



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Joshua Mitchum, Development Review Specialist
Joel Lawson, Associate Director, Development Review

DATE: September 4, 2025

SUBJECT: BZA Application 20507C - Request for:

1. Modification with hearing to BZA Order No. 20507, to increase the number of dwelling units to sixteen (16) on Lots 2-7 of a previously approved residential development in the RA-1 Zone; and
2. Extension for two years of BZA Order No. 20507.

I. BACKGROUND

BZA Order No. 20507 became effective on May 24, 2023 and granted approval to increase the number of residential units in eleven separate, detached, residential apartment buildings in the RA-1 Zone. The site has received the following additional BZA Orders:

Order	Date	Action
20507A	December 26, 2023	Approval of a modification of BZA Order No. 20507 to reduce the number of approved dwelling units from 16 to 11, and to remove a third-story addition on two of the 11 lots in the RA-1 Zone.
20507B	January 28, 2025	Approval of a modification of BZA Order No. 20507A to add a third-story addition to each building on Lots 8 and 9, and increase the total number of new dwelling units in each building from 11 to 14 in two detached apartment houses in the RA-1 Zone. Approval of a special exception to the residential development requirements of DCMR Subtitle U § 421.

II. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested modification with hearing of the approved plans, pursuant to Subtitle Y § 704.

The Office of Planning recommends **approval** of the requested two-year time extension of BZA Order No. 20507, pursuant to Subtitle Y § 705.

III. LOCATION AND SITE DESCRIPTION

Applicant:	Solid Brick Ventures LLC c/o Alexandra Wilson
Address:	89-93 Hawaii Avenue NE
Legal Description:	Square 3674; Lots 2-7
Ward / ANC:	Ward 5 / ANC 5A
Zoning:	RA-1, Low to Moderate-Density Residential
Historic District:	N/A
Lot Characteristics:	Lots 2 through 9 are rectangular lots located along Hawaii Avenue NE, while Lots 10 and 11 are rectangular corner lots along 1 st Street NE. All lots abut a 16-foot-wide public alley to the rear.
Existing Development:	All the subject properties are currently developed with two-story apartment houses with 8 dwelling units each. There is a total of 88 dwelling units in the existing buildings.
Adjacent Properties:	The subject site is bounded to the north by Hawaii Avenue NE and properties, to the south by a public alley and residential uses, to the west by multifamily residential uses, and to the east by multifamily residential uses, all in the RA-1 Zone.
Surrounding Neighborhood Character:	The surrounding neighborhood can be characterized as a mix of residential uses, which include larger multifamily apartment buildings, as well as institutional/public uses such as Catholic University and the US National Cemetery.
Proposed Development:	The Applicant is proposing to increase the number of dwelling units to 16 in a previously approved residential development.

IV. APPLICATION IN BRIEF

Previously, the BZA granted approval for the project's nine dwelling units to have three full stories and a penthouse. With this application, the Applicant is requesting to further modify BZA Order 20507, to increase the number of permitted dwelling units from nine to 16 and to reduce the size of the penthouses on six of the 10 lots. This would result in double the number of units on each of the lots compared to existing, and increase the approved number of units from 134 to 172. The Applicant states that interior changes to the third floor of the previously approved units meant that the original design could not be reasonably maintained.

Through a redesign, the Applicant proposes penthouse units that will be limited to stair access, only eight feet in height, and set back from all sides. The application is not proposing any changes to the building footprint, only the increase in units. The table below highlights which units are a part of the subject application:

Address	Existing / Original	BZA Order 20507	BZA Order 20507A	BZA Order 20507B	BZA Order 20507C
65 Hawaii Ave NE	8 Units	9 Units	Not included	Not included	16 Units
69 Hawaii Ave NE	8 Units	9 Units	Not included	Not included	16 Units
73 Hawaii Ave NE	8 Units	9 Units	Not included	Not included	16 Units
77 Hawaii Ave NE	8 Units	9 Units	Not included	Not included	16 Units
81 Hawaii Ave NE	8 Units	9 Units	Not included	Not included	16 Units
85 Hawaii Ave NE	8 Units	9 Units	Not included	Not included	16 Units
89 Hawaii Ave NE	8 units	16 units	11 units	14 units	Not included
93 Hawaii Ave NE	8 units	16 units	11 units	14 units	Not included
97 Hawaii Ave NE	8 units	16 units	Not included	Not included	Not included
66 Webster St. NE	8 units	16 units	Not included	Not included	Not included
98 Webster St. NE	8 units	16 units	Not included	Not included	Not included
Total Units	88	134	124	130	172

The Applicant is also requesting a two-year time extension of BZA Order 20507. OP notes that while the original order has since expired, the request for a time extension was filed to the Office of Zoning on May 22, 2025, which was before the date of the Order's expiration date of May 24, 2025.

