

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Leila Batties
202.419.2583
leila.batties@hklaw.com

Christopher S. Cohen
202.469.5127
christopher.cohen@hklaw.com

August 12, 2026

VIA IZIS

Zoning Commission
for the District of Columbia
441 4th Street, NW, Ste. 210-S
Washington, DC 20001

**Re: Z.C. Order No. 23-28
Hill East (HE) Approved Design Review for Parcel B-1 and Parcel B-2
Request for Two-Year Time Extension**

Dear Members of the Commission:

On behalf of Blue Skye Construction LLC d/b/a Blue Skye Construction and Development, DC (the “**Applicant**”), we submit this application for a two-year extension of the deadlines set forth in Z.C. Order No. 23-28 (the “**Order**”). The Applicant respectfully requests that the Commission extend the validity period of the Order as follows:

- **Building Permit Application Filing:** November 29, 2026 → **November 29, 2028**
- **Commencement of Construction:** November 29, 2027 → **November 29, 2029**

A. FILING REQUIREMENTS AND SUPPORTING DOCUMENTATION

This time extension request is filed pursuant to Subtitle Z § 705 of Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016 (the “**Zoning Regulations**”). The required Application Form 106 is being submitted concurrently via IZIS. A check in the amount of \$4,011.30 made payable to the DC Treasurer for the requisite filing fee, calculated in accordance with Subtitle Z § 1600.10(c), will be provided to the Office of Zoning under separate cover.¹

The following materials are submitted in support of this time extension request: (i) letters of authorization from the Applicant and the District, acting by and through the Office of the Deputy

¹ The filing fee is the greater of \$1,500 or ten percent (10%) of the original hearing fee, capped at \$5,000. Because design review applications do not have a hearing fee, the filing fee governs. *See* Subtitle Z §§ 1600.6, 1601.1 *et seq.* The original filing fee in Z.C. Case No. 23-28 was \$40,113.00 ([Ex. 4](#)); thus, 10% amounts to \$4,011.30.

Mayor for Planning and Economic Development (DMPED), as current owner of the Property, authorizing Holland & Knight LLP to file and process this request; (ii) a signed Application Form 100; (iii) a copy of Z.C. Order No. 23-28; and (iv) an affidavit from Bryan “Scottie” Irving, a representative of the Applicant, detailing the basis for a finding of “good cause” for the requested extension (**Exhibit A**).

B. SUBJECT PROPERTY AND SURROUNDING AREA

The subject property consists of two parcels within the Hill East campus, Parcel B-1 and Parcel B-2, known as Lots 819 and 815 in Square 1112-E (the “**Property**”). The Property totals approximately 2.6 acres (~113,755 square feet) and is 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. A portion of the Property is used as a parking lot for the St. Coletta of Greater Washington charter school. The remaining portions are undeveloped.

The Property is part of a larger site envisioned for mixed-use redevelopment under the *Master Plan for Reservation 13: Hill East Waterfront* approved by the D.C. Council in February 2003. Two of the first developments to implement the Master Plan, known as Park Kennedy and The Ethel, respectively, were constructed to the southeast on Parcels F-1 and G-1. Immediate surroundings include the St. Coletta school to the west and other undeveloped parcels within Hill East. The planned site for the Commanders stadium and entertainment district is located across Independence Avenue, S.E. to the north. Further west and north of the Property is the Hill East/Capitol Hill neighborhood, predominantly composed of two- and three-story rowhouses. The D.C. General Hospital campus and the D.C. Correctional Facility are located to the south.

Regarding public transit, the Stadium-Armory Metro station is located just north of the Property, with an entrance at 19th Street and Burke Street, S.E. The station is served by the Orange, Silver, and Blue lines, as well as multiple bus routes.

C. HE ZONING AND PRIOR DESIGN REVIEW APPROVAL

The Property is zoned Hill East (HE)-2, one of four Hill East zones intended, among other things, to connect and integrate Reservation 13 with adjacent neighborhoods and the Anacostia River waterfront, extend the existing pattern of local streets to and through the site, and accommodate a range of public needs including retail, recreation, and housing. *See* Subtitle K § 400.1. Pursuant to Subtitle K § 409.1, the Commission must review the design of all new buildings and additions for consistency with the Hill East design guidelines set forth in Subtitle K §§ 419 through 421.

Under the Order, the Commission approved a new development at the Property consisting of two buildings:

- On Parcel B-1, the Commission approved a residential apartment building with approximately 373,157 square feet of gross floor area and approximately 350 dwelling units (“**Building B1**”).

- On Parcel B-2, the Commission approved a mixed-use building with approximately 172,867 square feet of gross floor area, including approximately 14,044 square feet of ground floor retail and approximately 144 residential units (“**Building B2**,” and together with Building B1, the “**Project**”).

Both Building B1 and Building B2 are approved with a maximum density of approximately 4.8 FAR and a height of 80 feet, comprising seven stories plus a penthouse. To facilitate the Project as proposed, the Commission also granted relief from certain Hill East design requirements and approved related design flexibility. *See* Order, Decision at 55–58. The Project reserves at least 30% of total units as affordable housing in accordance with applicable District laws, including 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.*, which governs District land dispositions.

D. VALIDITY PERIOD AND REQUEST FOR TWO-YEAR TIME EXTENSION

Decision No. E.1 of the Order states:

This Application shall be **valid for a period of two years from the effective date of this Order**. Within such time, an application for a building permit must be filed as specified in Subtitle Z § 702.2. Construction must begin within three years after the effective date of this Order as specified in Subtitle Z § 702.3. (Emphasis in original).

