October 12, 2026

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VIA IZIS

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

RE: ZC Case No. 22-32A – Applicant's Draft Order

Chairperson Hood and Members of the Commission:

On behalf of the Applicant 1232 Shift Cubed Partners, LLC (the "**Applicant**"), please find enclosed a draft order for the above-referenced matter. We thank the Commission for its consideration of this time extension case.

Sincerely,
COZEN O'CONNOR



Eric J. DeBear

ZONING COMMISSION
District of Columbia
CASE NO. 22-32A
EXHIBIT NO. 6

Certificate of Service

I HEREBY CERTIFY that on this 12th day of October, 2026, a copy of this Cover Letter with attachment was served, via email, on the following:

D.C. Office of Planning
c/o Crystal Myers
1100 4th Street SW, Suite E650
Washington, DC 20024
Crystal.Myers@dc.gov

Advisory Neighborhood Commission 6C
c/o Karen Wirt, Chair
Tony Goodman, SMD Commissioner
6C@anc.dc.gov
6C07@anc.dc.gov

Eric J. DeBear

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

★ ★ ★

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA ZONING COMMISSION ORDER NO. 22-32A
Z.C. Case No. 22-32A
1232 Shift Cubed Partners, LLC
(Two-Year Planned Unit Development Time Extension @ Square 772, Lot 17)
October 8, 2026

Pursuant to notice, at its October 8, 2026 public meeting, the Zoning Commission for the District of Columbia ("**Commission**") held a virtual public meeting to consider the application (the "**Application**") of 1232 Shift Cubed Partners, LLC ("**Applicant**") for a two-year time extension of the deadline to commence construction of the planned-unit-development and related zoning map amendment approved in Z.C. Order No. 22-32 (the "**Original Order**") for the subject property at 1232 4th Street SE (Square 772, Lot 17) (the "**Property**").

The Commission reviewed the Application pursuant to Subtitle Z of the Zoning Regulations for 2016, Title 11 of the District of Columbia Municipal Regulations (the "**Zoning Regulations**" or "**ZR-16**"). For the reasons stated below, the Commission hereby **APPROVES** the Application.

FINDINGS OF FACT

I. Background

Prior Approvals

1. The Property is located on 4th Street SE in the NoMa neighborhood and one block from the Union Market District.

2. Pursuant to the Original Order, effective on November 24, 2023, the Commission approved a planned-unit-development and related zoning map amendment for construction of a new, 10-story plus penthouse residential building with 96 all-affordable dwelling units (the "**Project**").

3. The Original Order required an application for a building permit to be filed by November 24, 2025, and for construction of the Project to commence no later than November 24, 2026.

Parties and Notice

4. The parties to the Original Order were the Applicant and Advisory Neighborhood Commission 6C (the "**ANC**").

5. On August 24, 2026, the Applicant served the Application on the ANC and the D.C. Office of Planning ("**OP**"). (Exhibit ("**Ex.**") 2).

II. The Application

6. On August 24, 2026, the Applicant timely filed the Application requesting a two-year time extension of the Order to extend the deadline by which construction of the Project must commence from November 24, 2026 to November 24, 2028. (Ex. 2-2C).

7. The Applicant asserted that it meets the requirements for a time extension enumerated in Subtitle Z § 705.2 as follows:

    - The extension request was served on all parties and all parties were allowed 30 days to respond; (Ex. 2).

    - There have been no changes to the material facts upon which the Commission based its approval of the Original Order, including the applicable Zoning Regulations and Comprehensive Plan. Additionally, the primary public benefit of the Project, all-affordable dwelling units and PDR space, will continue to be provided once the Project is constructed; and (Ex. 2).

    - There is good cause to grant the requested extension due to the Applicant's inability to obtain sufficient Project financing despite the Applicant's good faith efforts to obtain such financing. The Applicant advanced the Project by applying for and obtaining a building permit for the Project. The Applicant has made a good faith effort to obtain construction financing, including receiving an award for 9% Low Income Housing Tax Credit ("LIHTC") from the D.C. Department of Housing and Community Development ("DHCD"), applying to DHCD for a 4% LIHTC award, and meeting with private investors. Despite these efforts, the Applicant was unable to finalize construction financing to begin construction of the Project. (Ex. 2, 2B).

III. Responses to the Application

8. On September 28, 2026, OP submitted a report recommending approval of the Application. OP agreed that the Applicant demonstrated compliance with the criteria under Subtitle Z § 705.2, including that the Applicant was served on all parties, there is no substantial change in materials facts, and the Applicant demonstrated good cause for the extension. (Ex. 5).

9. The ANC did not submit a report on the Application in the case record.

IV. Conclusions of Law

1. Subtitle Z § 705.2 authorized the Commission to extend the period of an order upon determining that the time extension request demonstrates satisfaction of the requirements of Subtitle Z § 705.2 and complies with the limitations of Subtitle Z §§ 705.3, 705.4 and 705.6.

2. The Commission concludes the Applicant timely filed the Application prior to expiration of the period to commence construction of the Project approved in the Original Order.

3. The Commission concludes the Applicant satisfied the requirement of Subtitle Z § 705.2(a) by providing proof of service on the ANC, which was the only other party to the Original Order. The ANC was provided more than 30 days to respond from the date of service to the date on which the Commission considered the Application.

4. The Commission concludes the Applicant satisfied the requirement of Subtitle Z § 705.2(b) based on the assertions in the Application and by OP that there has been no substantial change in any material facts upon which the Commission based its approval in the Original Order.

5. The Commission concludes the Applicant satisfied the requirement of Subtitle Z §§ 705(c)(1) due to an inability to secure necessary financing despite the Applicant's diligent good faith efforts to do so. The Commission agrees that the current instability in the national and local real estate market creates challenges in obtaining sufficient financing, which are particularly acute for an all-affordable development like the Project. Nonetheless, the Commission recognizes the Applicant's good faith efforts to obtain financing, including applying to DHCD for LIHTC financing and meeting with private investors.

"Great Weight" to the Recommendation of OP

6. The Commission must give "great weight" to the recommendation of OP, pursuant to § 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 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016)).

7. The Commission finds OP's recommendation to approve the Application persuasive and concurs with OP's judgment.

"Great Weight" to the Recommendation of the ANC

8. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 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) (2012 Repl.) and Subtitle Z § 406.2. To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." *Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).

9. The ANC did not submit a written report into the case record and, therefore, the Commission is not statutorily required to give the ANC "great weight."

DECISION

Based on the case record and the above Findings of Fact and Conclusions of Law, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant's request for a two-year time extension of Z.C. Order No. 22-32, to extend the validity period and deadline to commence construction until November 24, 2028.

Final Action

Vote (October 8, 2026): 5-0-0 (Anthony J. Hood, Robert E. Miller, Dr. Joseph S. Imamura Gwendolyn Wright and Christine Bruins to APPROVE)

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

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

ANTHONY J. HOOD	**SARA A. BARDIN**
CHAIRMAN	**DIRECTOR**
ZONING COMMISSION	**OFFICE OF ZONING**

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 WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.