BEFORE THE FOREIGN MISSIONS ACT

BOARD OF ZONING ADJUSTMENT

OF THE DISTRICT OF COLUMBIA

Application of the Republic of Tajikistan

June 25, 2003

2003 JUN 25 PM 3:22

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 for the Republic of Tajikistan at 1005 New Hampshire Avenue, N.W. (Square 53, Lot 11, the "Property"). The Property is located in an R-5-E zone district, and would include residential uses as well as the proposed chancery.

II. Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to the Zoning Regulations at 11 DCMR Chapter 10 (Mixed Use Diplomatic Overlay District and Chancery Uses). This special zone district was adopted by the District of Columbia in 1983 in furtherance of the Foreign Missions Act, especially § 206 of the Act. Section 206(b)(2)(B) of the Foreign Missions Act provides for chancery uses to be allowed in areas where existing uses include office or institutional uses. Chapter 10 of the Zoning

BZA
Case No. 17051
Exhibit No. 10

Board of Zoning Adjustment
District of Columbia
CASE NO. 17051
EXHIBIT NO. 10

Regulations governs properties mapped with the Diplomatic overlay zone as well as properties zoned SP, R-5-D or R-5-E. "The criteria and procedures in this chapter also apply to chancery uses in R-5-D, R-5-E and SP Districts." (11 DCMR 1000.6) Because the Property is zoned R-5-E, the criteria set forth in §§ 1001 and 1002 the Diplomatic overlay zone are applicable to this case.

III. The Property and the Proposed Chancery Use

The Property, a townhouse at 1005 New Hampshire Avenue, has three floors and a basement level. The Applicant requests that the ground floor and second floor be used as the chancery and that the existing English basement apartment and the top floor be used as apartments for embassy employees. Thus, the building will be approximately half chancery and half residential in use. The proposed chancery will be small, with offices only for the Ambassador, Honorable Hamrokhon Zaripov, the First Secretary, Sharipov M. Nazir and the Second Secretary, Erov Bakhtier.

The existing building has 2,897 square feet of floor area situated on a lot of 796 square feet. This density of 3.64 FAR is well within the maximum permitted density of 6.0 FAR in the R-5-E zone district.

The English basement apartment already exists and has its own walk-down entrance from the sidewalk. The first and second floors consist of large rooms suitable for the chancery offices, and the third floor has two bedrooms and two baths. Thus, the building is well suited for the proposed uses with minimal alterations and with preservation of its existing historic character.

IV. Description of the Surrounding Area

Square 53 is bounded by K Street and Washington Circle on the south, New Hampshire Avenue on the west and 22nd Street on the east. It is located between the western edge of the Golden Triangle office district and the West End neighborhood. The subject R-5-E zone district is mapped along New Hampshire Avenue for several blocks to the north and south and around Washington Circle as a high-density residential transition area between the high density office area to the east zoned C-3-C and the mixed-use West End neighborhood to the west zoned C-2-C, R-5-D, R-5-B and CR. The Foggy Bottom neighborhood to the southwest of Washington Circle is primarily zoned R-5-E and FB/R-3. The George Washington University campus, located due south of Washington Circle, is primarily zoned R-5-D and C-3-C. (See the "Site Location and Zoning Map" in *Exhibit A* and the photographs of the Property in *Exhibit B*.)

In general terms, this is a high-activity, mixed-use area. Proceeding clockwise around Washington Circle from Schneider Triangle, the building uses may be summarized as follows. To the east of Schneider Triangle, across 22nd Street, is Square 73. The northwestern corner of the block is zoned R-5-E and developed with the Winston House Hotel and apartments. The remainder of this large block is zoned C-3-C and developed predominantly with office buildings with ground floor retail or service uses and the former Stevens School building. (See the attached "Land Use Context Map" in *Exhibit C*.)

The next two blocks, between K Street and Pennsylvania Avenue and Pennsylvania Avenue and I Street, are developed predominantly with high-density office buildings. The two blocks immediately south of the Circle, between I, 22nd and 24th

Streets, comprise the site of the former George Washington University Hospital, now demolished, and the new hospital on Square 40. As mentioned previously, the Foggy Bottom Metrorail station is located here at 23rd and I Streets, N.W.

To the west of the new hospital is Square 28, a large block improved with high-rise apartment buildings and townhouses in the Foggy Bottom Historic District. The Foggy Bottom neighborhood then continues with this development pattern to the southwest with this same development pattern of townhouses with some high-rise apartment buildings. On the triangular block west of Washington Circle between K Street and Pennsylvania Avenue, development includes apartment buildings, the Windham-Bristol Hotel and St. Stephens Church.

The two blocks at the northwest frontage of the Circle are Square 38, improved with townhouses and two high-rise medical and office buildings, and the One Washington Circle Hotel directly across New Hampshire Avenue from the proposed Tajikistan Chancery use. The West End neighborhood extends to the west and northwest of the Circle, and includes townhouses, apartment buildings, several large hotels and office buildings.

