**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Arthur Jackson, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** December 9, 2013

**SUBJECT:** BZA Case 18678 – Request for special exception relief in accordance with §§ 504 and 1001 to establish a chancery in a five-story building located at 1100 16<sup>th</sup> Street NW

**I. SUMMARY RECOMMENDATION**

The Office of Planning (OP) recommends that the Board of Zoning Adjustment (BZA) **not disapprove** the special exception relief requested to allow establishment of the proposed Sultan Qaboo Cultural Center (chancery annex) on the subject property

**II. AREA AND SITE DESCRIPTION**

|                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address                                                                                                                                 | 1100 16 <sup>th</sup> Street NW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Legal Description                                                                                                                       | Square 0183, Lot 0106                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Ward                                                                                                                                    | 2B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Lot Characteristics                                                                                                                     | The subject 5,725 square-foot (0.13 acre) property fronts L Street to the south (side), 16 <sup>th</sup> Street to the east (front) and a public alley 10 feet wide along its western (rear) boundary. A curb cut along the alley allows vehicular access onto the property.                                                                                                                                                                                                                                                                       |
| Existing Development<br><br><b>BOARD OF ZONING ADJUSTMENT</b><br>District of Columbia<br>CASE NO. <u>18678</u><br>EXHIBIT NO. <u>33</u> | The five-story building and basement, that was originally two buildings on separate lots, occupies nearly the entire site and extends slightly into public space along the eastern and southern boundaries. A roll-up door next to the alley allows access to the internal one-vehicle garage on the first floor. There is also a column-framed pedestrian entrance along the alley, two more entrance on the 16 <sup>th</sup> Street side, one with columns, and an entrance with steps and a ramp along L Street NW (reference Figures 1 and 2). |
| Zoning                                                                                                                                  | SP-2 – allows a chancery (annex) use with special exception approval in accordance § 504                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Historic District                                                                                                                       | Sixteenth Street. The State Office of Historic Preservation (SHPO) determined that the existing structure contributes to the integrity of this district. <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                              |

<sup>1</sup> 1100-1102 16<sup>th</sup> Street NW (formerly the Benjamin Franklin University) is listed as a contributing structure in National Register of Historic Places Registration Form for the Sixteenth District Boundary Increase

|                                    |                                                                                                                                       |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Adjacent Properties                | According to DC land records all other properties on the square, with the exception of one vacant lot, are developed with office uses |
| Surrounding Neighborhood Character | Generally medium to high-density development                                                                                          |

### III. APPLICATION IN BRIEF

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicants    | Rock Creek-1100 16 <sup>th</sup> LLC, owner of record                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Proposal      | <p>The Embassy of the Sultanate of Oman plans to purchase the subject property for a proposed chancery annex (chancery) Specifically, the Sultan Qaboos Cultural Center would occupy this vacant building No exterior construction is proposed although state flags would project from staffs attached to the 11<sup>th</sup> Street façade, and a 6-foot tall sculpture of a sailing ship, the symbol of this seafaring nation is proposed in the adjacent public space</p> <p>The building was previously occupied by the WVSA School for Arts in Learning, a public charter school use The interior would now be converted into a variety of office, exhibition, classroom and lecture spaces for the new use Overall hours of operation would be 9 00 AM to 5 00 PM, Monday through Friday In late 2014 or 2015, evening Arabic instruction would become available from 6 00 to 9 00 PM</p> <p>The initial center staff of three persons would increase to 25 persons as various programs are established and the cultural mission offices relocate to this building On average, 40 to 80 visitors are anticipated to visit the center to conduct research on monthly basis The second-floor lecture hall could hold 50-75 persons for lectures and workshops The Embassy expects to hold four such events like this on monthly basis and host private parties and other on-premise entertainment up to four times per year <sup>2</sup></p> <p>Chancery uses are allowed in the SP-2 District by special exception in accordance with § 504 and the provisions of § 1001 As a result, the property owner requested zoning relief</p> |
| Relief Sought | § 504 – special exception relief to allow establishment of the proposed chancery annex on the subject property                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

### IV. ZONING REQUIREMENTS

| SP-2 District    | Regulation                                  | Existing | Proposed                                      | Relief: |
|------------------|---------------------------------------------|----------|-----------------------------------------------|---------|
| Parking § 2101.1 | >2,000 sq ft, 1 space/<br>1,800 gross sq ft | 1 space  | 1 space<br>(11 spaces required <sup>3</sup> ) | None    |

In accordance with §§ 2020.2 and 2120.3, no additional parking is required for the proposed change in use because the existing building contributes to the integrity of the historic district

<sup>2</sup> The applicant also indicated larger celebrations such as their Independence Day would be held at other locations

<sup>3</sup> DC land records indicate the current gross building area is 21,643 square feet ( $[21,643 - 2,000] / 1,800 = 11$  spaces)

## V. OFFICE OF PLANNING ANALYSIS

As noted above, DC land records indicate that all properties on the square, with the exception of one vacant lot, are developed with office uses. Since the land area occupied by offices uses exceeds 33% of the land area of the entire square:

- The square is consistent with § 6-1306 (b)(2)(b) of the DC Official Code; and
- The subject property is suitable for establishment of a new chancery (annex) if the proposal is not disapproved by the Board of Zoning Adjustment (BZA) in accordance with the following special exception provisions.

