

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15677 of Bigelow Building Associates Limited on behalf of the Embassy of Malaysia, pursuant to 11 DCMR 1001, for permission under Section 1002 to locate a chancery in an SP-1 District at premises 1501 18th Street, N.W. (Square 155, Lot 812)

HEARING DATE: May 20, 1992  
DECISION DATE: May 20, 1992 (Bench Decision)

ORDER\*

INTRODUCTION:

This application was filed by Bigelow Building Association on behalf of the Embassy of Malaysia pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-291, 96 Stat. 286, August 24, 1982) to locate a chancery annex on the first and second floors of a structure located in an SP-1 District at 1501 18th Street, N.W. (Square 155, Lot 812). 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 applicant is the owner of the subject site, Bigelow Building Associates Limited. The Government of Malaysia is the contract purchaser of the site. The Malaysian government proposes to occupy the subject site as a chancery annex on the first and second floors and in the basement. The third floor will be occupied as a residence for embassy staff and family. Specifically, the building will be occupied by the Malaysian student department of the embassy, which currently operates out of the chancery annex located at 1900 24th Street, N.W.

The building will be occupied initially by nine staff members who will be relocated from the 24th Street chancery annex. It is anticipated that the staff will increase by two to three persons over the next five years, at which point the government expects to have completed the construction of a new chancery building in the International Center at Van Ness Street. The new building will be used to consolidate the various chancery facilities owned by the Malaysian government in the District, including the subject site.

The subject site is located on the northeast corner of 18th and P Streets N.W., south of Massachusetts Avenue. The site is improved with a three-story redbrick structure which is now vacant. The building was formerly occupied by a law firm.

The building consists of three levels above grade and an English basement. The building was originally designed and constructed as a residence in 1882 by Otis Bigelow. He occupied the house as a residence until 1912.

The subject site is located in the Dupont Circle Historic District and it is listed as a contributing historic structure. It is also located in the newly adopted Dupont Circle Overlay District. The Malaysian government does not propose any exterior renovation to the building, and only minor renovations to the third floor in order to accommodate residential use. Therefore, no review by the D.C. Historic Preservation Review Board is required. Further, the new Dupont Circle Overlay District regulations do not impact the proposed use.

The area surrounding the subject site contains a wide variety of uses including SP offices, single-family residences, apartments, chanceries and other nonresidential uses. As noted above, the site is located in an SP-1 zone district, which extends to the north along 18th Street and to the west across 18th Street. There are R-5-D and SP-2 zone districts located to the southeast of the site. An R-5-B zone district is located to the northeast.

In terms of uses, directly to the north of the subject site along 18th Street is St. Thomas' Episcopal Church and Parish Hall. North of the church along 18th Street are several office buildings including the Mathematically Association of America, Inc.

The properties directly to the east of the subject site along P Street consist of apartments and single-family townhouses. To the south of the site is an office building which houses the National Trust for Historic Preservation at 1785 Massachusetts Avenue. At the southwest corner of 18th and P Streets is the Sulgrave Club.

To the west, across 18th Street is the formerly Embassy of Iraq and, to the northwest, the former Embassy of Saudi Arabia. Farther west, at the corner of P Street and Dupont Circle, is The Washington Club.

The location of a chancery in an SP-1 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 of the Zoning Regulations which are 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 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 Section 1001 of the Zoning Regulations, the Board states the following:

1. The International Obligation of the United States. By letter dated April 17, 1992 and by testimony at the public hearing, the Director of the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of State, determined that approval of the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the government of Malaysia for its diplomatic mission in the District.

2. Historic Preservation. The subject site is not an historic landmark, but is located in the Dupont Circle Historic District and it is listed as a contributing building. The applicant does not contemplate any demolition or new construction on the subject site, as the building was completely gutted and renovated three years ago. As noted, there will only be minor renovations of the third floor in order to make it more suitable for residential use.
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.

Section 2101.1 of the Zoning Regulations requires one parking space for each 1,800 square feet of gross floor area devoted to chancery use or as determined by the Board of Zoning Adjustment. One parking space for every four apartments is required. Approximately 4,677 square feet of the total 6,090 square feet of the gross floor area of the subject site will be devoted to chancery use. The remainder of the space, or 1,413 square feet, will be occupied as an apartment. Thus, two parking spaces are required for the chancery use under the guidelines set forth in the Zoning Regulations, and although no parking spaces are required for the apartment, one space will be provided.

