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December 24, 2013

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

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Re: *BZA No. 18691; Application of the Republic of Georgia*

Dear Mr. Jordan and Members of the Board:

The Republic of Georgia (the "Applicant") submits this updated Statement and exhibits in support of the referenced application and affidavit of posting, pursuant to Chapter 10 of the Zoning Regulations, for review and approval of a proposed chancery use for the Republic of Georgia at 1824-27 R Street, N.W. (Square 134, Lot 167, the "Property").

Thank you in advance for your continued consideration of this application.

Sincerely,



Cynthia A. Giordano

Attachments
CAG/jmd

cc: Suzanne McPartland
ANC2B
Arthur Jackson, OP

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18691

EXHIBIT NO. 30

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Board of Zoning Adjustment
District of Columbia
CASE NO. 18691
EXHIBIT NO. 30

**BEFORE THE FOREIGN MISSIONS
BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA
Application of the Republic of Georgia**

December 24, 2013

STATEMENT OF THE APPLICANT

I. Nature of Relief Sought

This is an application pursuant to Chapter 10 of the Zoning Regulations for review and approval of a proposed chancery use for the Republic of Georgia ("Georgia") at 1824 R Street, N.W. (Square 134, Lot 167, (the "Property")). The Property is located in a DC/R-5-B zone district. The DC ("Dupont Circle") overlay has no bearing on the subject application.

II. Jurisdiction of the Board

This application is being filed pursuant to Section 206 of the Foreign Missions Act, approved August 24, 1982 (92 Stat. 286, D.C. Code § 6-1306 (1994 Repl.)), 22 U.S.C.A. § 4306 (1990), and 11 DCMR § 1002.1 (1995). Under Section 206(b)(2)(B) of the Foreign Missions Act, 22 U.S.C.A. § 4306(b)(2)(B), D.C. Code § 1206(b)(2)(B), a chancery is permitted to locate in areas determined on the basis of existing uses, which include office or institutional uses, including but not limited to any area zoned mixed-use diplomatic or special purpose, subject to disapproval by the FMBZA in accordance with the criteria set forth in 11 DCMR § 1001.

III. Description and Zoning History of the Property

1824 and 1826 R Street N.W. are four-story rowhouses designed and built in 1911 by noted Washington D.C. architect, Clarke Waggaman (1877-1919.) Waggaman designed many of the stately mansions in the historic Dupont Circle and Kalorama neighborhoods, including the neighboring Argentinian Embassy. After many decades as two single family homes, the interiors of 1824 and 1826 were partially joined together when the property served as the Chancery for the Embassy of Singapore in the 1980s and 90s. In 2003, the current owners embarked on a three-year, multimillion dollar renovation and restoration project, and ultimately seamlessly combined the two homes into a single 12,000 square foot mansion with one address: 1824 R Street N.W. Existing historic elements were carefully restored, and new and antique elements were added as needed to complete the project.

The Property was zoned SP prior to 1974 (See Zoning Commission Order No. 90 for 1974 rezoning) and has a history of nonresidential use which began prior to the rezoning.

In 1971, the Republic of Singapore established its chancery at 1824 R Street as a matter-of-right under the then existing SP zoning. In 1981, the BZA (#13459) approved an expansion of the chancery into the adjoining 1826 R Street (previously a six-unit rooming house), combining the buildings into a single building on the interior. (See BZA Order No. 13459 attached hereto as **Exhibit A**.)

From 1993-2003, the Property was devoted to office use for the following tenants: *Beacon Properties, United Therapeutics Corporation, Sky Station International, PPH Cure Foundation, and World Against Racism Foundation*. (See Certificate of Occupancy B175299 dated July 31, 1996 attached hereto as **Exhibit B**).

From 2006-2010, the Property was a six-bedroom Bed and Breakfast, *Artists Inn Residence, LL*. (See BZA Order No. 17655 attached hereto as **Exhibit C**). The B&B was closed in 2010 and since that time the property is being used as a residence/home office of former bed and breakfast owners. The residential use was intended as a temporary situation until the Property could be sold. The owners have listed the Property for sale continuously since 2010. In the three years the Property has been for sale, the owners had approximately 20 showings with only two for potential residential use. All other showings were for embassies and private foundations. They received only two offers, both from embassies. Based on their experience, they have concluded that there is no market in the neighborhood for a residence this size and there have been no sales of residential properties this size in the neighborhood in decades.

IV. Description of the Surrounding Area and Zoning

The Property is located in Square 134 on the south side of R Street between 18th and 19th Streets, N.W. Square 134 is bounded by R Street on the north, Corcoran Street, N.W. on the south, 19th Street, N.W. on the west, and 18th Street on the east.

The R-5-B District within which the Property is located generally encompasses the area between Connecticut and New Hampshire Avenues north of Dupont Circle. The southeast portion of Square 134 is zoned SP-1 and that zone generally follows the properties fronting on New Hampshire Avenue. The C-3-B District is mapped along Connecticut Avenue between Dupont Circle and Florida Avenue. To the south, much of the area around Dupont Circle is zoned C-3-C.

The area surrounding the Property features a mix of uses. More specifically, the south side of the block where the Property is located includes the following uses:

- 1812 R Street (Offices of British West Indies Labour Organization)
- 1816-1818 R Street (Offices of the American Association of Colleges and Universities)
- 1822 R Street (Offices of the American Friends Society and the American Conservation Association)
- 1800 R Street is a high rise condominium with 1st floor physician offices

The only exclusively residential building on the south side of R Street is the rental apartment building at 1830 R Street.

The north side of the 1800 block of R Street, N.W. includes these uses:

- The German Marshall Fund (address is 1700 18th Street, NE corner of block with large frontage on R Street)
- 1811 R Street-The National Museum of American Jewish Military History
- 1825 R Street-The International Student House Dormitory
- The Embassy of Sierra Leone (address 1701 19th Street, NW corner of the block with large frontage on R Street)
- 1841 R St-A 5 Unit Condominium
- 1837 R St-A Single Family Home operating as a Group House
- 1839 R St-A Single Family Home
- 1843 R St-A Single Family Home

Exhibit D includes charts setting forth all of the uses in the subject 1800 block of R Street, N.W. identified both from the Office of Taxation and Revenue records and the Applicant's own land use survey as well as calculations of the land area devoted to both the residential and nonresidential/mixed uses in the block. According to the charts, over one-half of the uses on the subject block are nonresidential or mixed-use.

Other international uses in the vicinity of the Property include the Consular Section of the Embassy of Iraq at 1801 P Street, the Embassy of the Democratic Republic of the Congo at 1800 New Hampshire Avenue, the Embassy of Rwanda at 1714 New Hampshire Avenue, Swaziland at 1712 New Hampshire Avenue, Eritrea at 1708 New Hampshire Avenue, Grenada at 1701 New Hampshire Avenue, a French Military Attache at 1759 R Street, and a Soviet Cultural Mission at 1706-18th Street.

V. Criteria for Approval

A. Permitted Use. This application is being filed pursuant to Section 206 of the Foreign Missions Act, approved August 24, 1982 (92 Stat. 286, D.C. Code § 6-1306 (1994 Repl.)), 22 U.S.C.A. § 4306 (1990), and 11 DCMR § 1002.1 (1995). Under Section 206(b)(2)(B) of the Foreign Missions Act, 22 U.S.C.A. § 4306(b)(2)(B), D.C. Code § 1206(b)(2)(B), a chancery is permitted to locate in areas determined on the basis of existing uses, which include office or institutional uses, including but not limited to any area zoned mixed-use diplomatic or special purpose subject to disapproval by the FMBZA in accordance with the criteria set forth in 11 DCMR § 1001. As demonstrated by the discussion included above and the land use survey charts referenced therein, the subject area is a mixed use area and

therefore an appropriate location for a chancery pursuant to the Foreign Missions Act. The additional criteria are reviewed below in sections B through G of this Statement.

B. International Obligation of the United States. Subsection 1001.2 directs the Foreign Missions Board of Zoning Adjustment (“FMBZA”) to 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.

The Director of the Office of Foreign Missions will submit a letter to the FMBZA regarding the international obligation of the United States to facilitate the acquisition of adequate and secure facilities for the Republic of Georgia.

C. Historic Preservation. Subsections 1001.3 and 1001.4 require that the proposed chancery be in substantial compliance with historic preservation laws and regulations and that the FMBZA consider historic preservation in its decision.

The Property is located in the Dupont Circle Historic District. The Dupont Circle Historic District is roughly bounded by Rhode Island Avenue, M, and N Streets on the south, Florida Avenue on the west, Swann Street on the north, and the 16th Street Historic District on the east. It includes approximately 3100 buildings c. 1875-1940 and features one of the city’s most elegant historic residential neighborhoods. It is notable for superior examples of Victorian rowhouse architecture in Queen Anne and Richardsonian styles as well as some of the city’s finest turn-of-the-century mansions in Beaux Arts, Chateausque, Renaissance, and Georgian Revival styles.

The Property is a contributing building in the historic district. It consists of two well-preserved turn-of-the-century row houses.

Georgia will fully comply with the intent of historic preservation regulations. The exterior of the building is in excellent condition, and Georgia will maintain the exterior in that condition. No addition or exterior alteration of the building is proposed. No new, special antenna is planned to be added at this time. The only evidence of the use will be a small plaque and a flag indicating the presence of the chancery of Georgia. The flag will be displayed on a flag pole located in front of the building. Interior alterations will be minor and are not subject to historic preservation regulation.

D. Parking and Public Transportation. Section 1001.5 provides that 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.

As indicated above, the Property is located in a high-activity, transitional area to the north of the downtown office core (Golden Triangle sector). In this central location, public transportation, taxicab service, and vehicular accessibility are all excellent and will be more than capable of serving any limited, additional transportation demand generated by the proposed chancery use.

