

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

+ + + + +

THURSDAY

OCTOBER 8, 2026

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The Public Meeting of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice, at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
ROBERT E. MILLER, Vice Chair
JOSEPH IMAMURA, Commissioner
GWEN WRIGHT, Commissioner
CHRISTINE BRUINS, Commissioner

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Zoning Data Specialist
SHARON S. SCHELLIN, Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE

ALSO PRESENT:

LEILA BATTIES, ESQUIRE, Holland and Knight
CHRISTOPHER COHEN, ESQUIRE, Holland and Knight

The transcript constitutes the minutes from the Regular Public Meeting held on October 8, 2026.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 25-07A
BD Parcel 5, LLC 7

Case No. 23-28A
Blue Skye Construction, LLC, dba Blue Skye
Construction and Development DC 10

Case No. 23-28B
Blue Skye Construction, LLC, dba Blue Skye
Construction and Development DC 10

Case No. 22-04B
Captain Reed 2640, LLC; Trolley Lot, LLC;
FR 828 Evarts NE, LLC; Eagle 901, LLC; and
Franklin and Rockly Properties, LLC 24

Case No. 15-24F
Gallaudet University 27

Case No. 23-19A
Elm Gardens Owner, LLC, and the NHP
Foundation 30

Case No. 22-32A
1232 Shift Cubed Partners, LLC 33

P-R-O-C-E-E-D-I-N-G-S

(4:00 p.m.)

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioners Wright, Imamura, and Bruins. We're also joined by the Office of Zoning staff -- expected to be joined by Ms. Sharon Schellin; also, our Office of Zoning Legal Division, Mr. Jacob Ritting. And I'm going to ask him to help me as we move forward in this manner until Ms. Schellin joins. I will ask all others to introduce themselves at the appropriate time, if appropriate. The Commission did not have a closed meeting. If we need to go into one, we will announce it here and go into it, but I will be announcing our closed meeting for our training as soon as I finish this opening statement.

Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video will be available on the Office of Zoning's website after the meeting. Accordingly, all those listening on Webex or by phone will be muted during the meeting.

For hearing action items, the only documents before us this evening are the application, the ANC setdown report, and the Office of Planning report. All other documents in the record

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1 will be reviewed at the time of the hearing. We do not take any
2 public testimony at our meetings, unless the Commission requests
3 otherwise. If you experience difficulty accessing Webex or with
4 your phone call-in, then please call our OZ Hotline number at
5 202-727-0789, and Mr. Paul Young, who will be handling all of our
6 virtual operations, will assist you for Webex log-in or call-in
7 instructions.

8 I don't believe we have any preliminary matters. Mr.
9 Ritting, I don't think we have anything preliminary, so I'll just
10 move right straight with the agenda. First thing I want to do
11 is do the closed meeting. Give me one moment.

12 (Brief pause.)

13 CHAIRMAN HOOD: Okay. This session -- we're having a
14 closed -- hold on one second. Okay. So the first item on the
15 agenda is to vote for the Commission to hold a training, which
16 will be October the 14th. I believe it's about 9:30 a.m. Mr.
17 Ritting, I see you turned your light on or turned your camera
18 on.

19 MR. RITTING: Just because I thought it would be rude
20 to not be showing my face.

21 CHAIRMAN HOOD: Oh, okay. Especially since --
22 especially since you're the assistant right now, so yes. All
23 right. So let me go back. The next item on our agenda -- the
24 first item, actually, on our agenda is to vote for the Commission
25 to hold a training on October the 14th; I'm going to say nine or

1 9:30. I can't remember the time. Somebody can help me, if they
2 remember. Again, it's October the 14th, and I think it's at
3 9:30, to reserve -- to go into training under DC Official Code
4 2-575(b)(4) and (A), and to discuss items which are on the agenda.
5 Give me one moment, and I need to announce what items are on the
6 agenda.

7 (Brief pause.)

8 CHAIRMAN HOOD: Okay. So our BZA training, the theme
9 is getting the legally sufficient -- getting legally sufficient
10 at the BZA. Topics include authority and purpose, quasi-judicial
11 process, evidence, general special exception criteria, general
12 variance criteria, conditions of approval -- conditions of
13 approval, applications filing requirements, party status
14 requirements, role of OZ staff and OZLD staff -- Office of Zoning
15 Legal Division staff, purpose of full and fair hearing,
16 deliberations on the record, and written decisions. That is
17 what is going to be on our agenda. So, with that, I would move
18 that we go into closed session on the date noted, at the times
19 noted, either nine or 9:30, but -- so that's why I'm doing both,
20 because I can't -- I think it's 9:30, more or less, but either
21 nine o'clock or 9:30, to deliberate -- I mean, not to deliberate,
22 but to get training on those topics I just named. Can I get a
23 second?

24 COMMISSIONER WRIGHT: Second.

25 CHAIRMAN HOOD: Okay. It's been moved and properly

1 seconded. Any further discussion?

2 (No response.)

3 CHAIRMAN HOOD: Not hearing any, Anthony Hood, would
4 you take a roll call vote? Anthony Hood. Yes. Commissioner
5 Wright.

6 COMMISSIONER WRIGHT: Yes.

7 CHAIRMAN HOOD: Commissioner Bruins.

8 COMMISSIONER BRUINS: Yes.

9 CHAIRMAN HOOD: Commissioner Imamura.

10 COMMISSIONER IMAMURA: Yes.

11 CHAIRMAN HOOD: And Vice Chair Miller.

12 VICE CHAIR MILLER: Yes.

13 CHAIRMAN HOOD: Let the record reflect the vote is five
14 to zero to one, Hood making the motion and Wight seconding. I
15 sure hope all this is captured, because I am not taking notes.
16 All right.

