



MEMORANDUM

2013 DEC 30 PM 3: 21

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review
DATE: December 30, 2013
SUBJECT: BZA Case 18691 – Request for special exception relief in accordance with §§ 350 6 and 1001 to establish a chancery use in a four-story row structure located at 1824 R 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 locate the chancery of the Republic of Georgia on the subject property. However, OP **does not** support erecting a flagpole in the adjacent public space to fly the national flag.

II. AREA AND SITE DESCRIPTION

Address	1824 R Street NW
Legal Description:	Square 0134, Lot 0167
Ward	2B
Lot Characteristics:	The subject 4,196 square-foot (0.10 acre) property fronts R Street on the northern (front) boundary and an alley 12-feet wide along the western (side) and southern (rear) boundaries. Vehicles access the rear yard from this alley.
Existing Development	According to the application, the four-story row building and basement was originally two buildings constructed on adjacent lots in 1911. Columns in the rear yard support an addition to the second, third and fourth floors that projects from the rear façade. The existing structure extends from the front property boundary south to a point approximately 29 feet from the rear boundary and public alley. Masonry patio pavers and asphalt pavement stripped for five regular parking spaces cover the entire rear yard, and a gated wooden fence separates the patio and parking areas (reference Figures 1 and 2).
Zoning	DC/R-5-B – allows chancery uses with special exception approval in accordance § 350 6
Historic District	Dupont Circle. The State Office of Historic Preservation (SHPO) determined that the existing structure contributes to the integrity of this district.
Adjacent Properties	Developed with other row structures of similar scale on lots of varying sizes.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18691

EXHIBIT NO. 31



Surrounding Neighborhood Character:	Predominantly moderate-density residential and institutional uses.
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III. APPLICATION IN BRIEF

Applicants:	Terence Gerace, Sr., Mariah Gerace and Terence Gerace, Jr., owners of record.																																															
Proposal:	The Embassy of the Republic of Georgia plans to establish a new chancery use on the subject property. The application indicated that the eight bedrooms, nine bathrooms and single kitchen currently serve as a one-family residence with a home office. The previous accessory bed and breakfast use expired in 2010. According to the application and D.C. land records, the land use onsite has seen several changes over time: <table><tr><th>Date</th><th>1824 R Street NW (lot 151)</th><th>1826 R Street NW (lot 152)</th></tr><tr><td>9/11/1911</td><td colspan="2">Building Permits 1457 and 1458 were issued for construction of separate brick and stone row dwellings on both lots.</td></tr><tr><td>2/8/1950</td><td rowspan="2"></td><td>Certificate of Occupancy (CO) A-2544 was issued for a rooming house on floors 2-4.</td></tr><tr><td>9/19/1961</td><td rowspan="3"></td></tr><tr><td>11/19/1970</td><td>CO B-26921 was issued for professional offices on all four floors.</td></tr><tr><td></td><td>CO B-76249 was issued to establish the Chancery of the Government of Singapore on all four floors.</td></tr><tr><td>9/26/1972</td><td rowspan="2"></td><td>CO B-81466 was issued for a change in rooming house ownership.</td></tr><tr><td>9/1/1972</td><td>CO B-82730 was issued for a second floor art studio.</td></tr><tr><td>6/3/1981</td><td colspan="2">The Board of Zoning Adjustment (BZA) approved Order 13459 to expand the existing chancery use to 1826 R Street.</td></tr><tr><td>11/19/1981</td><td colspan="2">CO B-12896 was issued for the expanded chancery use.</td></tr><tr><td>7/3/1996</td><td colspan="2">CO B-175299 was issued for office space on all four floors.</td></tr><tr><td>6/30/2004</td><td colspan="2">The date the DC Surveyor's recorded the subdivision plat that combined lots 151 and 152 into the current lot 167.</td></tr><tr><td>10/26/2006</td><td colspan="2">Home Occupancy Permit 12610 was issued for an accessory bed and breakfast with two sleeping rooms.</td></tr><tr><td>9/18/2007</td><td colspan="2">The BZA approved Order 17655 expanding the existing bed and breakfast to a maximum six bedrooms.</td></tr><tr><td>11/06/2007</td><td colspan="2">Home Occupancy Permit 155114 was issued for the larger accessory bed and breakfast.</td></tr><tr><td>10/01/2008</td><td colspan="2">Business License 66006568 was issued for the "Artist's Inn Residence LLC" bed and breakfast (expired).</td></tr><tr><td>9/3/2010</td><td colspan="2">The bed and breakfast business license expired.</td></tr></table>	Date	1824 R Street NW (lot 151)	1826 R Street NW (lot 152)	9/11/1911	Building Permits 1457 and 1458 were issued for construction of separate brick and stone row dwellings on both lots.		2/8/1950		Certificate of Occupancy (CO) A-2544 was issued for a rooming house on floors 2-4.	9/19/1961		11/19/1970	CO B-26921 was issued for professional offices on all four floors.		CO B-76249 was issued to establish the Chancery of the Government of Singapore on all four floors.	9/26/1972		CO B-81466 was issued for a change in rooming house ownership.	9/1/1972	CO B-82730 was issued for a second floor art studio.	6/3/1981	The Board of Zoning Adjustment (BZA) approved Order 13459 to expand the existing chancery use to 1826 R Street.		11/19/1981	CO B-12896 was issued for the expanded chancery use.		7/3/1996	CO B-175299 was issued for office space on all four floors.		6/30/2004	The date the DC Surveyor's recorded the subdivision plat that combined lots 151 and 152 into the current lot 167.		10/26/2006	Home Occupancy Permit 12610 was issued for an accessory bed and breakfast with two sleeping rooms.		9/18/2007	The BZA approved Order 17655 expanding the existing bed and breakfast to a maximum six bedrooms.		11/06/2007	Home Occupancy Permit 155114 was issued for the larger accessory bed and breakfast.		10/01/2008	Business License 66006568 was issued for the "Artist's Inn Residence LLC" bed and breakfast (expired).		9/3/2010	The bed and breakfast business license expired.	
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	The Embassy proposal to relocate chancellor functions and staff from 2209 Massachusetts Avenue NW does not include any new building construction. No portion of the existing building would be retained for residential purposes, the rear parking pad would be restriped for accommodate six compact vehicles, and the rear patio would be made available, when needed, to provide three additional parking spaces. In the Statement of the Applicant dated December 24, 2013, the Embassy also expressed the desire to erect a flag pole in the adjacent public space ¹ The chancery would operate Monday through Friday, 9 30 AM to 6:00 PM with a complement of 16 employees. Diplomatic services provided onsite would include daily administrative functions, and meetings with representatives of the diplomatic corps, other government and non-government organizations It is anticipated that 6-8 persons would visit on a weekly basis and 2-4 events would be held annually for with up to 50 guests. Larger celebrations would be held offsite Chancery uses are allowed in the DC/R-5-D District by special exception in accordance with § 350.6 and the provisions of § 1001. As a result, the property owner requested this zoning relief
Relief Sought	§ 350.6 – special exception relief to allow establishment of the chancery use on the subject property While the application also explained property owner concerns that the existing dwelling may not be marketable as a one-family residence in this neighborhood, the OP analysis that follows focuses exclusively on the foreign mission location criteria outlined in § 6-1306 (b)(2)(B) of the DC Official Code and Chapter 10 of Title 11 Zoning

IV. ZONING REQUIREMENTS

DC/R-5-B District	Regulation	Existing	Proposed	Relief:
Floor area ratio § 402.4	1.8 FAR	2.8 FAR	SAME	None ²
Parking § 2101.1	>2,000 sq ft, 1 space/ 600 gross sq ft	1 space	6 space (16 spaces required ³)	None

In accordance with §§ 2020.2 and 2120.3, no additional parking is required for the proposed change in use because of the above-referenced SHPO determination that the existing building contributes to the integrity of the surrounding historic district.

