GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION

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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER 23-28B
Z.C. Case No. 23-28B
Blue Skye Construction, LLC d/b/a Blue Skye Construction and Development DC
(Modification without Hearing to Approved Hill East District Design Review @
Square 1112E, Lots 809 and 815
[Parcel B-1 and Parcel B-2])
October 8, 2026

Pursuant to notice, at its October 8, 2026, public meeting, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of Blue Skye Construction, LLC d/b/a Blue Skye Construction and Development DC (the "Applicant") for a Modification without Hearing to the design review approval (the "DR Approval") for new development on property located in Square 1112E, Lots 809 and 815, otherwise known as Parcels B-1 and B-2 in the Hill East Zone District (collectively, the "Property").

The Project (defined below) required design review pursuant to Subtitle K § 409.1, which applies to new construction in the Hill East Zone District, and Subtitle X, Chapter 6, which governs mandatory design review. The Commission granted the DR Approval in Z.C. Order No. 23-28, effective November 29, 2024 (the "Order"), as extended by Z.C. Order No. 23-28A, effective _____, 2026 (the "Extension Order").

The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

The Property

1. The Property consists of two parcels in the Hill East neighborhood that total approximately 2.6 acres (approximately 113,755 square feet) and are located in the southeast quadrant of the District. The Property is generally bounded by Independence Avenue, S.E. to the north, Burke Street, S.E. to the south, 20th Street, S.E. to the west, and 21st Street, S.E. to the east.[1] A portion of the Property is currently used as a parking lot for the St. Coletta of Greater Washington ("St. Coletta") charter school, and the remainder is undeveloped.

[1] Burke Street, 20th Street, and 21st Street, S.E. are planned to be constructed by the District Department of General Services in coordination with the Applicant and the District Department of Transportation pursuant to development agreements separate from the DR Approval. *See* Z.C. Order No. 23-28, n.2.

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2. The Property is located in the HE-2 Zone District, which includes properties with frontage on 20th Street, S.E. (Subtitle K § 400.7).

3. The Property is part of the former Reservation 13 site, which is planned for mixed-use redevelopment under the *Master Plan for Reservation 13: Hill East Waterfront* (the "Hill East Master Plan"), approved by the D.C. Council in 2003. Park Kennedy and The Ethel, two of the first developments under the Hill East Master Plan, are located southeast of the Property on Parcels F-1 and G-1. The surrounding area includes St. Coletta to the west, undeveloped Hill East parcels to the east and south, and the Stadium-Armory Metrorail station and planned Washington Commanders stadium and entertainment district to the north.

DR Approval / The Project

4. Pursuant to the Order, the Commission granted the DR Approval for new construction on the Property consisting of two buildings: a residential apartment building on Parcel B-1 ("Building B1") and a mixed-use building on Parcel B-2 ("Building B2" and together with Building B1, the "Project").

5. Under the Order, Building B1 was approved with approximately 373,157 square feet of gross floor area ("GFA"), approximately 350 residential units, a maximum density of 4.8 floor area ratio ("FAR"), and a maximum building height of 80 feet and seven stories plus a penthouse.

6. Building B2 was approved with approximately 172,867 square feet of GFA, approximately 144 residential units, approximately 14,044 square feet of ground-floor retail, a maximum density of 4.8 FAR, and a maximum building height of 80 feet and seven stories plus a penthouse.

7. Overall, the Project was approved with approximately 494 residential units, including approximately 165 units reserved for households earning up to 50% of the Median Family Income ("MFI") and approximately 164 units reserved for households earning between 60% and 120% MFI. The Project's affordable housing requirements are governed by the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008 (D.C. Official Code § 2-1226.01 *et seq.*) and D.C. Official Code § 10-801 *et seq.*, governing District land dispositions.

8. The Project was also approved with an underground parking garage consisting of approximately 238 vehicle parking spaces, 100 of which will be designated for St. Coletta, as well as approximately 233 long-term and 30 short-term bicycle parking spaces.

9. In connection with the DR Approval, the Commission also approved waivers from certain Hill East design standards, an area variance from the building siting requirements of Subtitle K § 420.2 for Building B1, and design flexibility for specified elements of the Project.

