

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



**BZA Application No. 18906-C
Endeka Enterprises and 1320 Penelope, LLC
1337 Connecticut Avenue NW, (Square 137, Lots 827 and 7000)**

HEARING DATES (18906): January 27, March 3, April 28, and June 30, 2015
DECISION DATE (18906): June 30, 2015
ORDER ISSUANCE DATE (18906): July 9, 2015

DECISION DATE (18906-A): July 19, 2016
ORDER ISSUANCE DATE (18906-A): August 3, 2016

DECISION DATE (18906-B): February 6, 2019
ORDER ISSUANCE DATE (18906-B): February 7, 2019

HEARING DATE (18906-C): May 7, 2025
DECISION DATE (18906-C): May 7, 2025

**SUMMARY ORDER ON REQUEST FOR
MODIFICATION WITH HEARING**

Pursuant to notice, at its May 7, 2025, public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for a modification with hearing to BZA Order No. 18906 to construct a rooftop pergola with a retractable roof and temporary roll-down panels over the existing rooftop restaurant space. The Board considered the request 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 modification.

ORIGINAL APPLICATION. In Application No. 18906, the Board approved the request by Endeka Enterprises and 1320 Penelope, LLC for a variance from the parking requirements under § 2101.1, and a special exception from the roof structure setback requirements under §§ 400.7(b), 411.11, and 777.1, to allow the conversion of existing office building into a mixed-use building in the DC/SP-1 and C-3-C Districts.¹ The Board issued Order No. 18906 on July 9, 2015. (Exhibit 4 of

¹ The original application was filed under the 1958 Zoning Regulations that were in effect at the time.

BZA ORDER NO. 18906-C
PAGE NO. 2

the record for Case No. 18906-C.) The approval was subject to nine conditions related to loading management and transportation demand management.

PREVIOUS MODIFICATIONS: In Application No. 18906-A, the Board approved a modification to replace the office use on the second floor and the restaurant use on the sixth floor with additional inn space and to reduce the amount of parking in the garage from seven to six parking spaces. In Application No. 18906-B, the Board approved a second modification to expand the proposed mechanical penthouse area for accessory restaurant use on the partial seventh floor. (Exhibit 4.)

PROPOSED MODIFICATION. On January 17, 2025, the Applicant submitted a request for a modification with hearing to Order No. 18906. (Exhibit 24 (Revised).)² The proposed modification included a request to construct a rooftop pergola with a retractable roof and temporary roll-down panels over the existing rooftop restaurant space. The Applicant submitted revised plans reflecting these modifications. (Exhibits 8A1 and 8A2.)

Based on the proposed modifications, the Applicant requests:

- Special Exception from the penthouse setback requirements of Subtitle C 1504.1(c)(4), pursuant to Subtitle C § 1506 and Subtitle X § 901.2 (*1:1 height to setback ratio required, no side setback proposed*)

The zoning relief requested in this case was self-certified. (Exhibit 24B.)³

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y § 704.5, the Applicant served the request for a modification with hearing on the parties to the original application. (Exhibit 24.) 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") 2B.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 12, 2025, at which a quorum was present, the ANC voted to support the modification. (Exhibit 20.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 27.)

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

² The proposed modification was originally submitted in Exhibit 6.

³ The original self-certification form is in Exhibit 3; it was revised by the Applicant to correct the lot numbers from Lots 827 and 700 to Lots 827 and 7000.

BZA ORDER NO. 18906-C
PAGE NO. 3

PERSONS IN SUPPORT. The Board received three letters from neighboring property owners in support of the application. (Exhibit 16.)

CONCLUSIONS

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a modification without hearing⁴ 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 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 modification with hearing to modify Board of Zoning Adjustment Order Number 18906-B, to construct a rooftop pergola with a retractable roof and temporary roll-down panels over the existing rooftop restaurant space, and for the requested relief:

- Special Exception from the penthouse setback requirements of Subtitle C 1504.1(c)(4), pursuant to Subtitle C § 1506 and Subtitle X § 901.2 (*1:1 height to setback ratio required, no side setback proposed*)

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the plans shown in Exhibits 8A1 and 8A2 of the record,

In all other respects, Order No. 18906 remains unchanged.

VOTE: 3-0-2 (Frederick L. Hill, Carl H. Blake, and Tammy M. Stidham 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.

⁴ See, Subtitle Y § 703.7.

BZA ORDER NO. 18906-C
PAGE NO. 4

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: May 13, 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, 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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

BZA ORDER NO. 18906-C
PAGE NO. 5

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.