

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15278 of John M. Wildman on behalf of the Government of the Republic of Argentina, pursuant to 11 DCMR 1001, for permission under Sections 503 and 1002 to locate a chancery in an SP-1 District at premises 1612 18th Street, N.W., (Square 134, Lot 815).

HEARING DATE: April 18, 1990
DECISION DATE: May 5, 1990

INTRODUCTION

This application was filed by John M. Wildman on behalf of the Government of the Republic of Argentina pursuant to Section 206 of the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286, August 24, 1982) to locate its Chancery at 1612 - 18th Street, N.W. (Square 134, Lot 815) in an SP-1 District. The application was considered by the Board in accordance with the requirements of Chapter 10 of the Zoning Regulations. Chapter 10 was adopted by the Zoning Commission to implement Section 206 of the Foreign Missions Act. 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 applicant owns the property at 1612 - 18th Street, N.W. It is improved with a brick, semi-detached structure that shares a wall with a townhouse at 1802 Corcoran Street. A small patio sits behind the structure, and is part of an enclosed alley running parallel to Corcoran Street. The property, which is located in the SP-1 Zone District, contains 1,668 square feet of floor area.

The applicant indicated that renovations to the interior of the property in 1985 made it practically unusable as a residence. As a result of these renovations, the building now consists of a first floor with one large room and a second floor with two smaller rooms. There is no kitchen. Adjoining the main room on the first floor is an area of approximately twenty-four square feet that contains a small sink, two burners and a mini-refrigerator. There is, however, no oven, dish washer, counter or cabinet space of any size. Nor is there space to add any of these items.

The outward appearance of the site is that of a residence. The premises can be entered from Concoran Street, but the main entrance is on 18th Street.

The subject property is located less than fifty yards from the Embassy of Argentina - 1600 New Hampshire Avenue, and Argentina's Permanent Mission to the Organization of American States - 1816 Concoran Street. The applicant proposes to use the property as the Consular Section for the Republic of Argentina. Presently, the Consular Section is located in Baltimore, Maryland and performs the consular functions for the Mid-Atlantic area. The Republic of Argentina wishes to relocate the office to the District of Columbia. It is expected to operate more efficiently because of its close proximity to the Argentinean Embassy. Employees at the Embassy Consular Section can be used interchangeably when needed and Consular Section employees can meet with Embassy Officials without long distance travel. There will be only one Consul and four employees whose work hours will be from 9:00 A.M. to 4:00 P.M., Monday through Friday. No more than five visitors a day will be expected.

The Section's duties include issuance of visas, renewal of passports, filing of invoices for export fees and certification and filing of documents. The majority of the work is done by phone or mail.

The location of a Chancery in an SP-1 District is permitted, 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.

FOREIGN MISSIONS ACT CRITERIA

In considering the subject application, the Board must apply the specific criteria set forth in Section 1001, et seq., of Chapter 10 of the Zoning Regulations. A Chancery shall be a permitted use in a Special Purpose District, subject to disapproval by the Board based on those criteria, which are as follows:

- (a) 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.
- (b) 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 of Columbia 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 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 that may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
- (4) 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) Section 1001.7. The municipal interest, as determined by the Mayor.
- (6) Section 1001.8. The federal interest, as determined by the Secretary of State.

EVALUATION

With respect to the above-referenced six criteria set forth in the Zoning Regulations, the Board states the following:

- (1) The international obligation of the United States: By letter dated March 2, 1990, the Acting Director of the Office of Foreign Missions of the Department of State, the delegate 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.
- (2) Historic Preservation: The subject property is located within the Dupont Circle Historic District. It has not, however, been designated an historic landmark. The application does not involve new construction, demolition or alteration to the exterior of the building. The applicant only proposes to place a flag and plaques at the main entrance. Accordingly, there will be no impact on the historic preservation objectives of the District of Columbia.
- (3) Parking and transportation: There will be only a small number of visitors to the Chancery because most of its business is conducted by mail and visas are no longer required for travel to Argentina. Consequently, there is no need for a large number of parking spaces.