The Dupont Circle Metrorail station is located just two blocks to the southwest of the Property. Several Metrobus routes also serve the area, especially along Connecticut Avenue. Vehicular access is also very good in the surrounding area. Both 19th and 18th Streets are major arterials and access to the Property parking area is well served by adjacent public alleys.

The proposed chancery is expected to generate little additional demand for parking. The chancery's hours of operation will be 9:30 a.m. to 6 p.m. and only sixteen employees will work in the building, thirteen of which are diplomats and the rest are administrative. Limited consular services will be offered at the chancery (much of that activity is done by mail and courier). Most visitors to the site will be diplomatic and businesspersons who are dropped off and picked up by professional drivers or by taxi. A total of approximately 6-8 visitors a week are expected. Two to four special events will also be held at the chancery annually for up to 50 guests. Valet parking will be provided for such events.

Onsite parking for up to (9) compact parking spaces will be located onsite in the rear of the building. Two additional diplomatic zone spaces will be provided on the street in front of the building.

The Zoning Regulations in Chapter 21 indicate a parking requirement for chancery use of one space per 1800 s.f. of floor area, or as determined by the Board. Based upon this standard and the approximately 8,000 square foot building area, only four spaces are required. However, § 2100.4 of the Zoning Regulations waives any parking requirement for historic buildings due to a change in use for which more parking is required (i.e. bed and breakfast to chancery) Based on all of these factors, the Applicant requests that the FMBZA determine that the proposed parking situation, consisting of nine parking spaces at the rear of the Property, is adequate.

E. Security. Subsection 1001.6 directs the Board to consider "the extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services."

The Office of Foreign Missions will report on the security requirements for the proposed chancery.

F. The Municipal Interest. The proposed chancery use by the Republic of Georgia is compatible with surrounding uses and will not have an adverse impact on the surrounding area.

As described above, the Property is in an area characterized by numerous nonresidential uses including institutional, office, hotel, and international uses. The proposed chancery use will be fully compatible with the surrounding area and the immediate vicinity. The Property is separated from the residential use to the west by a wide public alley. The property located immediately to the east is an office use. As a result, the new chancery is not likely to have any adverse impact on surrounding properties.

G. The Federal Interest. The final criterion to be considered by the FMBZA is the federal interest, as determined by the Secretary of State. (§1001.8)

The Department of State will report on the federal interest in the proposed chancery for the Republic of Georgia.

VI. Conclusion

For the reasons set forth in this Statement, the Applicant requests that the Board not disapprove this application.

Respectfully submitted,

SAUL EWING LLP

A handwritten signature in black ink that reads "Cynthia A. Giordano". The signature is written in a cursive style with a large, stylized "C" and "G".

Cynthia A. Giordano

Attachments

EXHIBIT A

GOVERNMENT OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT



Application No. 13459, of Raymond R. and V.A. Garthoff, pursuant to Article 46 and Paragraph 8207.11 of the Zoning Regulations, for approval under Sub-section 4605.2 to permit the expansion of the Chancery of Singapore to an adjacent building and for variances from the off-street parking space requirements (Paragraph 4603.25) and the floor area ratio requirements (Paragraph 4603.24) in an R-5-B District at the premises 1826 R Street, N.W., (Square 134, Lot 151).

HEARING DATES: March 25, April 8 and May 27, 1981
DECISION DATE: June 3, 1981

FINDINGS OF FACT:

1. The subject application was scheduled originally for the public hearing of March 25, 1981. The Chair continued this application with several others to the public hearing of April 8, 1981, because of a lack of time to hear these applications. At the public hearing of April 8, 1981 the opposition moved to continue the application because of lack of notice to several property owners within 200 feet of the site. The record was reviewed and the Chair ruled that proper notice had not been given. The application was continued to May 27, 1981.

2. Preliminary objections were made at the public hearing of May 27, 1981 that the owners of the property should be present at the public hearing and that the application should be processed as a special exception under Sub-section 8207.2 of the Zoning Regulations, and not Article 46. The Chair ruled that the owner had authorized counsel to represent him and therefore the owner need not be present. The Chair further ruled that the application would be processed under Article 46, consistent with the way the Board had treated the prior applications of the Governments of Bangladesh and Saudi Arabia which also were totally under the Diplomatic District Regulations and requested relief to establish a chancery. The Board noted that this procedure was based on an opinion of the Corporation Counsel when the same issue was first raised in the aforementioned application of Bangladesh.

3. The subject property is located on the south side of R Street between 18th and 19th Streets, N.W. and is known as premises 1826 R Street. It is in an R-5-B District.

4. The subject site has an area of approximately 1,996 square feet and is improved with a four story row structure which formerly contained six apartment units, but which is now vacant except for a caretaker.

5. The existing chancery of the Government of Singapore is located at 1824 R Street, N.W., immediately adjacent to the site which is the subject of this application. The Government of Singapore has occupied the 1824 R Street building since 1971.

6. The subject property is adjoined at the rear by a sixteen foot public alley and on the west by a twelve foot public alley. The lot is twenty feet wide by 100 feet deep and is regular in shape with the exception of a small triangular corner at the intersection of the two bordering alleys. The subject property and the present chancery at 1824 R Street are similar both in lot size and the nature of the improvements.

