

**BEFORE THE FOREIGN MISSIONS  
BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

**Application of the Republic of The Gambia**

**April 25, 2016**

**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 use for the Republic of The Gambia (“Gambia”) at 5630 16th Street, N.W. (Square 2721W, Lot 27, (the “Property”). The Property is located in a SSH-1/ R-1-B zone district.

**II. Jurisdiction of the Board**

This application is being filed pursuant to Section 206 of the Foreign Missions Act, approved August 24, 1982 (92 Stat. 286, D.C. Code § 6-1306 (1994 Repl.)), 22 U.S.C.A. § 4306 (1990), and 11 DCMR § 1002.1 (1995). Under Section 206(b)(2)(B) of the Foreign Missions Act, 22 U.S.C.A. § 4306(b)(2)(B), D.C. Code § 1206(b)(2)(B), a chancery is permitted to locate in areas determined on the basis of existing uses, which include office or institutional uses, including but not limited to any area zoned mixed-use diplomatic or special purpose, subject to disapproval by the FMBZA in accordance with the criteria set forth in 11 DCMR § 1001.

**III. Property Description and Zoning**

The Property is located at the southeast corner of the intersection of 16<sup>th</sup> and Madison Streets, N.W. It is improved with a large two-story single family home, including a basement and a two-car garage. The lot is also large containing 5,092 square feet of land area.

The Property zoning includes the SSH-1( Sixteenth Street Heights) overlay and the R-1-B, low density residential zone. The R-1-B zone is primarily a single family residential zone with some limited additional uses including churches and community based residential facilities. The SSH zone was adopted at the request of the 16th Street Heights Civic Association to address a rising tide of church , school and group home uses in the area which were perceived as creating noise, parking and traffic problems for nearby residential uses. Chancery uses did not appear to be a major concern or impetus for the overlay advocates. The SSH-1 zone was mapped in areas determined to have a much higher ratio of nonresidential uses than other R-1 zoned areas of the City. The zone does not prohibit such uses; it provides for public review and control over the external effects of new nonresidential uses through the special exception process.

#### **IV. Description of the Surrounding Area and Zoning**

The area surrounding the Property is characterized by large single family detached dwellings on large lots many of which include detached accessory garages accessed via public alleys.

The area surrounding the Property features a mix of uses including several nonresidential, religious and international organizational uses. More specifically, within 2 blocks to the south of the Property along 16<sup>th</sup> Street are 3 nonresidential uses including 2 foreign missions:

- 5600 16th Street - the Office of the Air Attaché of the Royal Thai Government; and
- 5500 16th Street - the Procurement Office of the Government of the Republic of Egypt
- 5510 16th Street - Fourth Church of Christ Scientist

**Attachment 1** is a land use map depicting the uses along the 16th Street frontage in the subject square and the square immediately to the south.

#### **V. Gambian Foreign Mission Description and Proposed Chancery Use**

The Gambia is the smallest country on mainland Africa, located on Africa's west coast. It has a land area of only 4,127 square miles, approximately the size of Connecticut and a population of only 1,882,450. The Gambia's economy is dominated by farming, fishing, and especially tourism. About a third of the population lives below the international poverty line of US \$1.25 a day. Gambia's foreign mission is also quite small with only six (6) staff including the ambassador and very limited consular activities.

The proposed chancery is a historic opportunity for the Gambian foreign mission. Previously, they have only rented space. Owning their own signature building for their mission has been a key objective for some time but the expensive nature of real estate in Washington, D.C., particularly in commercial and diplomatic zoned areas, has been a challenge. The Property is a perfect fit, providing adequate chancery space and along with one residential apartment for a member of their staff in a stately building at an affordable price.

Only approximately 4,123 square feet comprising the first and second floors of the building will be devoted to chancery use. The basement level will be devoted to an apartment where a Gambian staff member will reside full time. The exterior of the building is in excellent condition, and Gambia will maintain the exterior in that condition. No addition or exterior alteration of the building is proposed. No new, special antenna is planned to be added at this time. The only evidence of the use will be a small plaque and a flag indicating the presence of

the chancery of Gambia. The flag will be displayed on a flag pole located in front of the building. Interior alterations will be minor. The proposed chancery use will be a very small operation.

## **VI. Criteria for Approval**

**A. Permitted Use.** This application is being filed pursuant to Section 206 of the Foreign Missions Act, approved August 24, 1982 (92 Stat. 286, D.C. Code § 6-1306 (1994 Repl.)), 22 U.S.C.A. § 4306 (1990), and 11 DCMR § 1002.1 (1995). Under Section 206(b)(2)(B) of the Foreign Missions Act, 22 U.S.C.A. § 4306(b)(2)(B), D.C. Code § 1206(b)(2)(B), a chancery is permitted to locate in areas determined on the basis of existing uses, which include office or institutional uses, including but not limited to any area zoned mixed-use diplomatic or special purpose subject to disapproval by the FMBZA in accordance with the criteria set forth in 11 DCMR § 1001. As demonstrated by the information included above and the land use survey charts referenced therein, the subject area is a mixed use area and therefore an appropriate location for a chancery pursuant to the Foreign Missions Act. The additional 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 Gambia.

**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.

The Property is not a historic landmark and it is not located in a historic district. Therefore, historic preservation laws and regulations are not applicable.

**D. Parking and Public Transportation.** Section 1001.5 provides that 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 United States Secretary of State.

