ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
WAKEFIELD CHEVY CHASE FORT GAINES SPRING VALLEY
c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015

RESOLUTION OF SUPPORT IN ZC Case 18-03

WHEREAS:

1. Dancing Crab Properties, LLC ("Applicant" or "the Applicant"), has sought since 2018 to build a seven story, 79-foot-high mixed-use development ("Project") at 4611-4615 41st Street, NW ("Property"). The building would include approximately 41 residential units and a restaurant/bar use on the ground floor and a penthouse with habitable space. The Property does not immediately adjoin any residences.

2. The Applicant applied for a Planned Unit Development (PUD) and map amendment to enable it to build the Project. The proposed map amendment asked the Zoning Commission ("ZC") to rezone the Property from MU-4 to MU-5B.

3. On October 11, 2018, at a properly noticed meeting at which a quorum was present, ANC3E voted 5-0-0 in support of the Dancing Crab Properties application.

4. On December 17, 2018, the Zoning Commission approved the development with an effective date of March 1, 2019. The Order was valid for a period of two years, requiring a building permit application to be filed no later than March 1, 2021, and construction was required to commence no later than March 1, 2022.

5. The Office of Zoning subsequently issued an administrative Covid-19 one-year extension of the original Order, requiring that construction begin by March 1, 2023.

6. In a February 17, 2023, letter to the Zoning Commission and shared with ANC3E, Dancing Crab Properties through its counsel, Holland & Knight LLP, requested a two-year extension of the time period to begin construction of the approved building.

7. In a February 14, 2025, letter to the Zoning Commission and shared with ANC3E, Dancing Crab Properties through its counsel, Holland & Knight LLP, requested an additional one-year extension of the time period to begin construction of the approved building.

8. When the two buildings that previously stood at the site were demolished a significant amount of debris was left behind and the site is currently an eye sore collecting trash with a poorly maintained fence surrounding it.

9. The applicant and the ANC have arrived at a Memorandum of Understanding (MOU), attached hereto, requiring the applicant to make improvements to the site including removing all debris and trash from the site and repairing the fence securing the site within 90 days of executing the MOU and removing any future accumulations of trash and maintaining the fence until construction commences at the site.

NOW THEREFORE BE IT RESOLVED:

1. Based on the February 14, 2025, PUD extension filing and the representations in the affidavit attached to it, it appears Dancing Crab Properties has met the standards for extension of time to begin construction.

2. In reliance on the attached MOU, which we join the applicant in asking the ZC to incorporate fully into its order regarding the above-referenced application, ANC 3E supports the application.

The resolution passed by a vote of 6-0-0 at a properly noticed meeting held on March 13, 2025, at which a quorum was present, with Commissioners Bender, Cohen, Gianinno, Graff, Hall and Quinn in attendance.

ANC 3E

Jonathan Bender

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by Jonathan Bender
Chairperson