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October 7, 2025

VIA IZIS

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, NW, Suite 210S
Washington, DC 20001

**Re: Request for a Modification With Hearing – Expansion of Roof Deck
BZA Order No. 21113A
1750 H Street, NW (Square 166, Lot 42)**

Dear Members of the Board:

On July 15, 2025, Jemal's 1750 H LLC (the "Applicant")¹ filed an application for approval of a Modification Without Hearing to expand the accessible rooftop deck area on the roof of an existing office building in the D-6 zone located at 1750 H Street, NW (Square 166, Lot 42) (the "Property"). *See Exhibits 1-7.* On September 24, 2025, during a public meeting, the Board determined that the requested modification could not be approved without a hearing and directed the Applicant to file an application for a Modification With Hearing.

Accordingly, this letter and an attached exhibit are submitted on behalf of the Applicant for approval of a Modification With Hearing to expand the accessible rooftop deck on the roof of an existing office building in the D-6 zone located at the Property. Importantly, nothing has changed in the subject application from the original Modification Without Hearing request filed on July 15, 2025. Letters in support of the Application are already part of the case record at Exhibit 9 (ANC 2A Report); Exhibit 10 (OP Report); and Exhibit 11 (U.S. Secret Service letter of no objection).

In accordance with Subtitle Y § 704.3 of the District of Columbia Zoning Regulations (the "Zoning Regulations"), because the Applicant's initial request was for a modification without hearing, the filing fee paid for the initial request should be credited against the filing fee for the subject application for a modification with hearing. The filing fees for both a modification with

¹ 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, which is the current owner of the Property and the Applicant in the subject application for a modification with hearing.

and without a hearing are the same. *See* Subtitle Y § 1600.1(e). Therefore, no additional filing fee is required under the Zoning Regulations.

I. The Property

The Property is located on the south side of H Street NW, and is bounded by H Street NW to the north, private property to the east and west, and a public alley to the south. The Property has approximately 14,614 square feet of land area and is improved with an existing 10-story office building with an existing penthouse and associated rooftop deck.

II. Prior BZA Approval

Pursuant to Board of Zoning Adjustment (the “BZA”) Order No. 21113, dated May 8, 2024, and having a final date of May 14, 2024, the BZA granted special exception relief pursuant to Subtitle C § 1501.1(e) and Subtitle X § 901.2. *See* BZA Order No. 21113A, Exhibit 4.

Subtitle C § 1501.1(e) requires that for any building within an area in proximity to the White House, “penthouse habitable space or publicly accessible rooftop deck on the highest roof of the building” must be reviewed by the BZA as a special exception after consultation with the U.S. Secret Service to determine whether security concerns exist.

At the time of the BZA approval, the existing building had an existing penthouse with a small common amenity area with a restroom, storage, and an office for the building manager/engineer. The applicant in BZA Case No. 21113 proposed renovating the penthouse by adding a second bathroom and making other cosmetic upgrades. No expansion of the existing penthouse was proposed. A copy of the architectural drawings showing the approved penthouse and rooftop deck is located at Exhibit 7 (the “Approved Plans”).

BZA Order No. 21113 was granted upon a finding by the U.S. Secret Service that “the agency has reviewed the proposed development and has no objections to the plans as they were presented to agency personnel for the 1750 H St, NW project.” *See* U.S. Secret Service email dated January 31, 2024 (Exhibit 2).

As part of the Modification Without Hearing request, the Applicant engaged with the U.S. Secret Service on the proposed penthouse deck expansion as shown on the Approved Plans and received a second letter in support stating that “the agency has reviewed the final stages of the project and has no objections to the plans as they were presented to agency personnel for the location at 1750 H Street, NW.” *See* U.S. Secret Service email dated September 11, 2025 (Exhibit 11). **Accordingly, the Applicant has consulted with the U.S. Secret Service to determine whether security concerns exist, and the U.S. Secret Service has issued a letter finding no objections to the proposed plans.**

III. Modifications Proposed

As shown on the proposed architectural drawings Exhibit 3 (the “Proposed Plans”), the Applicant proposes to make minor modifications to the Approved Plans as follows:

- Expand the usable space of the exterior roof deck area to a portion of the roof that was not previously contemplated for use in the BZA approval. The portion of the exterior roof deck will be located on the east side of the roof; and
- Slightly adjust the layout of the penthouse habitable space from the layout that was approved by the BZA. Such modifications include replacing a bathroom that was approved by the BZA with an interior stair leading to the floor below. The modifications do not include any expansions or additions to the existing penthouse.

For the reasons set forth below, the modifications shown on the Approved Plans can be approved as a Modification With Hearing pursuant to Subtitle Y § 704.

IV. Compliance with Standards for a Modification With Hearing

The Applicant's request for a Modification With Hearing to the Approved Plans complies with the relevant subsections of Subtitle Y § 704 as follows:

- *Subtitle Y § 704.2: An application for a modification with hearing shall be made in an appropriate manner provided by the Director. The applicant for a modification with hearing shall submit the following information electronically and deliver to the Office of Zoning two (2) sets of mailing labels containing the information in Subtitle Y § 704.2(c) below:*

- a. A completed application form;*

As this application for a Modification With Hearing is being filed within the record of the existing BZA Case No. 21113A and will not be filed as a separate BZA application. The Office of Zoning confirmed that Form 152 – Application for Modification With Hearing, which is generated at the time a new BZA application is filed, will be waived in this case.

