District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Joshua Mitchum, Development Review Specialist
MBR
Maxine Brown-Roberts, Associate Director, Development Review

DATE: September 28, 2026

SUBJECT: ZC 23-28B: Request for a Modification Without Hearing to an Approved Design Review Application

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I. RECOMMENDATION

Blue Skye Construction LLC (Applicant) request Modification Without Hearing for proposed Buildings B1 and B2 at Hill East. The proposal is to modify design elements of Building B2 and to a reconfigure affordable program throughout Buildings B1 and B2.

The Office of Planning (OP) finds that this application can appropriately be considered a modification without hearing as it would remain consistent with the purposes the Hill East Zone, the Hill East Design Standards and the mandatory design review standards and with the intent of the original approval. OP, therefore, recommends **approval** of the requested modification without hearing.

II. BACKGROUND

On April 8, 2024, the Zoning Commission, through ZC Order No. 23-28, approved Design Review application ZC 23-28, which approved the development of the Parcels B1 and B2 at Hill East. Parcel B-1, was approved for a residential apartment building(Building B1) with approximately 350 dwelling units. Parcel B-2, was approved for a mixed-use residential building with approximately 144 dwelling units and ground-floor retail space. The approval also included affordable housing units, structured parking, bicycle parking, public open space, and related streetscape and transportation improvements.

III. APPLICATION-IN-BRIEF

Applicant:	Blue Skye Construction LLC, represented by Holland & Knight LLP
Project Location:	Bounded by Burke Street, SE, 20th Street, SE, and Independence Avenue, SE
Legal Description:	Square 1112-E; Lots 809 & 815
Ward / ANC:	Ward 7 / ANC 7F/7D

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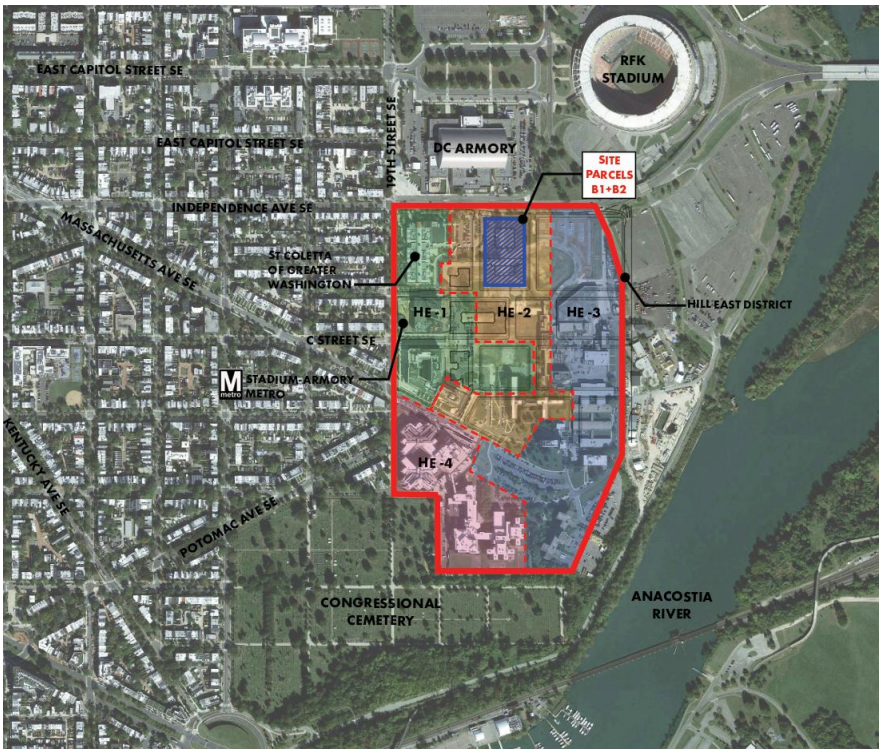
ZONING COMMISSION
District of Columbia
CASE NO. 23-28B
EXHIBIT NO. 6

Zoning:	Hill East Zone - HE-2



IV. PROPOSED MODIFICATION AND ANALYSIS

The Applicant has proposed a series of design modifications to the Building B2, as well as modifications to the project's affordable housing plan.

