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December 3, 2013

VIA HAND DELIVERY

Foreign Missions Board of Zoning Adjustment
441 4th Street, N.W., Suite 210S
Washington, DC 20001

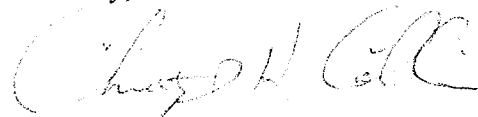
Re: Application No. 18678 of the Embassy of the Sultanate of Oman

Honorable Members of the Board:

On behalf of the Embassy of the Sultanate of Oman, enclosed please find one original and ten copies of the applicant's prehearing submission in support of its application to locate a new chancery annex in the SP-2 District at 1100 16th Street, N.W. (Square 183, Lot 106).

Thank you for your attention to this Application.

Sincerely,



Christopher H. Collins

CHC/lc
Enclosures

cc: Arthur Jackson, Office of Planning (by messenger, with encl.)
Advisory Neighborhood Commission 2B (U.S. Mail, with encl.)
Clifton C. Seagroves, U.S. Department of State (by messenger, with encl.)
Her Excellency Hunaina Sultan Ahmed Al Mughairy (by messenger, with encl.)
Kathleen Ridolfo, Sultan Qaboos Cultural Center (by messenger, with encl.)
Iman Al Busaidy, Sultan Qaboos Cultural Center (by messenger, with encl.)
Malcolm Mitchell, Jr., Vorys Sater, Seymour and Pease LLP (by messenger, with encl.)
Wil McBeath, MGMA (by messenger, with encl.)

Board of Zoning Adjustment
District of Columbia
CASE NO.18678
EXHIBIT NO.32

**BEFORE THE FOREIGN MISSIONS BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of the
Embassy of the Sultanate of Oman

Application No. 18678
Hearing Date: December 17, 2013
ANC 2B

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of the Embassy of the Sultanate of Oman (the "Embassy"), the contract purchaser of the property located at 1100 16th Street, N.W. (Square 183, Lot 106 (the "Property")) in support of the application to the Foreign Missions Board of Zoning Adjustment ("FMBZA" or the "Board"), pursuant to Section 206 of the Foreign Missions Act (22 USC, Sec. 4306) (the "Act") and Section 1002 of the Zoning Regulations (11 DCMR Sec. 1002), to locate a new chancery annex at the Property in the SP-2 District.

**II.
EXCLUSIVE JURISDICTION OF THE BOARD**

The FMBZA has exclusive jurisdiction to review the proposed project pursuant to Section 206 of the Act and 11 DCMR, Chapter 10. The Foreign Missions Act makes it clear that provisions of law other than the Act "shall apply to chanceries only to the extent that they are consistent with this section." 22 USC, Sec. 4306(j). Further, "[n]o act of any Federal agency shall be effective to confer or deny any benefit with respect to any foreign mission contrary to this Chapter." 22 USC, Sec. 4307. The final determination made by the FMBZA concerning the location, replacement or expansion of a chancery "shall not be subject to the administrative proceedings of any other agency or official" except as provided by the Act. 22 USC, Sec. 4306(c)(3).

III.
EXHIBITS IN SUPPORT OF THE APPLICATION

- Exhibit A: Portion of Baist and Sanborn Maps Showing the Property.
- Exhibit B: Portion of Zoning Map Showing the Property.
- Exhibit C: Architectural Plans, Elevations and Materials.
- Exhibit D: Outline of Testimony of Her Excellency Hunaina Sultan Ahmed Al Mughairy, Ambassador of the Sultanate of Oman.
- Exhibit E: Outline of Testimony of Kathleen Ridolfo, Executive Director, Sultan Qaboos Cultural Center.
- Exhibit F: Outline of Testimony of Wil McBeath, Architect, Morgan Gick McBeath & Associates Architects.

IV. BACKGROUND

1. Introduction

The Embassy of the Sultanate of Oman proposes to locate a new chancery annex at 1100 16th Street, N.W. in the SP-2 District to be occupied as the Sultan Qaboos Cultural Center. The building will contain classrooms, exhibition space, staff offices, and lecture and entertainment space.

As further detailed below, Foreign Missions Board of Zoning Adjustment ("FMBZA") review is required because the proposed use of the Property constitutes a chancery.

2. Description of Property

The property at 1100 16th Street, N.W. is known as Square 183, Lot 106. The Property is located at the northwest corner of 16th and L Streets, N.W. and contains 5,725 square feet of land area. The Property is located in the SP-2 Zone District, and is also located in the Sixteenth Street Historic District and within the boundaries of the Central Employment Area.

The Property is improved with a five-story building containing 22,533.04 feet of gross floor area (FAR 3.94) and 5,833.43 square feet of cellar floor area. The building, constructed in phases between 1909 and the mid-twentieth century, is made of brick and concrete with a stucco façade. The building has been vacant since July 2011. The building has a history of non-residential uses, and was most recently occupied by the WVSA School for Arts in Learning, a public charter school.

The Foreign Missions Act was enacted by Congress in 1982, and the Zoning Commission approved new zoning regulations to implement the Foreign Missions Act in Order No. 400, effective on August 10, 1983.¹

3. Description of Proposed Use

The Embassy proposes to locate a chancery annex for its cultural office in the existing building to be known as the Sultan Qaboos Cultural Center. The Cultural Center will be open to the public Monday through Friday from 9:00am to 5:00pm. The initial staff size will be three persons, and will grow to approximately ten as the various programs described herein are established, and may grow to approximately 25 if the Embassy's Cultural Mission administrative offices are relocated to the building.

The building will contain a variety of office, exhibition, and classroom spaces. Specifically, the lower-level of the building will contain an activity/workshop space, storage space, and approximately three classrooms, accommodating a maximum of between five and ten students each, to be used for Arabic instruction Monday through Thursday evenings from 6:00pm to 9:30pm, beginning in late 2014 or early 2015. The first floor will contain a research library, and fixed exhibition space open to the public, displaying traditional Omani handicrafts, including costumes, textiles, basketry, pottery, and silver. This space will be open to the public Monday through Friday from 9:00am to 5:00pm, and the Embassy anticipates 40-80 visitors per month. The second floor will house offices for seven full-time employees, a large conference/meeting/presentation hall, a conference room, and a kitchen/break room. The conference/meeting/presentation hall will be used for

¹ Subsequent chancery map and text amendments were adopted by the Zoning Commission in Order Nos. 509 and 509-A.

public programs, such as lectures on Omani history and culture and workshops for K-12 teachers and small organized groups of visitors. This space can hold approximately 50-75 persons, and the Embassy expects to host approximately four programs per month. The third and mezzanine levels will contain four additional offices plus conference rooms, and either open offices for the administrative staff or extra function space for the Embassy. The fourth floor and outdoor terrace will be used as entertainment space for private events hosted by the Embassy after 6:00pm. The Embassy anticipates approximately four of these events per year.

The building contains a garage with one parking space, which will generally be used by the Director of the Cultural Center but can also serve as a loading space for a small commercial vehicle. Trash will be stored in the garage and picked up in the public alley to the rear of the building. The plans submitted with this application provide more complete information about the proposed building and uses.