- b. The nature of, reason(s), and grounds for the modification with hearing;*

As described above, the Applicant proposes to (i) expand the usable space of the exterior roof deck area to a portion of the roof that was not previously contemplated for use in the original BZA approval; and (ii) adjust the layout of the interior penthouse habitable space from the layout shown in the Approved Plans.

The Board determined in a public meeting on September 24, 2025, that the requested modification must be filed as a Modification With Hearing. Accordingly, the subject application falls within the scope of a Modification With Hearing as outlined in Subtitle Y § 704.1, which provides that “[a]ny request for modification that cannot be processed pursuant to Subtitle Y § 703 shall require a public hearing.”

- c. The name and addresses of the owners of all property located within two hundred feet (200 ft.) of the subject property and names and addresses of*

each lessee having a lease with the owner for all or part of any building located on the property involved in the application; however, in the case of a residential condominium or cooperative with twenty-five (25) or more dwelling units, notice may be provided to the board of directors of the association of the condominium or cooperative that represents all of the owners of the dwelling unit;

The name and address of the owners of all property located within 200 feet of the Property, and the names and addresses of each lessee within the building at the Property, are attached hereto at Exhibit A.

- d. A copy of the resume of any expert witness who will be testifying in the case;*

The Applicant does not currently intend to call any expert witnesses to testify in this case.

- e. A written summary of the testimony of all witnesses;*

The Applicant does not currently intend to call any expert witnesses to testify in this case.

- f. A copy of any Board final order, map, plan, or other action or relief proposed to be modified or corrected; and*

A copy of BZA Order No. 21113 and the Approved Plans to be modified are located at Exhibits 4 and 7, respectively.

- g. Proof of service to all parties.*

The Certificate of Service is included with this letter.

- *Subtitle Y § 704.3: No application for modification with hearing shall be processed until the application is complete and all required fees are paid in accordance with the applicable fee schedule prescribed in Subtitle Y, Chapter 16. If the applicant had first requested the modification as a modification without hearing, the application fee paid in that case shall be credited against the fee required.*

The Applicant initially filed the proposed modification as a Modification Without Hearing and now seeks a Modification With Hearing. Under Subtitle Y § 704.3, the filing fee paid for the initial application should be credited against the filing fee for the subject application. The filing fees for a Modification With and Without Hearing are the same. See Subtitle Y § 1600.1(e). Therefore, no additional filing fee is required under the Zoning Regulations.

- *Subtitle Y § 704.4: All written requests shall be served by the moving party on all parties in the original proceeding at the same time that the request is filed at the Office of Zoning.*

The parties to the original case were the Applicant and Advisory Neighborhood Commissions (“ANCs”) 2A and 2C. As shown on the Certificate of Service included at the end of this letter, the Applicant is serving a copy of this application on ANC 2A and 2C at the same time that it is filing the application with the Office of Zoning. The Property is located within ANC 2A and across H Street, NW from ANC 2C, which are therefore both considered affected ANCs pursuant to Subtitle B § 100.2. ANC 2A voted to unanimously support this application as shown in the ANC 2A Report at Exhibit 9.

- *Subtitle Y § 704.5: All requests for modifications with hearing shall be served on all other parties to the original application and the Office of Planning at the same time as the request is filed with the Board.*

The parties to the original case and the Office of Planning are being served with a copy of this application at the same time that it is being filed with the Board. See Certificate of Service included at the end of this letter. The Office of Planning recommended approval of this application in its report at Exhibit 10.

- *Subtitle Y § 704.6: A public hearing on a request for a modification with hearing shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification.*

The Applicant understands the focus of the requested public hearing on the proposed modification.

- *Subtitle Y § 704.7: The scope of a hearing conducted pursuant to Subtitle Y § 704.1 shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision.*

The Applicant understands the scope of the requested public hearing.

- *Subtitle Y § 704.8: A decision on a request for modification of plans shall be made by the Board on the basis of the written request, the plans submitted therewith, and any responses thereto from other parties to the original application.*

The Applicant understands the basis in which the Board would make its decision on the proposed modification.

- *Subtitle Y § 704.9: The filing of any modification request under this section shall not act to toll the expiration of the underlying order and the grant of any such modification shall not extend the validity of any such order.*

The Applicant understands that the filing of this modification will not toll the expiration of or extend the validity of the underlying order.

V. Community Engagement

As noted above, the Property is located within the boundary of ANC 2A and across H Street, NW from ANC 2C. ANC 2A voted to unanimously support the subject application in its report filed at Exhibit 9. Both ANCs are being served a copy of this application.

In addition, and as stated above, the Applicant met with the U.S. Secret Service to review the proposed modifications. In that meeting the Secret Service did not raise any security concerns regarding the expansion of the roof deck. The US Secret Service provided a letter in support of the application at Exhibit 11.

VI. Conclusions

For the foregoing reasons, the Applicant believes that this request can be approved as a Modification With Hearing pursuant to Subtitle Y § 704. Should you have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact us.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:



Jessica R. Bloomfield
Madeline Shay Williams

Attachment

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2025, a copy of the foregoing application for a Modification With Hearing was served by electronic mail on the following at the addresses stated below.

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