

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

Application of
United Unions, Inc.

BZA Application No:
ANC 2A01

STATEMENT OF THE APPLICANT

This application is made by United Unions, Inc. (the “**Applicant**”) to the Board of Zoning Adjustment (“**Board**”) for special exception approval under Subtitle C § 1501.1(e) to permit a habitable penthouse within the vicinity of the White House and special exception approval under Subtitle C § 1506.1 from the penthouse uniform height requirements in order to renovate and expand the existing penthouse on the office building located at 1750 New York Avenue NW (Square 171, Lot 33) (the “**Property**”).

I. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X § 900.2 of the Zoning Regulations.

II. DESCRIPTION OF THE PROPERTY, SURROUNDING AREA, AND PROJECT

The Property consists of approximately 31,195 square feet of land area and is located in the Foggy Bottom neighborhood. The Property is bounded by New York Avenue NW to the north, a commercial office building and the George Washington University Corcoran School of the Arts and Design to the east, E Street NW to the south, and 18th Street NW to the west. The Square is located across 17th Street immediately to the west of the White House Grounds. The surrounding area is developed primarily with federal government and commercial office buildings, including the U.S. General Services Administration building located across 18th Street to the northwest of the Property, the Department of the Interior building to the southwest, and the American Institute of Architects offices immediately to the north, among others. Rawlins Park is

located immediately west of the Property. As shown on the Zoning Map attached as Exhibit A, the Property is located in the D-2 Zone District, and the immediately surrounding area consists of properties zoned D-2, D-5, and D-6, with RA and MU zone districts located further west, largely within the George Washington University Campus Plan, as well as large areas of unzoned federal land.

As shown on the architectural plans attached as Exhibit B (the “**Plans**”), the Property is an irregularly-shaped lot with frontage on New York Avenue NW to the north, 18th Street NW to the west, and E Street NW to the south.

The Property is improved with an existing eight (8)-story office building (the “**Building**”) that was constructed in 1972. The Building serves as the Applicant’s headquarters and also includes a restaurant and café at the ground floor that was previously approved by the Board, as noted below. The Building is not a historic landmark and is not located in a historic district; however, the Property is within the jurisdiction of the U.S. Commission of Fine Arts (“**CFA**”) under the Shipstead-Luce Act, 42 U.S.C 9101 et seq.

The Board has previously approved relief for the Property as follows (copies of all prior BZA Orders are attached as Exhibit C):

- Order No. 10228 (1970): Granted special exception relief for the construction of the Building to permit a non-profit office use and for approval of the mechanical penthouse.
- Order No. 10740 (1971): Granted a use variance to permit a banking facility located on the second story or above and limited to building tenants.
- Order No. 12498 (1977): Granted a use variance to permit a restaurant in the basement to be open to the general public.
- Order No. 12529 (1977): Granted an amendment to Order No. 10740 to allow the approved bank facility to be relocated to the ground floor.
- Order No. 18028 (2010): Granted a special exception to permit a retail and service use and an area variance to permit expansion of the Building, currently nonconforming as to FAR.
- Order No. 19437 (2017): Granted a special exception to permit an eating and drinking establishment on the ground floor.

The Building has a height of approximately 88.87 feet. The Property is legally nonconforming with respect to FAR, having an approximate FAR of 5.29, below the maximum 5.5 FAR permitted under the former SP zone standards in effect at the time of construction but exceeding the maximum 3.5 FAR that is now permitted in the D-2 zone under the current Zoning Regulations. The existing penthouse is also nonconforming as to maximum height, having a mechanical enclosure of 20.6 feet, exceeding the maximum 20 feet permitted.

As shown in the Plans (Exhibit B), the Applicant proposes to renovate the existing penthouse and roof terrace on the Building and to construct additions on the east and west side of the existing penthouse structure in order to create conference and amenity space (the “**Project**”). The Project will not increase the Property’s FAR or the height of the Building.

The Project was reviewed by the CFA and received concept approval. The CFA requested that the proposed east and west habitable additions to the penthouse be set at a lower height than the existing enclosed penthouse structure to minimize the visual impact of the additions, thereby necessitating the relief from penthouse uniform height requirements requested as part of this Application.

The Applicant also contacted the U.S. Secret Service regarding the Project, and the Secret Service conducted a site inspection on April 29, 2025. Secret Service officials raised no concerns with the Project; email correspondence from the Secret Service confirming their determination is attached as Exhibit D.

III. THE APPLICATION SATISFIES THE CRITERIA FOR THE REQUESTED RELIEF

The Applicant requests (i) special exception relief to permit a habitable penthouse within the vicinity of the White House pursuant to Subtitle C § 1501.1(e), and (ii) special exception

relief from the penthouse uniform height requirements pursuant to Subtitle C § 1506.1 to permit the proposed east and west additions to the penthouse to have a lower height than the existing penthouse structure, as requested by the CFA during its review.

As discussed in detail below, the Applicant meets the standards for the requested relief.

A. The Applicant Meets the Standards for Approval of Habitable Penthouse Space Within the Vicinity of the White House Pursuant to Subtitle C § 1501.1(e).

Pursuant to Subtitle C § 1501.1(e), penthouse habitable space is permitted by special exception in the restricted area surrounding the White House, subject to the general special exception requirements and upon consultation with the Secret Service.

