

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 406

Case No. 83-10

July 18, 1983

(EMERGENCY ORDER)

WHEREAS, on August 24, 1982, the President of the United States approved the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286) which, among its provisions, regulates the location, replacement or expansion of chanceries and international organizations in the District of Columbia; and

WHEREAS, when the Foreign Missions Act became effective on October 1, 1982, certain portions of the Zoning Regulations of the District of Columbia, in effect at that time, were inconsistent with the Act and were therefore no longer effective, and the Supplemental Rules of Practice and Procedure before the District of Columbia Board of Zoning Adjustment (BZA) did not provide for the processing of chancery applications before the BZA as rulemaking matters; and

WHEREAS, because the Foreign Missions Act requires that the Zoning Regulations be consistent with the Act, the Zoning Commission of the District of Columbia conducted a public hearing on April 11, 1983, pursuant to notice, to consider amendments to the text of the Zoning Regulations and the BZA Rules; and

WHEREAS, upon the conclusion of that public hearing, the Zoning Commission considered motions for emergency action to implement the Foreign Missions Act from the U.S. Department of State on behalf of the Government of Japan and the Kingdom of Saudi Arabia; and

WHEREAS, to implement the Foreign Missions Act, the Zoning Commission adopted amendments to the Zoning Regulations and the BZA Rules, on an emergency basis, for a period not to exceed 120 days, from April 11, 1983 through August 9, 1983; and

WHEREAS, the emergency action by the Zoning Commission permits existing chanceries to expand on property that is zoned R-1 through R-5-B; and

WHEREAS, on May 16, 1983 the Zoning Commission subsequently adopted amendments to the Zoning Regulations and the BZA Rules to implement the Foreign Missions Act, on a permanent basis, that will become effective on August 10, 1983; and

WHEREAS, the permanent regulations and rules differ from the emergency regulations and rules by prohibiting existing chanceries from expanding on property that is zoned R-1 through R-5-B; and

WHEREAS, on July 18, 1983 at its regular monthly meeting, the Zoning Commission considered a motion for adoption of emergency regulations from the Government of Algeria to permit it to apply to the BZA to expand its existing chancery because it was experiencing functional and operational difficulties and hardship in conducting its diplomatic business; and

WHEREAS, the existing chancery of the Government of Algeria is located at 2118 Kalorama Road, N.W. and is zoned R-5-C; and

WHEREAS, the Government of Algeria had been seeking, for some time, a suitable site to locate its chancery facilities to adequately and effectively meet its diplomatic needs and objectives; and

WHEREAS, the Government of Algeria has found a site that it believes is suitable to meet its expansion needs; and

WHEREAS, the Government of Algeria has entered into a contract to purchase property located at 2133-37 Wyoming Avenue, N.W., which is zoned R-1-B, and is adjacent to and southwest of the existing Algerian Chancery; and

WHEREAS, said contract-to-purchase expires at the end of October, 1983; and

WHEREAS, the Zoning Commission is mindful that it must not only consider the interests of the citizens of the District of Columbia but also the interests of the United States Government and nations around the world that have an interest in the District of Columbia; and

WHEREAS, the Zoning Commission believes that it could give consideration to zoning relief for the Government of Algeria without adversely affecting the implementation of the permanent Regulations and BZA Rules which become effective on August 10, 1983; and

WHEREAS, the general welfare of the District of Columbia is best served when the Zoning Commission employs sound planning principles by avoiding the creation of a "spot-zone", and when it facilitates a cooperative

balance between the District of Columbia and United States Governments; and

WHEREAS, the Zoning Commission determined that it would consider this matter on an emergency basis only and not on a permanent basis; and

WHEREAS, Section 1 of the Zoning Act (Act of June 20, 1938, 52 Stat. 797, also cited as Section 5-413 of the D.C. Code) establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia; and

WHEREAS, Section 1-1506 of the D.C. Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of public peace, health, safety, welfare or morals",

NOW, THEREFORE, the Zoning Commission of the District of Columbia resolves that an emergency exists and, for the general welfare of the District of Columbia, it is necessary to take immediate action to permit the Board of Zoning Adjustment to consider an application from the Government of Algeria to expand its existing chancery. It is therefore ordered that the Zoning Map of the District of Columbia is amended as follows:

Change from R-1-B to D/R-1-B lots 184 and 305 (formerly lot 803) in Square 2527 located at 2131 and 2133-37 Wyoming Avenue, N.W., respectively

This amendment to the Zoning Map shall take effect immediately and shall remain in effect for a period not to exceed 120 days from July 18, 1983; that is, through November 15, 1983.

This amendment was adopted by the Zoning Commission at the public meeting held on July 18, 1983 by a vote of 5-0 (Commissioners Walter B. Lewis, George M. White, John G. Parsons and Lindsley Williams, to adopt and Maybelle T. Bennett, to adopt by absentee vote)

attested by:



STEVEN E. SHER
Executive Director
Zoning Secretariat