

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15977 of 1501 M Street Limited Partnership, on behalf of the Embassy of Sweden, pursuant to 11 DCMR 1001, for permission under Section 1002 for approval of antennas to serve a foreign mission in a C-4 district at premises 1501 M Street, N.W. (Square 196, Lot 38).

HEARING DATE: September 21, 1994
DECISION DATE: September 21, 1994 (Bench Decision)

ORDER

INTRODUCTION

This application was filed by 1501 M Street Limited Partnership on behalf of the Embassy of Sweden pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 96 Stat. 286, August 24, 1982) to construct two antennas on the roof of the roof structure of the existing building located in the C-4 district at 1501 M Street, N.W. (Square 196, Lot 38). The application was considered by the Board in accordance with Section 206 of the Foreign Missions Act and pursuant to 11 DCMR 1001 and 1002. 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

In June of 1994, the Embassy of Sweden relocated its chancery to the subject property at 1501 M Street, N.W. The chancery had previously been located at the Watergate office building at 600 New Hampshire Avenue, N.W.

Sweden proposes to construct two short-wave antennas on the roof of the roof structure of the building. The antennas would be part of Sweden's worldwide communications network, a network that is being upgraded and modernized around the world. The antennas would enable the mission in the United States to communicate with the home government offices in Sweden and other Swedish chanceries around the world. The antennas would also serve as a conduit for communications between the home government and other Swedish embassies and chanceries in the western hemisphere, particularly in Central and South America.

The Swedish government has determined to use radio transmissions for its worldwide communications network. The embassy in the United States must use and be part of the same system in

effect for all Swedish missions. To ensure their security and to facilitate their operation and maintenance, the antennas are proposed to be located on the roof of the building where the chancery is located.

Each antenna consists of a boom mounted on a mast with a series of elements extending perpendicular to the boom and parallel to the roof. The antennas resemble enlarged television antennas. The booms are approximately 30 feet long, and the longest element extends approximately 21 feet to each side.

The turning radius of each antenna is approximately 26 feet. In order to fit on the roof of the roof structure, the turning radii overlapped. Ideally, based on the wavelength of the frequencies, the antennas would both be located approximately 30 feet above the roof of the penthouse. To turn without obstructing each other, the boom of one antenna has been lowered so that it is 19 feet above the roof of the roof structure. The boom of the other antenna is 28 feet above the penthouse roof. The two antennas are lower than the top of the spire on the tower which is an architectural embellishment on the roof of the building. The size and height of the antennas are the minimum necessary to accomplish Sweden's communication needs.

FOREIGN MISSIONS ACT CRITERIA

A chancery is a use permitted as a matter of right in the C-4 District pursuant to Section 701.6(e) of the Zoning Regulations. In addition, Section 206(b) provides that a chancery is permitted as a matter of right in any commercial zone. Review by the FMBZA is required in this case because the antennas exceed the height normally permitted and do not meet the setbacks normally required under the Zoning Regulations. In considering the subject application, the determination of the Board is based solely on the specific criteria set forth in Section 1001, et seq. of Chapter 10 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 of foreign missions in the nations capital.
2. Subsction 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 preservations shall be required with respect to new construction and the demolition of all the 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 Zoning Regulations the Board states the following:

1. The international obligation of the United States: By letter dated September 13, 1994, and by testimony at the public hearing, the Office of Foreign Missions, pursuant to a delegation from 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 secured premises by the government of Sweden for its diplomatic mission in Washington.
2. Historic preservation: The subject building is not a historic landmark nor is it located in a historic district.
3. Parking and transportation: The chancery use is permitted as a matter of right in the building and this entire section is therefore not applicable. Construction of the antennas on the roof does not increase the gross floor area of the building, the number of employees in the chancery or otherwise in the building and the demand for parking in the building or in the area.
4. Protection: The Office of Foreign Missions has determined that the subject site and area are capable of being adequately protected.

5. Municipal Interest: The Director of Office of Planning ("OP"), the delegated representative of the Mayor, by memorandum dated September 12, 1994 and by testimony of an OP staff representative at the public hearing, stated his opinion that the Applicant had met the burden of proof under Section 1001 and 1002 of the 11 DCMR relative to the proposed construction of two roof top antennas of the subject site. The OP reported that the antennas would meet all internal safety and operating requirements of the Swedish government as well as comply with all applicable U.S. safety standards. With all issues considered, the proposed antennas would be in both the municipal and federal interests.