7. The subject building on lot 151 was constructed in 1912 and has a gross floor area of approximately 5,750 square feet over four floors including the basement. The figure yields a floor area ratio of approximately 2.8. A maximum of 1.8 FAR is permitted under the Zoning Regulations. The applicant seeks a variance from the FAR requirements.

8. The 1800 block of R Street is characterized by a variety of uses and building types. Two multi-story apartment buildings are located on the south side of the block, one at the intersection of 18th Street and the other at the intersection of 19th Street. The remainder of both sides of the block contains three and four story structures most of which are devoted to residential use.

9. Uses in the general area are varied. Across from the subject site is the Museum and Library of the American Psychiatric Institute. There are, in addition, a substantial number of diplomatic missions in the immediate vicinity including the Embassy of Sierra Leone at the northeast corner of 19th and R Streets. Others include the Embassy of Iraq at 1801 P Street, the Embassy of Rwanda at 1714 New Hampshire Avenue, a French Military Attache at 1759 R Street and a Soviet Cultural Mission at 1706 - 18th Street.

10. The R-5-B District within which the subject site is located encompasses the area between Connecticut and New Hampshire Avenues north of Dupont Circle. There is, however, a C-2-A District north of S Street along 18th Street. The southeast portion of Square 134 is zoned SP-1 and the newly adopted C-3-B District is mapped along Connecticut Avenue between Dupont Circle and Florida Avenue.

11. The subject site is located within the Dupont Circle Historic District. Although no exterior modifications to 1826 R Street are contemplated by the applicant, any modifications to the building will be reviewed by the Joint Committee on Landmarks and the Mayor's Agent for Historic Preservation in accordance with the provisions of the Historic Landmark and Historic District Protection Act (DC Law 2-144).

12. The applicant proposes to expand the existing chancery offices into the subject property. The chancery now has a total of fourteen persons who work at 1824 R Street. Six of the fourteen are diplomatic officers, with the remaining eight including administrators, secretaries and drivers. Under the proposed expansion into 1826 R Street, there would be four diplomatic officers and five other staff at 1824 R Street and two diplomatic officers and three other staff at 1826 R Street. This would allow future expansion for a total of five diplomatic officers at 1824 R Street and six other staff there, and four diplomatic officers and five other staff at 1826 R Street.

13. Parking at the subject site and at the existing chancery facility at 1824 R Street is accessed through the alley system. Cars may enter from Corcoran Street and travel north into the alley running east and west at the rear of the subject site. Cars may enter the alley from R Street to the east of the subject site and travel south to the east-west alley running behind the subject site. Cars may enter from R Street immediately to the west of the subject site and travel south to the east-west alley. The east-west alley measures sixteen feet in width and the north-south alleys measure twelve feet in width. There are presently six parking spaces provided for embassy use at the existing chancery facility at 1824 R Street. There is room for only three nine by nineteen foot parking spaces at the rear of 1826 R Street.

14. A representative of the Government of Singapore testified that all six spaces at the rear of 1824 R Street are presently used. The Government of Singapore does not anticipate a need for a total of more than seven spaces, or one new parking space to be provided at the subject site. Therefore, two parking spaces would be provided at the subject site in excess of the anticipated need of the chancery staff.

15. The section of R Street upon which the subject site is located is a one-way westbound street. There is curbside parking on the north side of R Street with a two-hour limitation. On the south side of R Street there is no standing from 7:00 to 9:30 A.M. and 4:00 to 6:30 P.M. and no parking from 9:30 A.M. to 4:00 P.M. There are no reserved diplomatic parking spaces provided for the chancery on the street.

16. The representative of the Government of Singapore testified that under the existing parking plan, only two cars, the embassy staff cars, normally come and go during the course of the chancery's hours of operation. These cars are able to maneuver in and out without moving other cars belonging to personnel, which remain parked from approximately 9 A.M. to 5 P.M. on a daily basis. The parking area is utilized after chancery business hours by neighbors for visitor parking.

17. There is parking provided at the rear of other structures in the subject square with access from the alley system. One parking space per dwelling unit is provided at the rear of the condominium townhouse-type structures fronting on the north side of Corcoran Street to the west. Parking is provided for other structures in the square either parallel or perpendicular to the alley. The existing parking plan at the existing chancery has caused no dangerous or objectionable conditions.

18. The proposed expansion would provide parking in substantially the same manner as the existing chancery does. The off-street parking provided is at the rear at the site and is minimally intrusive upon the aesthetic character of the neighborhood.

19. The subject site is located in an area designated for chancery use on the diagram constituting part of the Foreign Missions and International Agencies element of the Comprehensive Plan of the National Capital.

20. The subject structure measures forty-nine feet in height and there will be no exterior alterations or additions to increase this height, which is less than the maximum allowed of sixty feet. It occupies approximately fifty-eight percent of the lot. There are no courts on the subject site. There is a 42.5 foot rear yard, far in excess of the requirement of sixteen feet for yards in the R-5-B District.