Pursuant to Section 2101.1 of the Zoning Regulations, a chancery in a Special Purpose District must have one off-street parking space for each additional 1,800 square feet of gross floor area in excess of 2,000 square feet. Under this formula, no off-street parking is required for the subject property. However, the applicant has agreed to provide off-street parking in the lot behind 1812 Corcoran Street, Argentina's Mission to the Organization of American States. Employees of the Consular Section will be allowed to park in this lot and two spaces will be reserved for visitors.

The area is well served by public transportation. Cabs are readily accessible, numerous bus lines serve the area and the Dupont Circle Metro is three blocks away. Employees are encouraged to use public transportation, and a majority are expected to do so.

- (4) Protection: The Office of Foreign Missions, in its letter of March 2, 1990, determined that no security requirements exist beyond those applicable to all facilities of foreign missions in the District of Columbia and that the site and area are capable of being adequately protected.
- (5) Municipal Interest: The Director of the Office of Planning for the District of Columbia, the delegated representative of the Mayor, by memorandum dated April 10, 1990, noted the proposed use of the property, the traffic and parking conditions and factors affecting historic preservation. The Office of Planning pointed out that no changes in the hours of operation are planned and that the proposal does not involve use of the property to entertain or to hold meetings.

In the opinion of the Office of Planning, the site is located in a District appropriate for chanceries. The frontage on New Hampshire Avenue and the frontage along 18th Street, in the subject square, contain mostly offices and chanceries.

The Office of Planning is of the opinion that the proposed location of the chancery of the Government of the Republic of Argentina is not inconsistent with the criteria for approval as specified in Sections 1001 and 1002 of the Zoning Regulations. The location of the chancery, as proposed, will not create objectionable impacts on the traffic and parking conditions in the general area because of its proximity to a metrorail station, the small number of visitors expected daily and the reservation of currently unused parking spaces in the nearby parking lot. The Office of Planning further stated that the impact on land use will be

minimized because use of the row house as a chancery will not substantially change its previous office use and because there will be no entry to the structure from Corcoran Street where row house dwellings are located. There will also be no loss of residential space as a result of the proposed use. In the view of the Office of Planning, the historic district will not be adversely impacted because there are no proposed alterations to the exterior of the structure. Finally, the Office of Planning noted that the Fire Department has no objection to the application. The Office of Planning has determined that the proposed chancery location is not inconsistent with the criteria for approval as specified in Sections 1001 and 1002 of the Zoning Regulations. Accordingly, approval of the application was recommended.

(6) Federal Interest:

The Office of Foreign Missions has determined that approval of the application is consistent with the Federal interest in meeting the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the nation's capital.

ADVISORY NEIGHBORHOOD COMMISSION

Advisory Neighborhood Commission (ANC) 2B submitted a written report on April 6, 1990 that stated that this application was considered at its meeting on March 28, 1990 which was attended by all seven Commissioners. The ANC voted 6-0 to oppose the application, one Commissioner having recused himself, on the ground that use of the space as chancery would further erode the buffer between residential and commercial zones by removing another residence from Corcoran Street. Also, diplomatic parking continues to be a serious problem in the area. The ANC is therefore of the opinion that the proposed use is inconsistent with the municipal interest. The Board disagrees with the ANC. The main entrance to the property is on 18th Street where there are a number of offices and chancery facilities. The Corcoran Street entrance will be closed off. Furthermore, the property has not been used as a residence since 1985. Finally, the Board notes that no Diplomatic parking spaces will be requested. Parking spaces are to be provided in a nearby lot.

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 his application is APPROVED, subject to the CONDITION that the applicant provides adequate parking for

employees of the Consular Section and two parking spaces for visitors, to be located on the parking lot behind 1812 Corcoran Street, N.W.

VOTE: 3-0 (Reginald Griffith, John G. Parsons, and Carrie L. Thornhill to approve; Paula L. Jewell and Charles R. Norris 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: JUN 8 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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.

15278order/BHS21

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15278

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 JUN 8 1990, and 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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(by regular U.S.)
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A handwritten signature in black ink, appearing to read "E. L. Curry".

EDWARD L. CURRY
Executive Director

DATE: JUN 8 1990