V. OFFICE OF PLANNING ANALYSIS

¹ OP requested the applicant provide a site plan showing the proposed location of the flag pole in the public space.

² Variances approved under above-referenced Order No. 13459 also authorized the current FAR for a chancery use.

³ The applicant indicated the current gross building area is 9,574 sq ft ([9,574/600 sq ft = 16 parking spaces). A chancery use in an R-5-B District is subject to the "Other Use" parking requirement under § 2101.1.

Section § 6-1306 (b)(2)(B) of the DC Official Code provides that chancery use shall be allowed in “other” zone districts, including areas zoned R-5-B District, on the basis of the existing uses. Accordingly, the applicant was requested to determine the total land area on the square occupied by different categories of land use. Traditionally, a percentage of nonresidential land area equal or greater than 33% would make the square and property eligible to be considered for a new chancery use subject to the disapproval of the Board of Zoning Adjustment (BZA) in accordance with the special exception standards in Chapter 10.

The Statement of the Applicant provided land use analysis of the portions of Square 133 and 134 that face the 1800 block of R Street NW.⁴ It concluded that 34,886 square feet of the total land area of 62,259 square feet (approximately 53%) is occupied by non-residential uses including commercial, office and institutional. Based on this information, the subject property on Square 134 is eligible for consideration.⁵

Special exception relief in accordance with §§ 350.6 and § 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.

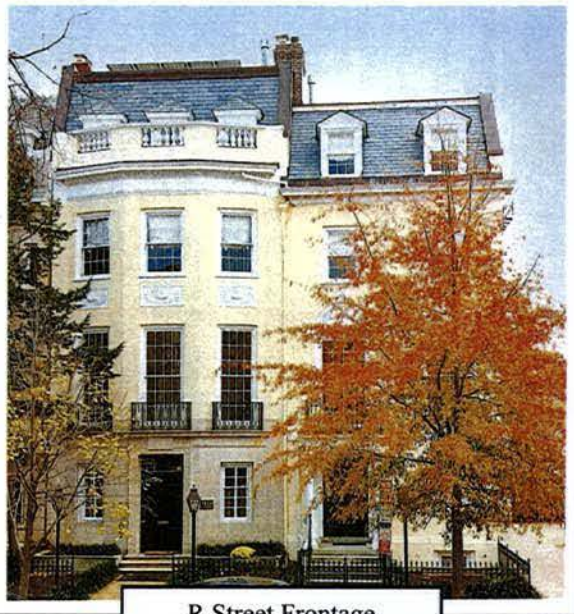
In correspondence to the Board of Zoning Adjustment (BZA) dated November 15, 2013, the Secretary of State indicated that favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure facilities by the Sultanate 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. However, SHPO staff did not review any proposal for a flag pole in the adjacent public space. OP requested that the applicant provide a site plan showing the proposed location of this additional structure.

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



R Street Frontage

⁴ Squares 0133 and 0134 are divided by Riggs Place and Corcoran Street NW, respectively, which run east to west. The subject property is located on the northern portion of Square 0134 (reference Figure 3).

⁵ A separate OP analysis found that approximately 48% of the total land area of Square 0134 is occupied by uses that are non-residential, including commercial and hotel.

As noted above, SHPO staff found that this proposal is in substantial compliance with the applicable historic preservation regulations.

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.