21. Pursuant to Sub-section 4604.1 of the Zoning Regulations, the application was referred to the Office of Planning and Development for coordination, review and report, such report to include any recommendations of other relevant District departments and agencies including the Department of Transportation, Environmental Services, and Housing and Community Development. Comment was also requested of the U.S. Department of State and the National Capital Planning Commission.

22. By report dated March 20, 1981, the OPD recommended that the application be approved. In its report, the OPD noted that the Government of Singapore established its existing chancery at 1824 R Street in 1971. Over the intervening ten years this facility has become inadequate to serve the space needs of the Government. The existing staff numbers fourteen persons and the proposed expansion is designed to relieve the present overcrowded conditions and provide for incremental growth through 1990. A maximum of twenty persons will ultimately be accommodated in the enlarged facility. Daily visitor traffic is light, especially since there is no visa section at this location.

23. The applicant proposes no exterior modifications to 1826 R Street, consistent with the objectives of the Dupont Circle Historic District and the city's historic preservation act. According to the OPD, these two buildings represent exceptional examples of classical revival architecture and should be maintained in their present condition. The 1800 block of R Street is an architecturally cohesive unit and establishes a very attractive street ambiance.

24. In regard to the use of 1826 R Street for chancery purposes, the OPD concluded that the Government of Singapore's proposal is a reasonable one which will not be unduly burdensome on the neighborhood. The low scale of activity generated by this use will be in keeping with nearby uses and will not jeopardize the present or future development of the neighborhood. The OPD believed that the proposed expansion is in accordance with the intent of Sub-section 4605.2 of the Zoning Regulations regarding the expansion of existing chanceries.

25. In regard to the requested variance from the FAR requirements of the R-5-B District, the OPD noted that the building is presently non-conforming in this respect. It was the opinion of the OPD that it would not be practical to limit the use of this building for the proposed use to a maximum of 1.8 FAR, which would leave nearly two floors vacant. The OPD did not believe that the grant of this variance will cause adverse impacts on the neighborhood nor would it impair the intent of the Zoning Regulations.

26. Based on a gross floor area of 5750 square feet, seven parking spaces are required for the proposed chancery use. Because the proposed expansion involves an existing building, only three spaces can be provided. The OPD was of the opinion that there are no reasonable means by which additional parking spaces can be provided at 1826 R Street. In addition there is not a significant amount of visitor traffic associated with the existing chancery and it was not anticipated that this situation will change markedly. The OPD did not believe that the grant of the requested parking variance will result in adverse impacts. The Board concurs with the findings and recommendations in the OPD report.

27. The Department of Environmental Services by memorandum dated March 13, 1981 reported that it had received the application, that it had no objections and that the relief requested by the applicant will have no impact on the sewer and water systems. The Board so finds.

28. By memorandum dated March 30, 1981, the State Historic Preservation Officer, reported that after reviewing the materials submitted, he was of the opinion that the proposed expansion, which does not call for any exterior alterations to 1826 R Street, N.W., will not have an adverse impact on significant architectural and historical qualities of the Dupont Circle Historic District. Additionally, granting the variances from the provisions regarding the number of required parking spaces and the maximum permitted FAR would not have an adverse impact on the historic district. Rather granting the variances would allow the continuation of existing conditions and would cause the least possible disruption to the buildings and the historic district. The Board so finds.

29. The National Capital Planning Commission by letter of March 20, 1981, and through testimony at the public hearing reported that the proposed expansion of the Chancery of the Government of Singapore is consistent with the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital.

The NCPC recommended that the Board of Zoning Adjustment approve the variances from the maximum floor-area-ratio and minimum off-street parking requirements in view of the consistency of the proposal with the Comprehensive Plan and its compatibility with the present and proposed development of the neighborhood. The Board concurs with the findings and recommendations of the NCPC.

30. The Department of State by letter of March 13, 1981, and through testimony at the public hearing recommended that the application be approved. In its letter of March 13, 1981, the Department of State reported that the expansion of the chancery to the premises next door would constitute a logical and highly satisfactory solution to the Embassy's quest for additional space in which to carry out its mission, made necessary by the increase in bilateral relations between the Government of Singapore and the United States. The Government of Singapore, through its counsel, has been in contact with the Department of State and local and federal authorities concerning the proposed expansion. The Department has reviewed the Embassy's plans and believes the Government of Singapore has been sensitive to the concerns of the local community in preserving the historic character of the area in which its chancery has been located since 1970. In this regard, it was the Department's understanding that no additions or alterations are planned to the exterior of the structure on the property.

31. At the public hearing, the State Department testified that the Vienna Convention of Diplomatic and Consular Relations requires assenting states to locate their chanceries and office buildings in the nation's capital city of the receiving state. Therefore, missions are required to locate their chanceries in Washington, D.C., and not Arlington, Bethesda or Reston. There have been new emerging countries over the past several years. As a result, the Department is putting in a chancery enclave at the old Bureau of Standards grounds. The Department is trying to help alleviate some of these problems. The Department strongly supported this application on the principal grounds that the chancery already exists, that the building is vacant except for a caretaker, and that the applicant would not destroy this building by having to cut it back and rebuild it. The applicant does not plan to tear down the structure and put up a new modern structure. The Board concurs.

