MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU" or "Agreement") is made this 24th day of March, 2025 by and between DANCING CRAB PROPERTIES, LLC, a District of Columbia limited liability company and 10009 FIELDS ROAD, INC., a District of Columbia corporation (collectively, the "**Developer**"), and ADVISORY NEIGHBORHOOD COMMISSION 3E (the "**ANC**"). Developer and the ANC are collectively referred to herein as the **"Parties."**

RECITALS

A. Developer is the owner in fee simple of property located at premises 4615 Wisconsin Avenue, NW in the District of Columbia, which is designated as Lot 32 in Square 1769 (the "Site").

B. The development of the Site was approved pursuant to Z.C. Order No. 18-03. That order approved a consolidated Planned Unit Development ("PUD") and a related Zoning Map Amendment from the MU-4 zone to the MU-5B zone to redevelop the Site with a new mixed-use residential building consisting of (i) approximately 41 residential units, and (ii) a restaurant/bar use to be located on the ground floor and within the penthouse habitable space (collectively, the "Project").

C. Zoning Commission Order No. 18-03 was approved on December 17, 2018, with an effective date of March 1, 2019. Pursuant to Z.C. Order No. 18-03(1), the Office of Zoning issued an administrative Covid-19 one-year extension of Z.C. Order No. 18-03, such that a building permit application was required to be filed no later than March 1, 2022, and construction of the Project was required to commence no later than March 1, 2023. The Developer filed a building permit application within the required time limits set forth in Z.C. Order No. 18-03(1).

D. Pursuant to Z.C. Order No. 18-03A, the Zoning Commission approved the Developer's application for a two-year time extension of the March 1, 2023 deadline to start construction, such that construction of the Project was required to commence no later than March 1, 2025.

E. The Developer now requests a two-year extension of the deadline to begin construction of the Project (the "Extension Request"). If the Extension Request is approved, construction of the Project would be required to begin construction no later than March 1, 2027.

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UNDERSTANDING OF THE PARTIES

A. Provided that the ANC supports the Extension Request ("support" shall be indicated by a majority vote of the ANC on a resolution or motion supporting the Extension Request), Developer agrees to the following:

1. Within ninety (90) days of the Zoning Commission's issuance of an order approving the Extension Request, the Developer will clean the Site by repairing the existing metal fence and by removing the Site of gravel, loose concrete, trash, and other similar items.

B. The Developer shall propose the above term as a specific, enforceable condition of approval of the Extension Request. If the Zoning Commission does not for any reason include the term as a specific, enforceable condition of approval of the Extension Request, the Developer nonetheless commits to comply with the term.

C. The terms and provisions of this MOU are contingent upon the formal support of the ANC at all public hearings and other related proceedings on Z.C. Case No. 18-03B before the Zoning Commission regarding the Extension Request which the ANC elects to attend. For avoidance of doubt, the ANC may offer suggestions regarding and criticism of elements of the Project without affecting the validity of this Agreement, so long as the same occurs within the context of formal support of the Extension Request as a whole. The terms and provisions of this MOU are further conditioned upon final approval of the Extension Request by the Zoning Commission, as evidenced by the issuance of a final written order of the Extension Request by the Zoning Commission and issuance of a Certificate of Occupancy for the Project.

D. The Parties reserve the right to amend this MOU at any time with the written agreement of both Parties.

E. This Agreement shall be binding upon and shall inure to the benefit of the Developer and ANC 3E, and their respective heirs, successors, and assigns.

[SIGNATURES ON FOLLOWING PAGE]

DANCING CRAB PROPERTIES, LLC,

a District of Columbia limited liability company

By: _____

10009 FIELDS ROAD, INC.,

a District of Columbia corporation

By: _____

Advisory Neighborhood Commission 3E

By: Jonathan Bender

Digitally signed by Jonathan Bender
DN: cn=Jonathan Bender, o, ou, email=jbender@ibusinesslawyer.com, c=US
Date: 2025.03.24 16:23:11 -04'00'