

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15379 of the Republic of the Marshall Islands, pursuant to 11 DCMR 1001, for permission under Section 1002 to locate a chancery on the ground floor of a structure in a D/R-1-B District at premises 2433 Massachusetts Avenue, N.W., (Square 2506, Lot 46).

HEARING DATE: September 26, 1990
DECISION DATE: September 26, 1990 (Bench Decision)

INTRODUCTION:

The application was filed by the Republic of the Marshall Islands 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 on part of the ground floor of its existing embassy in a D/R-1-B District at 2433 Massachusetts Avenue, N.W. (Square 5506, Lot 46). The application was considered by the Board in accordance with the requirements of Chapter 10 of the Zoning Regulations. Chapter 10 of the Zoning Regulations, 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 Zoning Regulations, the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION:

The subject site is located in a D/R-1-B District on the north side of Massachusetts Avenue between California and 24th Streets and consists of 5,416 square feet in land area. The site is improved with a four-story brick structure formerly used as a single family residence. The property is currently occupied as the official residence of the ambassador of the Republic of the Marshall Islands. The Republic of the Marshall Islands intends to occupy approximately 1,174 square feet of floor area on the ground floor of the structure for chancery purposes. The chancery of the Republic of the Marshalls Islands is currently located at 1901 Pennsylvania Avenue, N.W.

The area surrounding the subject site is developed primarily with embassies and chanceries in the D/Overlay District and is generally described as "embassy row." To the west of the site is the Embassy of Venezuela and to the east is the Embassy of Zambia. The Canadian Embassy is located across Massachusetts Avenue from the subject site.

The property is located in a D/R-1-B District. A chancery is a permitted use in a "D" Overlay District, subject to the 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 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 above-numbered criteria set forth in the Zoning Regulations, the Board states the following:

1. The International Obligation of the United States. By letter dated August 30, 1990, 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 structure is located within the Massachusetts Avenue Historic District. The building itself is designated as an historic landmark, formerly known as the "Harry Wardman Residence." This application does not require alteration or addition to the exterior of the building, so the integrity of the Historic District and the Landmark will be preserved.
3. Parking and Transportation. Section 2101.1 of the Zoning Regulations does not require any minimum number of parking spaces for a chancery office which contains less than 2,000 square feet as proposed. It is proposed that the office will be occupied by a maximum of five employees, including the Ambassador. In addition, the Republic of the Marshall Islands issues visas upon arrival in the Marshall Islands. Therefore, the Chancery will attract a relatively low number of visitors, approximately 15 per month, who must visit the chancery on other business.

The applicant is providing two on-site parking spaces in an existing garage accessed through the alley from Massachusetts Avenue. In addition, the applicant anticipates utilizing three on-street diplomatic parking spaces and has made arrangements with the Embassy of Zambia to lease four parking spaces at the rear of the Zambian Embassy property to the east of the subject site to ensure adequate parking availability for staff and visitors at all times.

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. The Municipal Interest. The Director of the Office of Planning (OP), the delegated representative of the Mayor, by memorandum dated September 18, 1990, 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 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 Massachusetts Avenue Historic District.
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 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) 1D submitted a written report on September 19, 1990, that stated it had considered this application at its meeting on September 11, 1990, which was attended by a quorum of two Commissioners present and voting. The ANC voted 2-0 to approve the application with the condition that one additional parking space be obtained from the neighboring embassy and, further, that if the subject property were sold the chancery approval would not be included.

The Board is required by statute to give "great weight" to the issues and concerns of the ANC. In addressing the conditions recommended by the ANC, the Board notes that the applicant has entered into an agreement with the Government of Zambia to lease four off-street parking spaces. The Board further notes that any abandonment of the approved chancery use would result in the discontinuance of the effect of this Order. Any future use of the premises not permitted as a matter-of-right in the D/R-1-B District would be required to seek appropriate review and approval.

DECISION

On the basis of the record before it and the criteria of Section 1001 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 this application is APPROVED.

VOTE: 4-0 (Paula L. Jewell, Reginald Griffith, John G. Parsons and Charles R. Norris to approve; Carrie L. Thornhill not present, not voting).

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

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: NOV 16 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.

15379order/LJP65

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15379

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 NOV 18 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:

Robin B. Hayes, Esquire
Stohlman, Beuchert, Egan & Smith
1775 Penn. Ave., N.W., Ste. 400
Wash, D.C. 20006

The Republic of Marshall Islands
1901 Penn. Ave., N.W., Ste. 503
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Jean Lindley, Chairperson
Advisory Neighborhood Commission 1-D
1900 Connecticut Avenue, N.W.
Washington, D. C. 20009

David C. Fields, Director
Office of Foreign Missions
U.S. Department of State
Room 2105
Wash, D.C. 20520

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

EDWARD I. CURRY
Executive Director

DATE: NOV 19 1990