

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF **ZONING** ADJUSTMENT



Application No. 15509 of the Fleet Reserve Association on behalf of the Arab Republic of Egypt, pursuant to 11 DCMR 1001, for permission under Section 1002 to locate a chancery in an SP-2 District at premises 1303 New Hampshire Avenue, N.W., (Square N-99, Lot 800).

HEARING DATE: June 26, 1991

DECISION DATE: June 26, 1991 (Bench Decision)

INTRODUCTION:

The application was filed by the Fleet Reserve Association on behalf of the Arab Republic of Egypt to occupy the premises at 1303 New Hampshire Avenue, N.W. as a chancery. The application was considered by the Board in accordance with the requirements of Section 1000 of the Zoning Regulations. Section 1000 was adopted by the Zoning Commission to implement the Mixed-Use Diplomatic District and Section 206 of the Foreign Missions 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 Arab Republic of Egypt is the contract purchaser of the property at 1303 New Hampshire Avenue, N.W., which is improved with a 3-story structure containing 5,885 square feet of gross floor area. The property, which is located in the SP-2 zone, was used for the last 45 years for nonresidential purposes. The contract purchaser intends to occupy the property for chancery use by the Egyptian Cultural and Educational Bureau. No additions or alterations to the building are anticipated.

The Bureau is presently located in leased space at 2200 Kalorama Road, N.W. The Bureau handles matters of educational, cultural and scientific affairs. Visitors to the existing location average less than 3 per day, and this number is expected to continue. The Bureau employs a total of 25 individuals. There are no immediate changes in the number of personnel anticipated.

The location of a chancery in the SP-2 District is a permitted use 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 and Section 1001 of the Zoning Regulations.

FOREIGN MISSION 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. Subsection **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. Subsections **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. Subsection **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. Subsection **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. Subsection **1001.7**: The municipal interest, as determined by the Mayor.
6. Subsection **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 June 12, 1991, the Director of the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of States, determined that the international obligation of the United States to facilitate the provisions of adequate and secure facilities for the Government of the Arab Republic of Egypt for its diplomatic mission in Washington will be met by the approval of this application. In addition, the Secretary of State has determined that no special security requirements exist, that the site and area are capable of being adequately protected, and that the proposed location is consistent with the federal interest.

2. **Historic Preservation:** The structure is located in the Dupont Circle Historic District, but is not a historic landmark. This application does not involve new construction, demolition, or alteration to a historic landmark. The only exterior addition contemplated is a small plaque on the building. The record contains a report of the staff of the Historic Preservation Review Board recommending approval of this plaque. The Office of Planning testified that the Historic Preservation Review Board voted to recommend approval of the plaque to the Foreign Missions Board of Zoning Adjustment. The Board finds that the addition of the plaque is appropriate and consistent with the character of other properties in the historic district.

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 has met with officials from the Department of Public Works to ensure that parking is provided in a manner that adequately serves the needs of the Bureau.

Because the subject site is a historic building that contributes to the character of the historic district, no parking spaces would be required, pursuant to Section 2100.5 of the Zoning Regulations. If parking were required, then Section 2101.1 of the Zoning Regulations would require 2 parking spaces for the subject site. The Applicant has submitted a parking plan showing 15 spaces on the existing parking lot on the subject site, utilizing stacked parking. The Board finds that the subject site more than adequately accommodates the parking needs of the Bureau. At present, approximately 15 employees drive to the Bureau's current site. A number of these vehicles carry more than one employee. The current site is not conveniently located near a Metrorail station. The policy of the Bureau is to encourage carpooling. Initially, it is expected that 15 employees will drive to the subject site, with an average of 12 cars on the site at the same time. Because of the enhanced accessibility to the Metro at the new location, as compared to the present location, the Bureau expects that more of its employees will use public transportation.