Thus, the surrounding land use pattern is mixed use in nature, including hotels, office buildings, townhouses, apartment buildings and institutional uses.

V. Criteria for Approval

A. Permitted Use. Subsection 1000.6 of the Mixed Use/Diplomatic overlay zone states, "The criteria and procedures in this chapter also apply to chancery uses in R-5-D, R-5-E and SP Districts." Under § 1001.1 the proposed chancery of Tajikistan is a permitted use in an R-5-E District, "subject to disapproval by the Board of Zoning

Adjustment, based on the criteria in this section." Those 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 Tajikistan.

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.

All of Square 53 constitutes a historic landmark known as "Schneider Triangle." The townhouses on this triangular city block were primarily developed in the 1880s, having been designed by architect Thomas Franklin Schneider. Schneider Triangle received its District of Columbia historic designation on November 21, 1978 and was listed on the National Register of Historic Places on December 13, 1982. The Property is a contributing building in the Schneider Triangle historic landmark.

The Republic of Tajikistan owns the Property and will fully comply with the intent of historic preservation regulations. The exterior of the building is in good to excellent condition, and Tajikistan will maintain the exterior in that condition. No addition or exterior alteration of the building is proposed. No special antenna or exterior lighting will be installed. The only evidence of the use will be a small plaque and a flag

indicating the presence of the chancery of Tajikistan. Interior alterations will be very minor and are not subject to historic preservation regulation.

D. Parking and Public Transportation. The Property is located in a high-activity, transitional area between the downtown office core (Golden Triangle sector) to the east and the West End mixed-use neighborhood to the west. The George Washington University campus and the Foggy Bottom residential neighborhood are to the south and southwest, respectively. In this central location public transportation, taxicab service and vehicular accessibility are all excellent, and will be more than capable of serving the quite limited transportation demand generated by the Chancery.

A Metrorail station is located nearby at 23rd and I Streets, N.W., just two blocks to the south. Several Metrobus routes serve the area, especially along Pennsylvania Avenue. Vehicular access is also very good at this central location in the city and region. New Hampshire Avenue, on which the Property is located, is a major arterial street, as is nearby Pennsylvania Avenue. The regional network of highways converges on and serves greater downtown Washington, with the result that access to this neighborhood and property location is excellent.

The Chancery is expected to have very few visitors during the day, and they will generate very little demand for parking. Visa and passport transactions are primarily conducted by fax, mail and delivery services. Most visitors to the site will be diplomats and businesspersons who are dropped off and picked up by professional drivers or by taxi.

The Chancery's hours of operation will be approximately 8:00 a.m. to 6:00 p.m. Monday to Friday. The Property will only very occasionally be used after-hours and on

weekend. Tajikistan will primarily conduct its social functions at the embassy, located at 2440 Virginia Avenue, N.W. The New Hampshire Avenue property is simply too small for large social events. The two floor levels to be devoted to chancery use will be laid out and equipped for office use, and the space does not lend itself to social gatherings of more than a small number of people.

Because only the Ambassador and two diplomats will work at the premises, commuter traffic will be extremely minor. There will be two automobiles used by the chancery. One of them will park at a parking space is owned by Tajikistan in the garage under the mixed-use building at 3 Washington Circle. The second vehicle will park in another garage in the immediate vicinity. Two Tajikistan diplomats, the First Secretary and the Second Secretary, will live on the premises, thereby eliminating any need for a commute on their part.

The Zoning Regulations in Chapter 21 indicate a parking requirement for chancery of one space per 1800 s.f. of floor area, or as determined by the Board. In this case, because the two levels proposed for chancery use constitute less than 1800 s.f., one parking space would be required. For apartments in the R-5-E District, the requirement is one space per four apartment units -- in this case one parking space, for a total of two required spaces. However, §2100.5 of the parking regulations waives any parking requirement for historic buildings. Based on all of these factors, the Applicant requests that the FMBZA determine that the proposed parking situation is reasonable and workable.

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 Tajikistan is compatible with surrounding uses and will not have an adverse impact on the surrounding area. Approximately one-half of the subject building will be devoted to two apartments, as allowed as a matter of right in the R-5-E District. Only the Ambassador and two diplomats will occupy the chancery offices. Visitors are expected to be few in number and will be readily accommodated without any adverse traffic or parking effects, as discussed under Item D above.

As described on Pages 2-5 of this Statement, the subject property at 1005 New Hampshire Avenue, N.W. is in an area characterized by mixed uses, including institutional, residential, office, hotel and other chancery and international uses. The proposed Chancery and residential use will be fully compatible with the surrounding neighborhoods and the immediate vicinity.

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 of Tajikistan.

VI. Witnesses

Ambassador Hamrokhon Zaripov, Republic of Tajikistan

VII. Conclusion

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

Respectfully submitted,

ARNOLD & PORTER

Cynthia A. Giordano

Cynthia A. Giordano

Attachments