32. The Commissioner for the Advisory Neighborhood Commission 2B05 appeared in opposition to the application and submitted a written report to the record evidencing that at the March 25 meeting of that ANC there was a unanimous vote that the Commissioners recommend that the application be denied. The ANC expressed concern over the expansion of nonresidential use in this area which was downzoned to R-5-B in 1974. The ANC noted that a substantial number of residences have been lost citywide and that this particular ANC has proportionately suffered the greatest loss of population in the city. The ANC argued that the previous use of the subject site as an apartment house should be continued. The ANC believes that the Chancery of Singapore should be encouraged to locate in an enclave for such diplomatic uses, one of which is being proposed for the area of Van Ness Street and Connecticut Avenue. As another alternative, the ANC felt that chancery use would be more appropriate if it were moved to one of the many high-rise commercially zoned buildings available in commercial districts of the city. The ANC representative testified that in 1978 the American Embassy in Singapore was located in such a commercial district and that it is inappropriate to burden the citizens of the District of Columbia with a request, and the sacrifice of their residences and neighborhood, for location of an expanded Singapore Chancery here. The ANC testified that the applicant had failed to demonstrate sufficient exceptional practical difficulty or undue hardships meriting variance relief from the FAR requirements. In addition, the ANC testified that the request for a variance from the parking requirements is inappropriate under Sub-section 7203.1 and that there is a greater than fifty percent reduction in the parking requirements being sought. The ANC representative submitted that future needs of this chancery or other diplomatic uses which may locate in the subject site in the future would likely have increased parking needs, that there would consequently be a chance of adverse impact on the neighborhood in the future. The ANC submitted a petition with thirty-five signatures, thirty-one of which were from persons within a two block area of the subject site, stating that they strongly objected to the takeover by the Embassy of Singapore of an apartment building at the subject site and that aside from there being inadequate parking for such use on the premises, the loss of housing in the subject community due to office and hotel expansion has already been very great.

33. There was a letter of record from the Friends Meeting of Washington in which it was stated they are concerned that the subject neighborhood remain residential in make-up. Many of the members live in the immediate area of the site and they are particularly sensitive to this need.

34. A representative of the Dupont Circle Citizens Association also appeared in opposition to the application. The Citizens Association objected to the fact that a representative of the owner of the subject site was not available to testify and be cross-examined. The Citizens Association also testified that the application concerning the subject site was not qualified to be heard pursuant to Paragraph 4605.12 of the Zoning Regulations since this type of expansion was not contemplated under Article 46, that only expansion on the same land currently owned by an embassy or chancery was to be covered by that provision and not the purchase of adjacent land. The Citizens Association also objected to the admission of the testimony of a representative of the Government of Singapore on the grounds that because of sovereign immunity said representative cannot be held accountable under the same standards applicable to United States citizens. The DCCA further objected to the granting of the application on the basis of an existing chaotic parking situation said to exist in Square 134 due to unauthorized parking and numerous parking violations from the Sierra Leone chancery. The Dupont Circle Citizens Association suggested that the Board must look at parking in the neighborhood as a whole in assessing whether or not a particular application for parking variance relief is justified. The Dupont Circle Citizens Association concurred with the ANC that the preferred land use on this site is residential and that the predominant character of the area is residential and should remain so. The DCCA read into the record excerpts from the Zoning Commission Order 73-23, effective May 21, 1974, in which the subject site was rezoned from SP to R-5-B and in which Order the Commission stated that a basis for the downzoning was to preserve the character of the neighborhood. The Dupont Circle Citizens Association also testified that there was no indication of a practical hardship or any indication that the owner has attempted to put the subject property on sale for residential use and has been unable to effectuate such a sale. The Citizens Association was concerned that if variance relief is granted, another chancery with more intense use will be allowed to utilize the property in the future to the detriment of the surrounding neighborhood.

35. The Board is required by statute to give great weight to the issues and concerns of the ANC in its written recommendation. In addressing these concerns, as well as those of the DCCA, the Board finds that the applicant under Sub-section 4605.2 of the Zoning Regulations has no burden to prove that the subject property cannot be used for residential purposes but only the burden to prove that the requirements of Sub-section 4605.2 have been met or that any variance relief from such sub-section has also been proven. The Board finds for the reasons recited in its conclusions of law that the applicant has met the burden. The Board further finds that it will admit the testimony of the representative of the Government of Singapore and that it will determine the weight to be given to such testimony. The Board further finds that, based on the preceding Findings of Fact and for other reasons recited in its Conclusions of Law, the applicant has met the burden of proof for the requested variance relief. The Board also notes the concerns of the opposition that the granting of the application might lead to further expansion of chancery use. The Board will address this concern by conditioning the grant herein. The location of the U.S. Chancery in Singapore is not material to the issues which the Board must address under the Zoning Regulations.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking permission pursuant to the provisions of Sub-section 4605.2 to allow the expansion of an existing chancery of the Government of Singapore into an adjacent structure and for variances from the provisions of Paragraph 4603.25 as to the number of required parking spaces for the aforesaid use and from the provisions of Paragraph 4603.24 relating to the maximum permitted floor area ratio for the subject site.

