

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**



**BZA Application No. 20507-C<sup>1</sup>  
Solid Brick Ventures, LLC  
65-85 Hawaii Avenue, NE (Square 3674, Lots 2, 3, 4, 5, 6, 7)**

<b>HEARING DATE (20507):</b>	October 6 and November 17, 2021
<b>DECISION DATE (20507):</b>	November 17, 2021
<b>ORDER ISSUANCE DATE (20507):</b>	May 24, 2023
<b>HEARING DATE (20507-C):</b>	October 15, 2025 <sup>2</sup>
<b>DECISION DATE (20507-C):</b>	October 15, 2025

**SUMMARY ORDER ON REQUEST FOR  
TWO-YEAR TIME EXTENSION and MODIFICATION WITH HEARING**

Pursuant to notice, at its October 15, 2025, public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on requests for a two-year time extension and modification with hearing to BZA Order No. 20507 to extend the original approval for an additional two years, and to modify the approved plans to increase the number of dwelling units from 9 to 16 and reduce the size of the penthouse in each building on Lots 2 through 7 of the previously approved new residential development in the RA-1 zone. The Board considered the request for a two-year time extension under Subtitle Y § 705 and for a modification with hearing under Subtitle Y § 704 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for a two-year time extension and for a modification with hearing.

**ORIGINAL APPLICATION.** In Application No. 20507, the Board approved the request by 93 Hawaii Ventures, LLC, and 98 Webster Ventures, LLC, and Solid Brick Ventures, LLC, for special exceptions under Subtitle U § 421 to allow a new residential development and from the side yard

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<sup>1</sup> Following the original approval of Application No. 20507, the Board approved two additional modifications at the project site for Lots 8 and 9, which are not included in this subject application. See Order Nos. 20507-A and 20507-B.

<sup>2</sup> The public hearing was originally scheduled for September 17, 2025, and administratively rescheduled twice to October 15, 2025.

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requirements of Subtitle F § 306.2, and the open court width requirements of Subtitle F § 202.1 to allow additions and increases in the number of residential units in 11 existing, detached apartment houses. The Board issued Order No. 20507 on May 24, 2023. (Exhibit 19 of the record for Case No. 20507-C.) The approval was subject to six conditions requiring the Applicant to implement a transportation demand management plan. Pursuant to Subtitle Y § 702.1, the Order was valid for two years from the time it became final.

**REQUEST FOR TWO YEAR TIME EXTENSION AND PROPOSED MODIFICATION.** On May 22, 2025, the Applicant submitted a request for a two-year time extension and modification with hearing to Order No. 20507. (Exhibits 1-19.)

The proposed modification included an increase in the number of dwelling units from 9 to 16 and a reduction to the size of the penthouse in each building on Lots 2 through 7. The Applicant submitted revised plans reflecting these modifications. (Exhibit 24A.) Based on the proposed modifications, the Applicant requests a special exception under the new residential development standards of Subtitle U § 421, pursuant to Subtitle X § 901.2. The zoning relief requested in this case was self-certified. (Exhibit 2.)

**NOTICE OF THE REQUEST FOR TIME EXTENSION AND MODIFICATION.** Pursuant to Subtitle Y § 705.2(a) and Subtitle Y § 704.5, the Applicant served the time extension request and request for a modification with hearing on the parties to the original application. (Exhibit 12.) The Board referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

**PARTIES.** The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5A.

**ANC REPORT.** The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 25, 2025, at which a quorum was present, the ANC voted to support the time extension and modification. (Exhibit 29.) The ANC report raised no issues or concerns.

**OFFICE OF PLANNING ("OP") REPORT.** OP submitted a report recommending approval of the time extension and modification. (Exhibit 28.)

**DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT.** DDOT did not submit a report to the record.

**OTHER DISTRICT AGENCIES.** The Office of the Attorney General ("OAG") submitted a letter requesting the Board consider the restrictive covenant and Consent Order that the Applicant is bound to, which respectively, require the preservation of all rent-controlled units on the properties as well as enhanced tenant protection and relocation requirements. The Board acknowledged these documents during the public hearing and the Applicant also confirmed the obligations. (Exhibits 34, 34A, 34B.)

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Christopher Peña also testified at the public hearing on behalf of OAG.

**PUBLIC COMMENT.** The Board received a letter from Sandra Washington, the acting president of the Fort Totten Civic Association, noting concerns about trash and debris removal during construction as well as rodent abatement. (Exhibit 32.) At the public hearing, the Applicant testified they have communicated with Ms. Washington and have plans in place to address the trash and rodent concerns.

**CONCLUSIONS**

This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to 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.

Pursuant to Subtitle Y § 705.2(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.2(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.2(c), good cause for the extension must be demonstrated 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; (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 (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

Based upon the record before the Board and having given great weight to the appropriate recommendations and reports filed in this case, the Board finds that the Applicant has met the criteria of Subtitle Y § 705.2 to extend the validity of the underlying order.

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a modification without hearing<sup>3</sup> requires a public hearing and shall be processed as a modification with hearing. The Applicant's request complies with Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications with hearing.

As directed by Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exceptions and modification with hearing.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute

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<sup>3</sup> See, Subtitle Y § 703.7.

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binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

**DECISION**

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for a time extension request and modification with hearing to increase the number of dwelling units from 9 to 16 and reduce the size of the penthouse in each building on Lots 2 through 7, and for the requested relief:

- Special exception under the new residential development standards of Subtitle U § 421

Accordingly, it is **ORDERED** that the modification request and request for a two-year time extension to the validity of the Board's approval in Order No. 20507 is **GRANTED** consistent with the plans shown in Exhibit 24A of the record, and the Order shall be valid until **May 24, 2027**.


In all other respects, Order No. 20507 remains unchanged.

**VOTE: 3-0-2** (Frederick L. Hill, Carl H. Blake, and Robert E. Miller to APPROVE;  
Chrishaun S. Smith not present, not participating; one Board seat vacant)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

ATTESTED BY:

  
SARA A. BARDIN  
Director, Office of Zoning

**FINAL DATE OF ORDER:** October 21, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14,

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NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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.