1. Modification to the Affordable Housing Plan.
   - The proposed modifications to the approved affordable housing plan would redistributed the applicable affordability tiers between Buildings B1 and B2, resulting in Building B2 being entirely comprised of affordable units.

2. The proposed modifications to Building B2 would include:
   - Removal of the affordable units;
   - A reduction in the building height and massing;
   - The replacement of the approved ground floor retail space with residential and "residential serving" uses;
   - The elimination of the second level below-grade parking;
   - Revisions to the residential unit count and mix, including an increase in family-sized units;
   - Refinements to the building's façade and materials

Modification to Affordable Housing

The affordable housing requirements for the overall Hill East development is subject to governed by the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008 (AWI Act). The AWI Act, requires that:

- at least 30% of the total housing units developed must be affordable; with
  - 15% reserved for households earning up to 30% MFI; and
  - 15% reserved for households earning up to 60% MFI.

However, because of the property's proximity to a Metro Station the Act requires that;

- at least 30% of the dwelling units be dedicated as affordable housing; with
  - a minimum of 25% reserved for household earning up to 30% MFI; and
  - the remaining 5% be for households earning between 30% and 50% MFI.

Buildings B1 (144 units) and B2 (350 units) were approved for a total of 494 units. The Applicant proposes to reduce the total number of residential units in Building B2 from 144 units to 136 and that total number of units in both buildings going from 494 units to 486 units.

The redistribution of the affordable units would result in Building B1 housing all affordable units. The affordability would be as follows:

- 81 units at up to 30% MFI;
- 162 units at up to 50% MFI; and
- 81 units at between 30 and 50% MFI.

Within the development the remaining 162 units will be set aside for households earning between 60% and 120% MFI.

In addition, the total number of affordable units will slightly decrease from approximately 329 units to approximately 324 units composed of:.

- 23 Studios
- 213 One-bedroom units
- 68 Two-bedroom units
- 20 Three-bedroom units

The Applicant states that the redistribution of the affordable units all within Building B1 is based on the need to "expand financing opportunities" and place the development in a better position to bring the project to fruition while still maintain the general tenants on which the development received approval. The change in the number of affordable is solely due to the project's overall residential in the number of units.

Proposed Modifications to Building B2.

Other modifications to Building B2 would include:

1. Replacement of Ground Floor Retail Space

Building B-2 was approved to have a total of 14,044 square feet of retail on the ground floor space, some of which would be along Burke Street. The Applicant cites the lack of support for retail at Hill East so far as two developments to the southwest of the property; the Park Kennedy development on Parcel F-1 with approximately 7,000 square feet of space and The Ethel, on Parcel G-1 with approximately 11,000 square feet of retail space which has remained vacant for over six years. The proposal therefore is to replace the retail space slated for Building BI with residential units, resident amenity space, and leasing offices. The applicant envisions that the amenity and leasing areas would maintain the active, pedestrian-oriented streetscape envisioned for Burke Street. The residential frontages and window configurations would be modified to reflect a consistent residential character. The modification to the ground floor is reflected on Exhibit 2A.3, Sheet A1.03.

2. Reduction in Building Height and Massing

The Applicant has requested a modification to the building height of Building B2. Building B2 was approved for a height of 80 feet, with a ground floor height to accommodate retail uses at 18 feet. With the replacement of the retail use, the height of the building has been reduced to 78 feet, reflected in Exhibit 2A4, Sheets A1.12.

3. Elimination of Second Level Below-Grade Parking

The Applicant's replacement of Building B2's ground-floor retail with residential units and associated residential uses has resulted in the elimination of the second level of the below-grade parking garage as it is no longer necessary 80 spaces are required and 122 spaces is being proposed. This proposed change is reflected on Exhibit 2A3, Sheets A1.01 to A1.02.

4. Building Façade and Material Changes

The Applicant proposes the following façade/material changes:

- Incorporation of bottom transoms at windows openings
- Replacement of previously approved cementitious material at the uppermost level with brick veneer

These changes can be viewed at Exhibit A24, Sheet A2.09

5. Revisions to Residential Count and Mix

As stated above, the Applicant proposes to reduce the total number of residential units in Building B2 from 144 units to 136 units, stating that the changes will result in a substantial increase in the number of family-sized units offered. Per this proposed change, Building B2 will be entirely comprised of affordable units, specifically:

- 12 Studio units
- 61 One-bedroom units
- 43 Two-bedroom units
- 20 Three-bedroom units

This proposed change is reflected on Sheet A0.10A of the Modification Plans submitted to the record as Exhibits 2A1 through 2A7.