4. **The proposed chancery replacement is consistent with the Foreign Missions Act and the Zoning Regulations.**

The Foreign Missions Act, 22 USC, Sec. 4301 et seq.; D.C. Official Code, Section 6-1301 et seq. (the "Act"), and Chapter 10 of the D.C. Zoning Regulations (the "Regulations") govern the location, replacement and expansion of chanceries. The proposed chancery location is consistent with both the Act and the Regulations. Because the proposed chancery meets the six criteria for approval, as set forth below, the proposal should not be disapproved.

A. **The International Obligation of the United States.**

The United States has an international obligation to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital. 22 USC, Sec. 4306(d)(1); D.C. Official Code, Sec. 6-1306(d)(1); 11 DCMR, Sec. 1001.2. By letter dated October 30, 2013, the State Department determined that favorable action on this application would fulfill the

international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of the Sultanate of Oman for its diplomatic mission in Washington.

B. Historic Preservation, as Determined By The FMBZA.

In order to ensure compatibility with historic landmarks and districts, the Act requires substantial compliance with District of Columbia and federal regulations governing historic preservation, with respect to new construction and to demolition of or alteration to historic landmarks. The FMBZA has recently found in Order No. 18131-A, Application of the Peoples Republic of China, May 18, 2011, and in Order No. 17886-A, Application of the Republic of South Africa, April 14, 2009 that

While "substantial compliance" is not defined in the Foreign Missions Act or the Zoning Regulations, in *Sheridan-Kalorama Historical Ass'n. v. Christopher*, 49 F.3d 750, 311 U.S. App. D.C. 16 (D.C. Cir. 1995), the United States Court of Appeals for the District of Columbia Circuit noted that "'compliance' with these laws is not as much a matter of meeting any specific standard as it is of submitting the proposal to the appropriate regulatory body or bodies for review and comment," 49 F.3d at 759, 311 U.S. App. D.C. at 25. In that case, the court found substantial compliance through the referral of the application to the Mayor's Agent for Historic Preservation.

Nonetheless, the Act requires that satisfaction of the historic preservation criteria be determined by the FMBZA.

The Property is located in the Sixteenth Street Historic District. The Embassy proposes the following minor building improvements, which the Embassy has reviewed with the D.C. Historic Preservation Office ("HPO") and which are shown on the plans. First, the Embassy proposes the installation of appropriate signage indicating that the building is a chancery annex of the Embassy of Oman and is the Sultan Qaboos Cultural Center. The signs will be located on the L Street building entrance and on the southern-most 16th Street building entrance. At each of these entrances there will be one sign located next to the doorway and one sign located above the

doorway. The Embassy also proposes to display occasional temporary banner signage on the property for special days. Second, the Embassy proposes to install custom-designed entrance doors on the same L Street and 16th Street entrances where the signs are proposed. Third, the Embassy proposes to place a bronze sculpture of a sailing ship in the public space in front of the building along 16th Street, generally between the 16th Street entrances. The overall envelope of the sculpture will be approximately six feet high by six feet wide by three feet deep. Fourth, the existing windows are of an inferior grade and will be replaced with single-pane casement windows. Traditional double-hung windows will be installed on the third floor on the 16th Street side above the southernmost entrance, as requested by HPO and as shown on the plans. The second floor windows above the same entrance will remain as-is. Fifth, the multi-colored zig-zag design on the façade that was placed there by the charter school can be seen through the thin stucco veneer that was added by the current owner. The Embassy will apply another layer of stucco to the exterior, and will paint the building as shown in the color renderings.

C. Adequacy of Off-Street Parking and Public Transportation.

The Embassy anticipates that the vast majority of its staff and visitors will travel to and from the site by public transportation, and thus is not proposing to provide any additional off-street parking spaces.

The site is well served by public transportation with convenient access to the Red, Orange, and Blue Line Metrorail stations. The Property is located 0.2 miles east of the Farragut North Red Line Metrorail station and is within 0.4 miles of both the McPherson Square and the Farragut West Orange/Blue Line Metrorail Stations. There is ample Metrobus service in the area, with the S1, S2, and S4 Metrobus lines traversing along 16th Street in front of the Property, and at least 15 additional Metrobus lines at Farragut and McPherson Squares, both located within

three blocks of the site. The D.C. Circulator Bus that runs between Georgetown and Union Station has a stop at 16th and K Streets, N.W., one block south of the site. Taxis regularly pass by the Property in both directions along 16th Street and along L Street, and three Capital BikeShare stations are located within two-to-three blocks from the Property. The Property has a walkscore of 94 (a "walkers paradise") and a transit score of 100 (see www.walkscore.com). These alternative options for commuting provide a variety of transportation modes for building employees and visitors, to minimize the transportation impacts of the proposed chancery use for the building.

In addition, there are two public parking garages located on L Street N.W., one of which is next door to the Property, and the other is across the street. Operators of these two adjacent parking garages have indicated to the Embassy the ample availability of parking, either on a daily or monthly basis, should the need arise. There are at least eight other public parking garages located within 0.4 miles of the Property.

The State Department has determined in its October 30, 2013 letter that there exists no special security requirements relating to parking in this case.

D. The Extent To Which the Area is Capable of Being Adequately Protected, As Determined By The Secretary of State

The U.S. Department of State, in consultation with the federal agencies responsible for protective services, has an obligation to ensure that the proposed chancery can be adequately protected. The State Department has determined in its October 30, 2013 letter that the subject site and area are capable of being adequately protected. The Property will be protected by the Uniformed Division of the Secret Service, which provides federal protection to the embassy and chancery properties in the surrounding area.

E. The Municipal Interest, As Determined By The Mayor

The FMBZA must consider the municipal interest, as determined by the Mayor, in deciding whether to approve an application for a chancery use. In this case, the proposed location of the chancery annex as the Sultan Qaboos Cultural Center is consistent with the municipal interest, as further outlined below.

i. Zoning Regulations

The project's conformity with the Zoning Regulations is consistent with the municipal interest. The Property is located in the SP-2 zone. The SP zones are designed to act as a buffer between adjoining commercial and residential areas, and to ensure that new development is compatible in use, scale, and design with the transitional function of the zone district. 11 DCMR § 500.2. The SP zones preserve and protect areas adjacent to Commercial districts that contain a mix of row houses, apartments, offices, and institutions at medium to high density, including buildings of historic and architectural merit. 11 DCMR § 500.3. The SP District permits chancery use, subject to disapproval by the FMBZA. 11 DCMR § 501.3. Chancery applications are not subject to the variance and special exception requirements set forth in Sections 3103 and 3104 of the Zoning Regulations. 11 DCMR §§ 3134.1-3134.6. Instead, FMBZA's determination on a chancery application "shall be based solely on the criteria of Section 1001" of the Regulations. See 11 DCMR § 1002.4.

Here, the use of the Property as a chancery annex is appropriate and is consistent with the municipal interest. As a matter of right, SP Districts permit the following uses: art galleries, community centers, public and private schools, museums, and artist studios, among others. SP Districts also permit general office use, including chancery, as a replacement for office use for international organizations, non-profit organizations, labor unions, architects, dentists, doctors,

engineers, lawyers, or similar professional persons existing and approved by the BZA or the Zoning Commission. 11 DCMR § 501.3. The BZA may approve as a special exception colleges and universities, new office buildings, hotels and inns, retail and service uses, and religious residences and programs in SP Districts. See 11 DCMR § 507-518.

