

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16069 of the Republic of Greece, as amended, pursuant to 11 DCMR 1001, for permission under Section 1002 to construct a new chancery building that exceeds the maximum height and number of stories requirements (Subsection 400.1) in a D/R-3 District at premises 2217 Massachusetts Avenue, N.W. (Square 2512, Lots 7, 8 and 9).

HEARING DATES: July 26 and September 13, 1995
DECISION DATE: September 13, 1995 (Bench Decision)

ORDER

PROCEDURAL MATTER:

The application was originally advertised as a request to construct a new chancery building and scheduled for the public hearing of July 26, 1995. A memorandum dated June 29, 1995 from Edgar T. Nunley, Chief, Zoning Review Branch, Building and Land Regulation Administration, Department of Consumer and Regulatory Affairs identified an additional area requiring approval - to exceed the maximum height and number of stories provision of the R-3 District. The public hearing for this application, set for July 26, 1995, was cancelled and the application was readvertised to include the request to exceed the height and number of stories requirements of Section 400.1 of the Zoning Regulations. The application was readvertised for the public hearing of September 13, 1995.

INTRODUCTION

This application was filed by the Republic of Greece, pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 92 Stat. 286, August 24, 1982) to locate its chancery at 2217 Massachusetts Avenue, N.W. (Square 2512, Lots 7, 8 and 9) in a D/R-3 District. The application was considered by the Board in accordance with the requirements of Chapter 10 of the Zoning Regulations. Chapter 10 was adopted by the Zoning Commission to implement Section 206 of the Foreign Missions Act. The public hearing was conducted as a rulemaking proceeding under Chapter 33 of the Supplemental Rules of Practice and Procedure before the Foreign Missions Board of Zoning Adjustment.

APPLICATION

The subject site is located on the north side of Massachusetts Avenue, N.W., between Sheridan Circle and 22nd Street, N.W. in an area dominated by diplomatic uses. The site comprises 7,500 square feet of land area. It is unimproved and is currently being used as a parking lot by the Greek Embassy which is located immediately

to the west of the site at 2221 Massachusetts Avenue and another building owned by Greece located immediately to the east of the site at 2211 Massachusetts Avenue. There is a 15-foot alley abutting the property in the rear which provides access to both 22nd and R Streets, N.W. The site is located in both the Massachusetts Avenue and the Sheridan-Kalorama Historic Districts.

The property is located along Embassy Row, in the D/R-3 zone. The site received the Diplomatic Overlay designation in 1978, pursuant to Zoning Commission Order No. 237. The vast majority of the properties fronting on Massachusetts Avenue, N.W., in the block between 22nd Street and Sheridan Circle, are devoted to diplomatic uses, including the chanceries or chancery annexes of the Republic of Greece, the United Arab Emirates, and the recently approved chancery of Turkmenistan (all in Square 2512). Across Massachusetts Avenue are the missions of Romania, Ireland, Argentina, Greece, the Bahamas, the Sudan, Togo, Turkey and Luxembourg.

Across 22nd Street from the subject square is the chancery of Bulgaria and the recently-approved chancery of Estonia. Other diplomatic uses in the subject square include the Central African Republic, Niger, Guatemala and the Coordination Council for North American Affairs (Taiwan).

The subject property is an unimproved parcel located in between two buildings which are currently owned and operated by Greece. These include the Greek Embassy located to the west of the site at 2221 Massachusetts Avenue which is an Italian Renaissance Revival style mansion that serves as the Ambassador's residence. The first floor of this mansion is devoted, however, to chancery functions, housing approximately 20 chancery employees in extremely cramped conditions. To the west is a four-story rowhouse which houses all of the Chancery consular functions, as well as the Chancery Press and Information Office and the Commercial Affairs Office. The subject site is currently used for overflow parking for these adjacent buildings.

Greece's objective in constructing the proposed new chancery building is to consolidate most of its chancery functions in one building and to remove all chancery uses from the Embassy. The current use of the Embassy for chancery functions severely compromises the privacy of the Ambassador and his family and detracts from the appearance and utility of the building as a setting for diplomatic social functions. Further, the Embassy is not designed for office use and the office space contained therein is both too small for the number of employees which occupy it and poorly laid out for these purposes.

