

STATEMENT OF COMPLIANCE

1. Introduction

The Embassy of the Sultanate of Oman (the "Embassy") proposes to locate a new chancery annex at 1100 16th Street, N W in the SP-2 zone 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, this application complies with the requirements of 22 USC, Section 4306 of the Foreign Missions Act and Chapter 10 of the Zoning Regulations. Accordingly, the Embassy respectfully requests that the Foreign Missions Board of Zoning Adjustment (FMBZA) not disapprove the proposed location of this chancery annex.

2. Description of Property

The property at 1100 16th Street, N W is known as Square 183, Lot 106 (the "Property"). 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.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18678
EXHIBIT NO. 7

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The Foreign Missions Act was enacted by Congress in 1982, and the Zoning Commission enacted zoning regulations to implement the Foreign Missions Act in Order No 400, effective on August 10, 1983

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 is anticipated to grow to approximately 25 as the various programs described herein are established and the Embassy's Cultural Mission 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 approximately six classrooms, accommodating a maximum of between five and ten students each, to be used for evening Arabic instruction Monday through Thursday from 6:00pm to 9:30pm, beginning in late 2014 or early 2015. The first floor will contain a fixed exhibition space open to the public, displaying traditional Omani handicrafts, including costumes, textiles, basketry, pottery, and silver. This 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 five full-time employees, a lecture hall, and a reading room. The lecture hall will be used for 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 hold four events per month. The third and mezzanine levels will contain either additional office space or extra function space for the Embassy. The fourth floor will be used as entertainment space for

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private events hosted by the Embassy after 6 00pm. The Embassy anticipates approximately four events per year

The building contains a garage with two parking spaces.

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

The Foreign Missions Act, 22 USC, Section 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 in this application 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, § 1001.2 The U S Department of State supports the filing of this application. Favorable action by the FMBZA on this application would fulfill the international obligation of the United States.

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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 Embassy of the People's 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 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 at entrances on both the 16th Street and L Street sides of the building, only the southern-most entrance on the 16th Street side of the building will be signed At each of entrances there will be one sign located next to the doorway and one sign located above the doorway. The Embassy also proposes to include occasional temporary banner signage on the property for special days Second, the Embassy proposes to install custom-designed front doors on the same 16th Street and L Street entrances

where the signs are proposed Third, the Embassy proposes to place a sculpture in the public space in front of the building along 16th Street.

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. The site is well served by public transportation with 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 subject 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 from the site. Taxis regularly pass by the Property in both directions along L and 16th Streets, 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 There are also 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 There are at least eight public parking garages located within 0.4 miles of the Property

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

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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 This site 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 for the following reasons

1. 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.

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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 § 507-518 The use of the Property as the new Sultan Quaboos 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.

2. 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

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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

3 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 site. 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.

Approval of this application is in the federal interest. The Department of State supports this application.

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