17 MR. RITTING: Pardon me. Did you say five to zero to
18 one? I thought it would be five to zero to zero to approve.

19 CHAIRMAN HOOD: Okay. Well, they know what I meant.
20 Okay. Five to zero to zero to approve. Okay. Five, 0 -- five
21 to zero to zero. You're right; I did say one. There's only five
22 members, so -- all right. So we will have -- go into closed
23 session. All right. I don't think we have any preliminary
24 matters, unless I hear from somebody, so I'm going to move
25 straight with the agenda. And, Mr. Ritting, let me ask; this is

1 | being recorded, so this -- I don't need to be taking minutes,
2 | too, right?

3 | MR. RITTING: Correct.

4 | CHAIRMAN HOOD: Okay. Okay. Great. I just wanted to
5 | make sure. Thank you. All right. So first on the agenda is a
6 | modification without hearing, Zoning Commission Case Number 25-
7 | 07A. And what I'm going to do is just go ahead and go through
8 | it. Normally, I would call on Ms. Schellin. I will just go
9 | ahead and go through it myself. This is BD Parcel 5, LLC,
10 | modification without hearing of approved design review at Square
11 | 5860, and it's before us, the modification.

12 | The applicant is requesting to modify the approved
13 | design review project's ground-floor loading to remove one of the
14 | two 30-foot loading berths and modify. The project would provide
15 | one 30-foot loading berth and one delivery space slightly larger
16 | than the minimum required of 20 feet. So, with that, I'll turn
17 | it back over to Commissioner Imamura, if he can get us started
18 | on this one, if you don't mind. If not, I can take us through
19 | it.

20 | COMMISSIONER IMAMURA: No, I'm happy to. Thank you,
21 | Chair Hood. Thank you for kicking us off. The project will
22 | still meet the minimum loading requirements, and the proposed
23 | modification will not cause any adverse impact. I did take a
24 | look at it, and it is a pretty minor adjustment or refinement to
25 | the design. This happens all the time, as they go through their

1 design refinements. And also want to note that OP recommends
2 approval. There's -- this is pretty straightforward. Again, I
3 took a look at the plans, and they do have some diagrams in there
4 that also illustrate some signage and turn radius studies, but
5 nothing of consequence really. So I am prepared to vote to
6 approve this and would ask my fellow Commissioners if anyone else
7 has any comments to share.

8 CHAIRMAN HOOD: But before -- we're going to take all
9 that, but let me ask, does anyone believe this should not be --
10 that this should not be considered as a modification without a
11 hearing?

12 (No response.)

13 CHAIRMAN HOOD: Okay. Sorry about that. Thank you,
14 Commissioner Imamura. Any other comments? I think Commissioner
15 Imamura has captured it all on this. And after that, let me --
16 just so we can get ready, I'm going to call on Commissioner Wright
17 next, Commissioner Bruins, and Commissioner -- Vice Chair Miller,
18 okay, in that order, and I'll be helping out.

19 COMMISSIONER WRIGHT: I just wanted to note, and I
20 think this is still true, that we have not heard anything from
21 ANC 8A. They have not commented on this revision; is that
22 correct?

23 CHAIRMAN HOOD: Yes. I believe, from the notes that I
24 have, we have not heard anything, but we have been determined
25 that the case is appropriate. Well, we've determined that, and

1 I think that the elapsed time has went past, and I think we are
2 perfectly within our rights to move forward.

3 COMMISSIONER WRIGHT: Thank you.

4 CHAIRMAN HOOD: Okay. All right. Commissioner
5 Imamura, did you -- any other comments?

6 (No response.)

7 CHAIRMAN HOOD: Okay. Commissioner Imamura, could you
8 make a motion please?

9 COMMISSIONER IMAMURA: I'd be glad to. Thank you,
10 Chair. I move that the Zoning Commission approve Case Number 25-
11 07A, BD Parcel 5, LLC, modification without a hearing of approved
12 design review at Square 5860, and ask for a second.

13 COMMISSIONER BRUINS: Second.

14 CHAIRMAN HOOD: Okay. It's been moved and properly
15 seconded. I don't know what I'm saying. Anthony
16 (indiscernible) -- okay. It's been moved and properly seconded.
17 Any further discussion?

18 (No response.)

19 CHAIRMAN HOOD: Okay. Mr. Ritting, I want you to call
20 for the motion.

21 MR. RITTING: Yeah. I'll make a call for a roll call
22 vote.

23 CHAIRMAN HOOD: Call for the vote. Yeah, call for the
24 vote.

25 MR. RITTING: Commissioner Miller.

1 VICE CHAIR MILLER: Yes.
2 MR. RITTING: Commissioner Bruins.
3 COMMISSIONER BRUINS: Yes.
4 MR. RITTING: Commissioner Wright.
5 COMMISSIONER WRIGHT: Yes.
6 MR. RITTING: Commissioner Imamura.
7 COMMISSIONER IMAMURA: Yes.
8 MR. RITTING: Commissioner Hood.
9 CHAIRMAN HOOD: Yes.
10 MR. RITTING: The vote is five to zero to zero to
11 approve.
12 CHAIRMAN HOOD: Sounds good. That's what we're going
13 to do, Mr. Ritting, so stay tuned. All right. Thank you. Let's
14 move forward. Zoning Commission Case Number 23 -- now, I'm going
15 to call two. We have an extension, and we also have a design
16 review modification without hearing, as well. I like to do both
17 at the same time. Commissioner Wright, if we could.
18 COMMISSIONER WRIGHT: (Nods head affirmatively.)
19 CHAIRMAN HOOD: Okay. Thank you. Let me call both of
20 those at the same time; Zoning Commission Case Number 23-28B,
21 Blue Skye Construction, LLC, dba Blue Skye Construction and
22 Development DC, modification without a hearing of design review
23 at Square 112E (sic); as well as we have an extension request,
24 Zoning Commission Case Number 23-28A, Blue Skye, LLC, dba Blue
25 Skye Construction and Development DC, two-year time extension at

1 Square 1112E. I think the other one is 1112E as well, but,
2 anyway, we can work those numbers out to make sure, because one
3 of them had -- it might be a typo, but it's either 112 or 1112E.
4 So, with that, Commissioner Wright. First, before I go to
5 Commissioner Wright, does anyone believe that this should come
6 off, at least for the part about the -- should this come off
7 as -- come off of the calendar for a hearing without a -- I mean,
8 a -- I'm getting tongue-tied -- a hearing without approval.
9 Anybody believe this should come off the agenda?

