GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

RECEIVED
D.C. OFFICE OF ZONING
2005 OCT -4 PM 4:20

MEMORANDUM

TO: Foreign Missions Board of Zoning Adjustment

FROM: Ellen McCarthy
Director

DATE: October 4, 2005

SUBJECT: FMBZA Application 17382 – Embassy Sultanate of Oman
2535 Belmont Road, NW

APPLICATION

The US Department of State, Office of Foreign Missions, submitted an application on behalf of the Embassy Sultanate of Oman to expand the existing chancery building on property located at 2535 Belmont Road, N.W. (Square 2501, Lots 6-8, 15-19, and 805) pursuant to Section 206 (b) of the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286, August 24, 1982), and Chapter 10 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION

The Office of Planning recommends **approval** of special exceptions to:

- allow expansion of the existing chancery building based on a determination that it meets the criteria of Sections 1001 and 1002; and
- extend the less-restrictive use provision of the D/R-1-B district a distance of nine (9) feet onto an area on the same lot within a R-1-B zone district based on a determination that the proposal meets the criteria under Section 2514.

SITE AND AREA DESCRIPTION

The subject property is located at 2535 Belmont Road, N.W., in the Sheridan Kalorama area and has a land area of approximately 1.07-acre (46,667 square feet). The property is currently developed with a three (3) story building that was constructed as a residence but has been used as a chancery for years. A second one-story building on the site was originally a squash court but over the years has been used for storage, office and/or residential uses. The property has been owned and occupied by the chancery of the Embassy Sultanate of Oman for over nineteen (19) years and was formerly owned and occupied by the chancery of the Embassy of France.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17382
EXHIBIT NO. 32

Board of Zoning Adjustment
District of Columbia
CASE NO. 17382
EXHIBIT NO. 32

In front of the building is a garden bounded on the west and north by a paved parking area. The property has two means of vehicular access and two entrances for pedestrian access along Belmont Road. A brick fence separates the property from Belmont Road and a metal fence separates the property from Waterside Drive.

To the north of the site is Waterside Drive and Rock Creek Park; to the east are private residences in the R-1-B zone, to the south are private residences and some diplomatic uses in the R-1-B and D/R-1-B zone, and to the west is the Islamic Center in the D/R-1-B zone. (Attachments 1 and 2)

HISTORIC PRESERVATION

The existing site and building are within the Sheridan Kalorama historic district but the building does not have historic designation.

PROPOSAL

The Embassy Sultanate of Oman proposes to expand its chancery with a three story building, 11,745 square feet, connected to the basement of the existing building by a below grade, 3,300 square feet, multipurpose room, and an above grade roof structure.

Currently, there are twenty-three diplomats and staff working at the existing chancery which includes the offices of the Information Attaché and the Military Attaché. The building was originally constructed as a residence and does not function efficiently for the offices. The proposed addition will accommodate the above mentioned Attaches in addition to the Cultural Attaché comprised of seven diplomats and staff which is currently located in Virginia. The addition will allow for the consolidation of all chancery operations in one location and will provide ease of communication and security.

The multipurpose room will be used for the display of art work and photographs, and will be available for small gatherings such as press conferences, staff meetings, or small social functions. The roof of the multipurpose room will be between the first floors of the existing building and the new building will function as a patio and will be heavily landscaped. (Attachment 3)

The existing parking area will remain and a small parking garage (7 spaces) will be located under the new building.

EXISTING ZONING

The eastern half of the property falls within the R-1-B district and the western half is within the D/R-1-B district. A chancery use in the D/R-1-B district is allowed in accordance with the requirements of the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286, August 24, 1982) and corresponding sections of the DCMR Title 11, Zoning. Section 1002 indicates that:

"1002.1 To locate, replace, or expand a chancery in R-5-D, R-5-E, or SP District or D Overlay 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."