The use of the Property as the Sultan Qaboos Cultural Center is consistent with the uses permitted as a matter of right and by special exception in the SP-2 District. The Cultural Center will provide rich history about the nation of Oman and the Omani culture. The Center will maintain a fixed exhibition space open to the public and will host evening Arabic classes, lectures and programs, and occasional private events. These uses are in keeping with the SP-2 District's desire to maintain a diverse neighborhood of office, commercial, and institutional uses.

ii. Comprehensive Plan

The proposed use of the Property as a chancery annex cultural center is consistent with the Comprehensive Plan. The Future Land Use Map designates the Property as Medium Density Commercial/High Density Residential. The Medium Density Commercial designation is used to define shopping and service areas that are more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. The use of the Property as a cultural center is consistent with the city's vision for the future of the neighborhood as medium density commercial. The five-story building will be occupied as a cultural center and will provide the public with an important resource on Omani culture.

The proposed use also supports the Comprehensive Plan's goal of encouraging arts and cultural venues, programs, and learning experiences in the District of Columbia that inspire a vibrant cultural life for all segments of the population. 10A DCMR § 1404.1. The cultural center will be a new cultural facility in the District, sited in a location that is close to public

transit, utilizes shared parking facilities, and easily manages impacts on nearby uses. See 10A DCMR §§ 1403.2 and 1403.6. The proposed use will help to ensure that neighborhood cultural facilities accommodate a wide variety of arts disciplines, cultures, individuals, and organizations, 10A DCMR § 1403.5, and will promote the development of cultural amenities "beyond the Mall" to more fully capitalize on the economic benefits of tourism for District residents, businesses, and neighborhoods. 10A DCMR § 1410.6.

iii. Neighborhood Uses

Chancery annex use of the Property as described herein is consistent with the mix of uses in the immediate area. The neighborhood includes a wide variety of uses, including office, residential, hotel, and institutional uses. The Russian Embassy is across 16th Street from the Property. The National Geographic Society and several non profit organizations, as well as several office buildings, occupy the same square as the Property. Hotels, office buildings, restaurants, and non-profit associations are all in close proximity. The proposed chancery annex is compatible with this variety of uses.

6. **The Federal Interest, as Determined by the Secretary.**

The State Department has determined in its October 30, 2013 letter that there is a federal interest in this project. The Government of the Sultanate of Oman is a reliable partner in providing for needs of the U.S. Embassy in Muscat, including an increased security presence during periods of increased threats. Such cooperation is essential for successfully achieving the Federal Government's mission for providing safe, secure, and functional facilities for the conduct of U.S. diplomacy and the promotion of U.S. interests worldwide.

V.
COMMUNITY SUPPORT

At its regularly scheduled meeting on October 13, 2013, at which a quorum was present, the Advisory Neighborhood Commission (ANC) 2B voted unanimously to support this application.

VI.
WITNESSES

1. Her Excellency Hunaina Sultan Ahmed Al Mughairy, Ambassador of the Sultanate of Oman.
2. Kathleen Ridolfo, Executive Director, Sultan Qaboos Cultural Center.
3. Wil McBeath, Architect, Morgan Gick McBeath & Associates Architects.

VII.
CONCLUSION

For the above stated reasons, the Applicant respectfully requests approval of the proposed location of a new chancery annex in the SP-2 District.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By:

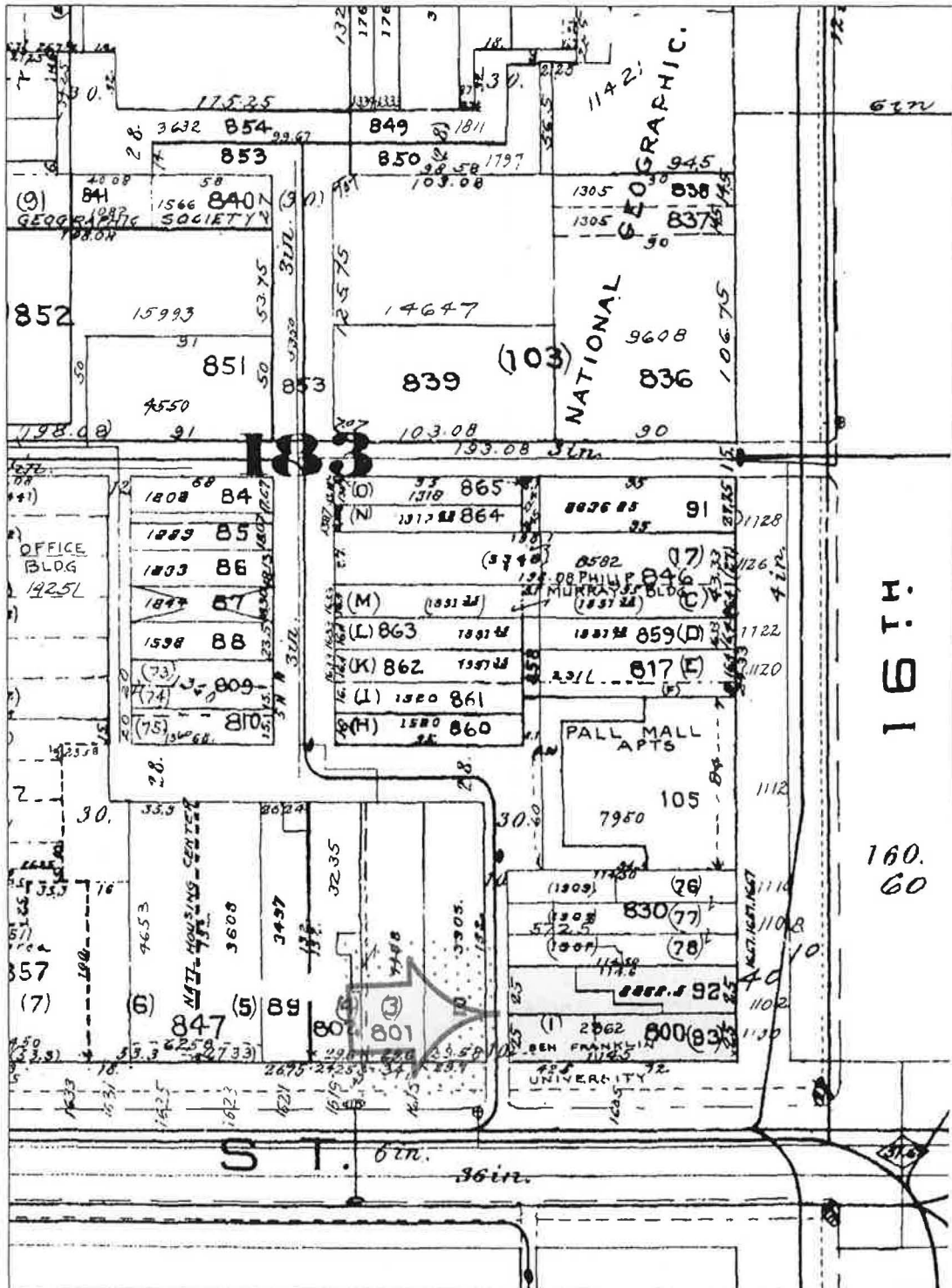


Christopher H. Collins, Esq.



Jessica R. Bloomfield, Esq.

Portion of Baist Map
1100 16th Street, N.W.