As to the expansion of the chancery use, the Board concludes that the applicant has met its burden of proof pursuant to the provisions of Article 46. The applicant's proposal involves no exterior design changes and has been found by the State Historic Preservation Officer to have no adverse effect on the character of the Dupont Circle Historic District in which it is located. The off-street parking spaces are located in the rear of the building so as to be minimally obtrusive. The Board further concludes that the provision of off-street parking spaces will not result in an adverse impact upon the neighborhood and that the projected needs of the applicant are more than adequately met by the parking proposed to be provided. Pursuant to Paragraph 4603.21, all structures and off-street parking spaces are in keeping with the character of the neighborhood. Since the building is forty-nine feet high, pursuant to Paragraph 4603.22, the height of the building does not exceed the maximum permitted in the R-5-B District of sixty feet. The percentage of lot occupancy of the subject site does not exceed the maximum permitted and the minimum yard and court requirements are met for the R-5-B District on this site in conformance with the requirements of Paragraph 4603.23. Pursuant to Paragraph 4603.28, the use will not generate dangerous or other objectionable traffic conditions. Access to the parking is adequate and may be obtained from three different directions along an alley with traffic entering and exiting immediately from a sixteen foot wide alley. There are no traffic problems from the similar use of the rear portion of the existing chancery structure adjacent to the subject site.

Pursuant to Section 4604, the application has been referred to OPD, the State Department, NCPC, and the State Historic Preservation Officer for review and comment. The State Historic Preservation Officer has indicated that no adverse effect will result from the granting of any of the relief requested and OPD and NCPC and the State Department have indicated their support for the granting of the relief requested.

The Board concludes that the applicant has met the requirements of Paragraph 8207.11 so as to be entitled to variance relief from the requirements of Paragraphs 4603.24 and 4603.25. The subject site is affected by an extraordinary or exceptional condition given the existence of the structure on the site and its contribution to the character of the Historic District in which the subject site lies. Strict compliance with the requirements of these subsections would result in practical difficulties to the applicant. As to the FAR variance, the existing structure is nonconforming and exceeds the maximum FAR requirement of 1.8 by 1.0. The applicant cannot comply as a practical matter because the existing structure is already in excess of permitted FAR. Again, because of the existing configuration of the structure on the site, there is no room for more than three parking spaces on the subject site. The Board concludes that the relief requested may be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan. The subject site is located in a row of historic townhouse structures and no exterior changes are to be made. The uses of the surrounding neighborhood consist of high-rise apartment use, townhouse dwellings, and a number of office and embassy uses. Less than twenty people are expected to occupy the combined chancery site by 1990 at the maximum, with only five persons to be occupying the area of proposed expansion in the foreseeable future. The proposed expansion does not result in an intensification of the previous use of the subject site for apartment use.

The Board concludes that it has given "great weight" to the issues and concerns of the ANC as required by statute. Accordingly, it is ORDERED that the application is GRANTED in its entirety on the CONDITION that the use of the subject site as a Chancery is LIMITED to the GOVERNMENT OF SINGAPORE.

VOTE: 3-0 (Douglas J. Patton, William F. McIntosh and Connie Fortune to GRANT; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 

STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 JUL 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

EXHIBIT B

BLRA-17
(Rev 12/95)

District of Columbia Government
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration Zoning Division
P O BOX 37200 — Washington D C 20013-7200

No. B175299

CERTIFICATE OF OCCUPANCY

~~JULY 23, 1996~~ 10/11/96 (date)

Permission is hereby granted to SEACON PROJECTS, INC.
to use suite(s) _____ on the FIRST, SECOND, THIRD, & FOURTH floor(s)
of the building located on lot(s) 151 Square 134
known as premises 1824 B STREET, N.W. for the following
purpose(s) OFFICE SPACE
NOT SEXUALLY ORIENTED

BZA #: _____ EXPIRATION DATE: _____

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES
AT ALL TIMES IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY
for the premises, or part thereof, and for the purpose(s), indicated above, and IS NOT
TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE
in the type of business, ownership of business, or part of premises used therefor, will
render this Certificate VOID and a NEW Certificate must be obtained

ZONE DCOD/B-5EE \$ 32.00

Hampton Cross, Director
By [Signature]
Designee

OFFICE COPY

EXHIBIT C

GOVERNMENT OF THE DISTRICT OF COLUMBIA Board of Zoning Adjustment



Application No. 17655 of Terence A. Gerace, pursuant to 11 DCMR § 3104.1, for a special exception to operate a bed and breakfast facility having six (6) sleeping rooms under subsections 203.8, 203.10 and 203.4(m),* in the DC/R-5-B District at premises 1824 R Street, N W (Square 134, Lot 152)

