



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** *JL* Joel Lawson, Associate Director Development Review

**DATE:** September 5, 2024

**SUBJECT:** BZA 20507B – Hawaii Avenue and Webster Street NE – Request for a second modification without a hearing to Case 20507.

### **I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the requested modification to reinstate the originally approved third story additions and units in two of the subject buildings as approved under Board of Zoning Adjustment Order No. 20507, plus retain the cellar units approved in Order 20507A.

### **II. LOCATION AND SITE DESCRIPTION**

Applicant	Sullivan & Barros for Legacy Lofts LLC
Address	89 and 93 Hawaii Avenue, NE
Legal Description	Square 3674 Lots 8 and 9
Zoning	RA-1, low to moderate density residential
Ward and ANC	Ward 5, ANC 5A
Lot Characteristics	Lots two through nine are rectangular lots located along Hawaii Avenue while lots ten and 11 are rectangular corner lots along 1 <sup>st</sup> Street. All lots abut a 16-foot-wide public alley to the rear. The proposed modification is to the buildings on two of the lots, lots 89 and 93.
Case 20507	To construct a third story on eleven existing apartment buildings, which included relief to expand existing multi-family buildings pursuant to Subtitle U § 421, as well as relief from side yard and court requirement for two of the buildings, increasing the number of units by 46, for a total of 134 units on the site.
Case 20507A	Modifications of Consequence to not construct the approved addition to two of the buildings, but to add three units to the cellar, resulting in an overall reduction in the number of approved dwelling units in these two buildings from 16 to 11.

Current Request	Modification without a hearing to reinstate the originally approved third story addition with three units, plus the approved three cellar units for a total of 14 units, 2 fewer than the original approval for 16 units.
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### **III. DESCRIPTION OF APPROVED BZA CASE AND MODIFICATION**

### **IV. ANALYSIS**

Subtitle Y § 703.7 defines “*a modification without hearing*” as one for which “*the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.*”

In this case, the requested modification would essentially reinstate a third floor addition approved in the original BZA approval (Case 20507), with three units. Additional cellar units approved in Modification of Consequence 20507A (similar to a Modification Without Hearing) would be retained. It would continue to appear that this modification would not result in new or expanded relief from the zoning regulations beyond what was originally approved. As such, OP is not opposed to this further modification to this case.

### **V. OTHER DISTRICT AGENCIES**

As of the writing of this report, no other District agency has submitted comments on this case.

### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

As of the writing of this report there is no ANC report filed to the record.

### **VII. COMMUNITY COMMENTS TO DATE**

As of the writing of this report there are no community comments in the record.