate negative environmental consequences resulting from the District's action.

## **VI. DOE RECOMMENDATIONS AND MITIGATION MEASURES**

The Department of Energy and Environment, a reviewing agency pursuant to the Environmental Policy Act and its implementing regulations, recommends to the Department of Consumer and Regulatory Affairs that the 4611-4615 41<sup>st</sup> Street, NW project does not require the preparation of an environmental impact statement. Our recommendation is based on the fact that none of our reviews have identified any significant adverse impact or the likelihood of a substantial negative impact to the environment as a result of the proposed project.

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<sup>1</sup> EJSCREEN is an EPA assessment tool, available at <http://ejscreen.epa.gov/mapper/>. An EISF review may also include data from the U.S. Census Bureau's 2000 census and 2006-2010 American Community Survey, the D.C. Office of Planning's State Data Center, and commercial databases such as [www.city-data.com](http://www.city-data.com).

<sup>2</sup> This review includes the project site surrounded by a one-half mile buffer.

<sup>3</sup> Based on EJSCREEN demographic indicator which defines "low income" as twice the Census Bureau's poverty level.

<sup>4</sup> Based on EJSCREEN's State Average calculator of minority populations.

**EXHIBIT 8 TO AFFIDAVIT**

## Photographs of Property – Notice of Building Permit Issuance





## Photographs of Property – Notice of Building Permit Issuance



**EXHIBIT 9 TO AFFIDAVIT**

## Current Project - Department Review Status

SH2300009

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments
1					
2					
	DC Water Review	Vahid Bilvardi vahid.bilvardi@dcwater.com	HFC	01/17/2023	DCWater utilities are in ZOI of this project. Please send PDFs of drawings for DC Water in house review via this email application@dcwater.com .
	DDOT Review	Rodney T. Mitchell rodney.mitchell1@dc.gov	HFC	01/17/2023	Once the construction permit is issued the applicant must resubmit this application into project dox for the review comment to clear.
	DOEE SE-SW Review	Nykia Barnes Nykia.Barnes@dc.gov	HFC	01/17/2023	Review comments returned to engineer 3/03/22

## Current Project - Department Review Status

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments
	Neighbor Notification	Kolas Elion kolas.elion@dc.gov	HFC	01/20/2023	<p>Provide required documentation per Section 106.2.18.3 Notification of Owners of Adjoining Premises. Applicant shall provide evidence of notification per section 106.2.18.3.1 and subsequent subsections.</p> <p>1. Applicant to provide the neighbor notification checklist:  <a href="https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Neighbor-Notification-Checklist_V-10-1-22.pdf">https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Neighbor-Notification-Checklist_V-10-1-22.pdf</a></p> <p>2. Applicant to provide posting on the premises; per section 106.2.18.3.1.1. Provide photographic evidence of posting and upload to supporting documents in ProjectDox.  <a href="https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Notice-of-Filing-of-a-Building-Permit-Application_11x17_V-10-1-2022.pdf">https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Notice-of-Filing-of-a-Building-Permit-Application_11x17_V-10-1-2022.pdf</a>.</p> <p>3. Applicant to provide written notice in an approved form to the owner or owners of the adjoining premises; per section 106.2.18.3.1.2  <a href="https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Neighbor-Notification-Form_V-10-1-2022.pdf">https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Neighbor-Notification-Form_V-10-1-2022.pdf</a>.</p> <p>4. Applicant to provide evidence of delivery of written notice; per section 106.2.18.3.1.2.1. Provide photographic evidence of certified mailing receipt(s) showing addresses.</p> <p>5. (DCMR 12A 106.2.18.3.1.3) Provide a completed Affidavit of Maintenance  <a href="https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Affidavit-of-Maintenance_V-10-1-2022.pdf">https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Affidavit-of-Maintenance_V-10-1-2022.pdf</a>). A copy of the affidavit should be posted to supporting documents in ProjectDox. IF ACCESS REQUIRED APPLICANT MUST SUBMIT:</p> <p>6.  <a href="https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Request-for%20Access-Form_V-10-1-2022.pdf">https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/Request-for%20Access-Form_V-10-1-2022.pdf</a></p> <p>For ProjectDox approval in the next cycle please observe the following:</p> <p>a) Sheet and document labels must clearly indicate their contents. (i.e. The label for an Affidavit of Maintenance should say "Affidavit of Maintenance")</p> <p>b) Additional comments may apply based on documents received.</p>
	Structural Review	Niranjan Sharma Niranjan.Sharma3@dc.gov	HFC	01/19/2023	Neighbor notification documents not found in supporting documents folder as stated in comments response letter