**Note: The original application was amended to request special exception relief under §§ 203.8 and 203.4(m).*

HEARING DATE: September 18, 2007
DECISION DATE: September 18, 2007 (Bench Decision)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 203. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 203.8, 203.10 and 203.4(m), that the requested relief can be granted,

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone (202) 727-6311

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E-Mail dcz@dc.gov

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BZA APPLICATION NO. 17655
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being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. After a discussion at the hearing, the Board and the Applicant agreed that, as it relates to the bed and breakfast use proposed herein, the maximum number of persons on site at one time shall not exceed 14.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 4-0-1 (Ruthanne G. Miller, Anthony J. Hood, Curtis L. Etherly, Jr. and Marc D. Loud to grant, no NCPC member participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

ATTESTED BY:


JERRILY R. KRESS, FAIA 
Director, Office of Zoning

FINAL DATE OF ORDER. SEP 20 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR

BZA APPLICATION NO. 17655
PAGE NO. 3

PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION

TWR

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**



BZA APPLICATION NO. 17655

As Director of the Office of Zoning, I hereby certify and attest that on **SEPTEMBER 20, 2007**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Terence A. Gerace, Jr
1824 R Street, N.W.
Washington, D.C. 20009

Chairperson
Advisory Neighborhood Commission 2B
9 Dupont Circle, N.W.
Washington, D.C. 20036

Single Member District Commissioner 2B03
Advisory Neighborhood Commission 2B
9 Dupont Circle, N.W.
Washington, D.C. 20036

Matthew LeGrant, Acting Zoning Administrator
Dept. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002

Jack Evans, City Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W., Suite 106
Washington, D.C. 20004

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Harriet Tregoning, Director
Office of Planning
801 North Capitol Street, N E., 4th Floor
Washington, D C 20002

Jill Stern, Esquire
General Counsel
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N E , Suite 9400
Washington, D C. 20002

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning 

TWR

EXHIBIT D

**SQUARE 133 – USES OF LOTS
(NORTH SIDE OF R STREET NW BETWEEN 18TH & 19TH STREETS)
PER OFFICE OF TAX & REVENUE ASSESSMENT RECORDS v. LAND USE SURVEY**

Lot No.	Address	Land Area	Use (Per OTR Records)	Use (Per Land Use Survey)
0803	1701 19 TH Street NW	2,250	Embassy, Chancery, etc.	Embassy of Sierra Leone
0167	1845 / 1845 ½ R Street NW	1,597	Residential – Conversions – Less than 5	Single Family Home
2043-2047	1841 R Street NW	Approximately 1,600	Residential – Condo – Horizontal	Condominium Building
0802	1839 R Street NW	2,000	Residential – Row – Single-Family	Single Family Home
0801	1837 R Street NW	2,000	Residential – Row – Single-Family	Single Family Home
0176	1825 R Street NW	14,600	Dormitory	The International Student House/ Educational/Event Space
0175	1807-1811 R Street NW	6,000	Museum, Library, Gallery	The National Museum of American Jewish Military History
0159	1700 18 th Street NW	5,208	Commercial – Office - Small	German Marshall Fund

SQUARE 134 – USES OF LOTS
(SOUTH SIDE OF R STREET NW BETWEEN 18TH & 19TH STREETS)
PER OFFICE OF TAX & REVENUE ASSESSMENT RECORDS v. LAND USE SURVEY

Lot No.	Address	Land Area	Use (Per OTR Records)	Use (Per Land Use Survey)
0812	1830 R Street NW	4,400	Residential – Apartment – Elevator	Rental Apartments (Residential)
0167	1824 R Street NW Subject Property	4,196	Residential – Bed & Breakfast	Bed & Breakfast
0148	1822 R Street NW	2,500	Residential – Transient – Misc.	Office, American Friends Soc. and American Conservation Assn., Tenants
0149	1818 R Street NW	4,000	Commercial – Office – Small	Association of American Colleges and Universities
0150	1816 R Street NW	2,500	Commercial – Office – Small	Association of American Colleges and Universities
0146	1812 R Street NW	3,608	Commercial – Office – Small	Osprey Developers, LLC
See Lots 2052 – 2115 in Square 134 Chart below	1800 R Street NW	8,800	Commercial – Office Condo Residential – Condo-Vertical Residential – Condo - Garage	1 st Floor – Commercial Offices 2 nd – 9 th Floors – Residential Condo Units

Land Area Sq. 133	Land Area Sq. 134
2,250	4,400
1,597	4,196
1,600	2,500
2,000	4,000
2,000	2,500
14,600	3,608
6,000	8,800
5,208	30,004 Total
35,255 Total	

TOTAL ALL LAND FOR 1800 block of R Street, N.W.= 65,259sf

**TOTAL FOR NONRESIDENTIAL/MIXED-USE PROPERTIES (HIGHLIGHTED AREAS):
34,866sf**

**$62,259/34,866 = 53\%$ NONRESIDENTIAL-MIXED-USE Land Use Composition of 1800
block of R Street, N.W.**