As noted above, the Order became final and effective on November 29, 2024. The Applicant must therefore file a building permit by November 29, 2026, and commence construction by November 29, 2027. For the reasons described below, the Applicant requests that the Commission approve a two-year extension of these deadlines.

E. CRITERIA UNDER SUBTITLE Z § 705

Under Subtitle Z § 705.2, “[a]n applicant may request an extension of the time periods of an order for good cause upon the filing of a written request, before the expiration of the approval,” upon documenting certain conditions. Under Subtitle Z § 705.4, the Commission may grant only one (1) extension for a design review development approval, excluding any extensions issued due to the COVID-19 pandemic. This application is the Applicant’s first and only extension request.

The Commission may, at their sole discretion, grant an extension request for no more than two (2) years, subject to their determination that the Applicant “has sufficiently evidenced compliance” with the criteria of Subtitle Z § 705.2. 11-Z DCMR § 705.3. As discussed below, this application satisfies all of the applicable criteria.

- **Subtitle Z § 705.2(a):** *The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;*

Other than the Applicant, Advisory Neighborhood Commission (“ANC”) 7F and 7D were the only other parties to the original case. *See* Z.C. Order No. 23-28, Findings of

Fact No. 1-5. As reflected in the Certificate of Service attached hereto, the Applicant has served a copy of this application on both ANC's. The Applicant acknowledges that the ANC's are afforded thirty (30) days to respond before the Commission may consider this application.

- **Subtitle Z § 705.2(b):** *There is no substantial change in any of the material facts upon which the Commission based its original approval of the application that would undermine the Commission's justification for approving the original application; and*

There has been no substantial change in the material facts underlying the Commission's approval of the design review application in Z.C. Case No. 23-28. The relevant Comprehensive Plan policies, including those in the Capitol Hill Area Element with which the Commission found the application not inconsistent, remain unchanged. There have also been no changes to Subtitle K, Chapter 4 of the Zoning Regulations affecting the applicable design guidelines or permitted uses in the Hill East Zones, and in this case the HE-2 zone.

- **Subtitle Z § 705.2(c):** *The Applicant demonstrates with substantial evidence one (1) or more of the following criteria:*
 1. *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;*
 2. *An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*
 3. *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.*

The Applicant has been unable to obtain sufficient project financing despite diligent, good-faith efforts. In addition to the challenging economic conditions that have plagued the District over the past several years,² generally, affordable housing projects have particularly been constrained by a shrinking pool of tax credit investors, limited gap financing, and broader instability in the capital stack. As a result, otherwise viable projects have been delayed or paused. The Applicant has pursued alternative financing and is engaging with DHCD and DCHFA to identify available subsidy sources. However, public resources are typically earmarked for

² See Emily Wishingrad, [Construction in D.C. Plummets to 15-Year Low Point](#), *Bisnow* (Apr. 7, 2026) (reporting that only 3.6 million square feet of new construction broke ground in the District during 2025, the lowest level since at least 2010, with overall construction starts declining 27% from 2024 amid persistent financing and economic challenges).

preserving existing affordable housing rather than supporting new construction, further limiting near-term financing options.³

Despite these challenges, the Applicant is working with its design team to refine the Project to improve feasibility and make the Project more attractive to potential investors. At the same time, public investment and the anticipated revitalization of the former RFK Stadium site support the long-term viability of the Project and the continued redevelopment of Hill East. Together, these factors support additional time to secure financing and advance the Project.

F. CONCLUSION

In light of the foregoing, the Applicant submits that this request satisfies all applicable criteria in Subtitle Z § 705 and that good cause has been demonstrated pursuant to Subtitle Z § 705.2. Accordingly, the Applicant respectfully requests a two-year extension of the validity period established in Z.C. Order No. 23-28, such that the Applicant has until **November 29, 2028**, to file a building permit application and until **November 29, 2029**, to commence construction of the Project.

Very truly yours,

HOLLAND & KNIGHT LLP

By: 
Leila M. Jackson Batties
Christopher S. Cohen

Enclosures
Exhibit

cc: Certificate of Service

³ See D.C. Policy Center, [Housing Production Omnibus Amendment Act of 2026](#) (Mar. 30, 2026) (noting that existing housing policies focus substantially on preservation and affordability initiatives while challenges to new housing production remain).

Certificate of Service

We hereby certify that on August 12, 2026, a copy of the foregoing application for a two-year extension of the validity period set forth in Z.C. Order No. 23-28 was served by electronic mail on the following at the addresses listed below:

D.C. Office of Planning

Radhika Mohan

radhika.mohan@dc.gov

Maxine Brown-Roberts

maxine.brownroberts@dc.gov

Advisory Neighborhood Commission 7F

c/o Commissioner Tyrell M. Holcomb, Chair

7F@anc.dc.gov

7F01@anc.dc.gov

Commissioner Shirley Thompson-Wright

Single-Member District 7F-07

7F07@anc.dc.gov

Advisory Neighborhood Commission 7D

7D@anc.dc.gov

**affected ANC pursuant to Subtitle Z § 101.8*

Commissioner Brian Alcorn

ANC 7D Chairperson

7D08@anc.dc.gov

Commissioner Ebony Payne

Single-Member District 7D-05

7D05@anc.dc.gov

By:



Leila M. Jackson Batties

Christopher S. Cohen

Holland & Knight LLP

Counsel for Applicant