V. OFFICE OF PLANNING ANALYSIS

1. Subtitle Y § 704 MODIFICATION WITH HEARING

Subtitle Y § 704.1 states that a request for a modification that cannot be processed pursuant to Subtitle Y § 703 (Modification Without Hearing) shall require a public hearing.

Special Exception Criteria of Subtitle X § 901.2

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The RA-1 Zone provides for low to moderate-density residential development, including multi-family buildings by special exception. The area is made up of a mix

of multi-family residential developments and single-family dwellings uses. The proposed modifications would increase the number of units from 9 to 16 in six of the buildings. The proposal represents a net increase of 48 units from what exists today, and represents a net increase of 42 units from what was most recently approved. The buildings would remain well within the height and bulk provisions for the zone.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

As addressed below, the requested modification would not appear to adversely affect the use of neighboring property.

- (c) Will meet such special conditions as may be specified in this title.*

This criterion is not applicable to the subject application.

Requirements of Subtitle U § 421

- 421.1 In the RA-1 and RA-6 zones, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.*

The Applicant proposes a net increase of 42 new residential dwelling units from the most recent BZA approval for this site.

- 421.2 The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:*

- (a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and*

The original application was referred to the Office of the State Superintendent of Education and no comments were provided. The assigned in-boundary schools for this development are Bunker Hill Elementary School, Brookland Middle School, and Dunbar High School. It is not anticipated that the number of units proposed in this modification would significantly impact school enrollment.

- (b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.*

The subject properties are currently developed with apartment buildings and include a street and alley network sufficient to meet the needs of the proposed density. The Applicant includes the provision of five off-street vehicle parking spaces where none currently exist. The development is less than a mile from the Fort Totten Metro Station, and bus lines are accessible from the site. The original Order for this case includes a number of Transportation Demand Management conditions, which would remain valid.

- 421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of*

buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

As noted in the OP Report for the original case, the existing site layout includes the arrangement of buildings and structures and location of public rights-of-way. The proposed building additions are within the permitted building height and should not substantially impact light and air to neighboring properties. Adequate separation between buildings would be provided, typically more than the required amount, including large front yards along Webster Street and Hawaii Avenue

The grade of the lots would not be significantly altered, except for the provision of parking spaces at the rear of the lots, and several bioretention areas would be added throughout the development and the approved parking spaces would be of a pervious surface. All properties are subject to stormwater management requirements and would be reviewed for compliance with those requirements during the permit review process.

- 421.4 *In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.*

The Applicant has provided site plans, floor plans, elevations, grading plans, and landscape plans as part of the application submission.

2. Subtitle Y § 705 TIME EXTENSIONS

- 705.2 *The Board may extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:*

- (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.*

The application is dated May 22, 2025, and has been in the public record since filing. The Applicant attests that a copy of the subject application and all supporting documentation were served to the parties of record to the application.

- (b) *There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application.*

Zoning Regulations

Since the application's original approval in May of 2021, there have been no substantial changes to the RA-1 Zone regulations, penthouse setback provisions, court provisions, or side yard requirements that would affect the material facts upon which the BZA based its original approval. While revisions to the RA-1 zone have been presented to the Zoning Commission (Case ZC 25-08) and set down, a public hearing

has not yet been held. The proposed changes as part of this zoning text amendment would not appear to alleviate the need for zoning relief.

Surrounding Development

The surrounding area remains a primarily residential area with institutional uses. OP is not aware of other new developments in the immediate area that would substantially impact the material facts upon which the BZA based its original approval.

(c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:

(1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;

This criterion is not applicable to the subject application.

(2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or

The Applicant states that the requested modifications are being sought by a new contact purchaser, who would otherwise be unable to obtain the required governmental agency approvals before the expiration date of the Board's original order.

(3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

This criterion is not applicable to the subject application.

VI. COMMENTS FROM OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has indicated to OP that it has no objections to the subject application as presented.

VII. ADVISORY NEIGHBORHOOD COMMISSION

As of the writing of this report, a report from ANC 5A has not been received.

VIII. COMMUNITY COMMENTS

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

IX. ATTACHMENTS

Attachment 1 – Location Map

Location Map