The new building will attach to the Greek Chancery building to the east, a four-story rowhouse also designed in Georgian Revival style with a red brick facade on a rusticated stone base. The

proposed new building will be six bays wide and four stories high terminating in a mansard roof punctuated with dormers with pedimented hood moldings. Rusticated stone forms the base of the building and the upper walls will be stuccoed or brick. The pedimented stone entrance reflects the decorative elements found in the Greek Embassy and in other structures on the street.

The proposed project meets all of the R-3 District standards with the exceptions of a deviation from the height/number of stories standard. This deviation is de minimus because the adjacent structures and several nearby structures exceed the standard and the proposed project height is compatible and consistent with existing development. The building contains four stories and measures 56.5 feet in height as measured from the elevation of the Massachusetts Avenue frontage. The height limit in the R-3 District is 40 feet and a maximum of only three stories is permitted.

The proposed deviation from the height limits of the R-3 District is necessary to allow ample room for Chancery functions. It is also preferable from a design standpoint given the preponderance of four-story structures adjacent to and in the immediate vicinity of the subject property.

The proposed use by the Republic of Greece will be consistent with the other diplomatic uses in the area. Currently, the Chancery has 30 employees and no significant increase in staff is anticipated. The typical hours of operation of the Embassy are 9:00 a.m. to 5:00 p.m., Monday through Friday. The Embassy receives on average of five nonconsular visitors per day who are permitted to park on-site. This number is not expected to increase at the new site. In addition, the Consular section of the Chancery attracts a larger number of visitors, approximately 5-25 visitors daily, seeking passport and visa assistance. These persons are advised to utilize nearby public transportation or to park in one of the three off-street parking facilities located within one-quarter of a mile of the subject site.

The proposed project will provide a total of 34 off-street parking spaces. The Chancery is currently served by a total of 20 parking spaces which are located on the subject property. The proposed project will increase the amount of parking provided by 14 spaces with no increase in the number of chancery employees (i.e., 30 employees). As indicated by the report of Greece's traffic consultant, 60 percent of these employees now drive to the site and 40 percent now walk or use public transportation, thereby creating a demand for approximately 18 employee spaces.

A chancery in the D/R-3 zone is a permitted use subject to Board disapproval after review based upon the six criteria

enumerated in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations.

FOREIGN MISSIONS ACT CRITERIA

In considering the subject application, the Board must apply the specific criteria set forth in Section 1001, et seq., of Chapter 10 of the Zoning Regulations. A chancery shall be a permitted use in the Mixed Use Diplomatic District, subject to disapproval by the Board based on those criteria, which are as follows:

1. 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. Section 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. 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. 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. Section 1001.7. The municipal interest, as determined by the Mayor.
6. Section 1001.8. The federal interest, as determined by the Secretary of State.

EVALUATION

With respect to the above-referenced six criteria set forth in the Zoning Regulations, the Board states the following:

1. The international obligation of the United States: By letter dated July 12, 1995, the Director of the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of State, determined that the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital will be met by the approval of this application.
2. Historic preservation: The subject site is located in the Massachusetts Avenue and Sheridan-Kalorama Historic Districts. On December 15, 1994, the Historic Preservation Review Board (HPRB) recommended approval of the design of the proposed chancery building including the height and fourth story of the building as being compatible with the historic districts. The Board concurs with this recommendation. Accordingly, there will be no adverse impact on the historic preservation objectives of the District of Columbia.
3. Parking and transportation: Under Chapter 21 of the Zoning Regulations, the parking requirement for chanceries is one space for each 800 square feet of gross floor area, or as determined by the Board.

The proposed project will provide a total of 34 off-street parking spaces. The Chancery is currently served by a total of 20 parking spaces which are located on the subject property. The proposed project will increase the amount of parking provided by 14 spaces with no increase in the number of chancery employees (i.e., 30 employees). As indicated by the report of Greece's traffic consultant, 60 percent of these employees now drive to the site and 40 percent now walk or use public transportation, thereby creating a demand for approximately 18 employee spaces. The chancery receives little diplomatic visitor traffic (an average of five visits per day). Consular visitors are advised to use public transportation.

