

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15328 of 1608 Associates LTD., on behalf of the Republic of Zimbabwe, pursuant to 11 DCMR 1001, for permission under Section 1002 and 503 to locate a chancery in an SP-1 District at premises 1608 New Hampshire Avenue, N.W., (Square 134, Lot 139)

HEARING DATE: July 25, 1990
DECISION DATE: July 25, 1990 (Bench Decision)

INTRODUCTION

This application was filed by 1608 Associates Ltd., on behalf of the Republic of Zimbabwe pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 96 Stat. 286, August 24, 1982) to locate its chancery at 1608 New Hampshire Avenue, N.W. (Square 134, Lot 139) 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 subject property, which is located at 1608 New Hampshire Avenue, N. W., is owned by a partnership, 1608 Associates, Inc. The site is rectangular in shape and contains approximately 4,565 square feet in land area. It has a 44-foot street frontage on New Hampshire Avenue and a depth of approximately 104 feet. The lot is developed with a four-story structure that contains 11,413 square feet of floor area and a floor area ratio (FAR) of 2.5. The property, which is located in the SP-1 District, is presently being used as professional office space for 47 employees. The leases for these offices will all have expired by September 30, 1990. The applicant has executed a contract to sell the property to the Republic of Zimbabwe for use as a chancery. Approval of this purchase has already been obtained from the U.S. Department of State, Office of Foreign Missions. The purchase has been made contingent, however, upon the receipt of approval from the Board of Zoning Adjustment.

The property is located in the Dupont Circle Historic District, a neighborhood which includes a concentration of retail shops, galleries, restaurants, theatres, professional offices, embassys, chanceries, and residences. These various concerns are housed in mostly low-rise buildings along Connecticut Avenue, and in former mansions, row houses, and apartment buildings along Massachusetts and New Hampshire Avenues.

The building has been consistently devoted to non-residential uses for over the past 23 years. The uses have included serving as the chancery of the United Arab Emirates, general offices for the Washington School of Psychiatry, offices and classrooms for the Owl School - a private elementary school, and professional offices.

The building underwent a major renovation and expansion in 1985, which added approximately 9,000 square feet of floor area. The original structure was a two-and-one-half-story brick dwelling built toward the end of the 19th Century. In 1908, the front portion of the building which is now seen from New Hampshire Avenue was added. On October 6, 1982, the Board granted the owner's application for certain relief necessary to permit the razing of the then existing rear portion of the structure and the construction of a larger one in its place, while the front facade and side walls were maintained (Application No. 13818 of Associated Investors Group). The completed work resulted in a modern, attractive building of three and four stories, the appearance of which is consistent with the Victorian character of the surrounding neighborhood.

The premises are subject to a facade easement donated to the L'Enfant Trust for Historic Preservation, recorded December 29, 1983, which restricts the owner's freedom to alter its exterior or demolish it. The Government does not plan to undertake any exterior renovation or expansion of the new chancery. The only exterior alternations contemplated are the erection of a flag pole and the replacement of the identification placque to the left of the front door. It is contemplated that there will be interior alterations made to change the size dimensions of some of the offices.

The chancery of the Republic of Zimbabwe is presently located at 2852 McGill Terrace, N.W. The chancery processes visas and handles other administrative matters. Visitors to the chancery are expected to be few due to the absence of a visa requirement for United States citizens who wish to travel to Zimbabwe. Foreign nationals seeking visas have historically been few in number. In their case, only a single visit to the chancery will be necessary as applications are responded to by mail.

There will be 17 persons assigned to the mission and the hours of operation will be from 9:00 A.M. to 4:00 P.M.

The purchase of the subject property by the Republic of Zimbabwe will represent only its third acquisition of real property in the United States. The other two properties include the Ambassador's personal residence in Bethesda, Md, and the current chancery located at 2852 McGill Terrace, N.W. Upon the occupancy of the premises at 1608 New Hampshire Avenue, N.W., the chancery on McGill Terrace will be converted to a residence for the use of the Government's diplomatic personnel.

The location of a chancery in the SP-1 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-section 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 June 8, 1990, 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, and that the site and area are capable of being adequately protected.

2. Historic Preservation: The structure 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. The Applicant testified that the only exterior alterations contemplated are the erection of a flag pole and the replacement of the identification plaque to the left of the front door.

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.