## Current Project - Department Review Status

SH2300009

Rev Cycle	Group Name	Reviewer's Name	Review Status	Date Updated	Review Comments
1					
	DC Water Review	Vahid Bilvardi vahid.bilvardi@dcwater.com	HFC	01/17/2023	This project is in ZOI of DCWater Water Transmission lines and submission of plans is a must. Please submit sheeting and shoring drawings for DCWater review directly to application@dcwater.com. .
	DDOT Review	Rodney T. Mitchell rodney.mitchell1@dc.gov	HFC	12/06/2022	Construction permit is needed for sheeting and shoring. Apply online via <a href="https://Tops.ddot.dc.gov">https://Tops.ddot.dc.gov</a> . Please upload this permit to project dox supporting documents
	DOEE SE-SW Review	Nykia Barnes Nykia.Barnes@dc.gov	HFC	11/29/2022	DOEE 6486 review comments returned to engineer 3/03/22 by Julien.Bautista@dc.gov
	Structural Review	Niranjan Sharma Niranjan.Sharma3@dc.gov	HFC	12/08/2022	Please submit the following documents/information for review (refer to <a href="https://dob.dc.gov/node/1616091">https://dob.dc.gov/node/1616091</a> for required sheeting and shoring submissions. (1) Neighbor Notification and Proof of Service. (2) Geotechnical Report (3) Sheeting and Shoring structural calculation (4) Total volume of excavation
	Zoning Review	Ramon Washington Ramon.washington@dc.gov	Approved	01/03/2023	Z.C. ORDER NO.18-03 - APPROVED SHEETING AND SHORING ON PRIVATE PROPERTY ONLY IN THE MU-5B ZONE DISTRICT.
2					
	DC Water Review	Vahid Bilvardi vahid.bilvardi@dcwater.com	HFC	01/17/2023	DCWater utilities are in ZOI of this project. Please send PDFs of drawings for DC Water in house review via this email application@dcwater.com .
	DDOT Review	Rodney T. Mitchell rodney.mitchell1@dc.gov	HFC	01/17/2023	Once the construction permit is issued the applicant must resubmit this application into project dox for the review comment to clear.
	DOEE SE-SW Review	Nykia Barnes Nykia.Barnes@dc.gov	HFC	01/17/2023	Review comments returned to engineer 3/03/22



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	Structural Review	Niranjan Sharma Niranjan.Sharma3@dc.gov	HFC	01/19/2023	Neighbor notification documents not found in supporting documents folder as stated in comments response letter



# District of Columbia Transportation Online Permitting System



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**Welcome Beth Davis, CONTRACTOR**

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## Application Summary

**THIS IS NOT A PERMIT**

**Tracking Number:** 412675  
**Status:** **Assigned**  
**Permit Number:** N/A  
**Permit Issued Date:** N/A  
**EWR Number:** N/A  
**Renewal?:** No  
**Source Permit Number:** N/A  
**Assigned Technician:** Donna Thompson  
Tel: (202)442-4670  
Email: donna.thompson@dc.gov  
**Assigned Inspector:** MaShelia Gibson  
Email: MaShelia.Gibson@dc.gov  
**Work Location:** 4611 41ST STREET NW  
**Work Dates:** 05/01/2023 to 04/29/2024  
**Work Description:** Excavation: Sheet piling & Shoring (for Buildings)  
**Detail Scope of work:** Excavation Sheet piling and Shoring for New 7 Story Building on 41st Street NW  
Sidewalk and the Public Alley work will be done within the property line however it  
does abut public space.  
**Document Submitted:** 17202-DC\_22\_0408-TCP.pdf, GeotechnicalReport.pdf, Plat.pdf, FullSetofDrawings.pdf,  
SedimentControl.pdf, ApprovedTCP412675.pdf [View Documents](#)  
**Application Creation Date:** 01/17/2023  
**Ready For Review Date**  1/17/2023 6:24:40 AM  
**Application Expire Date:** 2/16/2023  
**Business Name:** N/A  
**Business Owner Name:** N/A  
**Project Name:** Dancing Crab Properties Development( 461141NWDC )  
**Permittee Information:** Dancing Crab Properties LLC  
9101 RIVER RD, POTOMAC, MD 20854  
Tel: (301)370-0369  
Email: contractorservicesdc@gmail.com

**Owner Information:** Dancing Crab Properties LLC  
 9101 RIVER RD, POTOMAC, MD 20854  
 Tel: (301)370-0369  
 Email: contractorservicesdc@gmail.com