As noted by the Applicant's own expert transportation witness, the subject site is extremely well-served by public transportation. The site is located 2-1/2 blocks west of the Dupont Circle Red Line Metrorail station at 20th and Q Streets. In addition, there are numerous bus lines traveling in both directions along Massachusetts Avenue. Further, taxis are typically also available on a regular basis along the Avenue. Finally, there is a supply of short-term parking available in the neighborhood for visitors.

The Board finds that the proposed chancery use will not create an objectionable impact on traffic and parking in the neighborhood due to the adequate amount of parking to be provided on the site, number of personnel who drive to work, and the large amount of nearby public transportation.

By letter dated July 12, 1995, the Director of the Office of Foreign Missions of the U.S. Department of State, on behalf of the Secretary of State, has determined that this application meets the requirements of 22 U.S.C. Section 4306(d)(3), in that there are no special security requirements relating to parking requirements for the proposed use by the Embassy of Greece.

4. Protection: The Office of Foreign Missions, in its letter dated July 12, 1995, determined that pursuant to 22 U.S.C. Section 5306(d)(4), the site and the area are capable of being adequately protected.
5. Municipal interest: The Director of the Office of Planning (OP) for the District of Columbia, the delegated representative of the Mayor, by memorandum dated July 18, 1995, determined that the Applicant has met the burden of proof under Sections 1001 and 1002 of the Zoning Regulations relative to the location of the proposed chancery in a D/R-3 zone district. OP is of the opinion that the proposal would be compatible with existing uses in the area and that although the proposed building's height would deviate from the maximum permitted in the R-3 zone, it would maintain and continue the roofline of the historic structures in the block as determined by the Historic Preservation Review Board. OP recommends approval of the application. There was no opposition to the application, either at the public hearing or in the record. The Board finds that the proposed chancery is in an area dominated by diplomatic uses, and that the proposed use will be compatible with other uses in the historic district and in the area.
6. Federal interest: By letter dated July 12, 1995, from the Director, and by testimony of the Legal Counsel, the Office of Foreign Missions has determined that the location of the chancery for the Republic of Greece at 2217 Massachusetts Avenue, N.W. is consistent with the federal interest. The United States Government has substantial property holdings in Greece for the use of its diplomatic mission and has enjoyed the support and cooperation of the Greek Government over the years in the management and disposition of its real estate interests.

ADVISORY NEIGHBORHOOD COMMISSION

The subject site is located within the boundaries of Advisory Neighborhood Commission (ANC) 1D. By letter dated July 6, 1995, ANC 1D unanimously recommended that the application be approved. The ANC vote included approval of the proposed fourth floor. The Board agrees with the ANC's conclusion based upon the evidence and testimony.

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

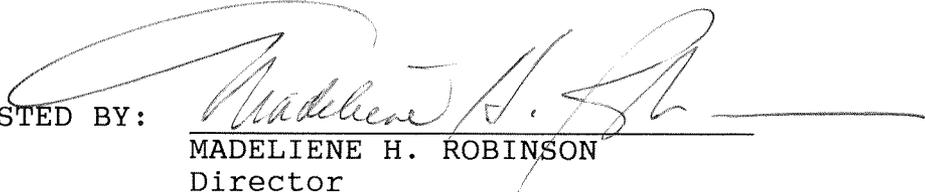
DECISION

On the basis of the record before it, the Board has determined that this application satisfies the criteria set forth in Section 1001 of Chapter 10 of the Zoning Regulations. Accordingly, it is ORDERED that this application is APPROVED.

VOTE; 5-0 (Reginald Griffith, Laura M. Richards, John G. Parsons, Craig Ellis, and Angel F. Clarens approved).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: OCT 20 1995

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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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16069

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 20 1995 a copy of the order entered on that date in this matter was mailed postage prepaid to each person 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 20 1995