

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14743 of the Kingdom of Lesotho, pursuant to 11 DCMR 1001, for permission under Section 1002 to locate a chancery in a D/R-1-B District at premises 2511 Massachusetts Avenue, N.W., (Square 2505, Lot 812).

HEARING DATE: February 10, 1988  
DECISION DATE: March 2, 1988

INTRODUCTION

The application was filed on behalf of the Kingdom of Lesotho to occupy the premises at 2511 Massachusetts Avenue, N.W. as a chancery. The application was considered by the Board in accordance with the requirements of Section 1000 of the Zoning Regulations. Section 1000 was adopted by the Zoning Commission to implement the Mixed Use Diplomatic District and Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 96 Stat. 286, August 24, 1982). The public hearing was conducted as a rulemaking proceeding under Chapter 33 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION

The Applicant owns the property at 2511 Massachusetts Avenue, N.W. which is improved with a three story brick structure that contains approximately 4,100 square feet of floor area. The property, which is located in the Diplomatic Overlay Zone, was formerly used as a private residence. The Applicant intends to occupy the property as a chancery, and to retain the residential appearance of the property. No additions or alterations to the building are anticipated.

The chancery of the Kingdom of Lesotho is presently located in leased space in a commercial building at 1430 K Street, N.W. The chancery handles trade inquiries, cultural affairs and a minimal number of visitors with a staff of four diplomats, two secretaries and two drivers. There are no immediate changes in personnel anticipated.

The location of a chancery in the D/R-1-B District is a permitted use subject to disapproval of the Board of Zoning Adjustment after review based on the criteria set forth in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations.

FOREIGN MISSION ACT CRITERIA

In considering the subject application, the Board must apply the specific criteria set forth in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations as follows:

1. Sub-section 1001.2 The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.
2. Sub-sections 1001.3 and 1001.4 Historic preservation as determined by the Board in carrying out this section; and in order to ensure compatibility with historic landmarks and historic districts, substantial compliance with District and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
3. Sub-section 1001.5 The adequacy of off-street or other parking, and the extent to which the area will be served by public transportation to reduce parking requirements, subject to any special security requirements that may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
4. Sub-section 1001.6 The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
5. Sub-section 1001.7 The municipal interest, as determined by the Mayor.
6. Sub-section 1001.8 The federal interest, as determined by the Secretary of State.

EVALUATION

With respect to the six criteria identified in the Regulations, the Board states the following:

1. The International Obligation of the United States: By letter dated January 4, 1988, the Director of the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of State, determined that the international obligation of the United States to facilitate the provision of adequate and secure

facilities for foreign missions in the Nation's Capital will be met by the approval of this application. In addition, the Secretary of State has determined that no special security requirements exist beyond those applicable to all foreign missions in the District of Columbia, that the site and area are capable of being adequately protected, and that the proposed location is consistent with federal interests in the Foreign Missions and International Organizations Element of the Comprehensive Plan.

2. Historic Preservation: The structure is located in the Massachusetts Avenue Historic District, but is not a historic landmark. This application does not involve new construction, demolition or alteration to a historic landmark. The Applicant testified that the only exterior additions contemplated at this time are a small plaque on the building, and a flagpole in the front yard. The Board finds that these additions are appropriate and consistent with the character of other properties in the historic district.

3. Parking and Transportation: Section 1001.5 requires the Board to consider the adequacy of off-street or other parking, and the extent to which the area will be served by public transportation, subject to special security requirements as determined by the Secretary of State. The Applicant has met with officials from the Department of Public Works to ensure that parking is provided in a manner that adequately serves the needs of the chancery of Lesotho.

Section 2101.1 of the Zoning Regulations requires one parking space for each 800 square feet of gross floor area devoted to chancery use, or as determined by the Board. The property is approximately 4,100 square feet in area which would require five parking spaces. However, the Applicant has demonstrated that it is neither necessary nor desirable to provide five spaces on the site.

The staff consists of six diplomatic personnel and two drivers. Of the six, two are secretaries who are listed as attaches in the official blue book. As part of their official duties, both the Ambassador and Minister-Counsellor occasionally attend sessions of the United Nations in New York. With regard to visitors, the Applicant testified that the majority of visitors are Lesotho nationals who would normally come to the chancery by public transportation or taxi. The record contains a recent copy of the last few pages of the visitors log which indicates that only one to two visitors come to the chancery each week.

The Applicant has two vehicles that are used for all chancery duties, the ambassador's car and a staff van. The staff is picked up and driven back and forth to work each day in the van and the ambassador drives his car.

There are presently two diplomatic parking spaces in front of 1430 K Street which serve the daily needs of the chancery. Occasionally, the First Secretary also drives his car to the chancery and parks on the street. The Department of Public Works, by report dated February 3, 1988, recommended that the same parking be required at the proposed chancery as is provided at the existing chancery.

The proposed chancery has an existing circular drive and parking pad located in public space in front of the house as well as space for two vehicles on private property stacked in the garage area. Further, there are fourteen diplomatic parking spaces within one block of the property which can be used by visitors with diplomatic parking privileges.

The Board finds that the Applicant satisfies its present daily parking needs with two diplomatic spaces provided in front of its existing chancery, and that the same amount of parking should be required at the future location of the chancery.

As an alternative on-site parking scheme to accommodate three cars on private property, the Applicant has proposed to demolish a brick wall on the west side of the building, remove some existing landscaping, and pave a driveway area in public space up to the existing side yard of the house. Additionally, a parking space on the side of the house would be paved, and the existing air conditioning unit in that location would be moved toward the rear of the house. Based upon the evidence and testimony, the Board finds that the site disturbance and costs involved in this alternate proposal are not warranted by the facts in this application.