10 (No response.)

11 CHAIRMAN HOOD: Okay. Now, do they need a waiver
12 request on this one?

13 CHAIRMAN HOOD: No waiver request. Okay. Commissioner
14 Wright.

15 COMMISSIONER WRIGHT: Thank you. So I'm going to
16 address both of the cases. I'll mention the time extension first,
17 which is Zoning Commission Case Number 23-28A. And this is a
18 request for a two-year extension of the validity of the design
19 review approval in Zoning Commission Order Number 23-28. And it
20 would extend things so that they would have to have a building
21 permit application by November 29th, 2028 and commence
22 construction by November 29th, 2029.

23 We had reviewed and approved this design review on
24 November 29th, 2024. And, again, we are looking at some
25 relatively minor changes to the design review, but, also, the

1 | time extension. And the reasons for the time extension are pretty
2 | much, I think, what we have heard in the past, which is that
3 | they're -- they've been unable to obtain sufficient project
4 | financing, despite diligent good faith efforts. And that is a
5 | problem that we've been hearing a lot of. This would be their
6 | first time extension, so they don't need a waiver for -- and it
7 | would be for two years, and I think it's very appropriate. I
8 | would certainly recommend that we approve the time extension.

9 | Then let me address the other part of this application,
10 | which is the modification without hearing of the design review,
11 | and that is Zoning Commission Case Number 23-28B. And, in this,
12 | they are proposing a series of different modifications, including
13 | a reduction in the building height and massing from 80 feet to
14 | 78 feet; replacement of the ground-floor retail space with
15 | residential and residential-serving uses; elimination of the
16 | second-level below-grade parking; revisions to the residential
17 | unit count and mix, including an increase in family-sized units;
18 | and the conversion of Building B-2 to an entirely affordable
19 | residential building. The modifications will decrease the
20 | project's total number of ADUs from 329 to 324, but there will
21 | be additional family-sized units, which is definitely a benefit.
22 | And there are some refinements to the building's facade and
23 | materials.

24 | Again, I am comfortable with all of the proposed
25 | revisions. The only one that had given me any pause was putting

1 all of the ADUs in one building, but I am assuming that they are
2 doing that because they are looking for housing tax -- low-income
3 housing tax credits or other kinds of incentives that would help
4 to finance the building. A number of the low-income housing tax
5 credits and other incentives do require a 100 percent affordable
6 building, and so I'm assuming that is their rationale for making
7 that change.

8 In looking at this and looking at the, again, design
9 standards, which this is a design review, I really did not see a
10 problem with the proposal. Again, as I said, the only thing that
11 had given me pause was the idea of having all the ADUs in one
12 building, but I am assuming that is to try to make the project
13 financeable. So I think -- with that, I think we should take
14 action on this case and on the extension, and I would recommend
15 approval of both, but I'm interested in hearing from my colleagues
16 as well.

17 CHAIRMAN HOOD: Thank you, Commissioner Wright. I
18 think you've captured and laid it out well for us. I would
19 totally agree. Any other comments -- additional comments from
20 anyone?

21 COMMISSIONER BRUINS: I had a few questions on this
22 one. I -- with the revised unit count and the elimination of
23 14,000 square feet of retail, I had wondered if DDOT had looked
24 at this, and I didn't see a revised report from DDOT. And with
25 the second level of underground parking removed, I would want to

1 know if the Transportation Management Plan works with this setup
2 and whether -- I did have some questions about the neighborhood
3 character, if you're eliminating that activization of retail on
4 the ground floor and replacing it with private residential units
5 and whether there needs to be more discussion of that.

6 I, too, had questions about what, specifically, about
7 moving all the affordable units into one building made financing
8 easier. That wasn't referenced, so I did have a number of
9 questions. These are all small on their own, but, collective,
10 it's -- there's some questions for me of the collective whole of
11 changes being asked. I don't have any questions or concerns
12 about the time extension, just the design review aspects.

13 CHAIRMAN HOOD: Okay. Thank you. Mr. Young, could you
14 work and see if the applicant has a counsel or someone here
15 representing them? And what we're going to do with this case,
16 unless somebody else has something additional, I'm going to delay
17 this until we're able to get in touch, unless we can do it right
18 quick. If the counsel --

19 VICE CHAIR MILLER: There was a -- it would be helpful
20 to have the counsel, because there was a transportation -- a
21 revised transportation memorandum, as I recall, that they did an
22 analysis, and I don't know about -- if DDOT ever reviewed that,
23 but their revised -- own revised transportation consultant
24 analysis, that it works.

25 CHAIRMAN HOOD: Okay. So I still --

1 COMMISSIONER WRIGHT: Yeah, I was going to note the
2 same thing, that there is a transportation analysis that they did
3 that, you know, showed that they had enough parking, because the
4 eliminating -- the elimination of the commercial reduced the
5 number of parking spaces that would be needed. But, you know,
6 if the applicant's not here, the Office of Planning I know is
7 here, and they could perhaps answer a few of these questions.

8 CHAIRMAN HOOD: Right. Let's --

9 MR. YOUNG: Do you know who the counsel is, by chance?
10 Does anyone know?

11 CHAIRMAN HOOD: They will hear you. Let me just say
12 this. I'd rather -- I'd rather start with the applicant, so --
13 first, because I don't want to put the onus on the government,
14 so I'd rather -- I'd rather for them to be able to expand on
15 those questions. If not, I'm going to ask the Office of Planning
16 if somebody could reach out to the counsel and see if they can
17 come before this meeting is over. If not, we're going to kick
18 it down the road.