The subject site is within one block of the Dupont Circle Metro station and numerous bus routes serving 20th Street and New Hampshire, Connecticut and Massachusetts Avenues. The Bureau receives an average of less than 3 visitors per day. The majority of visitors arrive by taxi or other similar means, and few, if any, drive their cars to the site (except for delivery vehicles). For those few visitors who do drive, there is available short term parking on the street, and numerous parking garages in the area.

The Department of Public Works (DPW) submitted a report dated June 19, 1991. DPW notes that the Zoning Regulations require 2

off-street parking spaces, and 15 off-street parking spaces are provided. The DPW report also notes the existence of public transportation in the area. DPW concluded that the request will have a negligible impact on the local transportation system, and therefore, DPW has no objection to the proposed use.

After consultation with federal agencies authorized to perform protective services, the Department of State has determined that there exist no special security requirements relating to parking requirements in this case.

Based upon the above, the Board finds that the proposal includes adequate off-street parking for the proposed use, and that there is adequate public transportation available to reduce parking requirements.

4. Protection: The Office of Foreign Missions has determined that the subject site and area are capable of being adequately protected.

5. Municipal Interests: The Director of the Office of Planning (OP), the delegated representative of the Mayor, by memorandum dated June 18, 1991, and by testimony at the hearing, recommended 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.

The Office of Planning recommended that the application be approved. OP suggested that, in order to prevent negative impacts on the surrounding area, screening should be provided for the trash receptacle which is currently located in the parking lot. The Board finds that a requirement to store trash within the building, as a condition of this approval, would be preferable to construction of a screening wall for the trash receptacle. The Director of the Bureau, by testimony at the public hearing, agreed to this alternative.

The Department of Public Works, by memorandum dated June 19, 1991, indicated no objection to the proposed use. DPW found that the 15 stacked parking spaces on the site would be sufficient to accommodate the needs of the Bureau. DPW noted that there will be a parking attendant available to move cars. There are two curb cuts into the parking lot, from 20th Street and from N Street. Residential permit parking exists on both sides of New Hampshire Avenue from 7:00 A.M. to 8:30 P.M., Monday-Friday. In addition, the north side of N Street, adjacent to the site, provides residential permit parking from 7:00 A.M. to 6:30 P.M., Monday-Friday. Adjacent to the subject site on 20th Street, 2 hour metered parking is available from 8:00 A.M. to 6:30 P.M., Monday-Friday. The site is served by 8 bus routes along New Hampshire Avenue, and 6 bus

routes along 20th Street, as well as the Dupont Circle Metrorail station. DPW concluded that, from a transportation perspective, the subject request will have a negligible impact on the local transportation system.

Reports were also received from the Office of Business and Economic Development, the Fire Department, and the Historic Pre-Preservation Review Board indicating either support or no opposition to the application.

The Director of the Bureau testified that the Bureau has been located at 2200 Kalorama Road, N.W. for 45 years, pursuant to a lease, and that the lease has expired. The Bureau was not given the opportunity to purchase the site. Therefore, the Bureau must find new quarters. The subject site was identified as an appropriate location because of the available parking and size of the building. The Director stated that the majority of the work of the Bureau is conducted by telephone, telefax and correspondence. The Director testified that there will be no exterior changes to the building, except for the plaque; that there will be an average of approximately 12 cars at the site at a time; that there will be one or two receptions per year, between the hours of 6:00 and 8:00 P.M.; and that more staff will use public transportation at the new site, because of its increased accessibility to Metro. At present, 25 people work at the Bureau. This number has remained consistent for at least the last 5 years. There have **been** a number of replacements, but there has not been an increase. The Director anticipates few, if any, increases in staff in the foreseeable future. The Director indicated an average of less than 3 visitors per day, based upon present experience.

A member of the Residential Action Coalition, who is also a resident in the area, indicated her opposition to the project. The basis for the opposition is that, in the **past**, trash has been permitted to accumulate on the sidewalks and gutters surrounding the property. In addition, she stated there is no guarantee that the dumpster would not be emptied on a regular basis. She also indicated that, with 15 spaces on the site, the Bureau should not be permitted to obtain diplomatic parking on the street. The Board finds that, with the inclusion of the conditions in this order, the concerns of the neighbor will be addressed.