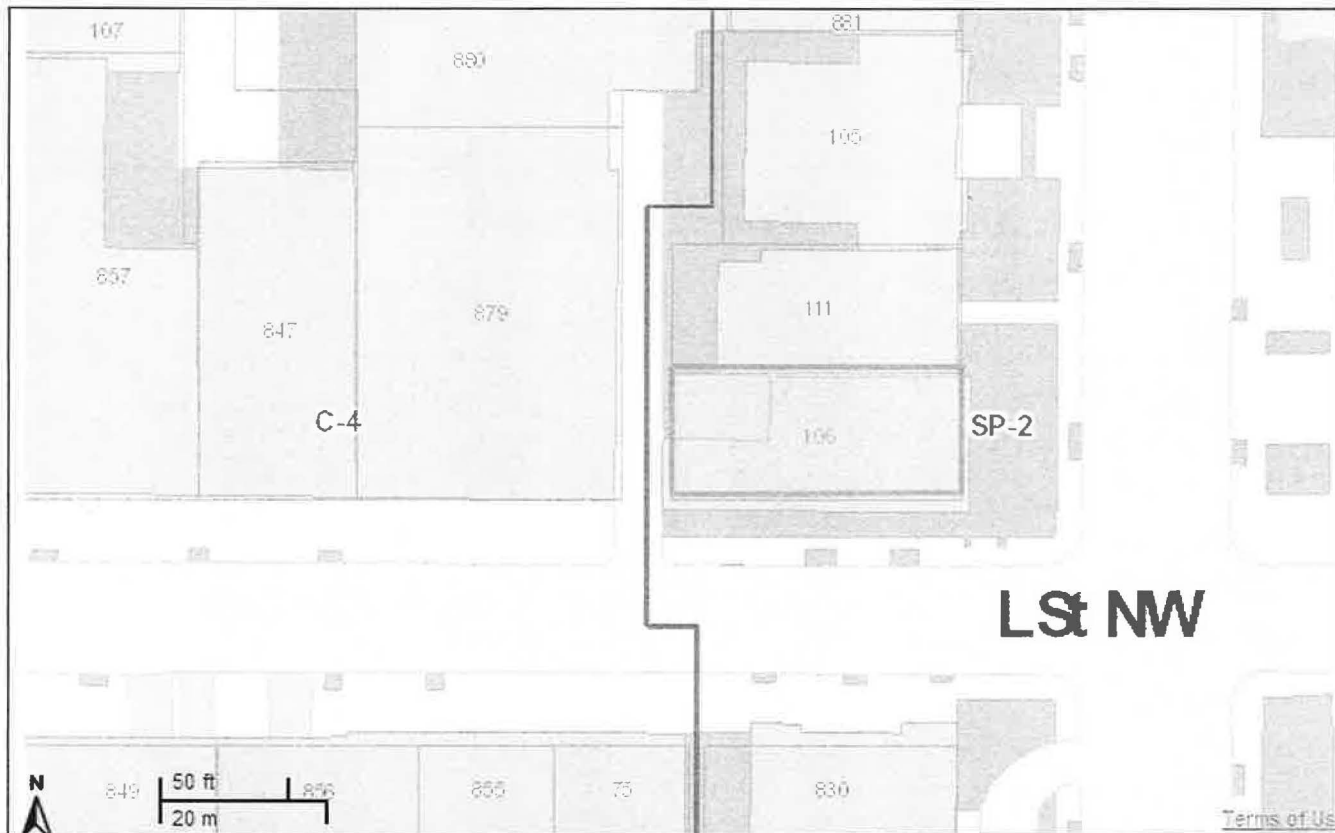


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Zoning Report for Square: 0183 Lot: 0106

November 15, 2013



Zoning Layers

Zone Districts	Pending Overlays	Active PUDs	Latitude: 38.903956, Longitude: -77.037192
Pending Zones	Baist Index	Pending	Campus Plans
Overlays	Historic Districts	TDRs	CEA

While DCOZ is committed to providing accurate and timely zoning information via the zoning map, DCOZ cannot guarantee the quality, content, accuracy, or completeness of the information, text, graphics, links, and other items contained therein. All data visualizations on the zoning map should be considered approximate. Information provided in the zoning map should not be used as a substitute for legal, accounting, real estate, business, tax, or other professional advice. DCOZ assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. DCOZ retains the right to change any content on its zoning map without prior notice.

Zoning Data Summary*

Square/Suffix/Lot	0183 / n/a / 0106
Premises Address	1100 - 1102 16TH ST NW
Zoning District (s)	SP-2
Overlay District (s)	
Pending Zoning District(s)	
Pending Overlay District(s)	
PUDs	None
Pending PUDs	None
Ward	2
Council Member	Jack Evans
ANC	2B
ANC Chairperson	Will Stephens
SMD	2B05
Commissioner	Abigail Nichols

* For a detailed explanation of zoning related terms, please refer to the DC Zoning Map Glossary available at http://maps.dcoz.dc.gov/css/Map_App_User_Guide/Glossary.pdf.

