

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: March 6, 2020

SUBJECT: FMBZA #19557A – Australian Embassy (1601 Massachusetts Avenue, N.W)
MODIFICATION OF CONSEQUENCE - SUBTITLE Y § 703

I. RECOMMENDATION

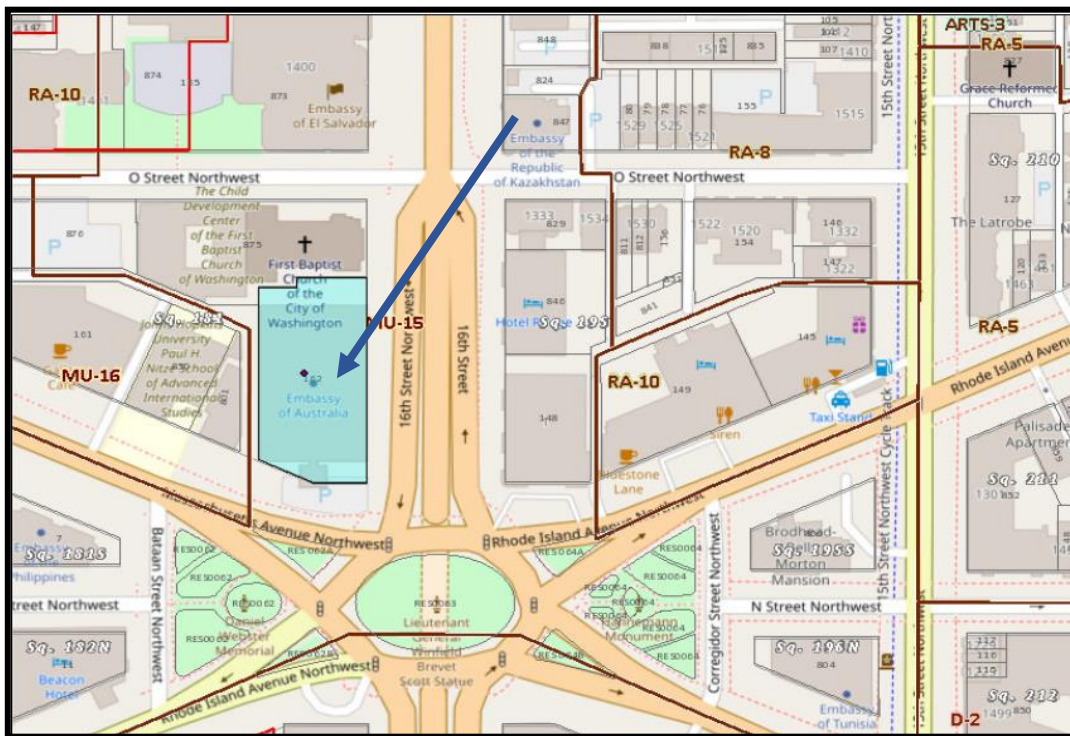
The Office of Planning recommends that the FMBZA **not disapprove** the request by the Commonwealth of Australia represented by the Australian Embassy pursuant to Subtitle Y § 703 to modify approved plans under Order 19557.

The building’s massing, including the approved height of 90 feet, lot occupancy of 86.3% and 4.32 FAR, would not be altered under this request.

II. LOCATION AND SITE DESCRIPTION

Address	1601 Massachusetts Avenue, NW
Applicant:	Commonwealth of Australia
Legal Description	Square 181, Lot 162
Ward / ANC	Ward 2; ANC 2B
Zone	MU-15: The Mixed-Use (MU) zones provide for mixed-use development that permit a broad range of commercial, institutional, and multiple dwelling residential development at varying densities. A chancery is a use permitted by special exception subject to FMBA review.
Historic District or Resource	The building is considered a non-contributing structure in the Massachusetts Avenue and 16 th Street Historic Districts, as it was built in 1969, which is outside of the district’s period of significance (1815-1959).
Lot Characteristics	The irregularly-shaped lot is located on the northwest intersection of 16 th Street, Massachusetts Avenue and Scott’s Circle
Existing Development	The existing chancery is a rectangular, seven-story, marble-clad concrete, glass and steel structure, with below grade parking for 90 vehicles. The pedestrian and vehicular entrances are from Massachusetts Avenue.

<p>Previous Approval</p>	<p>In FMBZA Case 19557 (September 13, 2017), a replacement of the existing chancery was approved, including the design, siting, and materials of the new building, landscaping, parking and circulation plan, and public space improvements. (See Order 19557 and OP's Report of 19957)</p>
<p>Adjacent Properties</p>	<p>The chancery fronts on both 16th Street (to the east) and Massachusetts Avenue (to the south). To the west is an alley and the Philippine Consulate. The First Baptist Church is to the north.</p>
<p>Surrounding Neighborhood Character</p>	<p>To the west of 16th Street, Scott Circle and along Massachusetts Avenue (west), the neighborhood is a mix of embassies, non-profit offices and hotel uses, with residential uses to the north of Rhode Island Avenue and east of 16th Street.</p>



Location and Zoning Map

III. APPLICATION-IN-BRIEF

The application of the Government of the Commonwealth of Australia, pursuant to 11 DCMR Subtitle Y § 703, is a modification of consequence of the plans approved by BZA Order No. 19557 including refinement of components of the **architectural elements, increase in the height of one art piece in public space, removal of one proposed street tree in public space, and inclusion of signage** for the chancery building.

IV. OFFICE OF PLANNING ANALYSIS

The criteria of X § 201.8 requires a review of municipal interests, which are synonymous with the District’s regulatory requirements including the zoning regulations, public space requirements, and historic preservation.

A. Compliance with X § 201.8

The FMBZA evaluates the application within six factors set forth in the Foreign Missions Act (FMA).

(a) 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 State Department memo December 20, 2019 (Exhibit 32) certifies compliance of this criteria.

(b) Historic preservation, as determined by the Board of Zoning Adjustment. In carrying out this section, and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmark;

The existing building is non-contributing to the Massachusetts Avenue and 16th Street Historic Districts. OP's initial report of [19557](#) included HP's review, which focused on ensuring that the public space design provided the required security for the building while relating well to the surrounding context. The applicant consulted with the District's Historic Preservation Office with respect to the proposed design modifications for the structure, to ensure a general level of compatibility with the approved design of the initial order.

The approved renderings of [Exhibit 3](#) include modifications as follows:

Architectural Elements

- **Reduction of the metal panel concentrations** at the building's entry, as well as the those located on the north and west facades. Panels are now concentrated on the east side of the north elevation and southern side of the west elevation (Sheet [P-303, P-304](#));
- **Change in bollards** from circular painted steel to a square stone-clad format, which better blends with the anti-ram wall;
- **Reorientation of bicycle shelter louvres** from vertical to horizontal to weather proof the secure bicycle area. (Sheet [P-303, P-304](#))

Public Space

- **Modification of one of the three art zones/courtyards** in public space along 16th Street, including an increase in the approved sculpture height of 9.8 feet to 18 feet;
- **Elimination of one proposed street tree** due to its proximity to an existing storm drain inlet on Massachusetts Avenue, in conflict with the District's UFA standards regarding placement of street trees close to utilities (Sheet -P102);
- **Provision of external building signage** on a portion of the approved 3-foot anti-ram wall adjacent to the building's entrance, including discreet up-lighting to illuminate the signage, as shown on Page 15 and 23;

As modified, the flattened façade panels would be less distinctive than originally proposed, but this appears to be necessary to satisfy the building's perimeter security requirements. The applicant worked to compensate for the loss of dimensionality by slightly increasing the

percentage of the metal used on the street-facing elevations. The proposal continues to maintain a high percentage of greenery, limited paving, and reestablishment of the double tree canopy on Massachusetts Avenue, which historically served to unify properties along the city's avenues. The applicant has essentially satisfied and maintained the initial requests expressed by Historic Preservation, Public Space, and DDOT staff. The proposed modifications are within approved guidelines, including the placement of security measures, street trees, street furniture and other public space design elements within the historical context of the public space along Massachusetts Avenue and 16th Street, to ensure the provision of active street fronts.

- (c) *The adequacy of off-street parking or other parking and the extent to which the area will be served by public transportation to reduce parking needs, subject to such special security requirements as may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services;*

The proposed facade changes and modifications to the public art zone, the provision of one fewer street trees, and inclusion of signage **would not alter** the approved transportation items of Order 19557.ⁱ

- (d) *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 State Department determined that the subject site and area are capable of being adequately protected. The proposed changes **would not affect** this criterion. ([Order 19557](#), Exhibit 5)

- (e) *The municipal interest, as determined by the Mayor of the District of Columbia; and*

Zoning: The previously approved bulk and yard requirements under Order 19557 would not be altered with this modification.ⁱⁱ ,

Historic Preservation - See (b) above.

- (f) *The federal interest, as determined by the Secretary of State.*

The State Department determined there is a federal interest in this project and the government of the Commonwealth has reciprocated in addressing the United States interests in Canberra, Australia, including functional facilities in the promotion of U.S.

B. Compliance with Subtitle Y § 703

The applicant's request complies with the requirements of the subsections as follows:

703.3 For purposes of this section, "minor modifications" shall mean modifications that do not change the material facts upon which the Board based its original approval of the application.

703.4 For the purposes of this section, the term "modification of consequence" shall mean a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.

OP finds that the proposed modifications, which involve refinements of façade elements and adjustments to public space features of the final design discussed prior, would not change the material facts upon which the Board based its original approval.

The applicant has satisfied procedural requirements of *Subtitle Y § 703.5 through Y § 703.10*

Per *Y § 703.14* the Order 19557 became effective on December 4, 2017 and a permit was filed within two years on March 29, 2019.

V. COMMENTS OF OTHER DISTRICT AGENCIES

OP did not receive the District Department’s comments at the writing of this report.

VI. COMMUNITY COMMENTS

The Advisory Neighborhood Commission (ANC 2B) met on February 12, 2020 and voted unanimously in support of the modifications (Exhibit 13 of the record).

Endnotes

- i Transportation-related items of the approved plan under [Order 19557](#) include:
 - Eighty-two parking spaces on three levels below grade;
 - Parking access and loading functions off the alley, in conjunction with security screening;
 - Long-term bicycle parking for 27 spaces north of the site under a canopy cover
 - Three short-term spaces along the Massachusetts Avenue frontage; and according to the
 - Transportation Assessment (Exhibit 48) supported by the District Department of Transportation (DDOT). (BZA 19557 – Exhibit 45)

- ii FAR and Height: G §§ 602, 603 4.32 Far; 90 ft.
Loading: C § 901: one, 30-foot loading berth, one space for a 20-foot van and 100 square feet loading platform.
Bicycle Parking: C § 805- under a covered canopy on the north side of the building,
Side Yard: G § 606: 1.83 ft (from the east and west property lines)
Penthouse Setback C § 1502 - mechanical penthouse is proposed to be 9’-11”, and the elevator penthouse exceeds the height of the other portions of the mechanical penthouse by 4.5 ft.