4. Protection: The Office of Foreign Missions has determined that the area is capable of being adequately protected, and that no special security requirements exist beyond those applicable to all facilities of foreign missions in the District of Columbia.

5. Municipal Interests: The Director of the Office of Planning (OP), the delegated representative of the Mayor, by memorandum dated January 28, 1988, and by testimony at the hearing, recommended approval of the application subject to the conditions that the Board limit the number of meetings or social gatherings at the site, and that the occupancy of the chancery shall be limited to eight persons, not including the two drivers presently employed by the chancery. The Office of Planning reviewed the plans and application and stated its opinion that approval is not inconsistent with Sections 1001 and 1002 of the Zoning Regulations. Further, OP stated that as proposed, the chancery would not be expected to create any objectionable

impacts on the traffic and parking situation in the area, nor would the operation impact on the Massachusetts Avenue Historic District. The OP report referred to the report of the Department of Public Works (DPW) which had not been filed at the time OP filed its report.

The DPW report, dated February 3, 1988, states that the daily parking needs of the Applicant at its present location are adequately served by two parking spaces. The report concluded that the traffic generated by the chancery's operation would have a minimal impact on the surrounding street system and that the same level of parking should be provided at the new site.

The Ambassador testified that: no exterior changes to the building are planned and that steps will be taken to retain the existing residential appearance of the property; there are no plans to construct a fence, gate or similar enclosure on Massachusetts Avenue; existing landscaping will be retained and maintained on the site; a small plaque will be installed on the house; a flag pole will be erected for the national flag; no fluorescent lighting fixtures will be installed in the house; no social functions will be held at the site on a regular basis; entertaining will be conducted at the official residence of the Ambassador; there will be a very limited number of large scale official meetings at the site, and; it is anticipated that there will be no installation of any large radio transmission antenna at the site.

By counsel, the Sheridan-Kalorama Neighborhood Council (SKNC) filed an opposition statement and testified in opposition to the application. The basis for the opposition by SKNC are issues regarding the adequacy of on-site parking and the residential/chancery mix of the neighborhood. The statement and oral testimony of SKNC argued against the inclusion of the subject property in the Diplomatic overlay district. SKNC argued that existing Diplomatic overlay districts had not been re-examined by the National Capital Planning Commission (NCPC) or the Zoning Commission when additional areas were so designated after the enactment of the Foreign Missions Act. Based upon the evidence and testimony of record, the Board disagrees with this statement. Further, the Board finds that the property is currently zoned Diplomatic, and the inclusion of this block or this particular property in the Diplomatic overlay district is not properly before the Board.

Letters were filed in the record, and testimony was offered at the hearing in opposition to the application on the grounds that the Applicant will alter the residential appearance of the structure, that an addition will ultimately be made to the structure, that neighborhood security will be compromised, that traffic and parking in

the neighborhood will deteriorate, and that antennas and security lighting will be added. The Board is of the opinion that parking has been addressed by the Applicant, that no additions or alterations to effect the residential character or appearance are proposed, and that no communications antennas are contemplated by the Applicant. Regarding security, the State Department has determined that the site and area are capable of being adequately protected, and that no special security requirements exist. Further, the Board is of the opinion that as conditioned below, the location of the chancery at the subject site will not have an adverse effect on the neighborhood.

6. The Federal Interest: The Office of Foreign Missions has determined that approval of the application would be consistent with Federal interests in the Foreign Missions and International Organizations Element of the Comprehensive Plan, and would fulfill the international obligation of the United States to provide adequate and secure facilities for foreign missions in the nation's Capital. The Kingdom of Lesotho fully discharges this obligation by providing such facilities to the United States Embassy in Lesotho.

#### ADVISORY NEIGHBORHOOD COMMISSION

Advisory Neighborhood Commission (ANC) 1D submitted a written report on February 2, 1988 that stated that it had considered this application at its meeting on January 19, 1988 which was attended by 30 persons. The ANC voted 2-0 to oppose the application on the grounds that, while the use of the property as the residence of the Ambassador would be supported, to use the property for a chancery would threaten the residential balance and character of the neighborhood. The Board disagrees with the ANC. The property is located in the D overlay zone, and has been therefore deemed appropriate for chancery use by the Zoning Commission, after recommendation by NCPC. Such use is subject to disapproval by this Board based upon the criteria enumerated in the Foreign Missions Act.

#### DECISION

On the basis of the record before it and the criteria of Section 1000 of the Zoning Regulations, the Board determines that the standards of the Zoning Regulations have been met by this application. Accordingly, it is hereby ORDERED that this application is APPROVED, subject to the following CONDITIONS:

1. There shall be no exterior changes or modifications to the premises.

2. There shall be no fence erected on that portion of the property which fronts on Massachusetts Avenue.
3. There shall be no new flourescent lighting installed on the interior of the premises.
4. There shall be no social functions on a regular basis or large meetings conducted at the subject premises.
5. There shall be no radio or communications antenna constructed on the property without the prior approval of the Board, other than matter-of-right antennas.
6. On-site parking for two vehicles shall be provided as shown on the plat marked as Exhibit C, page 12 of Exhibit No. 26 of the record.
7. The occupancy of the chancery shall be limited to a total of eight persons.
8. Exterior lighting of the premises shall be limited to the low-level type of security lighting of the buildings and grounds normally associated with a residential use.

VOTE: 5-0 (Charles R. Norris, Reginald Griffith, Paula L. Jewell, Carrie L. Thornhill to approve; John G. Parsons to approve by proxy).

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

ATTESTED BY:   
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: APR 29 1960

UNDER 11 DCMR 3103.1, "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 CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14743

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board on the above numbered case, said Order dated APR 29 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY  
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DATE: APR 29 1988