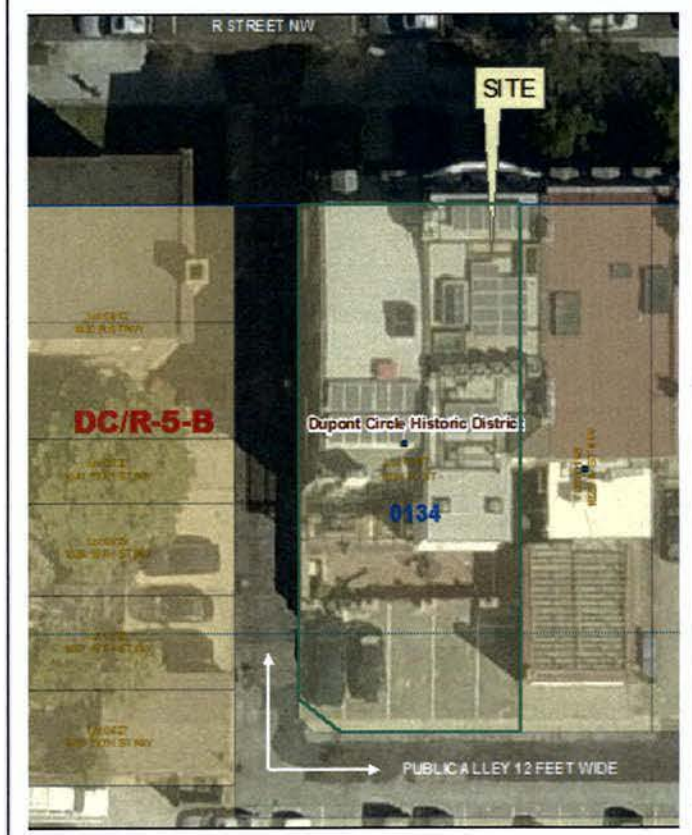
A chancery use in the building on the subject property normally requires 16 onsite parking spaces under § 2101.1. Although the parking pad in the rear yard is only striped for five vehicles, no additional parking is required for the proposed change of use because the SHPO determined the existing building contributes to the Dupont Circle Historic District.

The following mitigating factors should reduce the parking demand generated by the proposed change-in-use. Ninety percent of the 16 staff lives in the same neighborhood and regularly carpool to work. This tendency is expected to continue. The Embassy also plans to request two diplomatic parking spaces along R Street in front the property which would increase the available parking to 11 spaces⁶. Consular services provided at the chancery would be limited so only 8 visitors are expected on a weekly basis. Most diplomatic and business visitors are expected to be dropped off and picked up by professional drivers.

The site is also easily accessible to public transit options. Within two blocks to the east and west are several Washington Metropolitan Transit Authority (WMATA) transit routes that radiate out Connecticut Avenue, New Hampshire Avenue and 8th Street NW from the underground WMATA Dupont Circle rail station served by the Red line. A northern station entrance is around 650 feet from the site, a short walk away.

For special events, the applicant indicated that valet parking would be arranged off-site. In light of this information, and pending comments from the District Department of Transportation, this standard was adequately addressed.

Figure 2



⁶ Six compact spaces along the alley + three additional spaces on the rear patio + two diplomatic spaces along R Street = 11 spaces

- 1001.6 *The Board shall 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.*

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.

- 1001.7 *The Board shall consider the municipal interest, as determined by the Mayor.*

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 is generally consistent with the Comprehensive Plan for the Nation's Capital and the Zoning Regulations.

However, OP does not support erecting a free standing flag pole in the adjacent public space. OP favors, subject to SHPO approval, mounting a flag on the building. This would keep it out of public space and give the flag greater visibility as it will be unfurled at all times and not only when there is a breeze. As noted above, the SHPO did not review this proposed change in the adjacent public space.

- 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. In 2005, the Government of the Republic of Georgia and City of Tbilisi generously assisted with the zoning and land use needs of the new U.S. Embassy in Tbilisi.

Such cooperation is essential for successfully completing the Federal Government missions abroad.

Based on this analysis, the application meets the standards for special exception approval.

VI. COMMUNITY COMMENTS

On November 13, 2013, DuPont Circle Advisory Neighborhood Commission (ANC) 2B unanimously voted to support this application during a duly noted ANC meeting.

Figure 3

