

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15852 of Robert Cadeaux, et al. on behalf of the Embassy of the Republic of Slovenia, pursuant to 11 DCMR 1001, for permission under Section 1002 to locate a chancery in a DCOD/SP-1 District at premises 1525 New Hampshire Avenue, N.W. (Square 136, Lot 802).

HEARING DATE: September 15, 1993

DECISION DATE: September 15, 1993 (Bench Decision)

**INTRODUCTION:**

The application was filed by Robert Cadeaux, et al. on behalf of the Embassy of the Republic of Slovenia 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 1525 New Hampshire Avenue, N.W. (Square 136, Lot 802). 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 Republic of Slovenia in the building at 1525 New Hampshire Avenue, N.W. The building is a three-story plus basement brick and stone structure containing approximately 4,900 square feet of floor area for office use. The building was most recently occupied by the offices of nonprofit organizations.

The building is situated on the east side of New Hampshire Avenue, N.W. between Dupont Circle to the south and Q Street to the north. At least 12 other chanceries, not including chancery annex offices, are located in close proximity to the subject site.

The Embassy of Slovenia does not intend to undertake any new construction, demolition or alteration to the exterior of the building. The Embassy will install a flagpole and plaque 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 August 4, 1993, and by testimony at the public hearing, the Director of the Office of Foreign Missions, on behalf of the Secretary of State, determined that favorable Board 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 Slovenia 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 Slovenia intends to locate a flagpole and plaque on the front of the building. By memorandum dated July 26, 1993, the Chief of the Historic Preservation Division reported that the Historic Preservation Review Board, at its meeting of July 21, 1993, recommended approval of the proposed flagpole and plaque 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 1969. In BZA Order No. 13111, the Board granted a parking variance for the prior nonprofit office use of the building. 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 two 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 just south of the subject site on New Hampshire Avenue, N.W. The garage is operated by PMI, and provides approximately 160 parking spaces, available for chancery personnel and visitors.

At present, the Ambassador is driven to work by the staff driver, and the other four Embassy employees take Metro to work. This 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 directly across

the street from 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 August 4, 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 August 4, 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 September 2, 1993, and by testimony at the public hearing, recommended approval of the application. 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 25 year history of office use, and was most recently occupied by a nonprofit organization with twice as many employees as that anticipated by the Embassy of Slovenia. Such use is similar in nature and character to that which is being proposed in this case.

Councilmember Jack Evans (Ward 2), by letter dated July 20, 1993, expressed his support for the application and urged the Board to take favorable action. By letter dated September 14, 1993, the Eurasia Foundation, an immediate neighbor of the property at 1527 New Hampshire Avenue, indicated its support of the application, stating that the Embassy of Slovenia will be an asset to the neighborhood. There were no letters or testimony filed in opposition to the application.

6. **The Federal Interest.** By letter dated August 4, 1993, and by testimony at the public hearing, the Director of the Office of Foreign Missions determined that a favorable decision on this application would serve the federal interest. Slovenia is a newly independent state and, given the increasing importance of U.S. relations in this area of the world, it is important for the U.S. to secure permanent and adequate facilities there. The U.S. Embassy in Ljubljana is currently reviewing prospective chancery and residential properties for future acquisition. The Slovenian authorities have cooperated fully in these efforts and favorable treatment by the Board will encourage their continued support.

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.

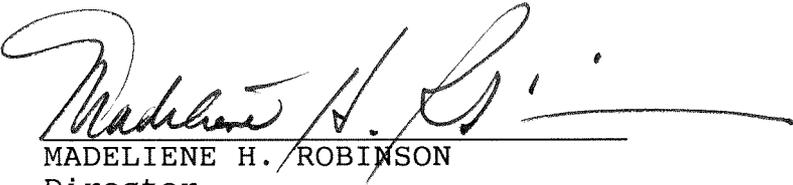
DECISION:

On the basis of the record before it and the criteria of Chapter 10 of the Zoning Regulations and the Foreign Missions Act, the Board determines that this application meets the standards of the Zoning Regulations and Foreign Missions Act. Accordingly, it is hereby **ORDERED** that this application is **APPROVED**.

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

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

OCT 1 1993

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, 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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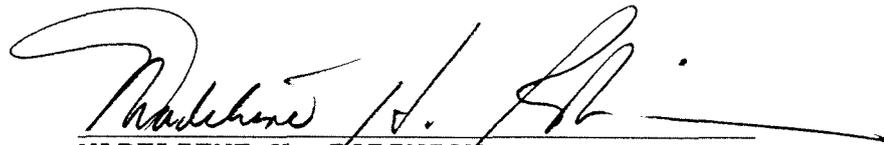
As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 1 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. ROBINSON  
Director

DATE: OCT 1 1993