

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15403 of Penn/24 Associates, on behalf of the Embassy of Spain, pursuant to 11 DCMR 1001, for permission under Section 1002 to locate a chancery in an R-5-D District at premises 2375 Pennsylvania Avenue, N.W., (Square 38, Lot 40).

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

INTRODUCTION:

The application was filed by Penn/24 Associates on behalf of the Government of Spain, 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 in an R-5-D District at premises 2375 Pennsylvania Avenue, N.W., (Square 38, Lot 40). 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 an R-5-D District at the northeast corner of the intersection of Pennsylvania Avenue and 24th Street, immediately west of Washington Circle. The site contains approximately 11,585 square feet of lot area and is improved with an eight-story office building containing approximately 57,500 square feet of gross floor area. The Government of Spain has entered into a contract to purchase the property for use as a chancery, consolidating its existing widely dispersed chancery functions at the site. It is anticipated that the number of employees at the site will be 150 and that the normal hours of operation will be from 8:30 A.M. to 5:00 P.M., Monday through Friday. No exterior renovation or construction to the building is proposed.

The area surrounding the subject site is developed with a mixture of office, institutional and residential uses in the C-2-C, R-5-B and C-3-C zone districts. The subject site

is located in an R-5-D District. A chancery is a permitted use in the R-5-D 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 31, 1990, and by testimony at the public hearing, the Deputy 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 interest in the Foreign Missions and International Organizations Element of the Comprehensive Plan.
2. Historic Preservation. The subject site is included among the properties designated as historic landmarks by the D.C. Historic Preservation Review Board in 1979. By Order No. 14319, dated October 8, 1986, the Board approved the construction of an office building addition to the historic facade of the townhouses originally existing on the site, as well as a special exception authorizing the use of the building as offices for a nonprofit organization. The office building addition was constructed in accordance with Board approval in a manner which preserved the historic facade in its entirety. By Order No. 15016, dated October 20, 1989, the Board granted a use variance authorizing use of the structure as office space for international organizations, labor unions, architects, dentists, doctors, engineers, lawyers and other similar professional persons. No new construction, demolition or alteration to the historic landmark is contemplated by the subject application.
3. Parking and Transportation. Section 2100.5 and 2200.5 of the Zoning Regulations provide that because the subject site is an historic landmark, no additional parking spaces or loading berths are required. The applicant has provided thirty-six full size garage parking spaces. The Government of Spain estimates that the use will attract approximately sixty cars driven by employees to the site on a daily basis. Because the Government of Spain will have exclusive use of the garage, a stacked parking arrangement will be instituted

which will enable the applicant to accommodate a minimum of sixty vehicles in the garage to ensure adequate parking availability for employees who drive to the site. In addition, the property is located within two blocks of the Foggy Bottom Metrorail Station and is well served by existing Metrobus routes. There are seven commercial parking facilities available for daily or monthly parking within four blocks of the subject site.

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 OP was further of the opinion that the location and operation of the chancery would not create any objectionable impacts on the traffic and parking conditions in the general vicinity and would be a less intense use than those office uses for which the structure was original built.
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:

The Board is required by statute to give "great weight" to the issues and concerns of the ANC. The subject site is located within the boundaries of Advisory Neighborhood Commission - 2A. ANC-2A did not submit any recommendation on the subject application. Two residents of 1011 24th Street appeared at the public hearing in opposition to the application. The residents expressed concern about the adverse impact on traffic and parking which could occur as a

result of the vehicle trips generated by the employees of the chancery. In addressing the concerns expressed by the opposition, the Board agrees with the D.C. Office of Planning and the D.C. Department of Public Works that the proposed chancery use will not create an objectionable impact on traffic and parking in the neighborhood. The Board notes that the applicant is providing thirty-six full size parking spaces on site, and further, the applicant intends to maximize parking capacity on-site through a "stacked parking" arrangement. The Board further agrees with the D.C. DPW's assessment that the site is easily accessible by automobile with little impact on the residential neighborhood, that the site is ideally located with regard to public transportation, and that there are commercial parking facilities within two to four blocks which can be utilized to avoid parking overflow in the area.

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 (Reginald Griffith, John G. Parsons, Paula L. Jewell 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.

15403order/LJP65

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15403

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:

Richard A. Bennett, Jr.
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David C. Fields, Director
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U.S. Dept. of State, Room 2105
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A handwritten signature in black ink, appearing to read "E. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: NOV 19 1990