19 VICE CHAIR MILLER: It's Leila Batties, I think, from
20 Holland and Knight, and Chris Cohen. Yeah.

21 CHAIRMAN HOOD: Okay. Yeah. And, if not, I'm going
22 to kick this down the road. They should have probably been here
23 to hear what was going on. We have some questions. So, with
24 that, we're going to hold that and -- Commissioner Wright, in the
25 discussion. We're going to keep your tee up, and it's on the

1 record. We're just going to skip over it and go on, because I
2 don't want to lose all that, because I think you captured all
3 that very well. And Commissioner Bruins had some questions, and
4 I want the applicant to answer them. If the Office of Planning
5 contacts Paul and you are able to intercede and answer those
6 questions, because you were here, please do it, and we will pick
7 this up at the end. If no one's here to answer it at the end,
8 we will kick it down the road to our next meeting. Okay?

9 MR. YOUNG: So Mr. Cohen just e-mailed me saying he was
10 trying to get on right now.

11 CHAIRMAN HOOD: Okay. Let's give him a minute. Is he
12 on the golf course or is he --

13 MR. YOUNG: I'm looking out for him. Once he comes on,
14 I'll bring him in.

15 CHAIRMAN HOOD: Okay.

16 COMMISSIONER WRIGHT: Shall I go ahead and we could
17 take care of the extension request for this case and then circle
18 back?

19 CHAIRMAN HOOD: Yeah, let's do that case first, yes.

20 COMMISSIONER WRIGHT: Okay. To that end, I would make
21 a motion that we approve Zoning Commission Case Number 23-28A,
22 Blue Skye Construction, LLC, dba Blue Skye Construction and
23 Development DC, for a two-year time extension at Square 1112E,
24 and I would ask for a second.

25 COMMISSIONER IMAMURA: Second.

1 CHAIRMAN HOOD: It's been moved and properly seconded.
2 Any further discussion?
3 (No response.)
4 CHAIRMAN HOOD: Not hearing any, Ms. Schellin is here,
5 so Mr. Ritting, thank you. You and I did an excellent job. Well,
6 you did. I'm not -- all right. So it's been moved and properly
7 seconded. Any further discussion?
8 (No response.)
9 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, are you
10 ready to take a roll call vote?
11 MS. SCHELLIN: I think I am. If I could just get that
12 case number. I just walked in the door and --
13 CHAIRMAN HOOD: Okay. This is --
14 MS. SCHELLIN: -- I don't -- I haven't unpacked.
15 CHAIRMAN HOOD: Okay. Do you need a couple of minutes?
16 MS. SCHELLIN: I just -- I've got who did it. I just --
17 I didn't hear the number. Was that 23 --
18 MR. RITTING: 22-38A (sic).
19 MS. SCHELLIN: Okay. 22-38A (sic).
20 COMMISSIONER WRIGHT: 23.
21 MS. SCHELLIN: Commissioner Wright.
22 COMMISSIONER WRIGHT: Yes, but just to clarify, the
23 case number is 23-28A.
24 MS. SCHELLIN: Got it. Okay. Commissioner Wright.
25 COMMISSIONER WRIGHT: And yes.

1 MS. SCHELLIN: Commissioner Imamura.

2 COMMISSIONER IMAMURA: Yes.

3 MS. SCHELLIN: Commissioner Hood.

4 CHAIRMAN HOOD: Yes.

5 MS. SCHELLIN: Commissioner Miller.

6 VICE CHAIR MILLER: Yes.

7 MS. SCHELLIN: Commissioner Bruins.

8 COMMISSIONER BRUINS: Yes.

9 MS. SCHELLIN: The vote is five to zero to zero to
10 approve final action in Zoning Commission Case Number 23-28A.

11 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.

12 MS. SCHELLIN: And that was for the time extension.

13 CHAIRMAN HOOD: Right. Thank you, Ms. Schellin. Mr.
14 Cohen, Commissioner Bruins had a number of questions, and I think
15 Commissioner Wright had some as well, kind of in tune to that.
16 So could you -- Commissioner Bruins, could you go down those
17 questions again and let Mr. Cohen answer those for us? Thank
18 you.

19 COMMISSIONER BRUINS: I think the first question is,
20 if the applicant can explain the specifics of the financing
21 opportunities created by moving all of the affordable units into
22 one building.

23 MR. COHEN: Sure. Hi, Commissioner, and good
24 afternoon, all the other Commissioners. I can't speak to the
25 financing. Now, I will tell you the primary -- one of the primary

1 reasons was to bring those affordable units online sooner, right?
2 This project consists of two buildings, Building B-1 and Building
3 B-2. So I don't know that I can really speak to the specifics
4 behind the financing of it, but I understand that you had some
5 additional questions, Commissioner, and I think those are -- I'm
6 probably more capable of answering those, given that I think some
7 of it was spoken to in the filing.

8 COMMISSIONER BRUINS: Okay. Yeah, I think -- so I
9 didn't see a report from DOT, and I was just wondering what, if
10 any, changes to parking demand or your parking management
11 strategy are being made as a part of removing the lower parking
12 deck, converting from retail to housing, so if you could just
13 explain the parking demand.

14 MR. COHEN: Sure.

15 COMMISSIONER BRUINS: And then the second design
16 question was, you know, this is sort of meant to be a mixed-use
17 neighborhood, and by removing the public spaces on the ground
18 floor and making them private, you know, how will the design of
19 the block keep that character for what's intended for Hill East?

20 MR. COHEN: Sure. So I think the parking and the --
21 and sorry, Mr. Young, if my colleague, Leila Batties is -- I
22 think she might be trying to join as well, so maybe she could --
23 if you see her name, feel free to bring her on as well. But,
24 Commissioner Bruins, going back to your questions, the parking
25 and the removal of the retail kind of go hand in hand. I think

1 | it's in our filing, I believe, towards the bottom of page four.