** To the extent an active PUD exists on a particular site, the PUD zoning depicts the zoning in effect for that site.

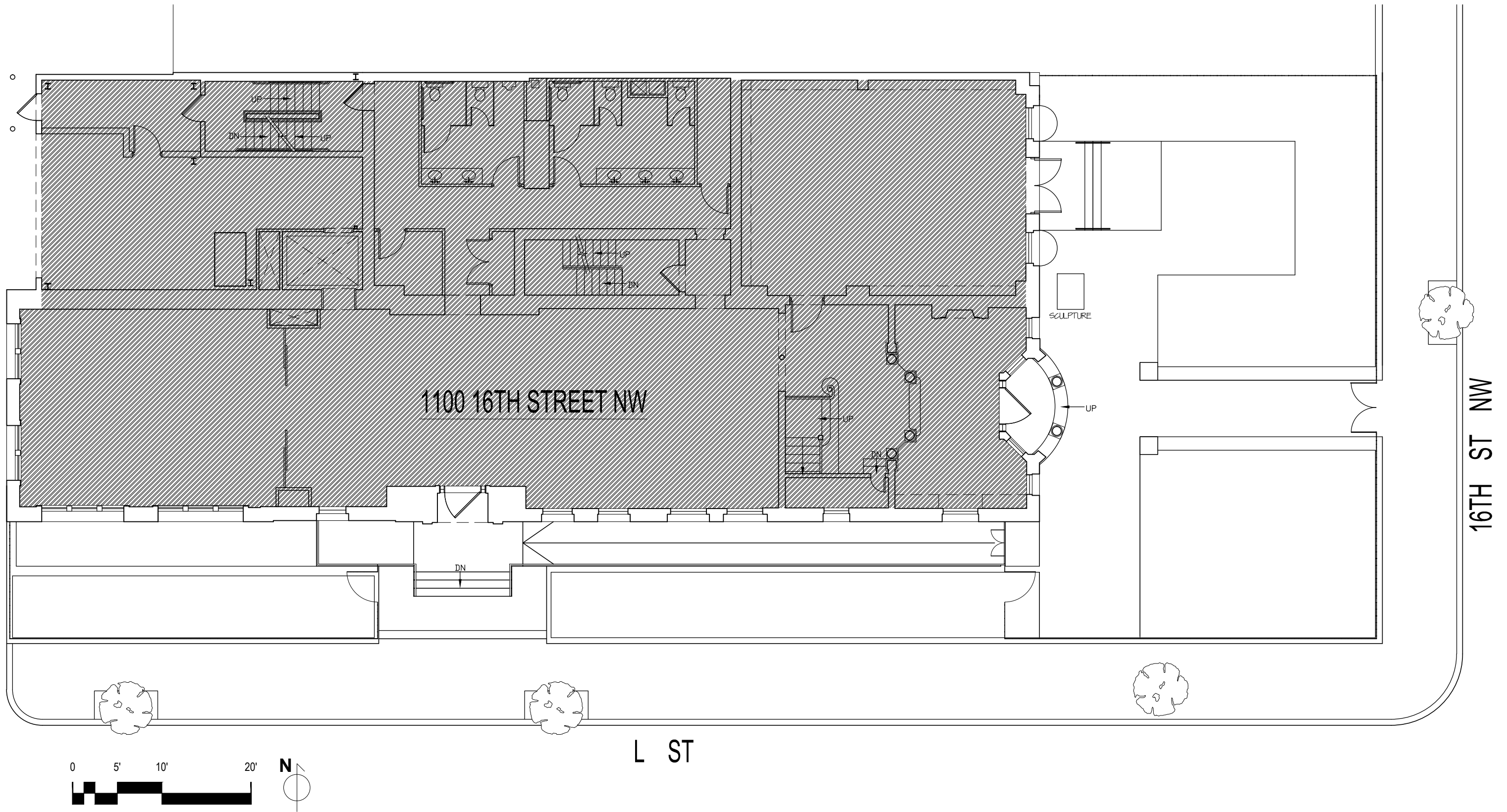


VIEW FROM SOUTHEAST CORNER OF 16TH AND L STREET



SULTAN QABOOS CULTURAL CENTER

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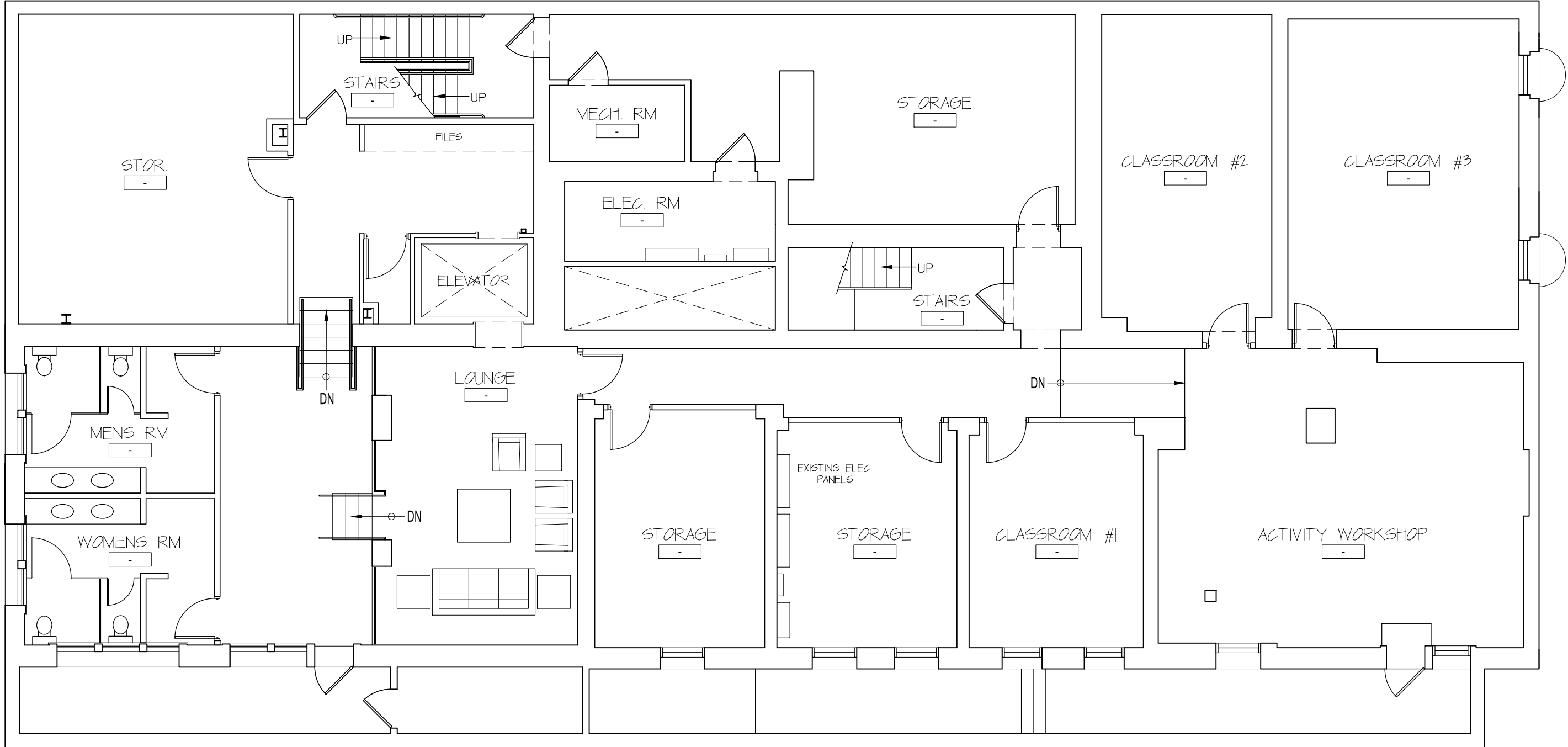


