

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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FMBZA SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY

MAY 9, 2006

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The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 9:45 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
RUTHANNE G. MILLER	Vice-Chairperson
CURTIS ETHERLY, JR.	Board Member
JOHN MANN, II	Board Member (NCPC)
PATRICIA GALLAGHER	Board Member (NCPC)

ZONING COMMISSION MEMBER PRESENT:

JOHN PARSONS	Commissioner
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COMMISSION STAFF PRESENT:

CLIFFORD MOY	Secretary
BEVERLEY BAILEY	Sr. Zoning Specialist
JOHN NYARKU	Zoning Specialist
TRACEY ROSE	Sr. Zoning Specialist

OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

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P-R-O-C-E-E-D-I-N-G-S

9:45 a.m.

CHAIRPERSON GRIFFIS: Good morning, ladies and gentlemen. Let me call to order our special public meeting of the 9th of May, 2006.

There's several particular things about this special public meeting as it is going to be constituted under the FMBZA in order for us to take up, deliberate on a case that has been already previously heard.

With that, though, let me say a very good morning.

My name is Jeff Griffis, the Chairperson of the FMBZA this morning. With me is the Vice Chair Ms. Miller and our esteemed member of the Board, Mr. Etherly.

Representing the Park Service is Mr. Parsons, and representing the National Capital Planning Commission with us this morning is Ms. Gallagher.

I am going to dispense with my entire openings of calling this to order as we have, as I have said, previously heard the application, and I will turn it to Mr. Moy to call the case for decision this morning.

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1 MR. MOY: Yes, sir, good morning, Mr.
2 Chairman and members of the Board.

3 As you said, this is the FMZBA session.
4 The case before the FMZBA is Application No. 17481 of
5 the Republic of Hungary. Pursuant to 11 DCMR 1002.1
6 and 206(b)(2)(B) of the Foreign Missions Act to expand
7 and renovate an existing chancery building in the
8 R-1-A in the R-5-D districts at premises 3900
9 Shoemaker Street, Northwest, as in Square 2231, Lot 3,
10 and 2950 Linnean Avenue, Northwest, aka Spring of
11 Freedom Street, Northwest. That is in Square 223, Lot
12 6.

13 On April 11th, 2006, the FMZBA completed
14 public testimony on the application, closed the
15 record, and scheduled its decision on May 9th, 2006.
16 The record was closed except for the filing of
17 additional information from the Applicant, which
18 included a storm water management plan, revised
19 landscape plan, a request for a filing from the U.S.
20 Department of State, and a written statement from the
21 Embassy of the Czech Republic.

22 Mr. Chairman, in your record files we have
23 the filing from the Applicant dated April 27th, 2006,
24 and that's identified in your folders as Exhibit 37.
25 We also have a letter from the U.S. Department of

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1 State, also in your file record, identified as Exhibit
2 36, and a written statement from the Embassy of the
3 Czech Republic identified as Exhibit 35.

4 Finally, Mr. Chairman, the staff would
5 note that we have, the office did receive a filing
6 from the Forrest Hill Citizens' Association, but the
7 record has been closed and the office intends to
8 return that filing to the originator.

9 That completes the staff's briefing, Mr.
10 Chairman.

11 CHAIRPERSON GRIFFIS: Excellent. Thank
12 you very much. We do appreciate that.

13 I will take note that all that was
14 received and reviewed. As the Board recalls, when we
15 called this to order and went through our hearings, of
16 course, Ms. Gallagher wasn't with us, and I believe I
17 would ask you if you are prepared to deliberate on
18 this case.

19 MEMBER GALLAGHER: Mr. Chairman, I assure
20 you I have read the full record and the entire
21 transcript from the April 11th hearing, and I am
22 prepared to act on this matter this morning.

23 CHAIRPERSON GRIFFIS: Excellent. Thank
24 you very much.

25 With that, then, let's move right into

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1 this.

2 I did appreciate, as Mr. Mlotek was
3 present representing the Foreign Missions Office and
4 gave oral testimony; the followup of his letter I
5 think was advantageous for our further deliberation
6 and review of this.

7 I will take any comments from the rest of
8 the Board as we walk through this, but it is very
9 clear what the test is under the Foreign Missions Act
10 for our review. That is, the federal and also
11 municipal interests. I think it has been met, this
12 obligation, and addressed succinctly and directly by
13 the letter that is now Exhibit 36 in our file,
14 outlining the fact that our international obligation
15 is met in supporting this application, and also that
16 there were no security issues that were brought to the
17 fore in how this property might be capable of being
18 adequately protected.

19 There was actually some comment in the
20 hearing, as I recall, that based on the fact that they
21 were proposing below-grade connections for security
22 issues, that doesn't that arise to the level that this
23 couldn't adequately be protected, and I think it was,
24 I hope it was, and certainly in my mind I think that
25 was clarified of what the test was or, rather, the

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1 measuring level of which we were looking at, and not
2 that if one has to take security measures, that then
3 it would not meet the Foreign Missions review of
4 having adequacy to protect it, but, rather, that there
5 isn't anything created that would put it into a level
6 of which would be unprotectable, if needed.
7 Hopefully, that is somewhat clearer. Certainly,
8 probably it was more so in the hearing itself.

9 But let me open it up to others for their
10 comments on any other issues, of course, that we would
11 walk through in terms of review of these applications.

12 MEMBER PARSONS: Well, let me talk about
13 the landscape plan since I was the instigator of
14 adding more trees in front of the park. They brought
15 the hedge around the front, I think, and the fence.
16 They planted some street trees and a tree directly in
17 front of the building. I think that will be of great
18 help.

