GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17275 of the Republic of Lithuania, pursuant to 11 DCMR § 1002, to permit the expansion of a chancery for the Embassy of Lithuania in the R-5-D and D/R-5-B Districts at premises 2622 16th Street, N.W. (Square 2575, Lot 32).

NOTICE OF FINAL RULEMAKING
and
DETERMINATION AND ORDER

The Board of Zoning Adjustment, in its capacity as the Foreign Missions Board of Zoning Adjustment for the District of Columbia, pursuant to the authority set forth in the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283; D.C. Code, 2001 Ed. § 6-1306); Chapter 10 of the Zoning Regulations of the District of Columbia, 11 DCMR; and Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code, 2001 Ed. § 2-505(c)), hereby gives notice of the adoption of its determination not to disapprove the application of the Republic of Lithuania, for the expansion of the Embassy of Lithuania's chancery building at premises 2622 16th Street, N.W., (Square 2575, Lot 32).

Notice of the filing of the application was published in the D.C. Register on November 26, 2004, and notice of the proposed rulemaking was also published in the D.C. Register on November 26, 2004. At the January 25, 2005, public hearing, the Board took final action not to disapprove the application. This Board took final rulemaking action at the conclusion of its public hearing on January 25, 2005. This final rulemaking is effective ten days after publication in the D.C. Register.

The property that is the subject of the application is located at 2622 16th Street, N.W., and has been owned and occupied by the Embassy of Lithuania since 1924. The subject of this application is the Embassy's proposed addition to the rear of the building, which will include 9,112 square feet of new chancery office space and 2,937 square feet of residential space, an 802 square foot garage/carport at the rear of the property for 5 vehicles, and a surface parking lot for 11 vehicles. After completion of the project, the building will measure approximately 22,147 square feet of gross floor area, of which approximately 18,498 square feet will be chancery office and 3,649 square feet will be residential.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17275
EXHIBIT NO. 33

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On November 18, 2004, the Applicant filed a chancery application with the Board. Pursuant to 11 DCMR § 3134.7, the application was accompanied by a letter from the United States Department of State certifying that the Applicant had complied with Section 205 of the Foreign Missions Act (22 USC 4305) and that the application could be submitted to the Board.

The Office of Zoning, on November 19, 2004, provided notice of the filing of the application to the Department of State; the District of Columbia Office of Planning; the District of Columbia Department of Transportation; Advisory Neighborhood Commission (ANC) 1C, the ANC for the area within which the subject property is located; the ANC Commissioner for the affected Single Member District; and the Ward 1 Councilmember. The Office of Zoning subsequently scheduled a public hearing on the application for January 25, 2005, and provided notice of the hearing by mailing a copy to the Applicant, to ANC 1C, and to all property owners within 200 feet of the subject property. Notice of the hearing was also published in the D.C. Register on December 3, 2004, and posted in the Office of Zoning. In addition, on January 6, 2005, the Applicant posted notice on the property in plain view of the public in accordance with 11 DCMR § 3113.

The record closed on January 25, 2005. The Department of State submitted a favorable report on the application. The Office of Planning submitted a report recommending approval of the application in part and denial in part. However, after the conclusion of the Applicant's testimony, the Office of Planning modified its report to indicate full support for the application. The ANC 1C also voted to recommend approval of the application. The Board has not received any other comments on the application.

At its public hearing on January 25, 2005, the Board determined not to disapprove the application for the following reasons:

First, as recommended by the Secretary of State and the Office of Planning, favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of Lithuania for its diplomatic mission in the Nation's Capital.

Second, the Board concluded that it need not consider historic preservation issues in this case, since the property is neither an historic landmark nor is it located in an historic district.

Third, the Applicant provides parking spaces in the rear of the building for sixteen vehicles, and additional space for stacked parking for three more vehicles. The Office of Planning noted that the Zoning Regulations would require 17 parking

spaces. The Office of Planning also noted the availability of public transportation and found the parking facilities to be more than adequate for the chancery building. In addition, the Secretary of State has determined that there are no special security requirements relating to parking in this case.

Fourth, after consultation with Federal agencies authorized to perform protective services, the Secretary of State has determined that the subject property and area are capable of being adequately protected.

Fifth, the Director of the Office of Planning, on behalf of the Mayor of the District of Columbia, has determined that favorable action on this application is in the municipal interest and is consistent with the Comprehensive Plan. The application requires a deviation from the strict requirements of the Zoning Regulations in three respects: (1) provision of sixteen parking spaces, rather than seventeen spaces in accordance with the schedule of parking in Chapter 21; (2) an extension of the use, height and bulk regulations of the R-5-D zone approximately seven and one-half (7-1/2) feet into the D/R-5-B zone, pursuant to Section 2514.2, to allow a part of the building in the D/R-5-B portion of the site to exceed 50 feet in height; and (3) a closed court which is approximately half of the minimum required area of a closed court in the R-5-D zone, based upon the height of the court in this particular case. The closed court is not for the provision of required light and ventilation, but instead is an amenity to provide daylight to the windows in the dining/reception room on the second floor and three offices on the third through fifth floors of the existing building. The Applicant provided testimony and evidence to indicate the practical difficulties that would be encountered if the closed court was required to be in strict compliance with the Zoning Regulations, as well as justification for the extension of the R-5-D height regulations and the provision of sixteen parking spaces.

Sixth, the Secretary of State has determined that a favorable decision on this application would serve the Federal interest. The U.S. Embassy in Vilnius is in the process of acquiring additional property adjacent to its chancery to enhance its security. The acquisition process in Vilnius is extensive and complicated, and the Board's favorable decision in this case will assist the State Department in completing these important purchases in a timely manner.

Accordingly, it is hereby **ORDERED** that this application is **NOT DISAPPROVED**.

Vote of the Foreign Missions Board of Zoning Adjustment taken at its public hearing on January 25, 2005, to **APPROVE** the proposed rulemaking: 5-0-0 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, John G. Parsons, and Patricia E. Gallagher)

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: February 2, 2005

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 17275

As Director of the Office of Zoning, I hereby certify and attest that on FEB 0 2 2005 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:

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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning