GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Foreign Missions Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: June 3, 2002

SUBJECT: FMBZA Application 16882

BZA
Case No. 16882
Exhibit No. 29

APPLICATION

The Embassy of the People's Democratic Republic of Algeria submitted a request to reconstruct a building at 2118 Kalorama Road, N.W., that has been utilized as a chancery, with a small addition, *pursuant to Section 206 (b)(2)(B)* of the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286, August 24, 1982), and Section 10 under Title 11 of the DCMR, Zoning.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval based on a determination that the proposal meets the criteria under Sections 1001 and 1002 of the Zoning Regulations.

SITE AND AREA DESCRIPTION

The subject property at 2118 Kalorama Road, N.W., was developed with a four-story masonry and frame building with parking in the rear yard for seven vehicles. In January 2001, the top floor and portions of the rear of this building were destroyed by fire. Property to the north across Kalorama Road is occupied by the Embassy of the People's Republic of China. In fact, there are sixteen properties in the area owned and occupied by foreign governments (please refer to Exhibit 1). Attached to the façade of the subject building to the east and west, respectively, are the five-story Hotel Windsor Park at 2116 Kalorama Road, and a four-story masonry residential condominium building at 2120 Kalorama Road, N.W. Along the southern side of the square is a mixture of low-rise apartment, a single-family, and private school uses, a vacant frame structure, and an extension of the Algerian Chancery in three buildings located at 2133-2135 Wyoming Avenue, N.W.

Properties at 2116, 2118 and 2120 Kalorama Road, N.W., and further east are zoned R-5-D (as is the entire Connecticut Avenue, N.W., frontage of Square 2527). The balance of this square, to the south and west, is zoned R-1-B/Diplomat Overlay (D) District. Properties on this square fall within the Sheridan-Kalorama Historic District. It has also been determined that the building on the subject property "contributes" to this Historic District.

Board of Zoning Adjustment
District of Columbia
CASE NO.16882
EXHIBIT NO.29

Several previous Board of Zoning Adjustment (BZA) applications have involved the subject property:

- On April 25, 1956, the BZA approved establishment of a private school known as "Ecole Francaise Internationale" on the property located at 2118 Kalorama Road, N.W.
- On March 4, 1966, the BZA approved Final Order No 8610 to allow a chancery use for the "Republic of Algeria" to replace the existing school.
- On September 20, 1978, a BZA public hearing was held on a request for a Special Exception to expand the existing chancery use into the adjacent building at 2116 Kalorama Road, N.W. The request was subsequently dismissed without prejudice.
- On October 26, 1983, the BZA approved Final Order No. 14037 to allow the chancery use to extend to three buildings on the adjacent property to the southeast at 2133-2137 Wyoming Avenue, N.W., subject to conditions agreed to by the applicant (as outlined in a Statement on Behalf of Sheridan Kalorama Neighborhood Council, stamped October 12, 1983).

APPLICANT'S PROPOSAL

The Algerian Government is in the process of rebuilding the damaged chancery building. The first phase will reconstruct the main building to essentially appear the same as before the fire. However, fire and safety requirements within the building (such as provided an enclosed fire stairs, a second stair for emergency egress and an elevator core) have drastically reduced the second floor space available for the Ambassador's office. In addition, security concerns prompted the Ambassador to consider moving their office from the Kalorama Road frontage to the rear of the building (facing the rear parking area). The proposed second construction phase would expand the second floor to create what is described as an "enclosed pavilion" in the applicant's Statement of Existing and Intended Use atop the single-story wing in the rear of the building. This would become the new office for the Ambassador.

The proposed pavilion would not expand the building footprint, and no other changes are being requested to the building or site.

EXISTING ZONING AND RELIEF REQUESTED

Replacement and expansion of chancery uses are allowed in the District in accordance with requirements of the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286, August 24, 1982) and corresponding sections of the DCMR, specifically Chapters 3 and 10 under Title 11, Zoning.

The subject property is zoned R-5-D. Under Section 350.6 of the Zoning Regulations, the Foreign Missions (FM) BZA allows a chancery use, subject to disapproval in accordance with the requirements under Chapter 10. Section 1000.6 states that:

"1000.6 The criteria and procedures set forth in this chapter shall also apply to chancery uses in R-5-D, R-5-E, and SP Districts."

Section 1002 also includes the following provisions:

"1002.1 To locate, replace, or expand a chancery in R-5-D, R-5-E, or D Districts, or to reconstruct an existing chancery that is destroyed in an R-1, R-2, R-3, R-5-A, R-5-B, or R-5-C district, application shall be made to the Board of Zoning Adjustment. ...

1002.4 Any determination by the Board shall be solely based on the criteria set forth under §1001."

Thus, the regulations include provisions for FMBZA consideration of a request to expand the existing chancery use (floor area), subject to the referenced criteria. Based on the zoning tabulation sheet submitted by the applicant, the proposed addition would not require any zoning relief from area and bulk requirements under the Zoning Regulations.

ANALYSIS
The applicant's proposal is subject to the following provisions of the DCMR.

Compliance with Section 1001
Chancery use criteria includes the following standards:

"1001.1 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 a letter to Jerrily Kress, Director of the Office of Zoning and dated May 31, 2002* (refer to Exhibit 2), *Theodore E. Strickler, Deputy Assistant of Secretary states that "a favorable* (FM)*BZA action ... would fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of Algeria for its diplomatic mission in Washington." The Office of Planning agrees that this criterion has been addressed.*

1001.2 The Board shall consider historic preservation, as determined by the Board in carrying out this section. *The Historic Preservation Review Board (HPRB) found the addition to be consistent with the character of the Sheridan-Kalorama Historic District and approved it in concept* (refer to Exhibit 3). *The Office of Planning concludes that this criterion has been addressed.*

1001.3 To ensure compatibility with historic landmarks and historic districts, substantial compliance with District and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks. *The HPRB found the proposed addition to be consistent with the character of the Sheridan-Kalorama Historic District. The Office of Planning concludes that this criterion has been addressed.*

1001.4 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 Secretary of State, after consultation with federal agencies authorized to perform protective services. *Facilities determined to be adequate to serve this use, during the previous approvals*

referenced above, shall be maintained. The Office of Planning concludes that this criterion has been addressed.

1001.5 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. *The referenced letter from Deputy Assistant Strickler notes that, "after consultation with Federal agencies authorized to perform protective services, (The Department of State) determined that there exist no special security requirements relating to parking requirements for this case, and ... the property and area are capable of being adequately protected." The Office of Planning agrees that this criterion has been addressed.*

1001.6 The Board shall consider the municipal interest, as determined by the Mayor. *The Director of Planning, on behalf of the Mayor, finds that approving the requested addition is in the municipal interest. On this basis, the Office of Planning concludes that this criterion has been addressed.*

1001.7 The Board shall consider the federal interest, as determined by the Secretary of State. *Deputy Assistant Strickler states in the referenced letter that a favorable decision on this application would serve the federal interest. The United States Embassy in Algiers had outgrown its current chancery facility and requires a lot better facility with more space as well as a larger lot area to provide a security setback, in conformity with the stringent security requirements that govern construction of United States diplomatic missions. ... A favorable decision ... would assist the United States in continuing to enjoy the support of the Government of Algeria, as it pursues its search for a new chancery site. " The Office of Planning agrees that this criterion has been addressed*

Based on this review, this application meets the referenced criteria.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map designates the general surrounding area for Medium-Density Residential land uses, predominantly multi-unit housing and mid-rise apartment buildings that may also include low and moderate density housing. Lots to the south and east are designated low and medium density residential uses.

The Comprehensive Plan, which is the legal basis for zoning in the District, enunciates, as its first principle, the importance of stability for residential neighborhoods. Under Section 101, Major Themes, the plan states that: " The successful and creative functioning of neighborhoods is a fundamental concern. Citizen participation in civic improvement starts from the interest that people have in their neighborhood blocks and the day-to-day relationships therein. ...

> The District elements of the Plan propose that the residential character of neighborhoods be maintained and improved. ...
>
> Ensuring good quality neighborhoods is of utmost importance to the District."