### Special exception relief in accordance with §§ 504 and from § 1001

*1001.2 The Board shall consider the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.*

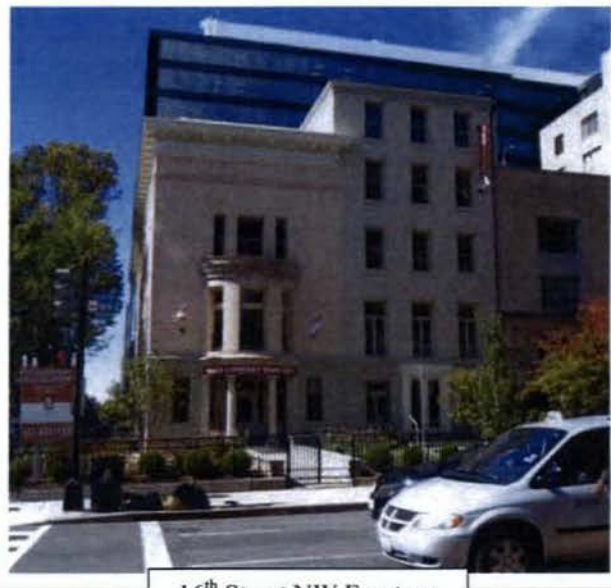
In correspondence to the BZA dated October 30, 2013, the Secretary of State indicated that favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure facilities by the Sultanate of Oman.

*1001.3 The Board shall consider historic preservation, as determined by the Board in carrying out this section.*

The State Office of Historic Preservation (SHPO) reviewed this proposal and determined it would be in substantial compliance with the applicable historic preservation regulations in general, and the Sixteenth Street Historic District in particular. SHPO staff noted that minor changes may be needed at the permit review stage.

*1001.4 To ensure compatibility with historic landmarks and historic districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.*

Figure 1



16<sup>th</sup> Street NW Frontage

As noted above, SHPO staff found this proposal to be in substantial compliance with the applicable historic preservation regulations. The applicant was also requested to consider certain streetscape improvements that would enhance the integrity of this historic district (reference the public space discussion in the following subsection).

*1001.5 The Board shall consider 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 United States Secretary of State, after consultation with federal agencies authorized to perform protective services.*

Parking: The ground floor garage onsite can accommodate one vehicle which, according to the application, would usually be occupied by the vehicle of the center director. The Zoning



Regulations do not require any additional parking for the proposed change of use because the existing structure is in a contributing building. Although no additional parking onsite is proposed, several factors would help to mitigate any increase in the demand for area on-street parking resources resulting from the new use, at least on a daily basis. The Embassy also indicated that it will not be request diplomatic parking for this use along L or 16<sup>th</sup> Street NW.

The site is located in a very urban area within easy access of public transit. Within one block of the site are multiple Washington Metropolitan Transit Authority (WMATA) transit routes that service 16<sup>th</sup> Street and K Street NW. Entrances to the underground Farragut North (Red line), Farragut West and McPherson Square (Blue and Orange lines) WMATA underground light rail stations are between 730 and 1,360 feet away, respectively. Employees and visitors who do choose to drive would be in easy walking distance of six commercial parking garages within two blocks of the site (reference Figure 3).

The applicant indicated that staff currently carpools to work and valet parking would be arranged for larger social events. In light of this information and pending comments from the District Department of Transportation (DDOT), this standard has been adequately addressed. Additionally, the center director was requested to consider what policies could be put into place to limit the potential congestion and parking demands associated with visit by larger groups from school or to attend lecture events scheduled during the regular operating hours.

Figure 2



**Public Space:** This proposal would add the 6-foot tall statue of a sailing ship. OP asked the applicant to also consider planting a row of Willow Oak trees curbside and Tulip Poplar trees inside the fence line (in manner consistent with DDOT Urban Forestry Administration standards) and submitting a site plan to the case record file reflecting all the referenced public space elements.

Planting Willow Oaks along 16<sup>th</sup> Street would extend the streetscape design approved for the Zoning Commission Case No. 02-24A, Solar Building Planned Unit Development to the south. Planting Tulip Poplar trees inside the fence line would re-establish the original landscape improvement plan for 16<sup>th</sup> Street and other wide streets in the L'Enfant City, which would enhance the integrity of the Sixteenth Street Historic District. BZA approval of a site plan



In response, the applicant noted that funding for this proposal has already been approved and funding amount would not cover the additional expense of the requested improvements. The applicant, therefore, declined to purchase and install the requested trees.

After consultation with federal agencies authorized to perform protective services, the Secretary of State determined that the subject property and area are capable of being adequately protected.

In light of the above analysis, OP determined, on behalf of the Mayor of the District of Columbia, that favorable action on this application is in the municipal interest and generally consistent with the Comprehensive Plan for the Nation's Capital and the Zoning Regulations. OP also suggests approval conditions that:

- allow the Embassy to implement any changes deemed necessary by SHPO to remain in substantial compliance with the applicable historic preservation regulations; and
- permit placement of the above-referenced ship sculpture in the adjacent public space along 16<sup>th</sup> Street NW, pending any DDOT comments.

**Legend: Parking Garage Locations** 

*1001.8 The Board shall consider the federal interest, as determined by the Secretary of State*

As noted above, the Secretary of State determined that a favorable decision on this application will serve the federal interest. The Government of the Sultanate of Oman is a reliable partner in providing for the needs of the US Embassy in Muscat, including an increased security presence during periods of increased threats. Such cooperation is essential for successfully completing the Federal Government's mission.

Based on this analysis, the application meets the special exception standards for not being disapproved.

#### **VI. AGENCY COMMENTS**

To date, no DDOT comments have been added to the case record file.

#### **VII. COMMUNITY COMMENTS**

In a letter dated November 19, 2013, the Chairman of the DuPont Circle Advisory Neighborhood Commission (ANC) 2B stated that the ANC voted to support this application on November 13, 2013, during a regularly scheduled meeting.

The case file also includes an email dated October 13, 2013, from Michael Fasano, President of The Presidential Cooperative located across L Street from the subject property. In the email, Mr. Fasano expressed the membership's support for this cultural center proposal.