A chancery use located in the R-1-B district predates the adoption of the current regulations. Section 2001.1 (m) allows chanceries in the R-1 district if they exist on September 22, 1978 and meet the following requirements:

(1) After February 23, 1990, the continued use of the chancery shall be limited to the government that lawfully occupied the chancery on that date;

(2) No additional or accessory structure may be constructed on the lot that is occupied by the chancery;

(3) There shall be no expansion of the exterior walls, height, bulk, gross floor area, or any portion of any existing building or structure that is used as a chancery;

The chancery of the Sultanate of Oman has existed at this location since 1986. The proposal will entail an addition to the existing building in the R-1-B district. However, Section 2514.2 allows for consideration of the expansion in that district if it is within thirty-five feet of the D/R-1-B district. See Attachment 2 for the location of the zoning line.

The property is subject to the following zoning provisions:

Standard	Requirements	Existing	Proposed
Lot Area	5,000 sq. ft.	46,667 sq. ft.	46,667 sq. ft.
Height	40 ft./3 stories	35.5 ft./3 stories	43.75 ft./3 stories
Lot Occupancy	40%	6.7%	15%
Rear Yard	25 ft.	42 ft	42 ft.
Side Yard	8 ft.	18 ft.-166 ft.	18 ft.-55 ft.
Parking (on-site)	1 space per 800 sq. ft. of chancery space or as determined by the FMBZA	32 spaces	34 spaces

As shown on the table the development meets all the yard requirements of the zone district.

ANALYSIS

Compliance with Section 2514

To extend less-restrictive regulations to a more restrictive zoning district, the following requirements must be met:

(a) The extension shall be limited to that portion of the lot in the more restrictive use district but not exceeding thirty-five feet (35 ft.)

The Statement of the Applicant indicates the proposed addition would extend the D/R-1-B zone district by approximately nine feet. OP supports this extension.

(b) In authorizing an extension, the Board shall require compliance with § 2514.1(d);

Section 2514.1(d) states:

(d) For computation purposes, any portion of the lot located in an R-1 or R-2 District shall be deemed to be limited to a floor area ratio of four-tenths (0.4), any portion of the lot located in an R-3 District shall be deemed limited to a floor area ratio of six-tenths (0.6), and any portion of the lot located in an R-4 District shall be deemed to be limited to a floor area ratio of nine-tenths (0.9);

The applicant submits that the portion of the building that extends into the R-1- B area is less than 0.4 FAR.

(c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and ...

OP does not believe that extending the building into the R-1-B district a distance of approximately nine feet will have an adverse impact on the character and future development of the area. The portion of the addition that will be extended into the R-1-B district will be mostly below grade with a landscaped patio on the roof that will appear similar to the existing configuration of the garden in front of the existing building. The area cannot be viewed from Rock Creek Park because of Waterside Drive that separates the properties and the fence along the property line.

(d) *The Board may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.*

OP does not think such requirements are necessary.

Based on the above finding, granting the requested relief would be in the municipal interest because it would be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and proposed changes will not tend to affect adversely the use of the neighboring properties.

Compliance with Section 1001

The expansion of chancery use in the D/R-1-B and R-1B zone districts are subject to the following criteria:

"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.

The applicant has had formal diplomatic relations with the Sultanate of Oman since 1820 and in a letter the FMBZA the Department of State has determined "...that favorable FMBZA action would fulfill the international obligation of the United States to facilitate the acquisition of secure premises by the Sultanate of Oman for its diplomatic mission in Washington (D.C.)." 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.

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.

This property is located in the Sheridan-Kalorama Historic District. However, it is not a historic landmark. The proposal has been reviewed by the Historic Preservation staff in the Office of Planning. Staff has indicated that the new construction is consistent with the District Historic Preservation Guidelines and the character of the historic district. Staff will continue to work with the applicant to address the landscaping on the roof of the multipurpose room.

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.

Belmont Road is off Massachusetts Avenue, N.W., a principal major arterial served by four Washington Metropolitan Transit Authority (WMATA) bus routes which run every five to fifteen minutes during morning and evening peak hours.

