

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21113-A
Jemal's 1750 H, LLC
1750 H Street, NW (Square 166, Lot 42)

HEARING DATE (21113):	May 8, 2024
DECISION DATE (21113):	May 8, 2024
ORDER ISSUANCE DATE (21113):	May 14, 2024
HEARING DATE (21113-A):	January 28, 2026
DECISION DATES (21113-A):	September 24, 2025; January 28, 2026 ¹

SUMMARY ORDER ON REQUEST FOR
MODIFICATION WITH HEARING

Pursuant to notice, at its January 28, 2026, public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for a modification with hearing to BZA Order No. 21113 to expand the roof deck of an existing, attached, 10-story plus penthouse and roof deck office building in the D-6 zone. 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. 21113, the Board approved the request by FP CPT 1750 H, LLC² for a special exception from the penthouse requirements of Subtitle C § 1501.1(e). The Board issued Order No. 21113 on May 14, 2024. (Exhibit 4 of the record for Case No. 21113-A.)

¹ The application was originally scheduled as a Modification without Hearing for the September 24, 2025 public meeting. At the public meeting, the Board requested the Applicant amend the application as a Modification with Hearing.

² The applicant in BZA Case No. 21113 was FP CPT 1750 H Street, LLC. Since that time, the Property was purchased by Jemal's 1750 H, LLC.

BZA APPLICATION NO. 21113-A
PAGE NO. 2

PROPOSED MODIFICATION³. On October 7, 2025, the Applicant submitted a request for a Modification with Hearing to Order No. 21113. (Exhibit 12.) The proposed modification included an expansion of the previously approved roof deck of an existing, attached, 10-story plus penthouse and roof deck office building in the D-6 zone. The Applicant submitted plans reflecting these modifications. (Exhibit 3.) Based on the proposed modifications, the Applicant requests special exception under the penthouse habitable space requirements of Subtitle C § 1501.1(e), pursuant to Subtitle X § 901.2.

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 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 Commissions ("ANC") 2A and 2C.

ANC 2A REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 16, 2025, at which a quorum was present, the ANC voted to support the original modification. (Exhibit 9.) The ANC report raised no issues or concerns.

ANC 2C did not submit a report to the record.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the originally requested modification without hearing. (Exhibit 10.) At the public hearing, OP testified they continued to recommend approval of the modification with hearing request.

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

OTHER AGENCIES IN SUPPORT. The Applicant submitted an email from the U.S. Secret Service dated September 11, 2025, stating no objection to the proposed plans. (Exhibit 11.)

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.

³ The filing date of the original Modification without Hearing application was July 15, 2025.

⁴ See, Subtitle Y § 703.7.

BZA APPLICATION NO. 21113-A
PAGE NO. 3

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 expand the roof deck of an existing, attached, 10-story plus penthouse and roof deck office building in the D-6 zone, and for a special exception under the penthouse habitable space requirements of Subtitle C § 1501.1(e), pursuant to Subtitle X § 901.2.

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the plans shown in Exhibit 3 of the record.

In all other respects, Order No. 21113 remains unchanged.

VOTE: 3-0-2 (Carl H. Blake, Brittney Drakeford, and Joseph S. Imamura to APPROVE;
two Board seats 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: February 4, 2026

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

BZA APPLICATION NO. 21113-A
PAGE NO. 4

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.

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.