19 I also note that they reduced the
20 impervious surface by 10 percent, which is something
21 that was brought to our attention as part of the tree
22 and slope overlay. They are still over the percentage
23 a bit, by 55 percent instead of 65, but I think that's
24 an improvement. So as far as the landscape plan is
25 concerned, I'm fine with that.

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1 CHAIRPERSON GRIFFIS: Excellent. Thank
2 you very much.

3 That does go right into, in fact, a larger
4 issue of the testimony from the ANC about how it did,
5 in fact, fit into the tree and slope overlay. There
6 is one other issue, and that is how it was in their
7 testimony encroaching on or taking over part of the
8 R-1 district and that this might be precedential.

9 To two of those, first of all, I think Mr.
10 Parsons is absolutely correct. I think that the
11 submission of the new landscaping and the fencing I
12 think is more than adequate. It actually is, I think,
13 quite appealing.

14 The green roof, there was more detail in
15 terms of how that was to be constructed, which went
16 through more of a creation of impervious surfaces.

17 Then the last piece, I think just very
18 quickly to discuss about whether there's an
19 encroachment or how this is viewed in my mind in terms
20 of deliberation, it is an interesting issue to bring
21 up, but there are two points that I think were factual
22 basis in this case.

23 First of all, this property has been owned
24 by the Embassy for 30 years. This is not a new move
25 or any sort of new growth in that direction.

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1 Lastly, the surrounding area itself is not
2 being dramatically changed based on the Republic of
3 Hungary's new construction on this site because of the
4 surrounding uses and, also, as I say, the 30 years of
5 ownership with that.

6 Other items that members would like to
7 address?

8 VICE CHAIRPERSON MILLER: Well, there also
9 was the parking issue, the fact that it wasn't going
10 to be onsite but actually underground under the main
11 building, and there were very good reasons for that,
12 one being security. That was the most important
13 reason.

14 There really doesn't seem to be a need
15 also for the parking at the new building. There is
16 adequate parking in the area, based on the history,
17 based on the hours that it is open and the
18 availability of the parking under the other building.

19 CHAIRPERSON GRIFFIS: Excellent. I
20 appreciate that being said. Of course, that comes up
21 with the municipal interest, one of the elements of
22 which is under review.

23 I would note the thorough and full
24 analysis of the Office of Planning and also their
25 position of recommending approval of this, which I

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1 think speaks directly to the elements of the municipal
2 interest and how it is weighed, be it in the parking,
3 also in the historic and the other aspects to it.

4 Very well, is there anything other that
5 members would like to bring up?

6 (No response.)

7 If there is nothing further, then I think
8 we can continue under a motion, and I would move that
9 this application not be disapproved and ask for a
10 second.

11 VICE CHAIRPERSON MILLER: Second.

12 CHAIRPERSON GRIFFIS: Thank you very much,
13 Ms. Miller, and I believe you wanted to speak to the
14 motion?

15 VICE CHAIRPERSON MILLER: I was also just
16 going to add that, even though there are some I think
17 small deviations from the tree and slope overlay, that
18 in general it is within the spirit of the tree and
19 slope overlay. I think Mr. Parsons did address the
20 adequacy of the landscaping and some of the other
21 issues, such as the green roof and decreasing some of
22 the impervious spaces and also adding trees when they
23 were taking trees away.

24 CHAIRPERSON GRIFFIS: Excellent. Thank
25 you very much.

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1 I would absolutely agree, and I think the
2 record is full on the fact that this property is an
3 ancestral structure and also area for the chancery
4 use. As we discussed a little bit, the history of
5 ownership and use and also the abutting chanceries in
6 the area I think support that.

7 Very well. Anything else then?

8 VICE CHAIRPERSON MILLER: There's one
9 other thing, I think.

10 CHAIRPERSON GRIFFIS: Yes?

11 VICE CHAIRPERSON MILLER: Not that we need
12 to cover everything, but there was an abutting
13 neighbor who originally had some concerns and then
14 those concerns were alleviated by actions taken by the
15 Applicant, such as with respect to the air
16 conditioning and also buffering between the
17 properties.

18 CHAIRPERSON GRIFFIS: Right, well said.

19 VICE CHAIRPERSON MILLER: So I think that
20 all six elements have been met, and I'm ready to vote.

21 CHAIRPERSON GRIFFIS: Excellent. Anything
22 else then? Any other comments? Deliberations?

23 (No response.)

24 If not, very well, we do have a motion
25 before us and it has been seconded. I would ask for

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1 all those in favor signify by saying aye.

2 (Chorus of ayes.)

3 And opposed?

4 (No response.)

5 Abstaining?

6 (One abstention.)

7 Very well.

8 Mr. Moy?

9 MR. MOY: Staff would record the vote as
10 four to zero to one. This is on the motion of the
11 Chair, Mr. Griffis, seconded by Ms. Miller, also in
12 support of the motion: Mr. Parsons and Ms. Gallagher,
13 and we have a Board member not participating on this
14 case. So, again, the vote is four to zero to one.

15 CHAIRPERSON GRIFFIS: Excellent. Thank
16 you very much.

17 Anything else for the public meeting this
18 morning, Mr. Moy, that you are aware of?

19 MR. MOY: No, that completes the FMBZA
20 session, Mr. Chairman.

21 CHAIRPERSON GRIFFIS: Very well, in which
22 case we will say a very good morning to you, Ms.
23 Gallagher, and we appreciate seeing you and always
24 enjoy your participation.

25 With that, then, we will adjourn our

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1 morning session.

2 (Whereupon, at 9:58 a.m., the special
3 public meeting was adjourned, and the Board met in
4 public meeting immediately thereafter.)

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