PROPOSED SITE PLAN



SULTAN QABOOS CULTURAL CENTER

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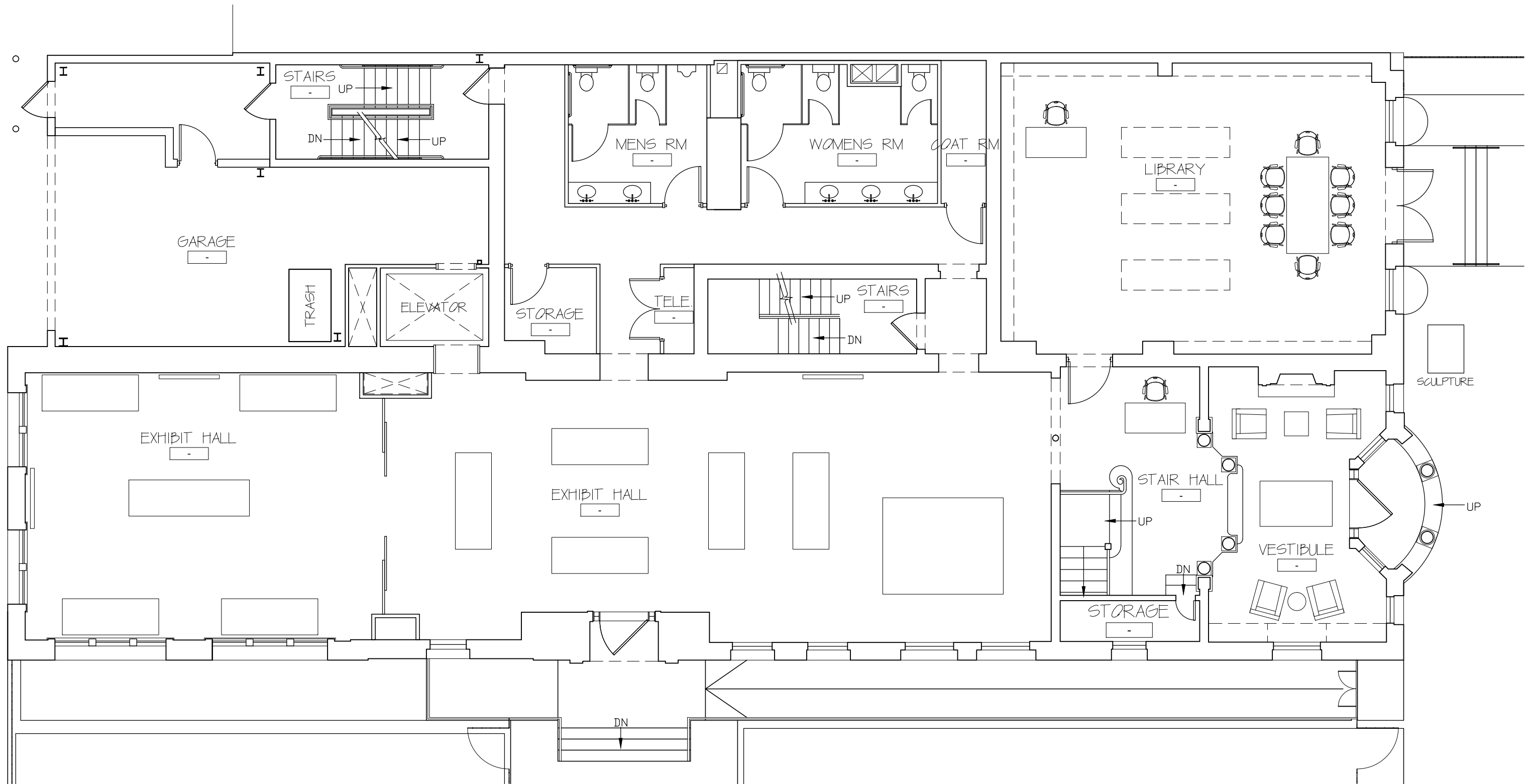


*FURNITURE PLANS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

PROPOSED CONCEPT PLAN - CELLAR FLOOR



SULTAN QABOOS CULTURAL CENTER



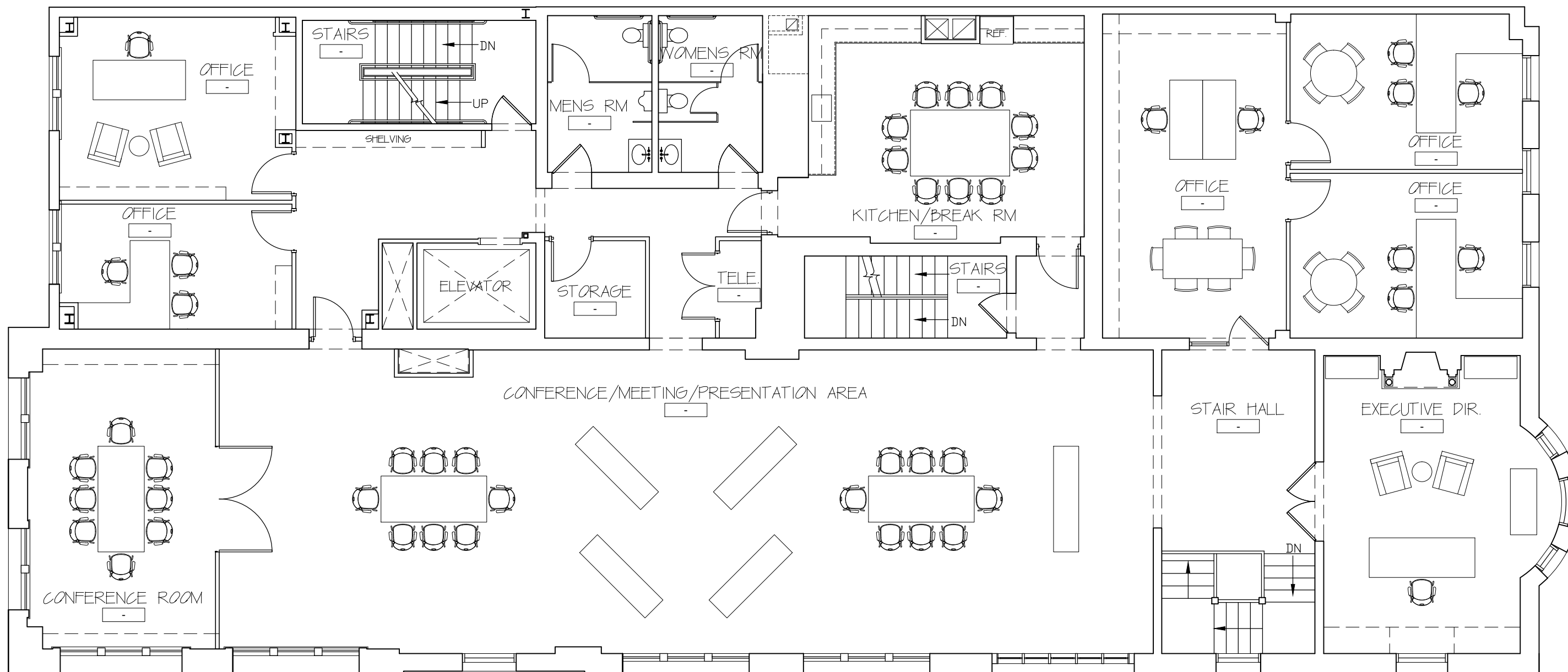
*FURNITURE PLANS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

