

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15427 of the Republic of Turkey, pursuant to 11 DCMR 1001, for permission under Section 1002 to expand an existing chancery in a D/R-1-B District at premises 2523 Massachusetts Avenue, N.W. (Square 2505, Lots 15, 16 and 17).

HEARING DATE: January 16, 1991
DECISION DATE: January 16, 1991 (Bench Decision)

INTRODUCTION

The application was filed by the Republic of Turkey, pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 96 Stat. 286. August 24, 1982) to expand an existing chancery located in the D/R-1-B District at 2523 Massachusetts Avenue, N.W. (Square 2505, Lots 15, 16 and 17). 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.

BACKGROUND OF THE APPLICATION

An application for a new chancery on the subject site was originally considered by the Foreign Missions Board of Zoning Adjustment on July 13, 1988 (Application No. 14828). The application was denied by Order dated October 14, 1988. The Board's disapproval was grounded squarely upon the excessive size of the proposed new structure in relation to the existing structures in the Historic District. In the Board's view, the proposed structure, with its large mass and 126 foot width, did not share the common scale and proportion which would successfully integrate it into the Massachusetts Avenue streetscape.

Responding to the concerns of the Board, the applicant redesigned the structure, reducing its mass. The redesigned building is the subject of the present application. The record of the original application is incorporated by reference.

PROCEDURAL ISSUE

In both the original and the subject application, counsel for parties in opposition filed a Motion to Dismiss the application. The Motion alleged three bases for dismissal: 1) lack of jurisdiction because the application does not raise any issue which arises under the Foreign Missions Act, 2) failure to comply with the District of Columbia Landmark and Historic Protection Act of

1979, D.C. Law 2-144 and 3) failure to comply with Section 106 of the National Historic Preservation Act, as amended, 16 U.S. Section 470 (f). Section 106 requires that the head of any federal agency having authority to license any undertaking shall, prior to the issuance of any license, take into account the effect of the undertaking on any historic district and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to the undertaking. In the original application, the applicant and the State Department argued that the Board has jurisdiction over the application under the Foreign Missions Act, that there has been substantial compliance with the Historic Preservation Act and that Section 106 is completely inapplicable to this application because the application does not constitute a federal undertaking. In the original application, the Board concurred with these arguments and denied the motion. In the instant application, the Board again denied the Motion to Dismiss which was identical in all material respects to the original motion.

APPLICATION

The applicant owns the property at 2523 Massachusetts Avenue, N.W. The site is approximately 19,000 square feet in size. It is improved with a four-story structure that has been used by the Turkish Government for chancery purposes since its acquisition of the site in 1954. Also located on the property is a large surface parking lot. The applicant proposes to replace the existing building and the parking area with a new chancery building. This will enable the Republic of Turkey to consolidate its chancery facilities which are now dispersed among four separate locations on Massachusetts Avenue, N.W. The Ambassador's residence which is located at 1606 23rd Street, N.W., will be retained and used exclusively for residential purposes. The subject site is situated approximately 1,700 feet northwest from Sheridan Circle, the location of the Ambassador's residence.

The proposed 3-story chancery building will be approximately 32 feet in height. It will occupy 34 percent of the lot. There will be a rear yard of 31.5 feet, an east side yard of 13 feet and a west side yard of 19 feet. The area requirements for construction in the R-1-B District will therefore be met.

The new building will accommodate a maximum of 60 employees. There will be no more than four or five visitors at the site at one time.

The location of a Chancery in a D/R-1-B 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) 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, 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 December 21, 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.

The Director determined that there exist no special security requirements related to parking and that the site and area are capable of being adequately protected. Basic security principles have been incorporated into the siting of the structure and its design.

Finally, the proposed chancery is consistent with the federal interests in the Foreign Missions and International Organizations Element of the Comprehensive Plan.

2. **Historic Preservation:** The site is located within the Massachusetts Avenue and the Sheridan-Kalorama Historic Districts. The structure presently existing on the site has not been designated an historic landmark. The Massachusetts Avenue Historic District is a linear district and includes all properties fronting on or prominently visible from Massachusetts Avenue between 17th Street, N.W., on the east and Observatory Place, N.W., on the west. The district is characterized by large-scale townhouses and mansions and has been known as Embassy Row since the 1930's. The Sheridan-Kalorama Historic District is a residential enclave roughly bounded by Florida and Connecticut Avenues, N.W., on the east and Rock Creek Park on the north, west and south. Apartment buildings and rowhouses are interspersed with single-family residences in this area. The houses in these districts were constructed primarily during the late nineteenth and early twentieth centuries. There are a variety of designs including French and Italian Renaissance Revival houses interspersed with Colonial and Tudor Revival designs. Both are characterized by their high-style and vernacular interpretations. The blocks of Massachusetts Avenue, N.W., around the site of the proposed Turkish chancery are defined by the architecturally significant buildings which contribute significantly to the character and quality of the streetscape. The building presently existing on the subject site is not architecturally similar to the other buildings which define the architectural and historical character of these historic districts. In light of its marginal architectural quality, the existing structure is primarily a background building, rather than one of the more important or well-designed buildings in these districts.