1. Approval of habitable penthouse space.

The proposed penthouse meets the general special exception requirements, as detailed below. Additionally, the Applicant has reached out to the Secret Service to discuss the Project and the penthouse habitable space and, as noted above, conducted a site inspection with Secret Service officials. The Secret Service did not raise any objections or concerns regarding the Project, and email correspondence from the Secret Service confirming their determination is attached as Exhibit D. The Applicant will continue to work with federal security officials as the Project continues to move forward and after the penthouse space is completed.

2. The relief requested is in harmony with the Zoning Regulations and Maps and will not adversely affect or impact the surrounding area.

The proposed habitable penthouse is in harmony with the Zoning Regulations and Maps. The Project will conform to the penthouse requirements of the D-2 zone with respect to height, bulk, and setbacks, aside from the relief from uniform height requirements discussed below. It maintains the existing use of the Property and provides a supportive conference and amenity space for the Applicant. As stated above, the Secret Service conducted a site inspection and has

no objection to the Project, and the Applicant will continue to work with Secret Service officials to ensure proper safety considerations are in place. The Applicant will make a contribution to the Housing Production Trust Fund in accordance with Subtitle C § 1507. Further, the penthouse meets all setback requirements, minimizing its visibility. Therefore, the proposed penthouse is consistent with the Zoning Regulations and Maps.

For all of these reasons, the proposed penthouse meets the requirements for special exception relief under the Zoning Regulations to permit habitable penthouse space within the restricted area surrounding the White House.

B. The Applicant Meets the Standards for Relief from Penthouse Uniform Height Requirements Pursuant to Subtitle C § 1506.1.

As part of its review of the Project, the CFA requested that the Applicant minimize the height of the proposed east and west additions to the penthouse in order to mitigate any visual impacts. As shown on Pages 11-13 of the Plans (Exhibit B), the west penthouse addition will have a height of approximately 13 feet, nine (9) inches and the east addition will have a height of approximately 13 feet, two (2) inches, compared to the existing enclosed penthouse structure, which has a height of approximately 16 feet, 2.5 inches. Accordingly, the Applicant requires relief from the penthouse uniform height requirements under Subtitle C § 1503.4(a) to allow the proposed habitable additions to have a lower height than the existing enclosed penthouse structure.

In order to obtain relief from penthouse setback and uniform height requirements under Subtitle C § 1506.1, an applicant is required to demonstrate satisfaction of the general special exception requirements of Subtitle X, Chapter 9, the specific requirements of Subtitle C § 1506.1(b), and at least one of the criteria set forth in Subtitle C § 1506.1(c). As discussed in

detail below, the application satisfies the respective standards for the relief requested, including not only one but three of the four criteria set forth in Subtitle C § 1506.1(c).

1. *General special exception requirements of Subtitle X, Chapter 9: the relief requested is in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties. (C § 1506.1(a))*

The requested relief from the penthouse uniform height requirements is fully consistent with the purpose and intent of the Zoning Regulations and Map and will not result in any adverse effect on neighboring properties. The requested relief to permit the east and west penthouse additions to have a lower height than the existing penthouse structure is necessitated by the CFA's request to minimize the height of the respective additions. The lower proposed height of the additions will mitigate the visual impact of the additions, consistent with the intent and purpose of the Zoning Regulations provisions governing penthouses. Moreover, the impact of the proposed additions will be minimal as viewed from the street, which is also consistent with the intent of the penthouse regulations, and allowing the additions to have a lower height than the existing penthouse structure will not result in any adverse effect to neighboring properties.

2. *Reasonable effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks. (C § 1506.1(b))*

In this case, the Applicant has accommodated all of the penthouse elements referenced in Subtitle C § 1506.1(b) in compliance with the penthouse regulations and only requires relief from the penthouse uniform height requirements in order to meet direction from the CFA during its review. Accordingly, this section is not applicable.

3. *The strict application of the requirements of the penthouse regulations would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes. (C § 1506.1(c)(1))*

In this case, requiring that the proposed east and west penthouse additions meet the uniform height provisions would be unduly restrictive and unreasonable. Specifically, requiring the proposed additions to match the full height of the existing enclosed penthouse structure would be unreasonable as it would be directly contrary to the objective of the penthouse regulations to minimize the visibility of penthouses and ensure they are not unnecessarily visually intrusive.

4. *The relief requested would result in a better design of the penthouse or rooftop structure without appearing to be an extension of the building wall. (C § 1506.1(c)(2))*

For the same reasons discussed above, allowing the height of the east and west penthouse additions to step down from the height of the existing penthouse structure will result in an optimal design and will not create the appearance that the building wall is being extended vertically. The requested relief allows a design that is more successful by minimizing the visibility of the penthouse, and the additions will meet all setback requirements, avoiding any appearance that the building wall has been extended vertically.

5. *The relief requested would result in a penthouse or rooftop structure that is visually less intrusive. (C § 1506.1(c)(3))*

As explained above, the requested relief supports a design for the Project that is less visually intrusive by permitting modest east and west additions to the existing penthouse structure that are scaled-down from the taller existing structure and are less visible from the street.

For all of these reasons, the Project satisfies the standards for relief under Subtitle C § 1506 from the penthouse uniform height requirements.

IV. CONCLUSION

For all of the above reasons, the Applicant has satisfied the standards for the requested special exception relief in this case and requests approval for such relief.

Respectfully submitted,

/s/
Paul Tummonds

/s/
Lawrence Ferris