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January 25, 2021

VIA IZIS

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

**Re: Request for an Administrative Approval of a One Year Time Extension
Z.C. Case No. 18-03 – Dancing Crab Properties, LLC
Consolidated PUD and Related Map Amendment @ Square 1769**

Dear Members of the Commission:

This letter is submitted on behalf of Dancing Crab Properties, LLC (the “Applicant”) for administrative approval of a one-year time extension of Z.C. Order No. 18-03 regarding property located at 4611-4615 41st Street, NW (Square 1769, Lot 32)¹ (the “Property”). A copy of Z.C. Order No. 18-03 is attached at Exhibit A.

I. PUD Approval and Expiration Date

Development of the Property was approved pursuant to Z.C. Order No. 18-03 (the “Order”), which granted a Planned Unit Development (“PUD”) and 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. The Order was approved on December 17, 2018, and has an effective date of March 1, 2019. Pursuant to Decision No. F.2 of the Order, the PUD is valid for a period of two years from the effective date of the Order, within which time an application must be filed for a building permit. Accordingly, a building permit application must be filed for the approved PUD no later than March 1, 2021.

¹ 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

The only parties to Z.C. Case No. 18-03 were the Applicant and the affected Advisory Neighborhood Commission (“ANC”) 3E.

II. Request for Administrative Approval of One-Year Extension

On November 19, 2020, the Zoning Commission took emergency action to approve text amendments proposed in Z.C. Case No. 20-26 that would provide for administrative extensions of the validity of Zoning Commission and BZA orders scheduled to expire between November 27, 2020 and April 27, 2021, due to complications of the Covid-19 pandemic. On January 15, 2021, notice of the final rulemaking for Z.C. Case No. 20-26 was published in the *D.C. Register*.

As stated above, Z.C. Order No. 18-03 will expire on March 1, 2021, and therefore falls within the timeframe contemplated in Z.C. Case No. 20-26. Accordingly, the Applicant requests a one-year extension pursuant to Subtitle Z § 705.9, which states as follows:

“For an order scheduled to expire between October 27, 2020, and April 27, 2021, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Z § 1600.10 and Table Z § 1600.”


The Applicant requests the extension due to the Covid-19 pandemic which has greatly affected the District’s residential real estate development market. As a result of the uncertain and unprecedented market conditions, which have prevented the Applicant from moving forward with development of the project, the Applicant seeks a one-year extension of the approval, with the goal of filing a building permit application for the approved project before March, 2022, after the impacts of Covid-19 have been mitigated.

As required by Subtitle Z § 1600.10(b), a filing fee of \$1,000 is included with this application. In addition, an authorization letter from the Applicant is attached as Exhibit B.

Based on the foregoing information we respectfully request that the Director approve this request for an administrative approval of a one-year time extension to Z.C. Order No. 18-03, which if approved would require a building permit application to be filed no later than March 1, 2022.

Sincerely,

HOLLAND & KNIGHT, LLP



Kyrus L. Freeman

Jessica R. Bloomfield

cc: Certificate of Service
Crystal Myers, D.C. Office of Planning (via Email)
Aaron Zimmerman, DDOT (via Email)
Commissioner Matthew Cohen, ANC 3E01 (via Email at 3E01@anc.dc.gov)

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2021, a copy of the foregoing extension application was served by electronic mail on the following at the addresses stated below:

Mr. Joel Lawson
D.C. Office of Planning
joel.lawson@dc.gov

VIA EMAIL

Advisory Neighborhood Commission 3E
c/o Jonathan Bender, ANC 3E Chair
jonbender@gmail.com

VIA EMAIL


Jessica R. Bloomfield