2 | MS. BATTIES: (Indiscernible response.)

3 | MR. COHEN: Oh, great. Hi, Leila. I'll just -- I'll
4 | finish this answer, and then I'll turn it back over, but we --
5 | the applicants found that the market, itself, it doesn't really
6 | support the ground-floor retail, as it was originally approved.
7 | There's been experience with The Ethel and the Kennedy that --
8 | those are other projects that have been developed within Hill
9 | East, and there's just been challenges bringing that retail to
10 | fruition. So that's -- that was the impetus for the change here
11 | at the ground level. We are -- our filing gets to the fact that
12 | that doesn't necessarily take away from the Hill East character,
13 | right? I mean, it's -- it is looking for this mixed-use
14 | environment, but I think the focus of this project is really on
15 | that residential -- creating this residential multifamily feel
16 | that Hill East is looking for. So, again -- and the parking was
17 | removed in light of those changes as well.

18 | MS. BATTIES: Yeah. I'll just -- if I may add, Chris
19 | is right; there's approximately -- in The Ethel and the first
20 | projects that were built by the applicant, there is about 13,000
21 | square feet of vacant retail space right now, and so we know
22 | there's no market demand. Now, the other thing I will -- and
23 | maybe with the stadium, if that development comes online, there
24 | may be demand for retail in the future, but that's not the case
25 | now. The other thing is -- and I heard Commissioner Wright's

1 question about the financing and why we have an all-affordable
2 unit, and that is directly tied to being able to finance the
3 project with low-income housing tax credits or other tools that
4 the District might have. Thank you.

5 CHAIRMAN HOOD: Okay. Let the record reflect that was
6 Ms. Leila Batties speaking, as well as Mr. Christopher Cohen.
7 Ms. Bruins, I think you had a couple of more questions.
8 Commissioner Bruins.

9 COMMISSIONER BRUINS: No, I think the applicant has
10 addressed the questions that I had. Thank you.

11 CHAIRMAN HOOD: Okay. All right. Commissioner Wright,
12 your question was addressed as well. I want to make sure we --

13 COMMISSIONER WRIGHT: Yeah. I really had made it as
14 a -- not a question, but sort of a comment, just that I was
15 assuming that the goal of putting all of the ADUs in one building
16 was to make that building accessible for low-income housing tax
17 credits, and Ms. Batties just confirmed that that was, indeed,
18 the applicant's goal. And, you know, again, if they can get low-
19 income housing tax credits, that will help make this project
20 financeable and, at least, that building could move forward,
21 which would -- which would be wonderful. I -- yeah, again,
22 normally -- and I appreciate really Commissioner Bruin's
23 questions, because she's right on target with some very important
24 issues. I mean, normally, it is better to integrate affordable
25 dwelling units with market rate units in one building. That is

1 definitely the optimal situation. But, unfortunately, the Low-
2 Income Housing Tax Credit Program doesn't make that possible.
3 And so, you know, again, I think that's becoming a very important
4 part of the financing strategy, and so I definitely understand
5 the reasoning.

6 VICE CHAIR MILLER: I just wanted to chime in and say
7 I agree with everything that Commissioner Wright has said, and I
8 just note that my recollection is that we've done -- we've had
9 to do this kind of a modification where there are two buildings
10 involved and putting it all in one building. I think there was
11 one on U Street, actually. I can't remember where the other one
12 was. But it is the -- and, in those cases, it was related to
13 financing. I hope those buildings got built with the low-income
14 affordable housing that was intended by making that modification
15 in those cases, but we've -- we have done this before, but I
16 agree that, optimally -- I think the applicant agrees, optimally,
17 they would want to integrate it. That's the whole point of the
18 Inclusionary Zoning Program.

19 CHAIRMAN HOOD: All right. It sounds like we are ready
20 to move forward with this. I want to thank Ms. Batties and Mr.
21 Cohen. You all can go back to the golf course or whatever you
22 all were doing. All right. So thank you. Thank you both. All
23 right. So if we're ready to move forward, I'm going to ask
24 Commissioner Wright to again make a motion on this as well.

25 COMMISSIONER WRIGHT: Sure. So the case is -- I move

1 that we approve Zoning Commission Case Number 23-28B, Blue Skye
2 Construction LLC, dba Blue Skye Construction and Development DC,
3 modification without a hearing of design review at Square
4 1112E -- and I should have noted that we also have not gotten
5 any comments from the ANC, but we do have a recommendation of
6 approval from the Office of Planning -- and I ask for a second.

7 COMMISSIONER IMAMURA: Second.

8 VICE CHAIR MILLER: Second.

9 CHAIRMAN HOOD: Okay. It's been moved and properly
10 seconded. Any further discussion?

11 (No response.)

12 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, can you
13 do the roll call vote please?

14 MS. SCHELLIN: Yes. It sounded like there was a very
15 close for the second, So we'll give it to Commissioner Miller
16 this time. Commissioner Wright.

17 COMMISSIONER WRIGHT: Yes.

18 MS. SCHELLIN: Commissioner Miller.

19 VICE CHAIR MILLER: Yes.

20 MS. SCHELLIN: Commissioner Hood.

21 CHAIRMAN HOOD: Yes.

22 MS. SCHELLIN: Commissioner Imamura.

23 COMMISSIONER IMAMURA: Yes.

24 MS. SCHELLIN: And Commissioner Bruins.

25 COMMISSIONER BRUINS: Yes.

1 MS. SCHELLIN: The vote is five to zero to zero to
2 approve final action in Zoning Commission Case Number 23-28B. If
3 we could get the applicant to provide a draft order within two
4 weeks, again, working with the OZLD on this, whether it could be
5 a summary order, if the Commission is good with that. Thank you.