PROPOSED CONCEPT PLAN - GROUND FLOOR



SULTAN QABOOS CULTURAL CENTER

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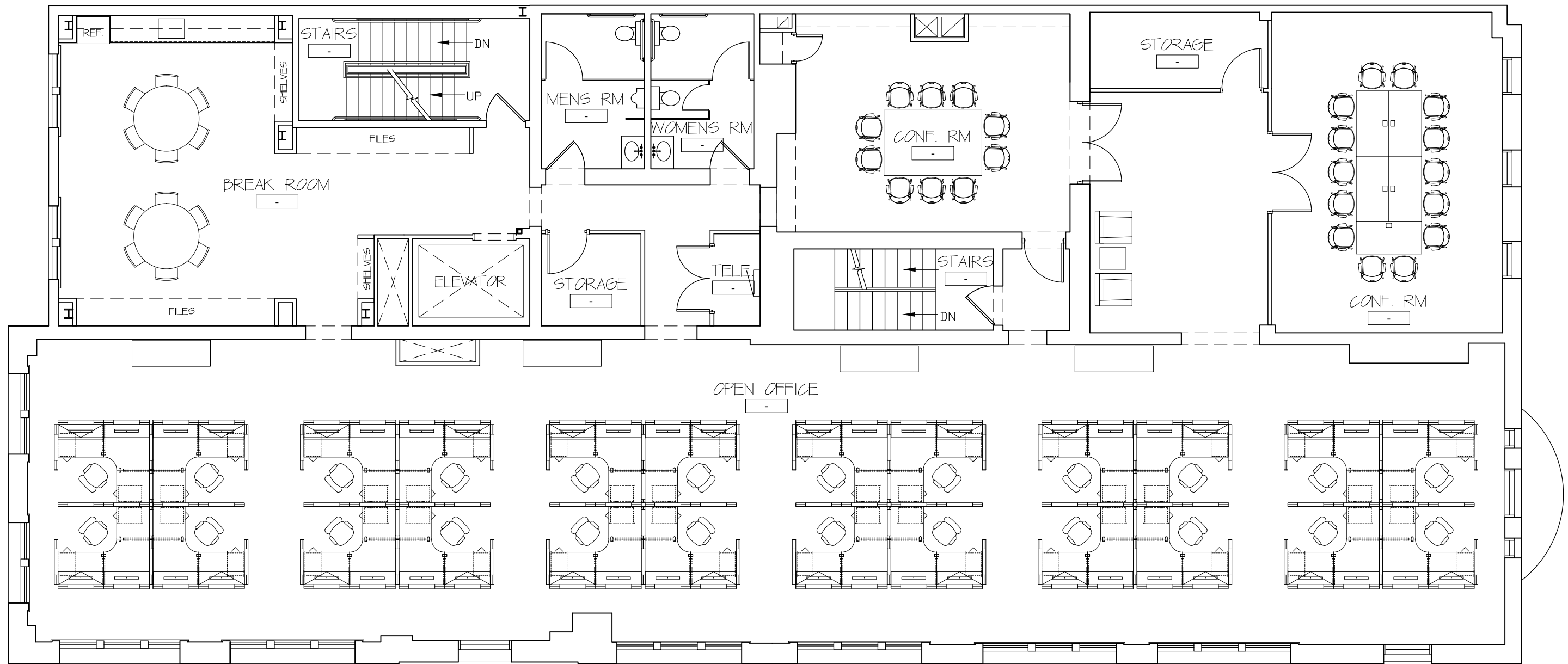
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PROPOSED CONCEPT PLAN - SECOND FLOOR



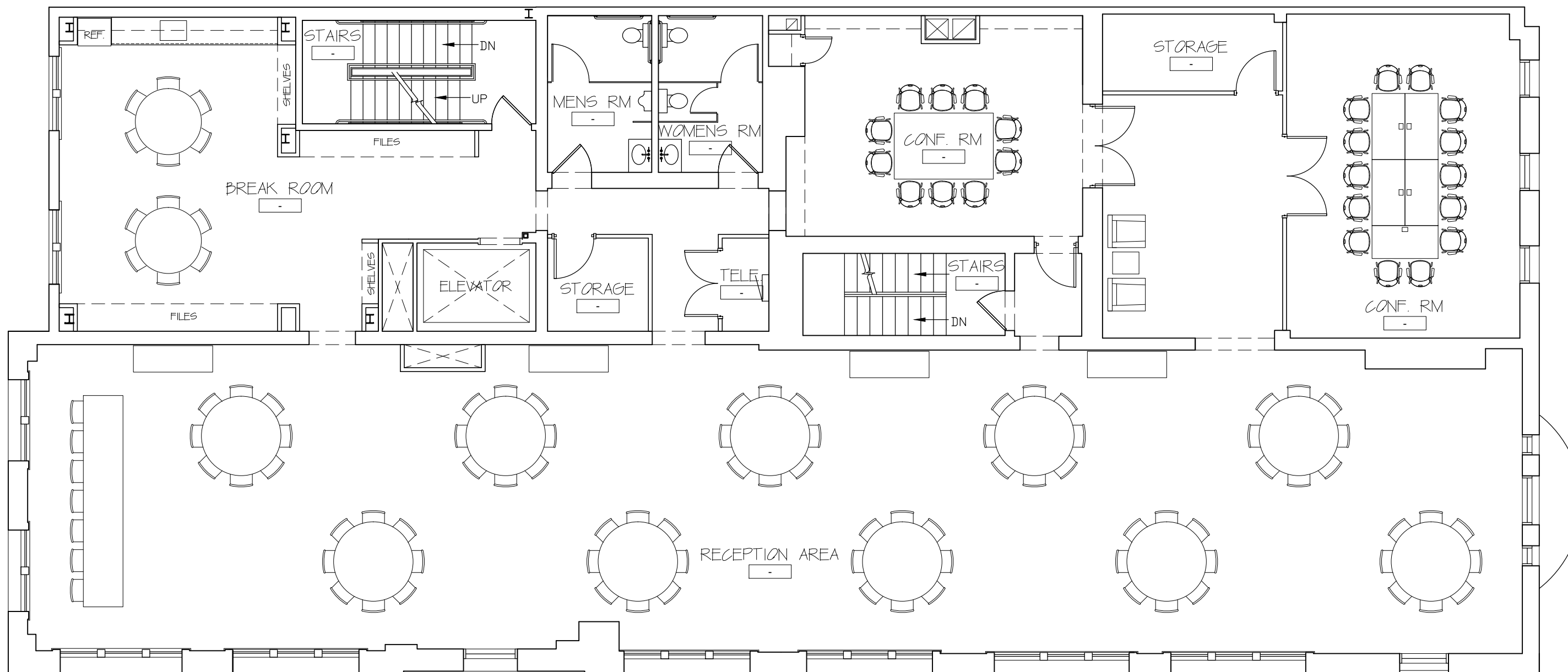
SULTAN QABOOS CULTURAL CENTER

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*FURNITURE PLANS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

