

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15809 of the Woman's National Democratic Club on behalf of the Embassy of Jamaica, pursuant to 11 DCMR 1001, for permission under Section 1002 to locate a chancery in a DCOD/SP-1 District at premises 1520 New Hampshire Avenue, N.W. (Square 135, Lot 6).

HEARING DATE: April 14, 1993
DECISION DATE: April 14, 1993 (Bench Decision)

INTRODUCTION:

The application was filed by the Woman's National Democratic Club on behalf of the Embassy of Jamaica pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 96 Stat. 286, August 24, 1982) to locate a chancery in the DCOD/SP-1 District at 1520 New Hampshire Avenue, N.W. (Square 135, Lot 6). 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 seeking to locate the Chancery of the government of Jamaica in the building at 1520 New Hampshire Avenue, N.W. The building is a four-story plus basement brick structure containing approximately 7,200 square feet of floor area. The building was most recently occupied by the Financial Office of the Embassy of Spain, an architectural firm, and offices of nonprofit organizations.

The building is situated on the Northwest side of New Hampshire Avenue, N.W. between the Dupont Plaza Hotel and the Woman's National Democratic Club. At least 11 other chanceries, not including chancery annex offices, are located in close proximity to the subject site.

The Embassy of Jamaica does not intend to undertake any new construction, demolition or alteration to the exterior of the building. The Embassy will install a flagpole, plaque and official seal on the exterior of the proposed chancery building.

The property is located in a DCOD/SP-1 District. A chancery is a permitted use in an SP District, subject to the disapproval of the Board of Zoning Adjustment after review based on criteria set forth in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations.

FOREIGN MISSIONS ACT CRITERIA:

A chancery is a permitted use in an SP Zone subject to disapproval by the Board based solely on the criteria of Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations. The Dupont Circle Overlay District (DCOD) regulations do not impact the proposed use. In making its decision, the Board must consider the following criteria under the Zoning Regulations:

1. Section 206(d) (1). 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. Section 206(d) (2). 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. Section 206(d) (3). 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 206(d) (4): 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 206(d) 5: The municipal interest, as determined by the Mayor.
6. Section 206(d) (6). The federal interest, as determined by the Secretary of State.

EVALUATION:

With respect to the six criteria identified in the Foreign Missions Act, the Board states the following:

1. **The International obligation of the United States.** By letter dated March 30, 1993, and by testimony at the public hearing, the Acting Director of the Office of Foreign Missions, on behalf of the Secretary of State,

determined that favorable BZA action on the present application would fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the government of Jamaica for its diplomatic mission in Washington.

2. **Historic Preservation.** The subject site is located in the Dupont Circle Historic District, but it is not a historic landmark. This application does not involve new construction, demolition or alteration to a historic landmark. The Embassy of Jamaica intends to locate a flagpole, plaque and official seal on the front of the building. By memorandum dated March 23, 1993, the Chief of the Historic Preservation Division reported that the Historic Preservation Review Board, at its meeting of March 17, 1993, recommended approval of the proposed flagpole, a plaque and seal on the front facade of the building.
3. **Parking and Transportation.** The building was constructed prior to 1958, and there is no on-site parking, nor has there ever been any on-site parking. Under Chapter 21 of the Zoning Regulations, no parking is required in conjunction with the proposed use. Even if parking were required, the building would be exempt from that requirement as a historic structure under Section 2100.5 of the Zoning Regulations. Office use was established in the building in the 1940's, before the Zoning Regulations required BZA review of SP office uses. The most recent certificate of occupancy allows occupancy of the entire building, without limitations or conditions as to parking. Under Section 206(b) (3) of the Foreign Missions Act, the limitations and conditions applicable to chanceries shall not exceed those applicable to other office or institutional uses at this site.

If the parking schedule of Chapter 21 were used as a guideline, there would be three parking spaces required in conjunction with the proposed use. As a practical matter, there are ten, public, off-street, commercial parking facilities within 1/4 mile of the subject site, three of which are within 1 1/2 blocks of the site, and one of which is directly across New Hampshire Avenue from the subject site. The garage is operated by PMI, and provides approximately 160 parking spaces, available for Chancery personnel and visitors.