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 4,565 square feet in area which would require five parking spaces. Five parking spaces are being provided on the lot at the rear of the building. These spaces are accessible from the alley at the rear. Of the 17 employees working at the site, only eight are expected to travel to work in their own motor vehicles. In addition, very few visitors are expected to come to the site. The five parking spaces will almost be adequate to meet the needs of the chancery. The Zimbabwe government

intends to seek permission to reserve two on-street parking spaces in front of the building for diplomatic use. Any additional parking spaces needed will be leased on a monthly basis in nearby commercial lots.

Public transportation is readily accessible in the area. The Dupon Circle METRO Station is located approximately three blocks away from the subject site. A variety of bus routes operate on or intersect the major thoroughfares. These same thoroughfares make the property readily accessible by motor vehicle. Within a four minute walk of the subject property, there are approximately 1,184 on-street parking spaces available, and at least five commercial parking garages within a six minute walk.

The Board finds that the application satisfies the present daily parking needs of the chancery and that the public transportation in the area is adequate.

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, the delegated representative of the Mayor, by memorandum dated July 17, 1990, and by testimony at the hearing, recommended approval of the application. The Office of Planning is of the opinion that the proposed location is not inconsistent with the criteria for approval as specified in Sections 1001 and 1002 of the Zoning Regulations. It is the view of the Office of Planning that the location of the chancery, as proposed, would 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 availability of five parking spaces at the premises. Also, land use impacts would be minimal because there would be no displacement of residential space and the chancery would be a less intense use than what presently exists at the site. Finally, the Office of Planning is of the opinion that since there are no proposed alterations to the exterior of the site, the integrity of the historic district would not be adversely affected. Accordingly, the Office of Planning recommended that the application be approved.

By letter dated June 22, 1990, the Metropolitan Police Department stated that the proposed chancery will not require an increase in the level of police services currently being provided. The Police Department suggested that the chancery owners consider the possible use of the following physical security protection measures: alarm systems, locks, adequate lighting at employee and pedestrian

entrances, surveillance equipment for the premises and any other safety features which will help create a secure environment.

By memorandum dated June 8, 1990, the District of Columbia Fire Department indicated that, based on its review of the subject application, it has no objection to the special exception request.

The Dupont Circle Citizens Association, by letter dated July 19, 1990, indicated that the Association adopted the recommendation of its zoning committee to support the application.

The applicant submitted into the record a letter dated July 6, 1990, from the Office of the Superintendent of the D.C. Public Schools, Coordinator of Volunteer Services in which interest was expressed in going forward with the partnership to be established between the Zimbabwe Embassy and the children at Ross Elementary School. The Ross Elementary School is located within three blocks of the subject site.

6. The Federal Interest: The Office of Foreign Missions has determined that approval of the application would be consistent with Federal interests. By letter dated June 6, 1990, the State Department, Office of Foreign Missions indicated that the U.S. Government has recently been authorized to purchase additional property in Zimbabwe for diplomatic purposes. The State Department believes, therefore, that on the basis of reciprocity and the international obligation of the United States to assist missions in acquiring adequate facilities, there is a strong federal interest in the approval of the application for a chancery for the Government of Zimbabwe.

ADVISORY NEIGHBORHOOD COMMISSION

Advisory Neighborhood Commission (ANC) 2B, by report dated July 12, 1990, expressed support for the application on the condition that the applicant agrees not to request reserved diplomatic parking.

The ANC voted five to one to support the application. The ANC based its support on the following:

- a. This chancery will employ only a small number of persons, with little, if any, additional traffic or demand for parking;
- b. This location has for many years been used for commercial activities. Because of its location at the intersection of three heavily travelled streets and because of its size, design, and

vista, it is relatively well suited for chancery use, and relatively ill suited for residential use;

- c. The Dupont Circle ANC has received a letter from ANC 3C (in which the chancery is currently located) stating that this chancery has not caused problems in its current location.

DECISION

On the basis of the record before it, the Board has determined that this application satisfies the criteria set forth in Section 1001 of Chapter 10 of the Zoning Regulations. Accordingly, it is therefore hereby ORDERED that this application is APPROVED.

VOTE: 5-0 (Paula L. Jewell, Reginald Griffith, Charles R. Norris, John G. Parsons 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: SEP 28 1990

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.

15328order/BHS26

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15328

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated SEP 20 1990 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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Jack K. Evans, Chairperson
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A handwritten signature in dark ink, appearing to read "Edward L. Curry", is written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: _____