Section 202, Economic Development and Growth, includes the following objective for District promotion:

> "The District promotion objective is to promote the District as a leading center for business and tourism by means of well-funded local, regional, national, and international promotion and public relations efforts sponsored by the government and by the private sector. The policies established in support of the District promotion objective are as follows: ...
>
> (e) Promote the District as the national center for international business and financial activity, building on the presence of the World Bank, the International Monetary Fund, the Inter-American Development Bank, other related organizations, and the capacity of the private banking community to support international trade and business;"

In Title 11, the Land Use Element, the Plan gets quite specific. Section 1103, Objectives for Residential Neighborhoods, states:

> "The residential neighborhood objectives are to conserve the essentially satisfactory qualities of the District's many stable residential neighborhoods, to enhance other neighborhoods to improve and achieve stability, to redirect public and private initiatives to neighborhoods most in need of improvement and stability, to encourage development of adequate neighborhood shopping and support services in all sections of the District, to protect residential neighborhoods from disruptive uses and to prevent concentrations of non-residential uses in residential neighborhoods. ..."
>
> Policies in support of these objectives include "(1) Promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses; ..."

COMMUNITY COMMENTS

This proposal was considered by Advisory Neighborhood Commission (ANC) 1D on April 23, 2002. The ANC unanimously recommended approval.

AGENCY COMMENTS

The proposed addition was referred to the Historic Preservation Review Board (HPRB) for review. The HPRB found the proposed addition to be consistent with the character of the Sheridan-Kalorama Historic District, and approved it in concept after a public hearing on February 7, 2002. Final design approval was delegated to Historic Preservation Office staff.

Additional plans were also distributed to the Metropolitan Police and Fire Departments, and District Department of Transportation. To date, no comments have been received.