The proposed building has been carefully redesigned to contain appropriate residential features and materials. Further, there has been a substantial reduction in the above-grade mass of the building, giving it a far less monumental appearance than the initial proposal. The proposed building strongly promotes the linear quality of the historic districts by eliminating the existing gap created by the surface parking area.

Specifically, the building's residential character, brick construction and tripartite form are similar to a number of historic buildings in the Massachusetts Avenue Historic District. Its form and mass are articulated with details that derive from the American Prairie School, a style that is compatible with the eclectic nature of the historic district. The design also reflects Turkish-inspired elements.

The Historic Preservation Review Board (HPRB) made note of the architectural and historical significance of the existing building. The HPRB also described the proposed use as designed to relate as closely as possible to a residential design while maintaining a building program which calls for office use. The overall design was found to be compatible with the historic district but the HPRB recommended that the overall scale be reduced, that the open end pavillion be restudied in terms of reduction of scale, and that more landscaping be introduced to maintain the residential character of the avenue. Finally, the HPRB recommended that any new construction incorporate the existing chancery building.

The Board has determined that the existing building is of marginal architectural quality and that the historic preservation criterion has been satisfied. The Board therefore disagrees with the recommendation of the HPRB concerning retention of the existing building. The Board finds that the excessive scale of the prior proposal has been corrected and that the current proposal is compatible with the historic district in which it is located.

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 by the Secretary of State. The proposed building will contain an underground 48-space parking garage. The garage can accommodate 71 cars with attendant parking. Currently, the site is improved with 18 parking spaces. The applicant's traffic consultant

stated in his report that the chancery has three official vehicles that are used for shuttle operations, transporting employees between home and work. Of the 60 employees that will work at the new chancery, and the maximum of 49 employees that will work at the building at any one time, 16 would use the shuttle service. Of the remaining 44 employees, an estimated 10 percent would use public transportation, leaving 39 to use private vehicles. The traffic consultant therefore concluded that the 48 parking spaces will be ample to serve the needs of the site. In addition, the traffic consultant noted that there are a maximum of 4-5 visitors to the chancery at any one time, most of whom arrive by taxi. Because the majority of the visitors schedule their appointments in advance, they can be accommodated in the garage.

The Department of Public Works (DPW), by memorandum dated January 14, 1991, stated that the proposal adequately meets the 21 parking spaces required by Zoning Regulations and creates no adverse impact on the residential neighborhood parking supply.

With regard to the road network and the flow of transportation, DPW noted that Massachusetts Avenue, fronting the site, is a principal arterial street marked with four lanes during peak hour periods. Access to the site is from Massachusetts Avenue via an existing circular driveway. DPW has determined that the site is easily accessible by automobile with little impact on the residential neighborhood.

Regarding mass transit, DPW pointed out that seven Metrobus routes operate along Massachusetts Avenue and there is a bus stop near the site. DPW concluded that the project is ideally cted for access by public transportation.

The Board has determined that the applicant will satisfy itsdaily parking needs and will meet the traffic criteria.

4. **Protection:** The Office of Foreign Missions, in its letter dated December 21, 1990, stated that basic security principles have been incorporated into the siting and design of the proposed structure. The consolidation of the existing scattered offices into one location is the major security-enhancing feature of the project. The new building would be equipped with sophisticated security devices and aesthetically-sensitive physical barriers. In addition, the

elimination of the existing surface parking lot and the provision of an underground garage would further improve the existing traffic and security conditions. Finally, the entry system and passenger drop-off area would enhance the existing conditions from a security standpoint. The State Department believes that the new chancery of Turkey will improve the Department's ability to exercise its responsibilities to protect the mission. The Office of Foreign Missions has, therefore, 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 Interest:** The Acting Director of the Office of Planning (OP), the delegated representative of the Mayor, by memorandum dated January 10, 1991 and by testimony at the hearing, recommended conditional approval of the application. The Office of Planning reviewed the plans and application and stated its opinion that approval is not inconsistent with Sections 1001 and 1002 of the Zoning Regulations.