6. The Federal Interest: The Office of Foreign Missions has determined that approval of the application would be consistent with the federal interest 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 Board also finds that the proposal is consistent with **the** Foreign Missions and International Organizations Element of the Comprehensive Plan. The Arab Republic of Egypt has rendered favorable reciprocal treatment to the United States in property-related Matter. The United

States Embassy has recently occupied a newly constructed office tower in Cairo as its principal chancery facility. In addition, the United States intends to begin construction in the near future of a 7-story building for use as a chancery annex and as a residence for the Ambassador. The Egyptian Government has also shown its support in the recent purchase of a property near the Embassy for use as a staging area for upcoming construction projects. The Department of State has received full cooperation from the Egyptian Government in connection with its property program in Egypt, and favorable treatment by the Board in this case will encourage positive treatment for future property requirement in that Nation.

ADVISORY NEIGHBORHOOD COMMISSION:

Advisory Neighborhood Commission (ANC)2B submitted a written report dated June 13, 1991 stating that it had considered this application at its meeting on June 12, 1991, which was attended by a quorum of 3 commissioners. The ANC voted to take no position on the application on the condition that the Applicants agree not to ask for diplomatic reserved on-street parking. The ANC filed further correspondence with this Board, dated June 17 and 18, 1991, reiterating this position, and stating that, since no affirmative agreement had been received from the Applicant, the ANC would oppose the application. The Board finds that the correspondence from the ANC does not meet the requirements of Section 3307 of the Zoning Regulations, as incorporated for chancery proceedings by Section 3340.4. Notwithstanding this observation, the Board disagrees with the ANC. The Board believes, that it would be premature and imprudent for the Arab Republic of Egypt to agree at this time to waive any rights which are available to it under District of Columbia law, for the life of the occupancy of the building. The Director of the Bureau has stated that it is not the present intention of the Bureau to seek on-street reserved diplomatic parking. The Board further notes that the Bureau would be limited to a maximum of only 60 feet of curb-side parking for diplomatic purposes, and that the perimeter of the curb surrounding the property measures approximately 600 feet. The Board notes that the Director of the Bureau offered a compromise position to the ANC, to limit any future on-street diplomatic parking to the area along 20th Street, where parking meters are currently located, so that the residential permit parking in the area would not be affected. The Board is unaware of any response to that proposal. In any event, the Board finds that, as a contributing building in a historic district, no parking spaces would be required. Under the guidelines of the Zoning Regulations, if parking spaces were required, only 2 would be required. The applicant is providing 15 spaces.

DECISION:

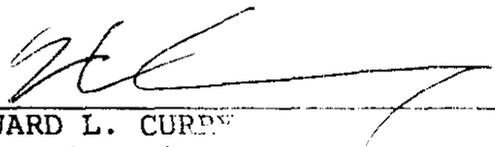
On the basis of the record before it, and the criteria of Section 1000 of the Zoning Regulations, the Board determines that the standards of the Zoning Regulations have been met by this application. Accordingly, it is hereby ORDERED that this application is APPROVED, subject to the following CONDITIONS:

1. Trash shall be stored within the building prior to pick up.
2. The building, grounds, and parking area shall be properly cleaned and maintained.

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

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

ATTESTED BY:


EDWARD L. CURRAN
Executive Director

FINAL DATE OF ORDER: JUL 26 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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15509

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above-numbered case, said Order dated JUL 26 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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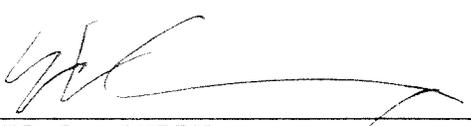
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EDWARD L. CURRY
Executive Director

DATE: JUL 26 1991