At present, six Chancery employees drive to work. Chancery employees who must drive to work park in commercial off-street parking facilities, and receive a

parking stipend from the Embassy. That arrangement will continue at the new location. There is also a supply of short-term parking on the street in the area for use by visitors to the Chancery.

The property is well served by public transportation. It is located within two blocks of the Dupont Circle Metrorail Station. In addition, there are numerous bus lines in the vicinity, and a taxi stand adjacent to the site. By testimony at the public hearing, the Office of Planning reported that the Department of Public Works reviewed the application and reported no objection.

The March 30, 1993 letter from the Department of State reported that, after consultation with federal agencies authorized to perform protective services, the Office of Foreign Missions has determined that there are no special security requirements related to the parking requirements in this case.

On the basis of the foregoing, the Board finds that the property has access to adequate public parking facilities and is adequately served by public transportation sufficient to serve the Chancery's needs.

4. **Protection.** By letter dated March 30, 1993, and by testimony at the public hearing, the Office of Foreign Missions indicated that it has determined, after consultation with federal agencies authorized to perform protective services, that the subject site and 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 April 6, 1993, and by testimony at the public hearing, recommended approval of the application. The OP reviewed the application and stated its opinion that approval is not inconsistent with the criteria for approval specified in Section 206(d) of the Foreign Missions Act. The location and operation of the Chancery as proposed are not expected to create objectionable impacts on the traffic and parking conditions within the general vicinity and would be sensitive to the historic district within which the facility would be located. The building has a long history of office use, and was most recently used by the

Financial Office of the Embassy of Spain, as well as other SP office uses similar in nature and character to that which is being proposed in this case.

By report dated March 29, 1993, the Metropolitan Police Department (MPD) indicated that the proposed application will not affect the public safety in the immediate area or generate an increase in the level of police services now being provided.

6. **The Federal Interest.** By letter dated March 30, 1993, and by testimony at the public hearing, the Acting Director of the Office of Foreign Missions determined that a favorable decision on this application would serve the federal interest. The Department of State currently owns a tract of land in Jamaica on which it intends to construct a new embassy complex. Discussions will soon commence in Kingston regarding the Department's plans for the site and favorable treatment by the BZA in this case will encourage cooperation from the local authorities in Jamaica.

ADVISORY NEIGHBORHOOD COMMISSION:

Advisory Neighborhood Commission (ANC) 2B, did not submit a written report for this application, nor did an ANC representative appear at the public hearing.

DECISION:

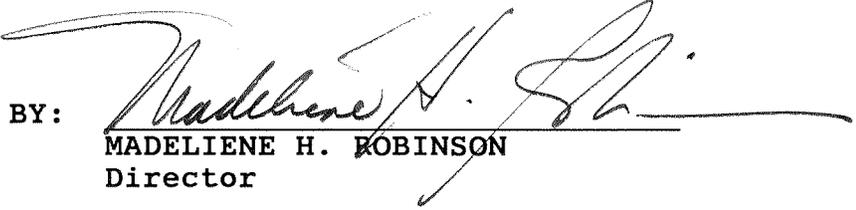
On the basis of the record before it and the criteria of the Foreign Missions Act, the Board determines that this application meets the standards of the Foreign Missions Act. Accordingly, it is hereby **ORDERED** that this application is **APPROVED**.

VOTE: 4-0 (Reginald Griffith, Paula L. Jewell, Carrie L. Thornhill and John G. Parsons to approve; Angel F. Clarens not present, not voting).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: MAY 14 1993

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."

15809Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15809

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 14 1993 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:

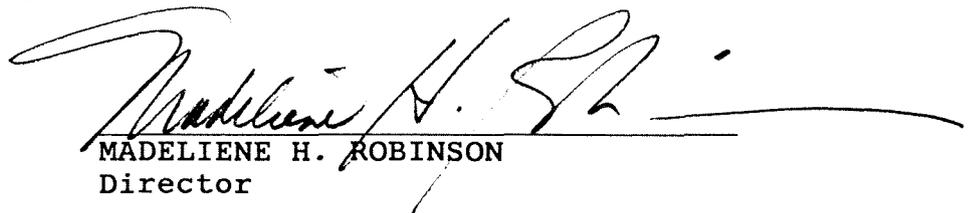
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MADELIENE H. ROBINSON
Director

DATE: MAY 14 1993

15809Att/bhs