Holland & Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
www.hklaw.com

CHRISTOPHER H. COLLINS
202-457-7841
chris.collins@hklaw.com

December 13, 2005

BY HAND DELIVERY

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17382
EXHIBIT NO. 43

RECEIVED
D.C. OFFICE OF ZONING
2005 DEC 13 AM 11:25

Ms. Jerrily R. Kress, FAIA
Executive Director
D.C. Office of Zoning
441 – 4th Street, N. W., Room 220 South
Washington, D.C. 20001

Re: Embassy of the Sultanate of Oman, FMBZA Order No. 17382

Dear Ms. Kress:

The purpose of this letter is to respectfully request issuance of a revised Order in the above-referenced FMBZA case, to address certain additional important issues of record as further detailed below.

Pursuant to Section 206 of the Foreign Missions Act, 22 USC Section 4306, Congress granted to the FMBZA exclusive jurisdiction over all aspects of the location, replacement and expansion of chanceries in the District of Columbia. Pursuant to 22 USC Section 4306(c)(3), the final decision of the FMBZA concerning the location, replacement or expansion of a chancery "shall not be subject to the administrative proceedings of any other agency or official" except as provided in the Foreign Missions Act. Further, "[n]o act of any Federal agency shall be effective to confer or deny any benefit with respect to any foreign mission contrary to "the Foreign Missions Act". 22 USC Section 4307.

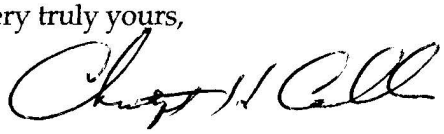
There is evidence of record, including both written and graphic evidence, as well as testimony at the public rulemaking proceeding in this matter on October 11, 2005, that addresses two important topics that are within the exclusive jurisdiction of the FMBZA but are not, in our view, adequately reflected in the above-referenced Order. These include the demolition of the one-story former squash court building on the site, as well as the potential impact of the new building on the adjacent Federal parkland known as Rock Creek Park.

Attached hereto for the consideration of the Office of Zoning are excerpts of FMBZA Order No. 17382, with proposed amendments (including record citations) in order to address these two issues. The addition of this language will allow the project to move through the building permit application review process without any doubt that the FMBZA has exercised its exclusive authority over all relevant issues.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17382
EXHIBIT NO. 43

Thank you for your consideration. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Christopher H. Collins

CHC/skp

cc: Her Excellency Hunaina Sultan Ahmed Al-Mughairy,
Ambassador of the Sultanate of Oman
Abdullah Al-Suleimani, First Secretary,
Embassy of the Sultanate of Oman

3446513_v1

PROPOSED AMENDMENTS TO FMBZA ORDER NO. 17382,
DATED NOVEMBER 23, 2005

Page 2, first paragraph.

The property that is the subject of the application is located at 2535 Belmont Road, N. W. in the Sheridan-Kalorama Historic District, and adjacent to the Federal parkland known as Rock Creek Park. (Transcript at page 21). The property is split-zoned ....

Page 2, second paragraph.

[Insert a new third sentence]. The one-story former squash court building will be demolished. (Statement of the Applicant, page 2, and Transcript at pages 11, 36).

Page 2, last paragraph.

Second, although the Historic Preservation Office did not submit a report concerning the application, the Applicant has met with the staff of the Historic Preservation Office and has worked with that office to devise a plan which meets their concerns. (Transcript at pages 27, 29, 36-37, and 46). Under the Foreign Missions Act, the Board has sole authority to determine historic preservation compliance. (Transcript at page 11). The Applicant has designed the new building in accordance with the District's Historic Preservation Design Guidelines to insure its compatibility with the character of both the existing building, which will not be changed, and the surrounding historic district. The existing main building is a contributing building to the character of the historic district, but is not a landmark. (Transcript at page 33). The existing one-story former squash court building has lost its historic integrity, and demolition of that building is appropriate. (Transcript at pages 33-34 and 36-37). The Applicant has documented the former squash building in accordance with the standards of the Historic American Building Survey. (Statement of the Applicant, Exhibit J, and Transcript at page 33). The new building and the demolition of the former squash court will substantially comply with District of Columbia and Federal regulations governing historic preservation.

Page 3, fourth paragraph.

Sixth, the Secretary of State has determined that a favorable decision on this application will serve the Federal interest, particularly as the Government of the Sultanate of Oman has consistently been supportive of the United States Embassy in its diplomatic needs. In addition, the new building will be substantially screened from view from Rock Creek Park. (Transcript at pages 23, 25 and 29). The design of the building, including the height and exterior appearance and features, and with the landscaping as proposed, will have no adverse impact on the adjacent Rock Creek Park. (Transcript at pages 21, 25, 29-32, 62 and 64, and letter of October 20, 2005 from Holland & Knight to FMBZA with attached Exhibits showing proposed landscaping adjacent to Rock Creek Park).