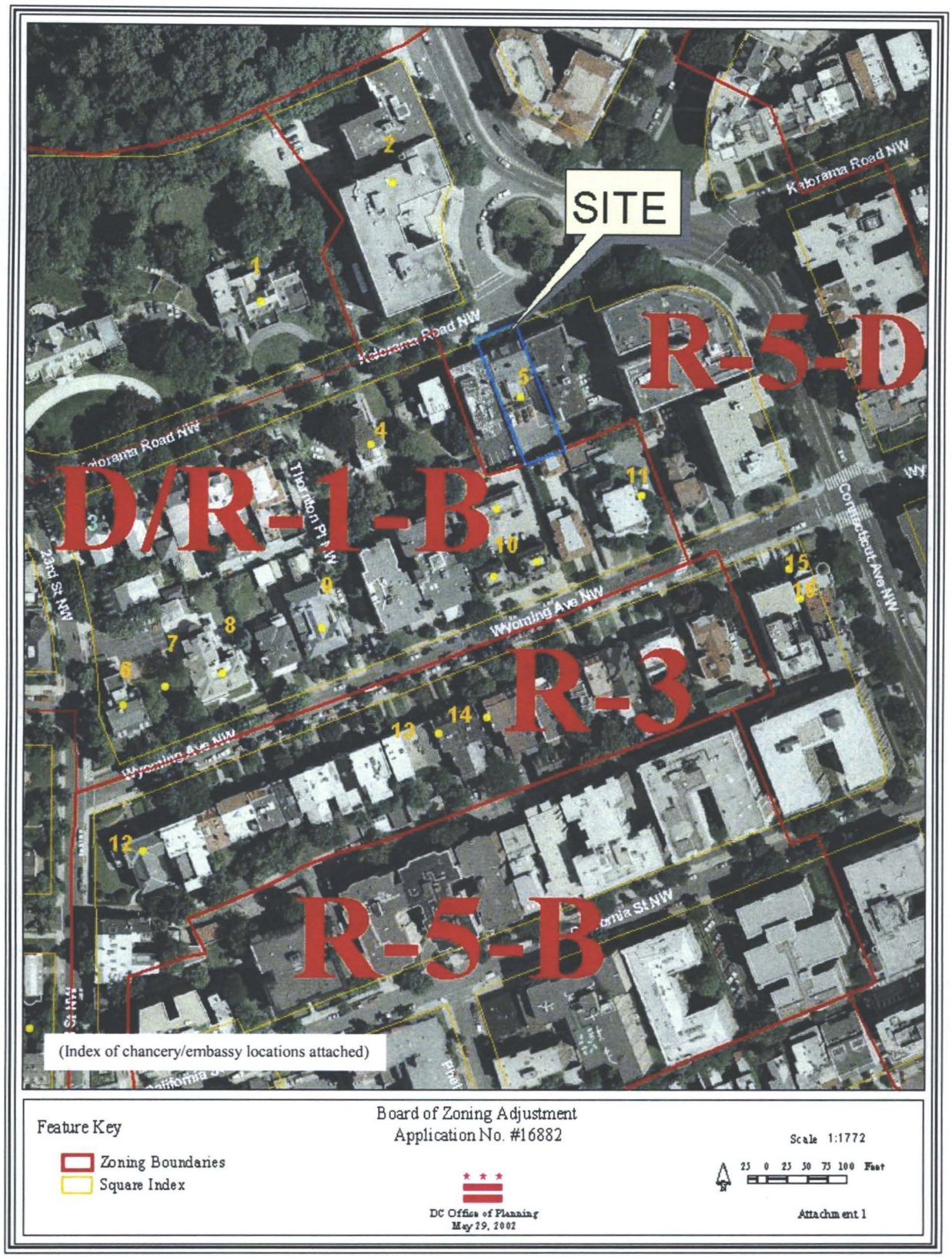
RECOMMENDATION

The Office of Planning recommends approval based a determination that this location meets the criteria of Sections 1001 and 1002 of the Zoning Regulations.

Attachments:	Exhibit 1	Aerial Map with Zoning
	Exhibit 2	Letter dated May 31, 2002 from Theodore E. Strickler, Deputy Assistant of Secretary, to Jerrily Kress, Director of the Office of Zoning
	Exhibit 3	Historic Preservation Review Board Staff Report and Recommendation (2118 Kalorama Road, N.W.) for the HPRB Meeting on February 7, 2002

AA/afj

Exhibit 1


SITE
R-5-D
D/R-1-B
R-3
R-5-B
Kalorama Road NW
Wyoming Ave NW
Connecticut Ave NW
Thurston Pl NW
23rd St NW
(Index of chancery/embassy locations attached)
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. #16882
DC Office of Planning
May 29, 2002
Scale 1:1772
25 0 25 50 75 100 Feet
Attachment 1

Index of Chancery & Embassy Locations

NO	PREMISE ADDRESS	PROPERTY OWNER
1	2125 KALORAMA RD NW	REPUBLIC OF PORTUGAL
2	2300 CONNECTICUT AV NW	GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
3	2210 KALORAMA RD NW	GOVERNMENT OF THE UNITED MEXICAN STATES
4	2134 KALORAMA RD NW	REPUBLIC OF YUGOSLAVIA
5	**2118 KALORAMA RD NW**	**REPUBLIC OF ALGERIA**
6,7	WYOMING AV NW	REPUBLIC OF SYRIA
8	2209 WYOMING AV NW	EMPIRE OF ETHIOPIA
9	2201 WYOMING AV NW	UNITED KINGDOM OF LIBYA
10	**2133 WYOMING AV NW**	**DEMOCRATIC & POPULAR REPUBLIC OF ALGERIA**
11	2129 WYOMING AV NW	EMBASSY OF THE REPUBLIC OF MACEDONIA
12	2224 WYOMING AV NW	REPUBLIC OF POLAND
13	2148 WYOMING AV NW	REPUBLIC OF SRI LANKA
14	2144 WYOMING AV NW	GOVERNMENT OF BARBADOS
15	2112 WYOMING AV NW	REPUBLIC OF SENEGAL
16	2022 CONNECTICUT AV NW	GOVERNMENT OF THE REPUBLIC OF PARAGUAY

Exhibit 2

United States Department of State
Office of Foreign Missions
Washington, D.C. 20520

May 31, 2002

RECEIVED
D.C. OFFICE OF ZONING
2002 MAY 31 AM 11:45

Ms. Jerrily R. Kress, Director
Office of Zoning
One Judiciary Square
441 4th Street, N.W., 2nd Floor
Washington, D.C. 20001

RE: BZA Application No. 16882
Embassy of the People's Democratic
Republic of Algeria
2118 Kalorama Road, N.W.

