

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16383 of Republic of Cote D'Ivoire, pursuant to 11 DCMR 1002.1 to permit the subdivision and expansion of an existing chancery for the Republic of Cote D'Ivoire in a D/R-3 District at premises 2412-2424 Massachusetts Avenue, N.W. (Square 2507, Lots 806, 807, 808, 809, 810, 811, and 816 and Square 2500, Lot 831)

HEARING DATE: October 21, 1998

DECISION DATE: October 21, 1998 (Bench Decision)

INTRODUCTION

This application was filed by the Republic of Cote D'Ivoire pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 92 Stat. 286, August 24, 1982) to permit the consolidation and expansion of the existing chancery buildings of the Republic of Cote D'Ivoire and the subdivision of various lots into a single lot of record. The application was considered by the Foreign Missions Board of Zoning Adjustment (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 rectangular in shape, and is generally located on the south side of Massachusetts Avenue, N.W., two blocks west of Sheridan Circle. The site contains 22,500 square feet on eight lots and is flanked by two, three-story (plus basement) buildings, located at 2412 and 2424 Massachusetts Avenue, N.W. A paved parking lot is located between the two buildings. The subject property is located within the Massachusetts Avenue and Sheridan-Kalorama Historic Districts. Because the proposed construction is located within the boundaries of these historic districts and is adjacent to Rock Creek Park, referrals were made to the Historic Preservation Review Board (HPRB) and the Commission of Fine Arts (CFA) for report and recommendation pursuant to the Historic Landmark and Historic District Protection Act of 1978 (§5-1001 D.C. Code and 10 DCMR 2602.4) and the Shipstead-Luce Act (§5-410 D.C. Code). See 11 DCMR 1002.7.

The two buildings on the property have been occupied for chancery use by the Republic of Cote D'Ivoire as a matter-of-right since 1974. The proposed new construction on the parking lot portion of the property will unite the two buildings. The renovation and expansion of the existing buildings is necessary to meet the space requirements for the existing staff and to improve the work environment and functionality of the space. No increase in the number of chancery staff is expected to occur in the foreseeable future as a result of this proposal. The consolidated building includes 33,773 square feet of gross floor area devoted to chancery use.

The chancery currently has 36 employees, 10 diplomats and 26 support staff (including drivers and maintenance crew). The typical hours of operation of the chancery are 9:00 a.m. to 3:00 p.m., Monday through Friday. On average, there are approximately three visitors per day for diplomatic or other business purposes. The Consular Office averages less than one visitor per day. Massachusetts Avenue provides ready access to taxis and buses for visitors to the chancery. On an average day, 30 vehicles are driven to the site. The consolidated building provides 47 parking spaces, which is sufficient to accommodate present and expected parking demands and exceeds the zoning requirements.

There are no regularly scheduled deliveries to the chancery by outside vendors. The administrative section purchases supplies as needed and brings them to the chancery. Trash will continue to be stored in containers behind the building and is removed by a private company under contract for such services.

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 as follows:

1. The International Obligation of the United States: By letter dated September 25, 1998, the Deputy Director of the Office of Foreign Missions, the delegated representative of the Secretary of State, determined that favorable 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 the Republic of Cote D'Ivoire for its diplomatic mission in Washington.
2. Historic Preservation: The Historic Preservation Review Board (HPRB), at its July 25, 1998 meeting, recommended approval of the project and proposed lot subdivision. HPRB recommended that the stair tower be curved and that final design be delegated to the staff. In addition, the Commission of Fine Arts, by letter dated July 27, 1998, had no objection to the concept design for the proposed addition and alterations to the existing buildings. The Board concurs with these recommendations. Accordingly, there will be no adverse impact on the historic preservation objectives of the District of Columbia.
3. Parking and Transportation: On average, 30 vehicles are driven to the site daily. The parking garage in the consolidated building will provide 47 parking spaces for chancery personnel and visitors to the chancery. There are a limited number of people who visit the chancery daily. On average, three persons visit the site per day for diplomatic and business purposes, and the Consular Office averages less than one visitor per day. Most visitors arrive at the chancery by taxicab.

The subject site is well served by public transportation. The site is located along Massachusetts Avenue, just west of Sheridan Circle, and approximately five blocks west of the Dupont Circle Metrorail Station. There are numerous bus lines traveling in both directions along Massachusetts Avenue, to and from Dupont Circle. Taxis are typically also available on a regular basis along Massachusetts Avenue.

The Board finds that the provision of 47 parking spaces is sufficient to accommodate the present and expected parking demands of the chancery. The Board also finds that the proposed chancery use will not create an objectionable impact on traffic and parking in the neighborhood due to the small number of personnel who drive to work, the ready availability of public transportation, and the low frequency of visitors to the chancery.

By letter dated September 25, 1998, the Deputy 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 the Republic of Cote D'Ivoire.