The building has an architectural embellishment, a tower topped by a dome and the spire, located at the southeast corner of the site rising to a height of approximately 50 feet above the roof. The roof structure is set back 18 feet, six inches from the edge of the roof, except that a greater setback is provided next to the tower. Because of the turning radius of the antennas, there is no location on the main roof of the building where the antennas could be located which would not project past the edge of the building onto public space.

Accordingly, the only feasible location of the antenna is the roof of the roof structure. The antennas are located so that the turning radius does not extend beyond the edge of the roof structure, except for that part of the roof structure which is cut back near the tower. The overall height of the antennas is below the top of the spire at the top of the dome. The antennas cannot meet the normal setback requirements because there would be insufficient space between the antennas. The height and location of the subject building and other surrounding buildings combine to minimize the areas in public space from which the proposed antennas can be seen. The antennas have been located towards the center of the roof structure, because of the need to meet the setback requirements. That location is, on balance, the most appropriate location for the antennas, because the antennas are moved to the greatest extent possible away from the edges of the building, thereby reducing the visual impact from all of the streets surrounding the subject property. The antennas will operate on frequencies and of power levels necessary for adequate operation of the

antennas. The antennas will meet the internal safety and operating requirements of the government of Sweden and will also comply with all applicable safety standards of the United States government.

6. Federal Interest: By letter dated September 13, 1994, and by testimony at the public hearing, the Office of Foreign Missions indicated that it had determined that a favorable decision on this application would serve the federal interest. National and local authorities in Sweden have extended to the United States Embassy in Stockholm, the full cooperation necessary to allow the erection of similar communication and antennas on the embassy's roof. Specifically, the U.S. Embassy at Stockholm has been permitted to install seven antennas on its roof. Two of these are large, high frequency antennas of similar size and height to those the Embassy of Sweden seeks in the present application. The United States government antennas in Stockholm are extremely important to the fulfillment of U.S. diplomatic activities in that area. The Board's favorable action on the Swedish government's request can be expected to preserve for the United States the favorable treatment that it currently receives in such matters in Sweden.

ADVISORY NEIGHBORHOOD COMMISSION

Advisory Neighborhood Commission 2B, by letter dated September 15, 1994, reported to the FMBZA that the ANC had unanimously adopted a motion in support of the application to erect the two antennas on the roof.

The Board concludes that it has given "great weight" to the issues and concerns of the ANC.

DECISION

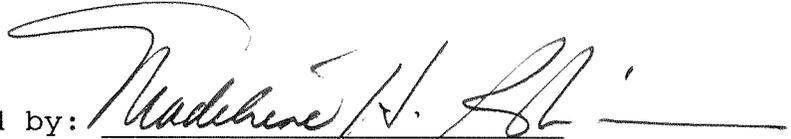
On the basis of the record before it and the criteria of Chapter 10 of the Zoning Regulations and the Foreign Missions Act, the Board determines that this application meets the standards of the Zoning Regulations and the Foreign Missions Act. Accordingly, it is hereby **ORDERED** that this application is **APPROVED**, subject to the condition that the antennas and towers shall be constructed of an anodized aluminum material with a matte finish.

VOTE: 3-1 (Craig Ellis, Reginald Griffith and Angel F. Clarens to approve with conditions, John G. Parsons opposed, Laura Richards 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: OCT 28 1994

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15977

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 28 1994 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:

Wayne S. Quin, Esquire
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

Alf Karlsson, Counsellor
Embassy of Sweden
5135 Kingle Street, N.W.
Washington, D.C. 20016

Honorable Eric J. Boswell, Director
Office of Foreign Missions
U.S. Department of State., Room 2105
Washington, D.C. 20520

1501 M Street Limited Partnership
c/o Paragon Group
1501 M Street, N.W., Suite 550
Washington, D.C. 20005

Mr. Dennis Bass, Chairperson
Advisory Neighborhood Commission 2B
1347 Connecticut Avenue, N.W., #2
Washington, D.C. 20036

A handwritten signature in black ink, appearing to read "Madeliene H. Robinson", written over a horizontal line.

MADELIENE H. ROBINSON
Director

DATE: OCT 28 1994