6 CHAIRMAN HOOD: Okay. Thank you. Let's move right on.
7 Zoning Commission Case Number 22-04B, Captain Reed 2640, LLC;
8 Trolley Lot, LLC; 828 Evarts Northeast, LLC; Eagle 901, LLC; and
9 Franklin and Rockley Properties, LLC, two-year time extension for
10 an approved PUD at Square 3841 and 3846. We both have a waiver
11 and a time extension request. Ms. Schellin, are -- you have your
12 paperwork in front of you or --

13 MS. SCHELLIN: Yes, I do.

14 CHAIRMAN HOOD: Okay. All right. Ms. Schellin.

15 MS. SCHELLIN: Okay. So this one is -- I'm sorry. Let
16 me look at this one, 3846. This was Case Number -- my screen is
17 very small, because of the unpreparedness for this one. I'm just
18 looking at my case number. Okay. So now we are on --

19 CHAIRMAN HOOD: 22-04B.

20 MS. SCHELLIN: Right, 22 -- I just have to scroll down
21 far enough to get to it. Okay. 22-04B. So, for this case, this
22 is a request to allow for a -- another time extension in the --
23 to allow for a two-year time extension, and they have had one
24 before, so they are -- let's see, are they asking for a waiver
25 in this one? No. So they have to get this one filed. Their

1 justification, like most everyone else that you guys have seen
2 recently, they've had issues with getting financing. Their good
3 cause is that they have taken the extension -- they used that
4 first extension and used efforts to obtain -- they got their
5 raise permits and went through with that, but, again, despite all
6 of that, the issue is getting financing.

7 So the OP provided their report at Exhibit 5, saying
8 that they have no issue with the second two-year time extension.
9 So I was correct; they are asking for a waiver to allow for the
10 second time extension to be for two years, because this is the
11 second request, and, per the regulations, the second extension
12 is for one year. As of the writing, the ANC had not responded,
13 so this is before the Commission to consider whether you want to
14 move forward with it or not. Thank you.

15 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin, and
16 thank you for coming back, because I'm sure Commissioner Bruins
17 would have caught that -- the waiver request, as well as the
18 extension. So let's --

19 MS. SCHELLIN: Yes.

20 CHAIRMAN HOOD: Commissioner Bruins, could you take the
21 lead on that for us please?

22 COMMISSIONER BRUINS: Yeah. I think it's been
23 summarized, and it's a pretty standard request with the market
24 conditions. I don't really have anything to add, outside of the
25 summary.

1 CHAIRMAN HOOD: Thank you. Any further discussion,
2 anybody else?

3 (No response.)

4 CHAIRMAN HOOD: All right. Commissioner Bruins, thank
5 you. And could you make the motion please?

6 COMMISSIONER BRUINS: Sure. I'd make a motion to grant
7 a second two-year time extension and a waiver to allow for the
8 two-year time extension.

9 CHAIRMAN HOOD: Okay. And I'll second that. It's been
10 moved and properly seconded both for the waiver request and the
11 time extension, as captioned and recorded, as Commissioner Bruins
12 has mentioned. Any further discussion?

13 (No response.)

14 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, could
15 you do a roll call vote please?

16 MS. SCHELLIN: Yes. Commissioner Bruins.

17 COMMISSIONER BRUINS: Yes.

18 MS. SCHELLIN: Commissioner Hood.

19 CHAIRMAN HOOD: Yes.

20 MS. SCHELLIN: Commissioner Miller.

21 VICE CHAIR MILLER: Yes.

22 MS. SCHELLIN: Commissioner Wright.

23 COMMISSIONER WRIGHT: Yes.

24 MS. SCHELLIN: Commissioner Imamura.

25 COMMISSIONER IMAMURA: Yes.

1 MS. SCHELLIN: And that makes it five to zero to zero
2 to approve final action in Zoning Commission Case Number -- lost
3 my case number again -- 22-04A (sic).

4 CHAIRMAN HOOD: Okay. Thank you. Next, we're going
5 to move to Zoning Commission Case Number 15-24F, Gallaudet
6 University, two-year time extension for approved --

7 MR. RITTING: Before we move on, Mr. Hood --

8 MS. SCHELLIN: I'm sorry that was B.

9 MR. RITTING: -- I just wanted to note that I don't
10 think there was a second for that motion, and if someone could
11 volunteer to second it.

12 VICE CHAIR MILLER: I thought the Chairman --

13 COMMISSIONER WRIGHT: I think the Chair seconded that.

14 MS. SCHELLIN: Chairman did.

15 CHAIRMAN HOOD: A second for which one?

16 MR. RITTING: Okay. Okay. So let the record reflect
17 that it was seconded by Chairman Hood. Thank you.

18 CHAIRMAN HOOD: I know I wasn't muted.

19 MS. SCHELLIN: Yeah, Chairman Hood seconded, yeah.

20 CHAIRMAN HOOD: All right. No problem. Okay. Now,
21 where was I at? Okay. Let's go to Zoning Commission Case Number
22 15-24F, Gallaudet University, two-year time extension for
23 approved PUD at Square 3591. Ms. Schellin.

24 MS. SCHELLIN: Okay. Let me get back over here. Okay.
25 Make sure I'm off of mute. I have to switch screens on the phone

1 here. Okay. So, for this one, they are requesting a -- let me
2 scroll down here far enough -- they are requesting a time
3 extension for two years, and they are also requesting a waiver.
4 And this is for the second-stage PUD application that needs to
5 be filed by March 28th, 2029. So, with this one, the applicant
6 has an OP report at Exhibit 5 recommending approval. At Exhibit
7 6, ANC 5D submitted their report, stating that with a quorum
8 present, of course, they voted unanimously to support the
9 requested time extension. ANC 6C, as of the writing of this
10 report, had not submitted their report. I'm not sure if they
11 had since the writing of this last week. And so, since then,
12 other than that, you have it before you.