Based on a requirement of 1 space for every 800 square feet of space, thirty-two (32) parking spaces are required. The applicant proposes to provide thirty-four (34) parking spaces on-site. The applicant further states that an additional ten (10) spaces can be accommodated on the site through the use of other suitable areas on the site and through valet parking arrangement on the site if the need ever arises. Additionally, four (4) spaces along the site frontage are designated for the chancery.

The applicant states that the proposed spaces are sufficient to serve the staff of the chancery and a large part of their transactions is conducted via telephone and fax and therefore there are not a large number of visitors to the chancery. The applicant also states that the majority of visitors to the chancery will arrive via taxi or chauffeured vehicles. Therefore, the allocated parking will be more than sufficient.

The Department of State has made a determination the no special security requirements relating to the parking is required. 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 site is currently protected by the Uniformed Division of the Secret Service who states that "...the site 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 the proposed building addition to the subject property would generally be consistent with the Comprehensive Plan and the Zoning Regulations. The relief meets the requirements of Section 2514. Therefore, this proposal is considered to be in the municipal interest subject to its consistency with health, safety and welfare standards established in the Zoning Regulations as determined by the FMBZA.

The Office of Planning is very supportive and pleased that the Embassy Sultanate of Oman is consolidating its Chancery services within the District of Columbia; and continues to function within an area of the District which such institutional uses are encouraged. Therefore, the Office of Planning concludes that this proposal is consistent with the interests of the District subject to the FMBZA consideration of the required zoning relief of Section 2514.

1001.7 The Board shall consider the federal interest, as determined by the Secretary of State.

The Department of State indicates that a favorable decision on this application would serve the federal interest.

Compliance with Section 3104

Section 3104.1 grants the FMBZA the authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." The

referenced special exception would allow less restrictive regulations in the D/R-1-B district to be extended into the more restrictive R-1-B district per criteria in Section 2514.

COMMUNITY COMMENTS

The applicant has met with the Advisory Neighborhood Commission (ANC) 2D and has also met with citizens in the community. To date, the ANC has not voted on the proposal.

The Sheridan-Kalorama Neighborhood Council has petitioned the Zoning Commission (Zoning Commission Case No. 04-21) to remove some squares that are currently within the D Overlay in the Sheridan-Kalorama Neighborhood. The subject square is not on the list of squares recommended for change.

RECOMMENDATION

The Office of Planning recommends approval of special exceptions to allow the expansion of the existing chancery building based on a determination that it meets the criteria of Sections 1001 and 1002. Further, the request to extend the less-restrictive use provision of the D/R-1-B district a distance from nine (9) feet onto an area on the same lot within a R-1-B zone district meets the criteria under Section 2514. Granting both special exceptions has been determined to be in the municipal interest.

ATTACHMENTS:

1. Aerial Map with Zoning
2. Land Use Map
3. First Floor Plan

EM/mbr



FMBZA No. 17382
Embassy Sultanate of Oman
2535 Belmont Road, N.W.

N

Feet

0 100 200 300

Zoning Districts
Buildings
Water
Street Centerlines
Pictometry Image looking north taken Apr 12, 2003
RGB
Red: Band_1
Green: Band_2
Blue: Band_3

★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ September 9, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.
Oblique imagery ©2003 Pictometry International

Attachment 1



FMBZA No. 17382
Embassy Sultanate of Oman
2535 Belmont Road, N.W.

