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July 15, 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 Without Hearing – Expansion of Roof Deck
BZA Order No. 21113
1750 H Street, NW (Square 166, Lot 42)**

Dear Members of the Board:

This application is submitted on behalf of Jemal’s 1750 H LLC (the “Applicant”)¹ 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”). Included with this submission is an authorization letter from the Applicant (Exhibit A) and a filing fee in the amount of \$405.60, which represents 26% of the original filing fee pursuant to Subtitle Y § 1600.1(e) of the District of Columbia Zoning Regulations (the “Zoning Regulations”).

I. The Property

The Property is located on the south side of H Street, NW, and is bounded by H Street 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 (Exhibit B), the BZA granted special exception relief pursuant to Subtitle C § 1501.1(e) and Subtitle X § 901.2.

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

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 Without Hearing.

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 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 Order No. 21113 proposed to renovate the existing 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 are attached hereto as Exhibit C (the “Approved Plans”). The approved penthouse renovations shown in the Approved Plans have not yet been constructed.

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.” A copy of the U.S. Secret Service’s email confirming that it had no objections to the proposal was included in BZA Case No. 21113 as part of Exhibit 9 and is attached hereto as Exhibit D.

III. Modifications Proposed

As shown on the proposed architectural drawings attached hereto as Exhibit E (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.

Prior to filing this application the Applicant met with the U.S. Secret Service to review the proposed modifications. In that meeting the Secret Service did not raise any initial security concerns regarding the expansion of the roof deck.

For the reasons set forth below, the modifications shown on the Approved Plans can be approved as a Modification Without Hearing pursuant to Subtitle Y § 703.

IV. Compliance with Standards for a Modification Without Hearing

The procedures of Subtitle Y § 703 allow the Board, in the interest of efficiency, to make, without public hearing, modifications to approved final orders and plans approved by such orders. 11-Y DCMR § 703.2. The Applicant’s request for a modification without hearing to the Approved Plans complies with the relevant subsections of Subtitle Y § 703 as follows:

- *Subtitle Y § 703.7: For the purposes of this section, “a modification without hearing” is a modification in which the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition cited by the Board in the final order, or a **redesign or relocation of architectural elements and open spaces from the final design approved by the Board**. Determination that a modification can be approved without witness testimony is within the Board’s discretion [emphasis added].*

The subject application is properly evaluated as a Modification Without Hearing because the impact can be understood without witness testimony and proposes a redesign of architectural elements and open spaces from the final design that was approved by the BZA. This is the exact type of modification that can be considered as a “Modification Without Hearing” pursuant to Subtitle Y § 703.7. The Applicant simply proposes to expand the portion of the roof deck that was already approved by the BZA.

- *Subtitle Y § 703.8: Only the applicant in the original case or its successor may request a modification without hearing and shall do so using the form provided by the Director.*

The Applicant is the successor property owner to the Applicant in the original case, and as part of this filing the Applicant is submitting the form provided by the Director.

- *Subtitle Y § 703.9: An applicant requesting a modification without hearing shall submit the following information electronically:*

a. A completed application form;

A copy of the completed application form is included as part of this filing.

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

The nature of, reasons, and grounds for the modification are set forth herein.

c. If a final order is to be modified, a copy of that order;

A copy of the final order to be modified is attached as Exhibit B.

d. If plans are to be modified, architectural drawings and a copy of the order approving the plans; and

The Approved Plans showing the approved penthouse and roof deck area and the Proposed Plans showing the proposed modified penthouse and roof deck area are attached at Exhibits C and E, respectively. A copy of the approved BZA Order No. 21113 is attached at Exhibit B.

e. Any other information requested on the form.

All additional information requested is provided herein.

- *Subtitle Y § 703.10: 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.

- *Subtitle Y § 703.11: All written requests for a modification without hearing shall be served by the applicant on all parties in the original proceeding and the Office of Planning at the same time that the request is filed at the Office of Zoning. If the affected ANC has changed since the effective date of the final order, only the new affected ANC needs to be served.*

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 ANCs 2A and 2C and the Office of Planning 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. The Applicant is scheduled to present the application at the regularly scheduled and duly noticed public meeting of ANC 2A on July 16, 2025.

- *Subtitle Y § 703.15: A request for a modification without hearing shall be filed with the Office of Zoning at least thirty-five (35) days prior to the public meeting at which the request is to be considered.*

The Applicant respectfully requests that this application be heard at the Board’s first public meeting in September, 2025, which is more than 35 days from the date of this filing.

- *Subtitle Y § 703.18: No application for technical corrections or modifications without 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.*

A filing fee of \$405.60 is included in this application filing, which is 26% of the original filing fee pursuant to Subtitle Y § 1600.1(e).

- *Subtitle Y § 703.19: A request for a modification without hearing of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application, or the circumstances of Subtitle Y § 702.3 apply, two (2) years after the date the decision date of the court's final determination of the appeal.*

This application for a Modification Without Hearing is being filed prior to two years after the date of the final order approving the application, which was May 14, 2024.

V. Community Engagement

As noted above, the Property is located within the boundary of ANC 2A and across H Street, NW from ANC 2C. Prior to filing this application the Applicant reached out to representatives from both ANCs, and the Applicant is scheduled to present at ANC 2A's regularly scheduled and duly noticed public meeting on July 16, 2025. The Applicant will continue to engage with the affected ANCs prior to the BZA's decision on this application.


In addition, and as stated above, the Applicant has met with the U.S. Secret Service to review the proposed modifications. In that meeting the Secret Service did not raise any initial security concerns regarding the expansion of the roof deck.

VI. Conclusions

For the foregoing reasons, the Applicant believes that this request can be approved as a Modification Without Hearing pursuant to Subtitle Y § 703. Should you have any questions or need additional information, please do not hesitate to have Office of Zoning staff contact me.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Jessica R. Bloomfield

Attachments

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2025, a copy of the foregoing BZA Modification Without Hearing application was served by electronic mail on the following at the addresses stated below.

District of Columbia Office of Planning

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