13 I think, like all of the others, again, the applicant
14 served this on all of the parties, and it's been financing being
15 an issue and the applicant's long-time ground lease and
16 development partner terminated its ground lease with them for
17 Parcels One through Three, so they're going through that process
18 of selecting someone else, but time is needed. So I'll turn it
19 over to you, Chairman Hood.

20 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin, for
21 teeing that up. Vice Chair Miller, could you take the lead on
22 this one please?

23 VICE CHAIR MILLER: Sure. Thank you. And Ms. Schellin,
24 like the last case, has really summarized the situation here with
25 Gallaudet University's request for a second -- this is their

1 second request for a two-year time extension, and they'll need a
2 waiver for the -- for that second extension to be beyond the one
3 year that's in our rules. And, yeah, the development partner
4 terminated the agreement -- the lease agreement they had.
5 They're seeking a new one.

6 Continuing financing challenges for both the commercial
7 and the residential real estate sector in -- probably nationwide,
8 but it's certainly in the Washington DC area, from what we're
9 seeing, because today, alone, it's over a thousand residential
10 units that -- well over a thousand that -- in this case, alone,
11 it's 840 residential units that are having to be delayed coming
12 online, which we know are all needed by all levels of
13 affordability in the District. So, yeah, I think good cause has
14 been demonstrated.

15 The OP -- Office of Planning supports it. And, as Ms.
16 Schellin, noted one of the ANC's weighed in and supported it. So
17 I think good cause has been demonstrated about the financing
18 challenges, and they're committed to going forward -- keep trying
19 to go forward. That's -- so I'm ready to move -- make a motion
20 to both waive the one-year rule for a second time year -- second
21 extension request and move approval of the two-year time
22 extension request for Gallaudet's project at 1275 5th Street
23 Northeast and 1251 6th Street Northeast, and ask for a second.

24 COMMISSIONER IMAMURA: Second.

25 CHAIRMAN HOOD: Okay. it's been moved and properly

1 seconded. Thank you both. Any further discussion?

2 (No response.)

3 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, would
4 you do a roll call vote please?

5 MS. SCHELLIN: Commissioner Miller.

6 VICE CHAIR MILLER: Yes.

7 MS. SCHELLIN: I believe I heard Commissioner Imamura
8 second that. Is that correct?

9 CHAIRMAN HOOD: Yes.

10 COMMISSIONER IMAMURA: Yes.

11 MS. SCHELLIN: Yes. Okay. Commissioner Hood.

12 CHAIRMAN HOOD: Yes.

13 MS. SCHELLIN: Commissioner Wright.

14 COMMISSIONER WRIGHT: Yes.

15 MS. SCHELLIN: Commissioner Bruins.

16 COMMISSIONER BRUINS: Yes.

17 MS. SCHELLIN: The vote is five to zero to zero to
18 approve final action in Zoning Commission Case Number 15-24F.
19 And if they could also provide a draft order within two weeks,
20 that would be great -- a summary order working with OZLD, if they
21 are good with that. Thank you.

22 CHAIRMAN HOOD: Okay. Thank you. Let's keep moving.
23 Zoning Commission Case Number 23-19A, Elm Gardens Owner, LLC and
24 the NHP Foundation, two-year time extension to an approved PUD
25 for property located at Square 3351. Ms. Schellin.

1 MS. SCHELLIN: In this case, they are asking for an
2 extension -- make -- okay. They are asking for an extension --
3 a two-year time extension; no waiver being requested that I can
4 see. Oh, actually, they are asking for a waiver on this one
5 also. So they -- again, the applicant is having an issue with
6 sufficient project financing and affordable housing for an
7 all -- this is an all-affordable development project, so finding
8 financing for an all-affordable project has been quite difficult.

9 OP recommends approval at Exhibit 4. ANC 4B has not
10 submitted a response, as of the writing of this, and neither has
11 the Elm Gardens Tenant Association, who was a party, as well as
12 Eastmont Cooperative. They have not submitted their report --
13 or, rather, their response, but the time period has passed, so
14 the Commission can move forward, if it chooses to do so, so I'll
15 turn it over. Thank you.

16 CHAIRMAN HOOD: Thank you, Ms. Schellin. I don't
17 believe they're asking for a waiver in this one. They're asking
18 for --

19 MS. SCHELLIN: I can't hear you.

20 CHAIRMAN HOOD: They're not asking for a waiver on this
21 case. They're just specifically asking for a time extension, but
22 I'll take it from here. It -- when I look at this and as we know
23 in other time extensions, people are having definitely problems
24 getting sufficient financing, like it is in this case, and they
25 basically say that they were unable to obtain sufficient project

1 financing. And for those of us who remember this case, remember
2 that we had -- it was very arduous and it was tough getting
3 through this case, and I see the toughness is still going on with
4 the financing. So I think we -- I think it's pretty
5 straightforward, and this is their first request. I think it's
6 warranted, especially with some of the -- some of the
7 difficulties and impacts they were -- they were having and trying
8 to work out and, I guess, just obtaining financing and -- for
9 this all-affordable housing is very difficult, especially at this
10 time. So I don't have anything other than that, and I think the
11 record speaks for itself, but let me hear from others. Anybody
12 have anything to add?

13 (No response.)

14 CHAIRMAN HOOD: Okay. Not seeing anything, I would
15 move approval of Zoning Commission -- for what's captioned and
16 asked for, I move approval for the extension in Zoning Commission
17 Case Number 23-19A, and ask for a second.

18 VICE CHAIR MILLER: Second.

19 CHAIRMAN HOOD: It's been moved and probably seconded.
20 Any further discussion?

21 (No response.)

22 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, can you
23 do a roll call vote please?