It was determined that the applicant could provide five off-street parking spaces. Two of the five spaces would satisfy the requirements for off-street parking.

Five parking spaces are provided on the subject site, it is anticipated that all of these spaces will be utilized initially. Four of the nine staff members (with diplomatic status) who will relocate to the subject site live in McLean, Virginia and currently car pool to work in one to two vehicles. Of the five remaining staff members, only three presently drive. It is not anticipated that there will be many visitors to the subject site prompting the need for additional parking, nor will there be such functions would occur at the Ambassador's residence or the residence of the diplomatic staff.

Over time, the staff may increase by two to five for a total of 11 to 14 persons. As noted above, within five years it is expected that this chancery annex will be consolidated into one large building to be constructed

in the Van Ness Chancery Center. For this reason, it is not anticipated that the subject site would ever be occupied to its maximum capacity of 24 persons.

If the number of staff members increases beyond the anticipated number, additional measures will be taken by the Malaysian government to assure the adequacy of off-street parking. The applicant is aware of the traffic and parking congestion that exists in the Dupont Circle area and does not wish to contribute to or further exacerbate this condition. The appellant has explored with its parking consultant the State Department measures that can be taken in the unlikely event the staff increases beyond the current expectation.

One option is to develop an organized ride-share program to limit the number of employees driving to work. Further, the Malaysian government could apply to the State Department and the D.C. Department of Public Works to reserve two diplomatic parking spaces on the P Street side of the building, thereby increasing to approximately seven the total number of parking spaces available to the chancery. Lastly, commercial parking lots are available in close proximity, if the above measures are not effective.

In addition to the off-street parking described above, the subject site is adequately served by public transportation. There are Metro bus stops along Massachusetts Avenue and New Hampshire Avenue. Further, the Dupont Circle Metrorail Station is a three to four block walk from the subject site.

4. Protection. The Office of Foreign Missions has determined that there exist no special security requirements relating to parking and that the site and surrounding area are capable of being adequately protected.
5. The Municipal Interest. The Director of the Office of Planning (OP), the delegated representative of the Mayor, by memorandum dated May 12, 1992, and by testimony at the hearing, recommended approval of the application subject to the applicant's agreeing to forego requesting on-street reserved diplomatic parking spaces. It was the opinion of the OP that the proposed location of a chancery is not inconsistent with the criteria for approval as specified in Sections 1001 and 1002 of the Zoning Regulations. The location and operation of the chancery as proposed is not expected to create objectionable impacts on traffic and parking and would

have no adverse impacts on the municipal interest nor on the surrounding neighborhood.

By report dated May 6, 1992, the Metropolitan Police Department (MPD) indicated that the proposed application will not affect public safety in the immediate area or generate an increase in the level of public services presently provided.

6. The Federal Interest. The Office of Foreign Missions has determined that a favorable decision on the application would serve the Federal Interest. The United States has received favorable treatment from the Government of Malaysia for its property acquisitions in the past and favorable treatment by the Board in this case will encourage continued support for requests in the future.

**ADVISORY NEIGHBORHOOD COMMISSION:**

Advisory Neighborhood Commission (ANC) 2B by report dated March 26, 1992 and by testimony at the public hearing supported the application with the assurance that the applicant will not apply for on-street diplomatic parking. The Board concurs with the ANC's recommendation.

**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. The Advisory Neighborhood Commission, was accorded the "great weight" to which it is entitled. Accordingly, it is hereby **ORDERED** that this application is **APPROVED**, subject to the following **CONDITIONS**:

1. The parking layout shall be as shown on the plat marked as Exhibit No. 32 of the record.
2. The applicant shall not request or utilize on-street diplomatic parking spaces in the area immediately surrounding the subject site.
3. The applicant shall bring the portion of the public space on the 18th Street side of the property into compliance with all applicable District of Columbia Codes and Regulations applicable to the use of public space.
4. The applicant shall implement a formal ride-share program to facilitate carpooling by the employees working at the site.

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VOTE: 3-0 (Paula L. Jewell, John G. Parsons and Angel F. Clarens to approve; Reginald W. Griffith and Carrie L. Thornhill not present, not voting).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

\*THIS ORDER HAS BEEN RE-ISSUED TO COINCIDE WITH THE PUBLICATION OF THE NOTICE OF FINAL RULEMAKING IN THE D.C. REGISTER.

FINAL DATE OF ORDER: AUG 28 1992

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.

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