

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14913 of 1520 New Hampshire Associates on behalf of the Financial Office of the Embassy of Spain, pursuant to 11 DCMR 1002, for permission under Section 1001 to locate a chancery on the first floor in an SP-1 District at premises 1520 New Hampshire Avenue, N.W., (Square 135, Lot 6).

HEARING DATE: October 26, 1988
DECISION DATE: October 26, 1988 (Bench Decision)

INTRODUCTION

The application was filed by 1520 New Hampshire Associates and the Embassy of Spain on behalf of the Spanish State pursuant to Section 206 of the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286, August 24, 1982) to locate a chancery use on the first floor in an SP-1 District at 1520 New Hampshire Avenue, N.W. (Square 135, Lot 6). The public hearing was conducted as a rule-making proceeding under Chapter 33 of the supplemental rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION

The application is to locate the financial offices of the Embassy of Spain on the first floor in an area containing approximately 1,500 square feet at 1520 New Hampshire Avenue, N.W. The building is a four-story plus basement brick structure containing approximately 7,200 square feet of floor area. It is anticipated that the proposed office space will not be occupied by no more than two employees of the Embassy of Spain. The first floor of the building was most recently occupied as an office for a non-profit organization.

The building is situated on the Northwest side of New Hampshire Avenue, N.W. between the Dupont Plaza Hotel and the Women's National Democratic Club. At least six other chanceries, including the Iraqi, Argentinean, Nicaraguan, Grenedan, Rwansan and Saudia Arabian chancery, are located within a five block radius of the property.

The owner and tenant intend to retain the historic appearance of the property and do not contemplate any major construction, structural alterations or other work being done on the property as a result of tenant's occupancy.

The property is located in an SP District. A chancery is a permitted use in an SP District, subject to the disapproval of the Board of Zoning Adjustment after review based on criteria set forth in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations.

FOREIGN MISSIONS ACT CRITERIA

A chancery is a permitted use in an SP Zone subject to disapproval by the Board based solely on the criteria of Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations. In making its decision, the Board must consider the following criteria under the Zoning Regulations:

1. Section 206(d) (1). 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. Section 206(d) (2). Historic preservation, as determined by the Board in carrying out this section; and in order to ensure compatibility with historic landmarks and 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. Section 206(d) (3). 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. Section 206(d) (4). 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. Section 206(d) (5). The municipal interest, as determined by the Mayor.
6. Section 206(d) (6). The federal interest, as determined by the Secretary of State.

EVALUATION

With respect to the six criteria identified in the Foreign Missions Act, the Board states the following:

1. The International obligation of the United States. By letter dated October 11, 1988, and by testimony at the public hearing the Acting Director of the Office of Foreign Missions, on behalf of the Secretary of State, determined that the international obligations 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 facilities of foreign missions in the District of Columbia, that the site and area are capable of being protected, and that the proposed location is consistent with the federal interests in the Foreign Missions and International Organizations Element of the Comprehensive Plan.
2. Historic Preservation. The subject site is located in the Dupont Circle Historic District, but is not a historic landmark. This application does not involve new construction, demolition or alteration to a historic landmark.
3. Parking and Transportation. Section 2101.1 of the Zoning Regulations does not require any minimum number of parking spaces for a chancery office, such as the subject site which contains less than 2,000 square feet of space. It is anticipated that the office will generally be occupied by only two employees of the Embassy of Spain, and accordingly, requires only minimal parking availability. The property is located within two blocks from the Dupont Circle Metrorail station. The property is well served by public transportation. In addition, the property is directly across New Hampshire Avenue from a private parking garage providing approximately one hundred sixty parking spaces.

On the basis of the foregoing, the Board finds that the property has access to adequate public parking facilities and is adequately served by public transportation sufficient to serve the chancery's needs.

4. Protection. By letter dated October 11, 1988, and by testimony at the public hearing, the Office of Foreign Missions indicated that it has determined, after consultation with federal agencies authorized to perform protective services, that no special security requirements exist beyond those applicable to all facilities of foreign missions in the District of Columbia, and that the site and the area are capable of being adequately protected.
5. The Municipal Interest. The Director of the Office of Planning (OP), the delegated representative of the Mayor, by memorandum dated October 19, 1988, and by testimony at the hearing, recommended approval of the application. The OP reviewed the application and states its opinion that approval is not inconsistent with the criteria for approval specified in Section 206(d) of the Foreign Missions Act. The operation of the financial office of the chancery on one floor of the subject premises is not expected to create any objectionable impacts on the traffic and parking situation in the area, nor will its operations impact negatively on the Dupont Circle Historic District.
6. The Federal Interest. By letter dated October 11, 1988, and by testimony at the public hearing the Acting Director of the Office of Foreign Missions determined that approval of the application would be consistent with the Foreign Missions and International Organizations Element of the Comprehensive Plan for the Nation's Capital and would fulfill the international obligation of the United States to provide adequate and secure facilities for foreign missions in the Nation's Capital.

ADVISORY NEIGHBORHOOD COMMISSION

Advisory Neighborhood Commission (ANC) 2B, submitted a written report dated October 18, 1988. The ANC considered this application at its October 12, 1988 meeting. The ANC voted to oppose the application four to one for the following reasons:

- (1) ANC 2B has consistently opposed additional diplomatic entities within its boundaries;
- (2) There are no diplomatic entities in the 1500 block of New Hampshire Avenue, N.W., and none are desired;
- (3) An additional chancery is not consistent with the

recommended Ward 2 Land Use Element of the Comprehensive Plan which discourages expanded chancery and office use west of 15th Street and north of Massachusetts Avenue, N.W.

The Board finds that this is a philosophical opposition and is not based on the details of this particular application nor upon the elements the Board is required by statute to consider. The Board does not agree with the ANC's rationale in opposing the application. The Board notes that the property is located in an SP Zone, and has been therefore deemed appropriate for chancery use subject to disapproval by this Board based solely upon the criteria enumerated in the Foreign Missions Act. The Board further notes that the property is surrounded by office and commercial establishments and that the first floor space was most recently used as an office for a non-profit organization. Thus, the chancery use requested will have little, if any, effect on the quantity of residential property in the area.

DECISION

On the basis of the record before it and the criteria of the Foreign Missions Act, the Board determines that this application meets the standards of the Foreign Missions Act. Accordingly, it is hereby ORDERED that this application is APPROVED.

VOTE: 5-0 (John G. Parsons, Paul L. Jewell, Charles R. Norris, Reginald Griffith and Carrie L. Thornhill to approve).

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

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

9/23

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. 14913

As Acting 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 in the above numbered case, said Order dated Dec 23 1977, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Linton W. Hengerer, Esq.
Grossberg, Yochelson, Fox & Beyda
1707 H Street, N.W.
Washington, D.C. 20006

Renee Schwager, Chairperson
Advisory Neighborhood Commission 2-B
1526 Connecticut Avenue, N.W.
Washington, D. C. 20036

John Condayan, Acting Director
Office of Foreign Missions
U.S. Department of State
Room 2105
Wash, D.C. 20520



EDWARD L. CURRY
Executive Director

DATE: Dec 23 1977