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10. Pursuant to the Extension Order, the Commission extended the validity periods of the DR Approval by two years, requiring the Applicant to file a building permit application for the Project by November 29, 2028, and to commence construction by November 29, 2029.

II. THE APPLICATION

11. On September 1, 2026, the Applicant filed the Application requesting a Modification without Hearing to the DR Approval to modify certain design and programmatic elements of Building B2 and to redistribute the Project's affordable housing program between Buildings B1 and B2, including:
    - A reduction in building height and massing;
    - Replacement of the approved ground-floor retail space with residential and resident-serving uses;
    - Elimination of the second level of below-grade parking;
    - Revisions to the residential unit count and mix, including an increase in family-sized units and conversion of Building B2 to an entirely affordable residential building; and
    - Refinements to the building façade and materials.

    (Ex. 1-2C.)

12. The proposed modifications would reduce the height of Building B2 from 80 feet to 78 feet and reduce its overall massing. The building height measuring point would also be revised to reflect the regrading of 20th Street, S.E. associated with the nearby RFK redevelopment. (Ex. 2-2A7.)

13. The Application proposed replacing the approximately 14,044 square feet of ground-floor retail in Building B2 with residential and resident-serving uses, while retaining storefront glazing at the amenity and leasing areas. With the retail being removed, the Application also proposed eliminating the second level of below-grade parking, with 122 spaces provided in Building B2 where 80 are required. (*Id.*)

14. The Application proposed redistributing the Project's affordable dwelling units ("ADUs") between Buildings B1 and B2 and among the applicable affordability levels, resulting in Building B2 being entirely affordable. As modified, the Project would include 324 ADUs, or approximately 67% of its 486 residential units. Although the overall number of ADUs would decrease slightly, the modified unit mix would provide more family-sized units, including 20 three-bedroom units where none were previously provided in Building B2. (*Id.*)

15. The Application also proposed minor refinements to Building B2's façade and materials, including bottom transoms at certain window openings and replacement of the previously approved cementitious material at the uppermost level with brick veneer. (*Id.*)

16. The Application asserted that the proposed modifications would maintain the fundamental character and design intent of the Project approved by the Commission and would remain consistent with the applicable Hill East and mandatory design review standards. (Ex. 2.)

III. RESPONSES TO THE APPLICATION

17. OP submitted an initial report dated September 28, 2026, and a corrected report dated October 2, 2026 (together, the "OP Report"). The corrected report made minor corrections to the initial report but did not change OP's analysis or recommendation. (Ex. 6, 6A.)

18. The OP Report recommended approval of the Application and concluded that the proposed modifications could appropriately be considered as a Modification without Hearing because they would remain consistent with the purposes of the HE Zone, the applicable Hill East design standards, the mandatory design review standards, and the intent of the DR Approval. (Ex. 6A.)

19. As of the filing of the OP Report, neither ANC 7F nor ANC 7D had submitted comments to the record.

IV. PUBLIC MEETING

20. At its October 8, 2026 public meeting, the Commission asked questions regarding the proposed elimination of retail use, transportation-related aspects of the modifications, and the affordable housing program for Building B2 and related financing considerations, to which counsel for the Applicant responded.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications without a public hearing to approved contested case final orders and plans approved by such orders.

2. Subtitle Z § 703.6 defines a "Modification without Hearing" as "a modification in which impact may be understood without witness testimony."

3. Subtitle Z § 703.6 includes "a proposed change to a condition in the final order" and "a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission" as examples of a Modification without Hearing.

4. The Commission concludes that the Application qualifies as a Modification without Hearing within the meaning of Subtitle Z § 703.6 because it requests modifications to the approved plans and that the modifications therefore may be granted without a public hearing pursuant to Subtitle Z § 703.1.

5. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.10 to serve the Application on all parties to the original proceeding, in this case ANCs 7F and 7D; and OP, at the same time the Application was filed with the Office of Zoning.

6. The Commission concludes that all parties were allowed 30 days after the Application was filed and served on September 1, 2026, to file responses to the Application in accordance with Subtitle Z § 703.12; and the Application was filed at least 35 days prior to the public

meeting at which the Application was considered by the Commission, in accordance with Subtitle Z § 703.13. The Application was filed on September 1, 2026, and considered October 8, 2026.