CONSISTENCY WITH HILL EAST (HE) ZONE PURPOSES

Subtitle K § 400.1 of the Zoning Regulations sets the purposes of the HE Zones. As discussed below, OP finds that the proposed modifications to Building B2 would remain consistent with the HE Zone's stated purposes.

Subtitle K § 400.1(a) – ***Connect and integrate Reservation 13 with adjacent neighborhoods, and the new waterfront park along the Anacostia River;***

The Applicant has not proposed any modifications that would affect the project's site plan, roadway network, pedestrian connections, or relationships with the surrounding area. Furthermore, the proposed modifications to Building B2 would remain consistent with the associated Master Plan for Reservation 13: Hill East Waterfront Small Area Plan.

Subtitle K § 400.1(b) – ***Utilize the site to meet a diversity of public needs, including health care, education, employment, government services and administration, retail, recreation, and housing;***

While the proposed modifications include the replacement of the previously approved ground floor retail with residential units, the introduction of three-bedroom units contributes to a more diverse stock of housing options for the area, as the originally approved configuration did not provide three-bedroom units.

Subtitle K § 400.1(c) – ***Extend the existing pattern of local streets to and through the site to create simple, well-organized city blocks and appropriately scaled development;***

The proposed modifications would not affect the road network, block pattern or public infrastructure improvements. The proposed modifications to Building B2, specifically, would likely not result in an inappropriately scaled development pattern for the project.

Subtitle K § 400.1(d) – ***Maintain a human-scale of building heights that match existing neighborhood buildings and increase in height as the site slopes downward to the Anacostia waterfront;***

The proposal to reduce the height of Building B2 from 80 feet to 78 feet represents a minimal change that would maintain a human-scale building height that is consistent with increase in height as the development slopes down towards the waterfront.

Subtitle K § 400.1(e) – ***Connect the Hill East neighborhood and the city at large to the waterfront via tree-lined public streets, recreational trails, and increased access to waterfront parklands;***

The proposed modifications would not affect the approved streetscape, landscaping, sidewalk network or other public space improvements associated with Building B2 and the project as a whole.

Subtitle K § 400.1(f) – ***Demonstrate environmental stewardship through environmentally sensitive design, ample open spaces, and a waterfront park that serve as public amenities and benefit the neighborhood and the city;***

The proposed modifications would not affect the approved environmentally sensitive design measures such as stormwater management facilities or open space programs.

Subtitle K § 400.1(g) – ***Promote the use of mass transit by introducing new uses near Metro stations, and create an environment where the pedestrian, bicycle, and auto are all welcome, complementary, and unobtrusive, reducing the impact of traffic on adjacent neighborhood streets;***

The proposed modifications would neither affect the subject property's proximity to the Stadium-Armory Metrorail station, nor the approved pedestrian, bicycle, or traffic circulation measures associated with the project.

Subtitle K § 400.1(h) – ***Limit the Central Detention Facility and the Correction Treatment Facility to areas south of Massachusetts Avenue; and***

The proposed modifications would not affect the Central Detention Facility and the Correction Treatment Facility to the areas south of Massachusetts Avenue, SE.

Subtitle K § 400.1(i) – ***Create attractive "places" of unique and complementary character including:***

> ***1) A new, vital neighborhood center around the Metro station at C and 19th Streets that serves the unmet neighborhood commercial needs of the community and extends to the waterfront with a new residential district;***
> ***2) Massachusetts Avenue as a grand Washington 'boulevard' in the tradition of the L'Enfant plan;***
> ***3) A district for city-wide uses and services, such as health care, education, and recreation along Independence Avenue; and***
> ***4) A grand public waterfront park incorporating monumental places and quiet natural retreats accessed by a meandering park drive set back from the Anacostia River.***

The proposed modifications to Buildings B2 and B2 would remain consistent with the criteria listed above. The changes would not prevent the project from creating an attractive sense of place within the neighborhood, as the Applicant states that the project still intends to deliver the linear park along Independence Avenue SE as well as the other placemaking features that were reviewed and approved through ZC Order No. 23-28.