Dear Ms. Kress:

The Department of State hereby provides its comments concerning the application submitted to the BZA by the Embassy of the People's Democratic Republic of Algeria on March 27, regarding its desire to construct a modest addition to its chancery located at 2118 Kaloram Road, N.W. The application was submitted pursuant to D.C. Code 5-1206 and Section 206 of the Foreign Missions Act (22 U.S.C. §4306.) This case is scheduled to be heard on June 11, 2002.

On behalf of the Secretary of State, and pursuant to the Foreign Missions Act, 22 U.S.C. §4301, *et seq.*, particularly sections 4303 and 4306, I hereby convey to the BZA the following comments and determinations concerning the subject application. These comments and determinations relate to the statutory criteria governing BZA determinations that lie within the purview of the Federal Government, namely 22 U.S.C. §4306(d)(1), (4), and (6), as well as the pertinent portion of (d)(3).

First, with respect to the criterion set forth in 22 U.S.C. §4306(d)(1), we have determined that favorable BZA action on the present application would fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of Algeria for its diplomatic mission in Washington.

Second, after consultation with Federal agencies authorized to perform protective services, we have determined, pursuant to 22 U.S.C. §4306(d)(6), that there exist no special security requirements relating to parking requirements in this case. I have also, after similar consultation, and pursuant to 22 U.S.C. §4306(d)(4), determined that the subject site and area are capable of being adequately protected.

Third, pursuant to 22 U.S.C. §4306(d)(6), I have determined that a favorable decision on this application would serve the federal interest. The United States Embassy in Algiers has outgrown its current chancery facility and requires a better facility with more space as well as a larger lot area to provide security setback, in conformity with the stringent security requirements that govern construction of United States diplomatic missions. The United States currently is searching for a site on which to construct such a new, more secure chancery in Algiers, and the Government of Algeria has been very helpful and supportive in this endeavor. A favorable decision in the present case would assist the United States in continuing to enjoy the support of the Government of Algeria, as the United States pursues its search for a new chancery site.

Finally, the Algerian Chancery was almost completely destroyed by fire on January 11, 2001. Rather than attempt a quick renovation in order to use the building sooner, the Embassy has spent the time and resources required to preserve and restore the exterior of the building to its original, historical state. Moreover, the Board should note that the fire restoration work involved code-required modifications (such as an enclosed fire escape and an elevator for handicap access) that resulted in a significant loss of floor space, which is compensated for by the proposed addition. We believe that the Ambassador and his government deserve great credit for the unusual sensitivity they have demonstrated to the concerns of the residents and Government of the District of Columbia, particularly in the area of historic preservation.

It would be appropriate that this cooperation be reciprocated by the approval of the modest Algerian expansion request before the Board.

For the above reasons the Department of State strongly supports the request of the Embassy of Algeria.

Sincerely,

T. Strickler

Theodore E. Strickler
Deputy Assistant Secretary

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**2118 Kalorama Road, NW**		Agenda
Landmark/District:	**Sheridan-Kalorama Historic District**	X	Consent Calendar
		X	Concept Review
Meeting Date:	**February 7, 2002**	X	Alteration
H.P.A. Number:	**02-134**		New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, permit expeditor Jim Smith for the Embassy of the People's Democratic Republic of Algeria, seeks conceptual design review for a second story addition on the footprint of an existing one story rear wing on the rear of the Algerian embassy. As the Board will remember, the Algerian embassy building was largely destroyed in a fire over a year ago, however, the façade was saved and has been braced in anticipation of a complete reconstruction. The Board approved the conceptual reconstruction plans in 2001.

The existing unfenestrated brick rear wing does not appear to date from the original 1920s construction of the building, but will not be altered by the second floor addition. The additional floor will house a green house, and be clad in stucco and brick with large wood casement windows topped by half-round fanlights, and capped by a gabled slate roof. The addition is appropriate in its size, massing, and architectural expression for a large mansion property.

The staff recommends that the Review Board approve the concept as consistent with the character of the Sheridan-Kalorama Historic District, and delegate final approval to staff.

Project approved in concept by HPRB, with final permit approval delegated to HPO staff.