**Agent Information:** Beth Davis  
 14508 CHESTERFIELD RD, ROCKVILLE, MD 20853  
 Tel: (301)370-0369  
 Email: ContractorServicesDC@gmail.com

**Contractor Information:** N/A

**Work zone deposit refund Information:** Dancing Crab Properties LLC  
 9101 RIVER RD, POTOMAC, DC 20854  
 Tel: (301)370-0369  
 Email: contractorservicesdc@gmail.com

**Work Zone Deposit Status:** No deposit

**Street Light Deposit Status:** N/A

**Wet Utility Deposit Status:** N/A

**Inspection Status:** Monitoring project

**Permit Office Comments:** N/A

**Materials need to be submitted for review:** SM 002 - Scaled Plans, SM 003 - Traffic Control Plan, SM 009 - Cert Plans, SM 040 - Erosion Control Plan

**Utility Agencies:** PEPCO, WASH GAS, DCWater/S&S, VERIZON, SIOD, IPMA, STREETLIGHT, UFA, DOEE/SE, FIRE, TWZT, OP, PSRDPLN, CashManager, TPPA

### Invoices Info:

Invoice Name	SOAR Number	Fee Amount	Payment Status	Payment Date	Deposit Refund Status
Permit Receipt	301757620	\$297.00	Not Paid		
Work Zone Journal	S57621	\$14,177.78	Not Paid		No deposit
Permit Application Fee	A57622	\$50.00	Paid	01/17/2023	No deposit

### Reviewing Agencies Info:

Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
PEPCO	PENDING	Mangliwe Bimizi	mangliwe.bimizi@exeloncorp.com (202)428-1164	02/10/2023	Feb 2 2023 2:47PM jaredmartin wrote - There are active Washington Gas facilities within the proposed project limits. Washington Gas requires 12" vertical separation and 5' horizontal separation from all underground structures. Washington Gas also requires 10' of separation from all buildings and overhead structures. Federal regulations require that no mechanized equipment be used within 2' of active natural gas facilities. Call District One Call (Miss Utility) before digging.
WASH GAS	APPROVED WITH CONDITION	Jared Martin	jamartin@enengineering.com (443)577-3894	02/10/2023	
DC Water-S&S	PENDING	David Paige	david.paige@dcwater.com (202)646-8622	02/10/2023	
VERIZON	PENDING	Kenneth Young	kenneth.d.young@verizon.com 5	02/10/2023	
PSI	APPROVED WITH	MaShelia Gibson	MaShelia.Gibson@dc.gov	02/10/2023	Jan 24 2023 9:28AM magibson wrote - No work in public space before 9:30am or after 3:30pm; Any work after 7pm will require a separate DCRA after hours permit.

Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
	CONDITION				Must have all permits onsite (Excavation/Occupancy/TCP) All ENP signs must be pre-printed from dTOPS and have all appropriate permit info listed incl. contact and permit number and posted at least 72 hours prior to occupying space in resid and 24 hrs in bus district All flaggers on site must be certified All steel plates used must be permitted on separate occupancy permit, not used in the roadway for longer than five (5) calendar days, unless they are rotating plates, and must be pinned, welded and feathered according to dc specifications. Must contact PSI prior to performing any restorations
IPMA	PENDING	Edwin Edokwe	edwin.edokwe@dc.gov (202)442-4670	02/10/2023	
Streetlight/Electrical	APPROVED WITH CONDITION	Ali Zamani	ali.zamani@dc.gov (202)442-4670	02/10/2023	Jan 23 2023 11:25AM azamani2 wrote - Applicant shall be paying \$10000K for security deposited. of 2 existing alley light poles also upload street light plan to Tops.
UFA	APPROVED WITH CONDITION	Sharon Dendy	sharon.dendy@dc.gov (202)671-5129	02/10/2023	Jan 20 2023 3:12PM sdendy wrote - Approved on the condition that the applicant fulfills the conditions for approval under Tracking #388751.
DOEE/SE	PENDING	Nykia Barnes	nykia.barnes@dc.gov (202)442-6715	02/10/2023	
FEMS/Const	APPROVED WITH CONDITION	Cyntrill Griffin	cyntrill.griffin@dc.gov (202)727-1605	02/10/2023	<p>Jan 24 2023 10:44AM cgriffin wrote - BASED ON DC FIRE &amp; EMS DEPARTMENT/OFFICE OF THE FIRE MARSHAL REVIEW OF THE LISTED TRAFFIC CONTROL PLAN (TCP) SUBMITTAL FOR: Plans submitted for Temporary Street / Alley closings are APPROVED as noted: 1. Subject to field inspection to verify compliance with adopted Codes, Standards and submitted plans. These documents are reviewed for compliance with the current International Fire Code and all applicable federal and local fire ordinances. 2. Approved plans with original signatures must be onsite during operational period of closing. 3. The following notifications must be made prior to start of closing and upon completion of closing. • EMERGENCY RESPONDERS MUST HAVE ACCESS WHEN NEEDED AT ALL TIMES. • THE ALLEY MUST BE CLEAR AND ACCESSIBLE EACH DAY AFTER WORKING HOURS. (Re-opening of Street / Alley) A. DCFEMS Deputy Fire Chief of Operation @ 202-673-3290 B. DC Office of Unified Communications @ 202-373-3805 C. DC HSEMA @202-727-6161 D. MISS UTILITY @1 800-257-7777 4. A list of Applicable IFC Codes: A. 503.2.1 - Fire apparatus access road shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. • 503.2.2 - The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations. B. 507.5.4 - Obstruction.: Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. C. 507.5.5 – A 3-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. NOTE: IF THESE FIRE CODE REQUIREMENTS CANNOT BE SATISFIED, IT IS THE RESPONSIBILITY OF THE PERMIT APPLICANT TO CONSULT WITH THE FEMS OFFICE OF THE FIRE MARSHAL PLANS AND PERMIT SECTION SUPERVISOR (202) 727-3650. FOR FURTHER GUIDANCE TO ACHIEVE ACCEPTABLE COMPLIANCE. FIRE MARSHALS OFFICE DIRECT NUMBER (202) 727-1614</p>

Agency Name	Status	Assigned Reviewer	Contact Info	Review Due Date	Comments
TWZT	APPROVED WITH CONDITION	Oluwaseun Obadare	oluwaseun.obadare@dc.gov (202)439-5045	02/10/2023	Jan 20 2023 6:17PM oobadaretwzt wrote - - No work in public space during rush hour, at night or before 8AM on weekends. - Coordinate with local ongoing construction work in public space to provide safe passage of vehicle and pedestrian traffic. - Roadway and sidewalk shall remain open outside work hours. - Provide flagger operation to monitor pedestrian safety when crossing sidewalk and construction trucks entering and exiting the job site from the alley. No construction trucks staging/idling in the alley at any time. - All flaggers must be certified and have their certification in their possession during flagging operations. - Contractor shall have Fire Marshal's approval prior to roadway closure. - Roadway closure/detour signs and devices must always be set up during closure. - Materials and equipment authorized for storage in public space shall be secured and delineated to eliminate danger to pedestrians, bicyclists, and motorists during work and non-work hours. - All trenches in sidewalk and roadway must be backfilled or secure with steel plates at the end of each workday. - Install "steel plate ahead" signs wherever steel plates have been installed. - Notify affected businesses and residents 72hrs prior to occupying public space. - Do not block fire hydrants, bus stop, school parking, embassies parking, car share, bike share, bike lane, public meter, important utility structures and follow posted parking enforcement signs.
OP-Urban Design	REVIEW NOT REQUIRED	Chris Shaheen	chris.shaheen@dc.gov (202)442-7616	02/10/2023	
PSRD Planning	REVIEW NOT REQUIRED	Evelyn Israel	evelyn.israel@dc.gov (202)671-2730	02/10/2023	
CashManager	PENDING	Domanika Green	domanika.green@dc.gov (202)671-1703	02/10/2023	
Planning and Sustainability Division	PENDING	Kelsey Bridges	kelsey.bridges@dc.gov (202)741-5835	02/17/2023	

### Inspections:

	Tracking Number	Date Added	Inspection Date	Inspector	Contact Info	Notes to Applicant
<a href="#">View Details</a>	412675	1/24/2023	1/24/2023	MaShelia Gibson	MaShelia.Gibson@dc.gov	

### Selected Type Descriptives:

Type Descriptives	Dimension Details	Tree Listing
Type Descriptive Group: Excavation		
Sheeting & Shoring (for Buildings)	116 x 20 (length x width)	
Location	Dimension Details	Tree Listing
Type Descriptive Group: Excavation		
Type Descriptive: Sheeting & Shoring (for Buildings); Total Dimension: 2320 SQFT		
4611 41ST STREET NW	116 x 20 (length x width)	

**Requested Days:**

**Permit Renewal History:** No records to display

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