

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15198 of Jean M. Riddell on behalf of the Government of the Commonwealth of the Bahamas, pursuant to 11 DCMR 1001, for permission to locate a chancery in a D/R-3 District at premises 2220 Massachusetts Avenue, N.W., (Square 2511, Lot 42).

HEARING DATE: November 15, 1989
DECISION DATE: December 6, 1989

INTRODUCTION

The application was filed by Jean M. Riddell on behalf of the Government of the Commonwealth of the Bahamas to occupy the premises at 2220 Massachusetts Avenue, N.W. as a chancery. The application was considered by the Board in accordance with the requirements of Section 1000 of 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 2220 Massachusetts Avenue, N.W. which is improved with a four story with basement brick structure that contains approximately 9,000 square feet of floor area. The applicant has entered into a contract to sell the property to the Government of Commonwealth of the Bahamas conditioned upon Board approval of the subject application. 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. There are no plans to demolish, renovate or alter the exterior of the building. The gardens will be restored to improve their appearance.

The chancery of the Commonwealth of Bahamas is presently located in leased space in the Watergate office complex at 600 New Hampshire Avenue, N.W. The chancery generally receives no more than ten visitors per day. Most transactions are handled by mail. There are 14 staff persons, including the Ambassador.

The location of a chancery in the D/R-3 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 October 25, 1989, the Acting 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 facilities for 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 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. The application does not involve new construction, demolition or alteration to a historic landmark. The applicant indicated that it intends to restore the front and rear garden areas to a condition which will be pleasing to the neighborhood. The Board finds that these improvements 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 testified that at the rear of the structure there is a two car garage and a paved parking area, both of which are accessible from Q Street. Together the garage and parking area can accommodate up to eight cars. The applicant testified that the on-site space adequately meets the parking needs of the chancery because, of the 14 staff members working at the chancery, only three drive to work. The remaining 11 employees use public transportation. Furthermore, since visas are not needed to travel from the United States to the Bahamas, the number of visitors to the chancery is reduced. Often business is conducted by mail thereby eliminating the need for a large number of parking spaces.

The applicant's traffic consultant indicated that parking is permitted on both sides of Massachusetts Avenue and Q Street. Massachusetts Avenue has rush hour prohibitions and on Q Street there is 2-hour residential permit parking.

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 9,000 square feet in area which would require 11 parking spaces. However, the applicant has demonstrated and the Board has determined that it is unnecessary to provide 11 spaces on the site as eight spaces will adequately meet the needs of the chancery.

The traffic consultant noted that the area is well served by public transportation. Cabs are readily accessible, the Dupont Circle Metro is 2½ blocks away, and there are 12 bus lines which serve Massachusetts Avenue and Q Street.

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 November 7, 1989 and by testimony at the hearing, recommended approval of the application. 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 location of the chancery, as proposed, will not create objectionable impacts on the traffic and parking conditions in the area. Moreover, the Massachusetts Avenue Historic District will not be impacted adversely because there are no proposed alterations to the exterior of the structure.

Testimony of Ambassador: The Ambassador testified that no changes to the exterior of the structure are planned; there are plans to restore and enhance the garden areas in the front and rear yards; the chancery will operate from 9:00 A.M. to 5:00 P.M. Monday through Friday; there are 14 staff members, only three of which drive to work; there is adequate space to park the vehicles used by the chancery; no increase in the number of employees or vehicles is anticipated; the chancery receives about ten visitors each day; visitors are encouraged to use public transportation.

Letters were filed into the record, and testimony was offered at the hearing in opposition to the application on the grounds that the area will be adversely affected by use of a residence for office space while there are areas of the city more appropriate for office use, that the flow of traffic will be disrupted by the increase in the number of pedestrians, cars and delivery vehicles, that only six cars can park in the parking area which is already used by other chanceries, that access to public transportation will not be substantially improved as compared to the chancery's present location, and that those at diplomatic facilities tend to

disrespect District regulations by making changes to their property without consulting the appropriate authorities and by allowing their property to become unkempt. The Board is of the opinion that locating the chancery at the subject site will not have an adverse effect on the neighborhood and that the traffic flow will not be impaired by the use of this facility. The Board is of the opinion that the issue of parking has been adequately addressed by the applicant who maintains simply that there is sufficient space to accommodate the parking needs of the chancery. Further, it is the Board's view that the State Department does what it can to encourage compliance with regulations governing chancery activity.

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 obligation of the United States to provide adequate and secure facilities for foreign missions in the Nation's Capital. The Government of the Commonwealth of Bahamas fully discharges this obligation by providing such facilities to the United States Embassy in the Bahamas.

ADVISORY NEIGHBORHOOD COMMISSION

Advisory Neighborhood Commission (ANC) 1D submitted a written report on November 7, 1989 that stated that it considered this application at its meeting on October 10, 1989 which was attended by 34 persons. The ANC voted 2-0 to oppose the application on the grounds that use of the property for a chancery would erode the residential character of the neighborhood, and eliminate needed public parking. There was also a fear that there would be demonstrations with the noise, litter and traffic disruptions that accompany them. A concern was also expressed that the occupants would neglect to keep the property presentable.

The Board disagrees with the ANC. First, 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.

Secondly, there has been no indication that demonstrations are likely to occur at the chancery of the Bahamas, nor are there facts to support the argument that the property will not be well cared for. The applicant has testified that the gardens will be improved to enhance the appearance of the neighborhood and the Board finds that the applicant will maintain the property.

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 Zoning Regulations have been met by this application. Accordingly, it is hereby ORDERED that this application is APPROVED, subject to the CONDITION that all on-site parking be reserved for the exclusive use of the government of the Commonwealth of the Bahamas.

VOTE: 3-0 (Charles R. Norris and Paula L. Jewell to approve; John G. Parsons to approve by proxy; Reginald Griffith and Carrie L. Thornhill not voting, not having heard the case).

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

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

FEB 2 1990

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.

15198order/BHS15

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15198

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated _____, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Ambassador Margaret E. McDonald
600 New Hampshire Avenue, N.W.
Washington, D.C. 20037

Richard Massey
2022 Columbia Road, N.W.
Washington, D.C. 20009

Ben Hammond
Hogan and Hartson
555 - 13th Street, N.W.
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Pearl E. Isenbergh
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2214 Massachusetts Avenue, N.W.
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Jean Lindley, Chairperson
Advisory Neighborhood Commission 1-D
1900 Connecticut Avenue, N.W.
Washington, D. C. 20009

A handwritten signature in black ink, appearing to read "E. I. Curry", is written over a horizontal line.

EDWARD I. CURRY
Executive Director

DATE: _____