PROPOSED CONCEPT PLAN - THIRD FLOOR - OPTION A



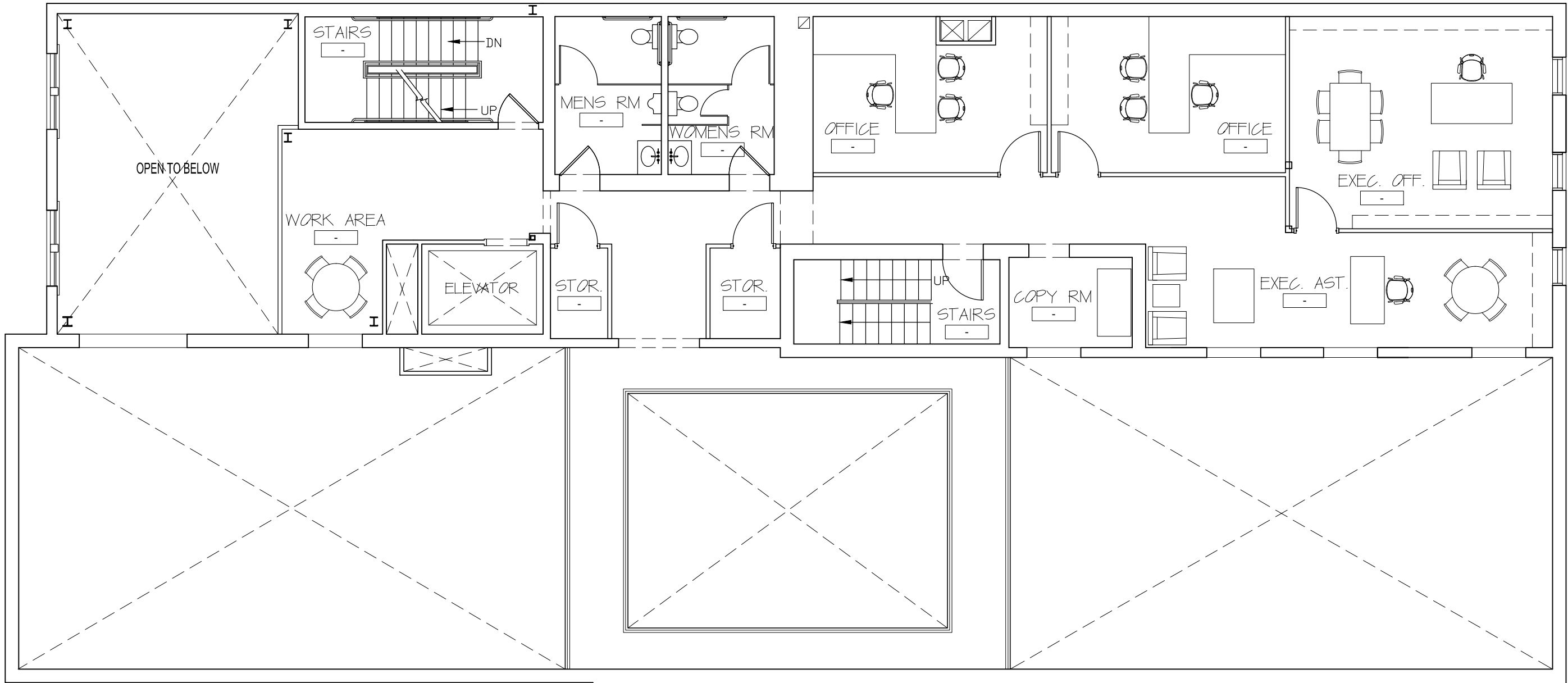
*FURNITURE PLANS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

PROPOSED CONCEPT PLAN - THIRD FLOOR - OPTION B



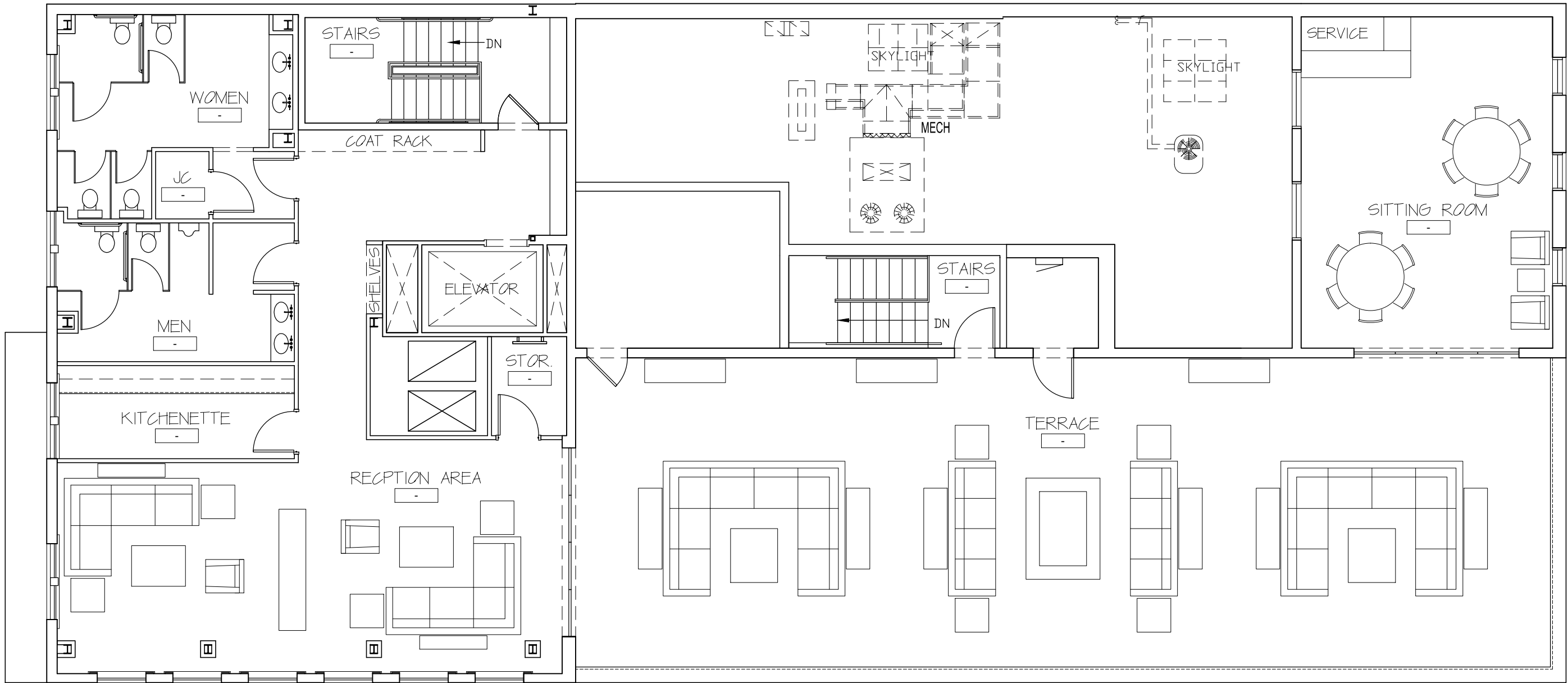
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*FURNITURE PLANS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

PROPOSED CONCEPT PLAN - MEZZANINE FLOOR



*FURNITURE PLANS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

PROPOSED CONCEPT PLAN - FOURTH FLOOR



SULTAN QABOOS CULTURAL CENTER



① EAST ELEVATION - EXISTING
1/4" = 1'-0"



② WEST ELEVATION - EXISTING
1/4" = 1'-0"

EAST & WEST ELEVATIONS - EXISTING



SOUTH ELEVATION - EXISTING



① EAST ELEVATION - PROPOSED
1/4" = 1'-0"



② WEST ELEVATION - PROPOSED
1/4" = 1'-0"

EAST & WEST ELEVATIONS - PROPOSED



SULTAN QABOOS CULTURAL CENTER

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SOUTH ELEVATION - PROPOSED



① L STREET ENTRANCE
1" = 1'-0"



② 16TH STREET ENTRANCE
1" = 1'-0"

PROPOSED ENTRANCES



SULTAN QABOOS CULTURAL CENTER

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L STREET ENTRANCE



16TH STREET ENTRANCE



TEMPORARY SIGNAGE

**OUTLINE OF TESTIMONY OF HER EXCELLENCY HUNAINA AL MUGHAIRY,
AMBASSADOR OF THE SULTANATE OF OMAN**

1. Introduction
2. Discussion of Cultural Center as an important component of the Embassy's mission.
3. Conclusion

**OUTLINE OF TESTIMONY OF KATHLEEN RIDOLFO, EXECUTIVE DIRECTOR,
SULTAN QABOOS CULTURAL CENTER,**

1. Introduction
2. Description of existing building and surrounding area
3. Description of proposed use
4. Conclusion

F

**OUTLINE OF TESTIMONY OF WIL MCBEATH,
MORGAN GICK MCBEATH & ASSOCIATES ARCHITECTS**

1. Identification
2. Review of proposed plans
3. Discussion of proposed use
4. Conclusion