

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15465 of the Embassy of Republic of the Philippines, pursuant to 11 DCMR 1002, for permission under Section 1001 to locate a chancery in an SP-1 District at premises 1600 Massachusetts Avenue, N.W., (Square S-181, Lot 7).

HEARING DATE: April 10, 1991
DECISION DATE: April 10, 1991 (Bench Decision)

INTRODUCTION:

This application was filed by the Embassy of the Republic of the Philippines for permission to construct a chancery in an SP-1 District at premises 1600 Massachusetts Avenue, N.W. The application was considered by the Board in accordance with the requirements of Section 1001 and 1002 contained in Chapter 10 of the Zoning Regulations. Chapter 10 was adopted by the Zoning Commission to implement the mixed-use diplomatic district and Section 206 of the Foreign Mission Act (Title 11, Public Law 97-241, 96 Stat. 286, August 24, 1982). 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 site is located in an SP-1 zone on the south side of Massachusetts Avenue, N.W. between Bataan Street and 17th Street, and consists of 9,531 square feet of land area. The site is unimproved and has been used for parking purposes.

The chancery facilities for the Philippines are currently located at 1617 Massachusetts Avenue, N.W. The construction of a new chancery building on the subject site will permit the Philippine Chancery to relocate from the existing building to the new building. The existing building will continue to be used by the Philippine government as a display area for Philippine products and for other cultural and trade purposes. In addition, the facility will continue to be available to the Philippine community.

In the 45 years since the chancery's location in the building at 1617 Massachusetts Avenue, N.W. in 1946, it has outgrown the existing building. In addition, the building is deficient from a Building Code, parking and security standpoint.

The proposed new building has been designed specifically to respond to modern security and diplomatic needs. It will include a two-level 38 space underground parking garage, a loading area, and a semicircular entrance driveway. Further, the design of the

new building is highly sensitive to its location adjacent to, but not within, the Dupont Circle and Massachusetts Avenue Historic Districts.

The location of a chancery in the SP-1 District is a permitted use subject to disapproval by 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 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-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 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 March 1, 1991, the Director of the Office of Foreign Missions of the United States Department of State, pursuant to delegation from 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 representative determined that there were no special security problems applicable to this site, and that the site and area are capable of being adequately protected.
2. **Historic Preservation:** The subject site is located immediately outside of the Dupont Circle and Massachusetts Avenue Historic Districts. The neo-classical design of the proposed building is sensitive to the buildings in the nearby historic districts. In addition, the design is compatible with the modern buildings immediately across from the subject site.
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.

The applicant and its traffic engineering consultant testified that the proposed building will contain an underground parking garage with 38 self-park spaces with an additional nine spaces available through attendant parking. The Office of Foreign Missions stated in its March 1, 1991 letter that through the provision of an underground parking garage, which will replace existing surface parking on site, the security of the facility will be enhanced. In addition, the elimination of a surface parking lot offers a strong aesthetic advantage.

The existing building accommodates approximately 35 diplomatic personnel and 13 support staff members. The new building will accommodate the same number of employees. Of the 35 diplomatic personnel, 31 employees reside in an apartment building less than one block away and walk to work. The remaining 28 employees commute to work by public transportation or automobile. Those who drive to work currently park in either the existing surface parking lot on the subject site, or in the on-street curb parking spaces designated for chancery use. Staff members are not permitted to park on the surface

lot, and will not be permitted to park in the new building. They now commute to work by public transportation or in carpools and will continue to do so after the new building is constructed.

Currently, there are approximately 30 visitors to the chancery daily, or approximately four to five visitors on the site per hour. The majority of these visitors travel to the site by taxi or public transportation. The chancery makes every effort to encourage the use of public transportation. There will be no change in the number of visitors to the new building.

Section 2101.1 of the Zoning Regulations requires one parking space for each 1,800 square feet of gross floor area in excess of 2,000 square feet for chancery use in the SP District. The proposed chancery contains approximately 23,827 square feet of gross floor area which would require twelve parking spaces. The Board finds that the intensity of the chancery use will not be increased at the proposed site and that the applicant has satisfied its projected parking needs within the proposed building.

4. **Protection:** The office of Foreign Mission 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 Interest:** The Director of the D.C. Office of Planning, the delegated representative of the Mayor, by memorandum dated April 3, 1991, recommended approval of the application. The OP reviewed the plans and application and stated its opinion that approval is not inconsistent with the criteria set forth in Sections 1001 and 1002 of the Zoning Regulations. The proposed building meets the applicable bulk, height and parking requirements of the SP-1 District with the exception of the penthouse set back along Massachusetts Avenue. The deviation in the penthouse structure is directly related to the design of the main entrance to the building and the functional requirements of the penthouse itself. The applicant requested some flexibility to adjust the penthouse setback further from Massachusetts if functional and design constraints permit during the construction of the project. The OP was of the opinion that this discrepancy is not substantial and does not materially impact the quality of the building or the surrounding area.

The OP further stated that the location of the chancery, as proposed, will not create objectionable impacts on traffic and parking conditions in the area. Moreover, the design of the structure will be in harmony with existing development in the area and the nearby Massachusetts Avenue and Dupont Circle Historic Districts.

6. **The Federal Interest:** The Office of Foreign Missions has determined that approval of the application would be consistent with the Federal interest 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. The Philippine government fully discharges this obligation by providing such facilities to the United States Embassy in the Philippines.

Advisory Neighborhood Commission:

By written report dated March 19, 1991, Advisory Neighborhood Commission (ANC) 2B indicated that the subject application was considered at its meeting of March 13, 1991. The ANC voted 4 to 1 to support the application, with a quorum present, subject to the following conditions:

1. That the applicant resolve the question of whether the northwest corner of the property is in an historic district; and
2. That the applicant clean and maintain the property in a sanitary condition until construction of the project begins.

The Board notes that the applicant has established that the property is not located in an historic district. Further, the applicant has agreed to maintain the property in sanitary condition until construction of the project begins.

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 **APPROVED** subject to the following **CONDITIONS:**

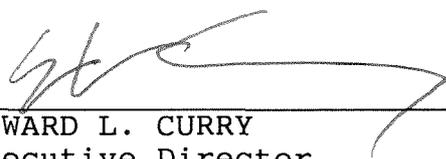
1. The removal, relocation, and final location of trees shall be coordinated with the Tree Maintenance Division of the Department of Public Works.

2. The applicant shall clean and maintain the property in a sanitary condition prior to, during, and after construction of the project.
3. The applicant shall have flexibility to decrease the height and/or to increase the setback of the penthouse structure without additional BZA review and approval.

VOTE: 4-0 (Paula L. Jewell, John G. Parsons, Charles R. Norris and Carrie L. Thornhill to approve; Reginald Griffith 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:

JUN 7 1991

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.

15465Ord/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15465

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUN 7 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Allison Carney Prince, Esquire
Wilkes Artis Hedrick & lane
1666 K Street, N.W.
Suite 1100
Washington, D.C. 20006

Embassy of the Republic of Philippines
1617 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Alaire Bretz Rieffel, Chairperson
Advisory Neighborhood Commission 2-B
1526 Connecticut Avenue, N.W.
Washington, D.C. 20036



EDWARD L. CURRY
Executive Director

DATE: _____

JUN 7 1991

15465Att/bhs