

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15331 of Nauru Phosphate Royalties (Washington, D. C.), Inc., on behalf of the Embassy of Papua New Guinea, pursuant to 11 DCMR 1001, for permission under Section 1002 and 503 to locate a chancery in an SP-1 District at premises 1615 New Hampshire Avenue, N.W., (Square 155, Lot 249).

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

INTRODUCTION

This application was filed by Nauru Phosphate Royalties (Washington, D.C.), Inc., on behalf of the Embassy of Papua New Guinea 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 1615 New Hampshire Avenue, N.W. (Square 155, Lot 249) 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 rulemaking proceeding under Chapter 33 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION

The subject property, located at 1615 New Hampshire Avenue, N.W., is owned by Nauru Phosphate Royalties (Washington, D.C.), Inc. The lot contains a five story structure known as the Pacific House. It is a mixed-use office/residential building of approximately 26,000 square feet. There is an underground parking garage with eleven spaces for full size cars and one space for compact cars. There is also a circular driveway in front of the building that can accommodate several cars on a short-term basis. Construction of the building was completed in 1987.

Pursuant to Order No. 13810 of the Board of Zoning Adjustment dated December 3, 1982, the first, second, third floors and a portion of the fourth floor of the Pacific House were approved for office use. The balance of the fourth floor and the fifth floor were approved for residential use. The government of Papua New Guinea (the "applicant") proposes to lease the third floor from the

owners and relocate its chancery to this space. The third floor contains approximately 4,600 square feet of floor area and is currently unoccupied. The applicant would be its original tenant. The lease would extend for a period of four years with a single three-year renewal term. The applicant would also receive three parking spaces in the buildings garage. No alterations or renovation are planned for the exterior of the property.

Presently, the chancery of Papua New Guinea is located at 1330 Connecticut Avenue, N.W. The mission of the chancery is to represent the interest of Papua New Guinea in its relations with the United States in the areas of trade, investment, cultural relations, tourism and other matters. Part of this work involves the processing of visa applications from those wishing to visit Papua New Guinea for tourism or business purposes. The applicant employs a staff of four diplomats and three local personnel at the chancery. The diplomats include the Ambassador, the Counselor and the First and Third Secretaries. The applicant does not intend to increase the number of employees for at least five years.

Visitors to the chancery are relatively infrequent. During the period March 21 through April 4, 1990 the current chancery received an average of five visitors per day. The same pattern is expected to continue at the proposed location. The office hours will be from 9:00 A.M. to 5:00 P.M., Monday through Friday.

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 Mixed Use Diplomatic District, subject to disapproval by the Board based on those criteria, which are as follows:

- (1) 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) 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 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, 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 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 May 25, 1990, the Director of the Office 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 approval of this application.
- (2) Historic preservation: The subject property is located within the Dupont Circle Historic District. The building received approval of the Historic Preservation Review Board when it was constructed in 1987. The applicant does not propose to alter the exterior of the building, therefore the present appearance will be maintained.

- (3) Parking and transportation: As indicated by the applicant, the building contains an underground parking garage with a total of 12 spaces. The applicant plans to lease three of the spaces for the three employees that drive to work. The circular driveway at the front of the building can be used by visitors for short term off-street parking. The site is within three blocks of the Dupont Circle Metro Station and the area is well served by the Metrobus system.
- (4) Protection: The Office of Foreign Missions, in its letter of May 25, 1990, determined 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 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 July 17, 1990, determined that the proposed chancery is not inconsistent with the criteria for approval as specified in Sections 1001 and 1002 of the Zoning Regulations. Approval of the application was recommended. The Office of Planning noted that the proposed chancery would not create objectionable impacts on the traffic and parking conditions in the area. It was noted further that land use impacts would be minimal because no displacement of residential space is involved. Finally, since no exterior alterations are proposed, historic preservation will not be adversely affected.

Comments on the proposed chancery were received from a number of other city government agencies. The Department of Public Works indicated that the proposal will have a negligible impact on the local transportation system and that the one-space parking requirement has been met.

By letter dated June 21, 1990, the Metropolitan Police Department urged the developer to consider using the following physical security protection measures: alarm system, locks, adequate lighting at employee and pedestrian entrances, surveillance equipment and any other safety features that will create a secure environment.

The Fire Department, by memorandum dated June 7, 1990, expressed no objection to the subject application.

- (6) Federal interest: The Office of Foreign Missions has determined that the lease of office space in the office building at 1615 New Hampshire Avenue, N.W. 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

The subject site is located within the boundaries of Advisory Neighborhood Commission (ANC) 2B. The commissioners for ANC 2B voted to support the application on the condition that the applicant agree not to request reserved diplomatic parking. The ANC based its support on the following:

- a. This chancery is sought for a building long planned as the location for chanceries and other activities related to the South Pacific Region. At the time of the construction of the building, residential space was added with the understanding that the community would not oppose chancery space in the building;
- b. This chancery will employ a very small number of people and will involve little, if any, additional traffic or demand for parking; and
- c. The current chancery is also in the neighborhood, hence this will not add chancery space to the neighborhood, but will merely relocate it.

The Board is required by statute to give great weight to the issues and concerns of the ANC. The only concern herein expressed involves the use of street space for diplomatic parking. The applicant has made no representation to the Board regarding this matter. Parking is available, however, elsewhere on-site.

The Board concludes that it has afforded "great weight" to the issues and concerns of the ANC.

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: OCT 26 1990

UNDER 11 DCMF 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.

15331order/BHS27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15331

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 OCT 26 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:

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EDWARD L. CURRY
Executive Director

DATE: _____