4. Protection: The Office of Foreign Missions, in its letter dated September 25, 1998, determined that pursuant to 22 U.S.C. Section 4306(d)(4), the site and the area are capable of being adequately protected.
5. Municipal Interest: The property is zoned D/R-3. The proposed subdivision, expansion and consolidation of the chancery buildings on the property require two technical deviations from the requirements of the Zoning Regulations. The first deviation is from the lot occupancy requirements in the D/R-3 District. The D/R-3 district permits 60 percent lot occupancy for row dwellings, and detached buildings are limited to 40 percent lot occupancy. The two existing buildings on the site will be connected by the new structure, but the two side yards on the easternmost and westernmost portions of the lot will remain. Thus, the resulting building will not be a row dwelling.

The proposed lot occupancy is 54.2 percent. If the two existing structures were also extended outward to the east and west lot lines, thus eliminating the two side yards, 60 percent lot occupancy would be permitted, and no deviation would be required. The Office of Planning concurred with the Applicant's stated position regarding the justification for this deviation.

The second deviation is necessary because several of the columns on the first parking level below the new addition are canted (tilted) so that, while there is a full 20 feet of driveway width at the floor level, the driveway width narrows as the column height increases. At 6 feet 6 inches above the driveway surface, the driveway width is just less than 19 feet in these several locations. The canting of the columns is necessary due to the particular features of this addition to two historic buildings. The use of the garage is limited to a single user, i.e., the Embassy of the Republic of Cote D'Ivoire, and there is no danger that the public at-large will be inconvenienced or harmed in any way as a result of this minor deviation.

The Director of the Office of Planning (OP) for the District of Columbia, the delegated representative of the Mayor, by Memorandum dated October 9, 1998, determined that the Applicant has met the burden of proof under Sections 1001 and 1002 of 11 DCMR relative to the expansion and consolidation of a chancery in a D/R-3 zone district. The Office of Planning concluded that the proposed subdivision, consolidation and expansion of the existing chancery buildings would not be incompatible with existing uses in the area. The Office of Planning also concluded that the proposal would not be detrimental to the municipal and federal interests. The Board concurs with the Office of Planning's recommendation.

6. Federal Interest: By letter dated September 25, 1998, from the Deputy Director, and by testimony of the Legal Counsel, the Office of Foreign Missions has determined that the expansion and consolidation of the chancery for the Republic of Cote D'Ivoire at 2412-2424 Massachusetts Avenue, N.W. is consistent with the federal interest.

ADVISORY NEIGHBORHOOD COMMISSION

The subject site is located within the boundaries of Advisory Neighborhood Commission (ANC) 1D. By letter dated October 16, 1998, ANC 1D supported the application with conditions. The ANC noted that the community had several concerns about the project. First, there is major construction across the street for the building of the new Turkish embassy. Simultaneous construction on both sides of the street would create havoc for the residents of the neighborhood and for traffic on Massachusetts Avenue. Secondly, underground parking garages pose a hazard to the community because of the potential for attacks. Thirdly, the hours during which construction may take place should be limited.

The conditions identified by the ANC to accompany approval of this application are: construction should begin no earlier than 7:00 am; that the general conditions of the contract entered into by the applicant with the general contractor contain language that prohibits contractors, subcontractors, and their employees from parking on residential streets on a consistent basis for the duration of construction; and, that ANC 1D expects the applicant to proactively assist the residents in the neighborhood in having violators ticketed by the District government.

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

DECISION

On the basis of the record, 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 **NOT BE DISAPPROVED, SUBJECT** to the **CONDITIONS** that:

- 1) No construction activity will occur on the property before 7:00 am; and
- 2) The applicant will work proactively and in cooperation with the neighbors and surrounding community to mitigate any construction and parking impacts on the neighborhood.

VOTE: 3-0 (Sheila Cross Reid, Betty King and John G. Parsons not to disapprove the application, Reginald Griffith, not present not voting.)

**THIS ORDER WAS ADOPTED BY THE FOREIGN MISSIONS BOARD OF ZONING
ADJUSTMENT AT ITS PUBLIC HEARING OF OCTOBER 21, 1998.**

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

ATTESTED BY: 
SHERI M. PRUITT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: NOV 13 1998

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS UNLESS
WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR
CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER
AND REGULATORY AFFAIRS.

11.3.98/BAB

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16383

As ^{Interim} Director of the Office of Zoning, I hereby certify and attest that on NOV 13 1998 a copy of the order entered on that date in this matter before the Foreign Missions Board of Zoning Adjustment was mailed first class, postage prepaid, to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Wayne S. Quin
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Linda K. Bumbalo, Chairperson
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Washington, DC 20009

ATTESTED BY:

A handwritten signature in cursive script, reading "Sheri M. Pruitt-Williams", written over a horizontal line.

SHERI M. PRUITT-WILLIAMS
Interim Director

DATE: NOV 13 1998