OP stated that from a land planning perspective, the proposal would fulfill important city objectives because the site is located in a district zoned for diplomatic use. The application is therefore compatible with the intent of the Zoning Commission in adopting the regulations for chanceries.

OP further stated that the impact of the chancery on the neighborhood will be minimized by the underground parking garage which will fully accommodate the parking needs of the chancery directly on-site and out of the public view. In addition, the garage would offer the opportunity to eliminate the existing surface parking lot which currently detracts from the site and the historic districts.

OP recommended approval of the application contingent upon the Board's assessment of the final recommendations of the Historic Preservation Review Board and the Mayor's Agent relative to the historic significance of the existing chancery building.

Two area residents presented statements in support of the application. They emphasized the compelling federal interest in this case, the superior architecture of the proposed building and the tremendous patience of the Turkish Government in completely redesigning the building to address the concerns of the Board. These citizens

strongly urged the approval of the application.

Several residents presented statements and filed letters into the record in opposition to the application. These opponents were primarily concerned with the following: a) the lack of a decision from the Mayor's agent concerning the proposal; b) the plans to demolish the existing structure; c) the large size and office nature of the proposed building; d) the impact that construction will have on neighboring properties, and e) the loss of trees on the site.

The Board is of the opinion that these issues have been adequately addressed by the applicant. The Mayor's Agent was afforded an opportunity to comment on the current application, no report was received. A response from the Mayor's Agent is not a prerequisite to the Board's reaching a decision on the application. The Board has determined that the existing building is not of such significance that its retention should be mandated. The Board has determined that the building plans, as revised, are responsive to the concerns previously expressed by neighbors and this Board about the size of the structure. The Board also points out that the subject site is located in a Diplomatic Overlay District as well as a Residential District. Chanceries are therefore permitted as a matter-of-right. The Board finds that measures will be taken by the applicant to ensure that construction of the building will not unduly disrupt or jeopardize the stability of neighboring properties. Finally, the arborist in the previous application set forth a plan for protecting the major specimen trees on neighboring properties. The new architect has agreed to adopt these measures in connection with the new project. The Board has, therefore, determined that the applicant has taken extensive steps to ensure that the impact of the proposed building on neighboring properties is minimized.

6. **Federal Interest:** The Office of Foreign Missions has determined that approval of the application would be consistent with the Federal interests in the Foreign Missions and International Organizations Element of the Comprehensive Plan, and would fulfill the obligation of the United States to provide adequate and secure facilities for foreign missions in the Nation's Capitol. The Government of Turkey has been very supportive of the United States in its effort to acquire property in Turkey for foreign missions purposes. It is in the Federal interest of the United States to reciprocate.

In regard to foreign relations, the Republic of Turkey has been in the forefront, supporting United States Foreign Policy and national security in Europe and the Middle East. Additionally, for nearly 40 years Turkey has worked with the United States as a member of the North Atlantic Treaty Organization. Turkey continuously maintains strategic importance in the European theatre. Because of the support provided to the United States by the Republic of Turkey, it is in the Federal interest to approve the location of a chancery at the subject site.

ADVISORY NEIGHBORHOOD COMMISSION

Advisory Neighborhood Commission - 1D submitted a written report on January 9, 1991, that stated that it considered this application at its meeting on September 11, 1990 which was attended by approximately 40 persons. However, the ANC report failed to fully meet the requirements of 11 DCMR 3307.1. It is therefore, not entitled to be given "great weight" by the Board pursuant to 11 DCMR 3307.2.

ANC - 1D expressed opposition to the application. The ANC was concerned with the following:

- a) the location of a major office building in a residential district;
- b) the excessive size of the structure;
- c) the demolition of the existing building;
- d) loss of trees on the lot;
- e) security; and
- f) traffic congestion.

The Board finds that the applicant has adequately addressed each of the issues raised by ANC - 1D.

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 the Motion to Dismiss is DENIED and the application is GRANTED SUBJECT to the submission, review and approval of a revised landscaping plan related to the front yard of the premises.

VOTE: 5-0 (Reginald W. Griffith, John G. Parsons, Charles R.

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Norris, Paula L. Jewell and Carrie L. Thornhill to approve).

It is hereby ORDERED that the submission of the applicant, dated January 23, 1991, of a revised landscape plan, is hereby APPROVED.

VOTE: 5-0 (Reginald W. Griffith, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to approve; John G. Parsons to approve by proxy).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

MAR 15 1991

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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15427

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 application/appeal dated MAR 15 1991 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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3:10p

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

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