24 MS. SCHELLIN: Yes, sir. Commissioner Hood.

25 CHAIRMAN HOOD: Yes.

1 MS. SCHELLIN: Commissioner Miller.

2 VICE CHAIR MILLER: Yes.

3 MS. SCHELLIN: Commissioner Wright.

4 COMMISSIONER WRIGHT: Yes.

5 MS. SCHELLIN: Commissioner Imamura.

6 COMMISSIONER IMAMURA: Yes.

7 MS. SCHELLIN: And Commissioner Bruins.

8 COMMISSIONER BRUINS: Yes.

9 MS. SCHELLIN: That makes it five to zero to zero to
10 approve final action in Zoning Commission Case Number 23-19A.
11 Again, if they could work with OZLD regarding whether they could
12 provide a summary order or not. Thank you.

13 CHAIRMAN HOOD: Okay. Thank you. Our last case on the
14 docket for the day is Zoning Commission Case Number 22-32A, 1232
15 Shift Cubed Partners, LLC, two-year time extension for an
16 approved PUD at Square 772. Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. They're asking for a two-
18 year extension until November 24th, 2028. And, for this one,
19 they, too, are citing that despite their diligent efforts since
20 the order was approved, including advancing the project to 100
21 percent construction drawings and filings for obtaining the
22 building permit, they have not been able to obtain financing and
23 with the cost increases, as we've talked about in other cases,
24 for construction costs and increase in interest rates, et cetera.
25 So, because of that, they've not been able to move forward.

1 So OP provided a favorable recommendation of approval
2 at Exhibit 5. As of the writing of our report, at Exhibit -- I
3 mean -- I'm sorry -- we had no filing from ANC 6C. And so, with
4 that, I will turn it over to the Commission to decide -- since
5 the requisite 30-day period has passed, for the Commission to
6 decide if they want to move forward. Thank you.

7 CHAIRMAN HOOD: Thank you, Ms. Schellin. As already
8 mentioned, again, having some difficulties. I do know that they
9 have received some awards from DHCD and also the DC Housing
10 Finance Agency, some bond financing with some awards, but what
11 the applicant is stating, more or less, they had several
12 interested equity investors, but the earliest they would invest
13 in a DC project is 2027. So, with all this going on in this
14 project and especially with the mix of both private and public,
15 they have run into some snags, and they have asked for an
16 extension -- a two-year time extension, as captioned, in their
17 request.

18 So I don't -- I think it warrants it, like everything
19 else does, especially right now. And I often think -- and I'm
20 getting ready to go off, but I often think that -- when I first
21 started in '98, some people were saying that it was a financing
22 problem, and I don't know if it was. I can't remember back then.
23 We were getting a lot of these requests. And I will be frankly
24 honest; I didn't believe them then, but I sure enough believe
25 them now. So I will -- I will be moving -- I would vote in favor

1 of this. Any additional discussion or comments?

2 (No response.)

3 CHAIRMAN HOOD: Okay. So, with that, I'll just make
4 the motion on this one. Nothing else. I move that we approve,
5 as captioned, and ask for -- in Zoning Commission Case Number 22-
6 32A, and ask for a second.

7 COMMISSIONER Wright: Second.

8 CHAIRMAN HOOD: Okay. It's been moved and properly
9 seconded. Any further discussion?

10 (No response.)

11 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, would
12 you do a roll call vote please?

13 MS. SCHELLIN: Yes. Commissioner Hood.

14 CHAIRMAN HOOD: Yes.

15 MS. SCHELLIN: Commissioner Wright.

16 COMMISSIONER WRIGHT: Yes.

17 MS. SCHELLIN: Commissioner Miller.

18 VICE CHAIR MILLER: Yes.

19 MS. SCHELLIN: Commissioner Imamura.

20 COMMISSIONER IMAMURA: Yes.

21 MS. SCHELLIN: Commissioner Bruins.

22 COMMISSIONER BRUINS: Yes.

23 MS. SCHELLIN: The vote is five to zero to zero to
24 approve final action in Zoning Commission Case Number 22-32A.
25 And with this case, also, if we could get a draft order, if they

1 | could work with OZLD, whether it could be summary order. Thank
2 | you. In two weeks. That's it.

3 | CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. Do we
4 | have anything else before us?

5 | MS. SCHELLIN: No, sir.

6 | CHAIRMAN HOOD: We do have our -- it looks like we have
7 | our next meeting, but I know this is the wrong date. It says
8 | Monday, October the 26th, but anyway --

9 | MS. SCHELLIN: Did you vote -- I'm sorry; I know I was
10 | late -- on the closed meeting for training?

11 | CHAIRMAN HOOD: Yes, we did.

12 | MS. SCHELLIN: Okay. Your next meeting -- I don't have
13 | my calendar in front of me yet.

14 | CHAIRMAN HOOD: It says -- oh, it does say "hearing",
15 | but it just doesn't tell me what. Oh, I'm sorry. The Zoning
16 | Commission will meet on Monday, October the 26th, Zoning
17 | Commission Case -- it looks like 26 -- oh, this is our
18 | roundtable -- I mean, our -- forum we're having, 26-RE1. This
19 | is the roundtable.

20 | MS. SCHELLIN: On racial equity.

21 | CHAIRMAN HOOD: Racial equity. Yeah, this is our racial
22 | equity forum that we're having on the 26th on these same
23 | platforms. I'm hoping that we have a lot of interest in that,
24 | and let's see how that goes.

25 | MS. SCHELLIN: Yes. And that is correct, nothing until

1 | then. That is correct.

2 | CHAIRMAN HOOD: Except for the -- except for the --

3 | MS. SCHELLIN: Training, yes.

4 | CHAIRMAN HOOD: All right. So, with that, I want to
5 | thank everyone. Thank you, Ms. Schellin. I know you were really
6 | off today. And I want to thank Mr. Ritting for assisting us as
7 | Acting -- as the Acting Secretary for today, and all -- and I
8 | want to thank all my colleagues as well and everyone. So, with
9 | that, this meeting is adjourned. Thanks everybody. Y'all have
10 | a good one.

11 | (Whereupon, the above-entitled public meeting was
12 | adjourned at 4:52 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC Zoning Commission

Date: 10-08-26

Place: Webex Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Deborah B. Gauthier