As indicated above, the Property is located along 16th Street which is a major transportation corridor. Public transportation, including the Silver Spring Metrorail station just over the Maryland line, Metrobus, taxicab service, and vehicular accessibility are all excellent and will be more than capable of serving any limited, additional transportation demand generated by the proposed chancery use.

The proposed chancery is expected to generate little additional demand for parking. The chancery’s hours of operation will be 9:30 a.m. to 6 p.m. and only seven employees will work in

the building, one of whom will reside on the property. Limited consular services will be offered at the chancery and almost all of it will be conducted by mail. Most visitors to the site will be diplomatic and businesspersons who are dropped off and picked up by professional drivers or by taxi. Approximately 2-3 visitors a week are expected. Two to four special events will also be held at the chancery annually for up to 60 guests a number of them will be neighborhood residents with whom the Ambassador intends to fully engage.

Onsite parking for up to six cars is provided on the Property—two in the garage and four on the parking pad adjacent. The embassy owns 4 cars only these are the only cars which will be commuting to the site on a daily basis. The Ambassador does not foresee a need for additional diplomatic zone spaces on an adjacent street.

The Zoning Regulations in Chapter 21 indicate a parking requirement for chancery use of one space per 1800 square feet of floor area, or as determined by the Board. Based upon this standard and the approximately 4,123 square feet of building area in the Property that will be devoted to chancery use, only two (2) spaces are required for the chancery use and an additional one space is required for the residential use for a total of three (3) required spaces. Based on this standard and the information provided above, the Applicant requests that the FMBZA determine that the proposed parking, consisting of six (6) onsite parking spaces is adequate.

**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 Gambia is compatible with surrounding uses and will not have an adverse impact on the surrounding area.

As described above, the Property is in an area characterized by other nonresidential uses including several religious and international uses. Given the very small size of the Gambian diplomatic mission and the fact that it will also include a residential unit, the proposed chancery is not likely to have any adverse impact on surrounding properties.

**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 for the Republic of Gambia.

**VII. Conclusion**

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

Respectfully submitted,

SAUL EWING LLP

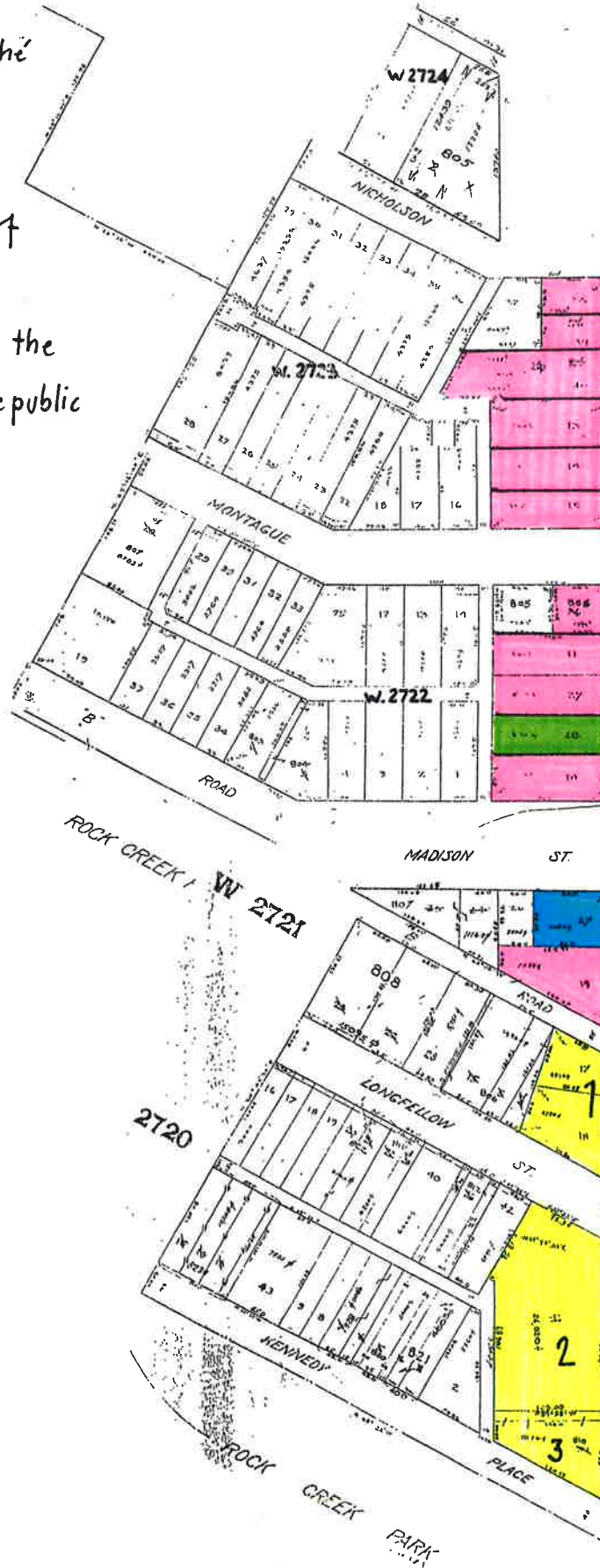


Cynthia A. Giordano

Attachments

# Attachment 1

1. Office of the Air Attaché of the Royal Thai Government.
2. Fourth Church of Christ Scientist
3. Procurement Office of the Government of the Republic of Egypt



Legend:

Pink - residential

Green - vacant

Blue - subject property

Yellow - nonresidential