N

Feet

0 200 400

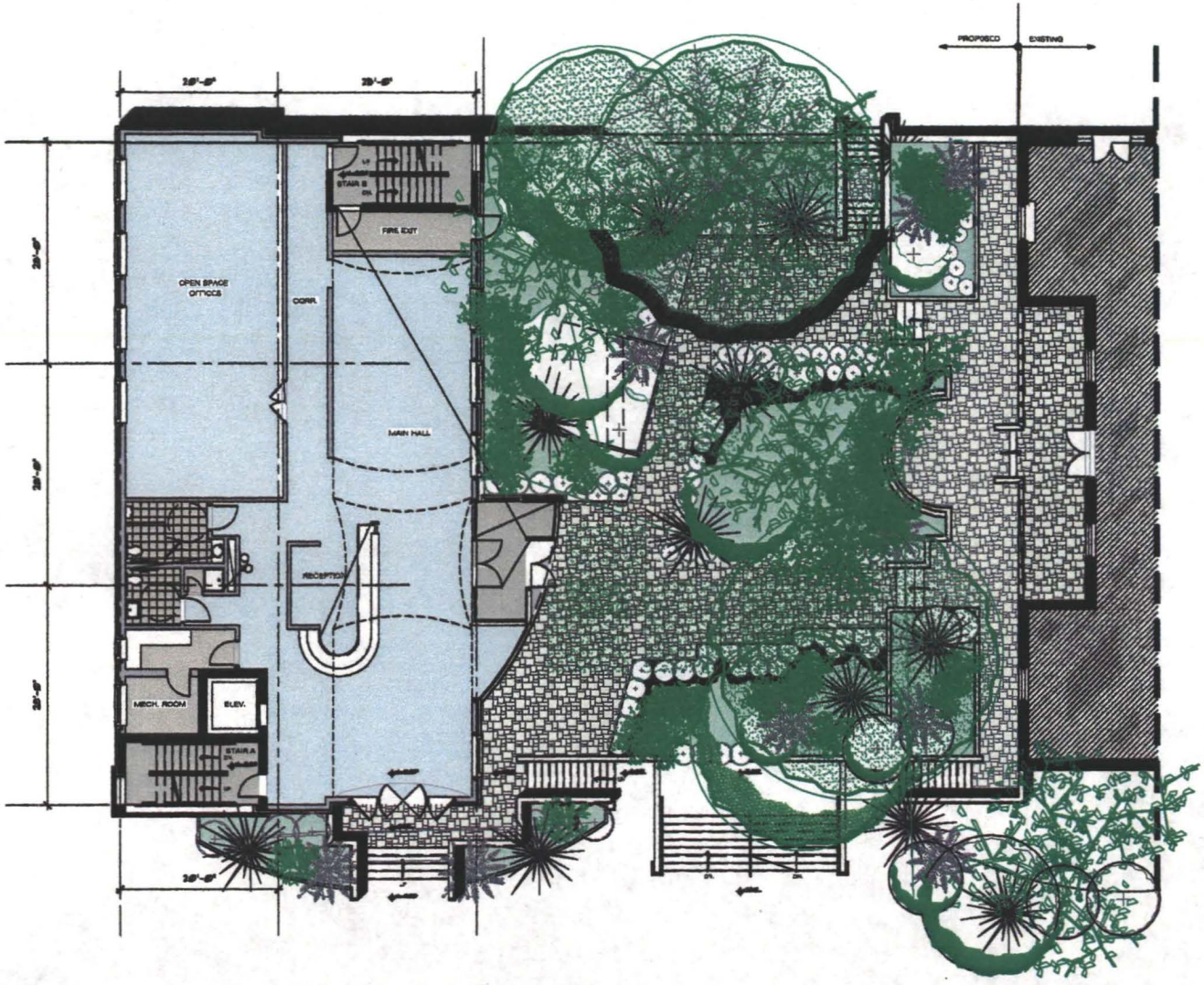
★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ September 9, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.
Oblique imagery ©2003 Pictometry International

- Zoning Districts
- Buildings
- Water
- Street Centerlines

Attachment 2



FIRST FLOOR PLAN

SCALE : 1/16" = 1'-0"

FORUM INTERNATIONAL INC.

EMBASSY SULTANATE OF OMAN

2535 BELMONT ROAD , WASHINGTON D.C