

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13137, of the National Trust for Historic Preservation in the U.S., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use part of the fourth floor of the subject premises as a Chancery in an SP-2 District at the premises 1785 Massachusetts Avenue, N.W. (Square 157, Lot 112).

HEARING DATE: January 16, 1980  
DECISION DATE: February 6, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of Massachusetts Avenue at its intersection with 18th Street, in an SP-2 zone district at premises known as 1785 Massachusetts Avenue, N.W.
2. The subject site is approximately 12,000 square feet in area, and is improved with a five story and basement brick structure, presently used as an office building under Certificate of Occupancy No. B101043, dated January 27, 1977.
3. The building is owned by the National Trust for Historic Preservation. The Trust has established its headquarters in the subject structure's basement and first three floors. It leases the fourth and fifth floors to various non-profit or professional offices.
4. The applicant testified that approximately 60,000 square feet of the building is rentable space. The fourth floor square footage is 10,220 square feet. Of this 10,220 square feet, the Embassy of Gambia proposes to lease 2,655 square feet or twenty-six percent to be used as office space for its Chancery.
5. The remainder of the fourth floor will be occupied by the Asia Society, The Carnegie Foundation for the Advancement of Teaching and the United Nations High Commissioner for Refugees. Each organization plus the Gambian Embassy will occupy approximately one fourth of the fourth floor.
6. The entire fifth floor is rented to a law firm.

7. The Chancery of Gambia proposes to employ seven persons, two of whom will be employed locally from the District of Columbia. The remaining five will be from Gambia.

8. The Chancery estimates that visitors will number approximately four per week.

9. The proposed hours of operation for the Chancery are 9:30 a.m. to 5:00 p.m., Monday through Friday. The Chancery has three cars assigned to serve its employees at this facility. The remainder of the staff uses public transportation.

10. The area is well served by public transportation as well as public parking facilities. The Chancery proposes to use the surrounding commercial lots for its vehicles.

11. The National Trust purchased the building in January of 1975 for use primarily as its headquarters. The Trust completed a \$2.5 million renovation of the building during 1978 and 1979. The Trust has ample room on the first three floors of the site and does not anticipate expansion into the rest of the building during the next few years.

12. The property is surrounded by a variety of office and chancery uses. Located within the same block is the Chancery of Chile, Chancery of Trinidad and Tobago, Chancery of the Dominican Republic, the Embassy and Chancery of the Philippines, the Embassy and Chancery of Canada, the Embassy and Chancery of Peru and the Chancery of Rowanda.

13. There are no changes proposed for the building. The building is in architectural harmony with the existing neighboring property.

14. The subject structure has been designated by the National Register of Historic Places as contributing to the historic significance of the Dupont Circle Historic District.

15. Pursuant to the requirements of Sub-section 4101.5, the application was referred to the Office of Planning and Development on November 27, 1979. No report from the OPD was received.

16. The Department of Housing and Community Development, by report dated January 24, 1980, found that the proposed Chancery use is of such a size and nature, that it would be compatible with surrounding uses and would have no adverse impact upon the neighborhood. The Board so finds.

17. Advisory Neighborhood Commission 2B by report dated January 16, 1980, and testimony given at the time of public hearing opposed the application on the grounds that Chanceries should be placed in commercial zones, since they are basically offices. The ANC felt that the area is presently over burdened by the number of offices and chanceries already located in the area, and that chanceries operated beyond normal work hours and are therefore a more intensive office use intrusion into residential neighborhoods. The ANC also noted that chanceries create problems in the neighborhoods in which they are located.

18. The Dupont Circle Citizens Association offered testimony at the public hearing in opposition to the application on much the same grounds as the ANC. The DCCA felt that the use would add to the parking problems currently experienced by the area as well. The DCCA did testify, however, that the building is in perfect harmony with adjoining and surrounding buildings with respect to height, bulk and design as well as existing uses and structures of neighboring properties.

19. By statute, the Board is required to give great weight to the issues and concerns of the ANC. In addressing these issues, as well as those raised by the DCCA, the Board finds as follows:

a. The Findings of Fact and the Conclusions of Law, hereinafter stated, find that the applicant has met its burden of proof and met the requirements of Paragraph 4101.44 of the Zoning Regulations.

b. Sub-section 4101.1 of the Zoning Regulations does not preclude office buildings. The major purpose of the SP District is to act as a buffer between adjoining commercial and residential areas, and to ensure that new development is compatible in use, scale and design with the transitional function of this zone district. In the subject application, as hereinafter concluded, the proposed building is compatible with other neighborhood uses and structures. In addition, a building of architectural merit is being preserved and protected.

c. As to the issue of parking, the Board finds that chancery use in its impact is essentially the same as any other permitted SP office use. The Board notes that the proposed use will have a maximum of seven employees, that the area is well served by mass transit, and that there are adequate commercial parking facilities available in the area. The Board finds that the proposed chancery use is not likely to cause dangerous or objectionable traffic or parking conditions. However, in order to assess the impact more fully after the use has been in existence for some time, the Board will limit the initial approval to a three year period.

d. The Board notes that a certificate of occupancy has been issued for the entire building for office use for non-profit organization. The Board finds that chancery uses are permitted in the same manner in an SP District as other offices, and that the chancery use would be completely compatible with other office uses of the building.

e. As stated in Finding of Fact No. 9, the proposed hours of operation will be from 9:30 a.m. to 5:00 p.m.

f. As to the contention that chanceries should only be permitted in commercial districts, the Board notes that the same arguments were presented to the Zoning Commission when it considered the matter, and the Commission adopted regulations permitting chanceries in SP Districts with Board approval. The Board has no authority to amend any zoning regulations or maps.

20. A representative of the U.S. Department of State appeared at the hearing and indicated that the Department supported the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact, and the evidence of record, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.44. The proposed use is for offices of the Chancery of Gambia. The Board concludes that the use is in harmony with existing uses on neighboring property.

The area is well served by public transportation, as well as ample supply of parking garages, so that the Board concludes that no dangerous or other objectionable traffic conditions are anticipated. The building is also of historic character and contributes to the Dupont Circle Historic District. The Board further concludes that the building is in architectural harmony with adjoining and surrounding structures. The Board further concludes that the special exception can be granted in harmony with the general intent and purposes of the Zoning Regulations and Map, and will create no adverse impact on the use of neighboring property. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled, but for the reasons stated, arrives at a different conclusion from that advocated by the ANC.

Accordingly, it is hereby ORDERED that this application is GRANTED subject to the FOLLOWING CONDITIONS:

- a. Approval shall be for a period of THREE YEARS.
- b. There shall be a maximum of seven employees.

VOTE: 3-0 (William F. McIntosh and Connie Fortune to GRANT; John G. Parsons to GRANT by PROXY; Leonard L. McCants not voting, having recused himself; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

FINAL DATE OF ORDER: 21 APR 1980