7. The Commission finds that the Application is consistent with the DR Approval because the proposed modifications preserve the essential elements and overall character of the approved Project, including its residential and affordable housing program. The Commission further finds that the modified Project remains consistent with the applicable Hill East and mandatory design review standards.

"Great Weight" to the Recommendation of OP

8. The Commission is required to give "great weight" to the recommendations 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 § 405.9 (*Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

9. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANC

10. 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 Commission 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 the 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*, 141 A.3d 1087). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to encompass only legally relevant issues and concerns. (*Wheeler v. District of Columbia Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

11. As previously noted, neither ANC 7F nor ANC 7D submitted a response to the Application.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for a Modification without Hearing to the design review approved by Z.C. Order No. 23-28, as extended by Z.C. Order No. 23-28A, subject to the following conditions and provisions:

The conditions of Z.C. Order Nos. 23-28 and 23-28A remain unchanged and in effect, except as revised below (additions shown in **bold and underline**; deletions shown in ~~**bold and strikethrough**~~):

A. PROJECT DEVELOPMENT

1. The Property shall be developed and constructed in accordance with the Architectural, Landscape, and Civil Plans prepared by GTM Architects of Washington DC, LLC, dated April 4, 2024, and marked as Ex. 28A1-28C3 of the record **~~(the "Approved Plans")~~**, **as revised by the Architectural Plans prepared by GTM Architects of Washington DC, LLC, dated September 1, 2026, and marked as Ex. 2A1-2A7 of the record for Z.C. Case No. 23-28B (collectively, the "Approved Plans")**, as modified by the guidelines, conditions, and standards herein.

2. . . .

3. As set forth in the Approved Plans, Building B2 shall be constructed in accordance with the following:
   - Approximately 172,867 square feet of GFA;
   - A maximum building height of **~~80~~ 78** feet, with seven stories and a penthouse level;
   - A maximum density of 4.8 FAR**; and**
   - Approximately **~~144~~ 136** residential units**.~~; and~~**
   - **~~Approximately 14,044 square feet of GFA devoted to ground floor retail~~**.

4. The Project will have approximately **~~238~~ 122** vehicle parking spaces, **excluding the** 100 **parking spaces ~~of which will be~~** allocated for St. Coletta of Greater Washington; approximately **~~233~~ 163** long-term bicycle parking spaces; and approximately ~~30~~ **25** short-term bicycle parking spaces.

C. TRANSPORTATION DEMAND MANAGEMENT

1. During the operation of the Project (unless otherwise noted), the Applicant shall provide the following TDM measures for the overall Project:

   . . .

   i. Provide approximately **~~233~~ 163** long-term and **~~30~~ 25** short-term bicycle parking spaces **~~(including both the residential and retail components)~~ for the Project**;

   j. Long-term bicycle storage rooms will accommodate non-traditional sized bikes including cargo, tandem, and kids' bikes, with a minimum of eight of the long-term spaces **~~(total for both residential and retail components)~~** designed for longer cargo/tandem bikes (10'x3'), a minimum of 17 spaces **~~(total for both residential and retail components)~~** designed with electrical outlets for the charging of electric bikes and scooters. There will be no fee to the residents or employees for usage of the bicycle storage room and strollers will be permitted to be stored in the bicycle storage room.

Approximately 163 long-term spaces are provided, approximately evenly split between vertical and horizontal spaces; ~~**233 long-term spaces are provided. 115 spaces are planned to be vertical and 116 spaces are planned to be;**~~

k. ~~**One additional short-term and 67 additional long-term bicycle parking spaces exceeding the minimum requirements set forth in the Zoning Regulations will be provided on-site;**~~

. . .

~~**3. During the operation of the Project (unless otherwise noted), the Applicant shall provide the following TDM measures specifically for the retail portion of the Project:**~~

[Condition No. C.3 is deleted in its entirety.]

Final Action
VOTE (October 8, 2026): **5-0-0** (Gwen Wright, Robert Miller, Anthony J. Hood, Joseph Imamura, and Christine Bruins to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 23-28B shall become final and effective upon publication in the District of Columbia Register, that is, on _____, 2026.

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**

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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

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