CONSISTENCY WITH HILL EAST DESIGN REVIEW STANDARDS

Subtitle K § 419 of the Zoning Regulations sets the design requirements for buildings within Hill East (HE) Zones. Through ZC Order No. 23-28, the Commission found that the project satisfied the HE Zone design standards while also granting the application design flexibility and waivers from K § 419.2 for Building B1, and from K § 419.7 for Buildings B1 and B2.

OP finds that the proposed modifications to the Building B2 façade and materials would continue to meet the applicable design standards of the HE Zones. Furthermore, the modifications would not affect the aforementioned waiver from K § 419.7, façade articulation of exactly two feet, on which Building B2 will continue to meet.

CONSISTENCY WITH MANDATORY DESIGN REVIEW STANDARDS

Reduction in Building Height and Massing

The Applicant states that the reduction in building height and modified building massing has been designed to reflect the regrading of the portion of 20th Street, SE associated with the nearby RFK redevelopment site. OP concurs with the Applicant that the modified massing would end up reducing the perceived bulk of the building while still maintaining a human-scale building height.

Replacement of Ground Floor Retail Space

The Applicant cites current market conditions as the reason for proposing the replacement of the previously approved ground-floor retail space. The space formerly dedicated for retail is now proposed to house residential units, associated amenity space, and leasing offices. The Applicant states that storefront glazing will be retained at the location of the amenity and leasing office areas. OP believes that this is an appropriate measure to take as it would result in the project maintaining the same design elements that were captured in the original order, while also remaining consistent with the general design guidelines of the HE Zones.

Elimination of Second Level Below-Grade Parking

As the Applicant has proposed the removal of the retail space for Building B2, they have also proposed the elimination of the second level of the below-grade parking, citing that the second level is no longer necessary to meet the project's overall parking requirements. OP has no concerns with this change, as the project would continue to satisfy applicable parking requirement.

Revisions to Residential Count and Mix

As stated above, the Applicant proposes to modify the count and mix of the approved residential units in Building B2. While this would end up being a reduction in unit count (from 144 units to 136 units), Building B2 would become entirely developed with affordable units. Furthermore, OP concurs with the Applicant that the modification would result in a more diverse housing stock for a wider variety of household sizes, as Building B2 would now be offering three-bedroom units where it previously would not.

Building Façade and Material Changes

The Applicant is proposing to incorporate bottom transoms at window openings in order to "strengthen the building's vertical expression and provide additional architectural articulation. OP believes that the proposed changes do not substantially deviate from the previously approved design, and that the introduction of brick veneer material would increase consistency with the other approved materials. As stated earlier in the report, the proposed changes to Building B2 remain consistent with the general design guidelines of the HE Zones.

Modifications to Affordable Housing Units Between Buildings B1 and B2

The Applicant has proposed to redistribute the spread of affordable units among the applicable affordability levels between Building B1 and B2, citing a desire to "expand financing opportunities" for the project. OP notes that the proposed changes would not reduce the percentage of affordable units provided by the overall project. When modified, the project would, in total, provide approximately 486 residential units, of which 324 units (or approximately 67%) would be affordable. This would continue to exceed the requirement that at least 30% of a development's units be set aside at affordable rates.

V. CONCLUSION

Subtitle Z § 703.6 states that a Modification Without Hearing:

> *"…is a modification in which impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission."*

In conclusion, OP finds that the proposed modifications to Building B2 and the affordable dwelling unit counts of both Buildings B1 and B2 can be understood without witness testimony. The overall function of the building, its appearance, and its impact on nearby properties should not change from the design originally approved by through ZC Order 23-28.

The modified project, therefore, would remain consistent with the intent of the original Zoning Commission action and the subject application can be considered as a Modification Without Hearing.

VI. OTHER DISTRICT AGENCY COMMENTS

As of the filing of this report, no other comments have been provided.

VII. ADVISORY NEIGHBORHOOD COMMISSION COMMENTS

As of the filing of this report neither ANC-7F nor ANC-7D have submitted comments to the record.