

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: August 30, 2018

SUBJECT: FMBZA Case # 19798 Application of the State of Hungary pursuant to 11 DCMR Subtitle X § 201.8 for renovation of its chancery annex at 1500 Rhode Island Avenue NW.

I. RECOMMENDATION

The Office of Planning recommends that the FMBZA **not disapprove** the requests by the State of Hungary to renovate the existing chancery annex including to:

- Install a replacement elevator penthouse not meeting the 1:1 setback under Subtitle U § 1502.1 (4 feet minimum required: 1 ft.-1.5 in. proposed);
- Install a 7 ft.- 6 in. tall security fence in public space along the perimeter of the site;
- Relocate the existing curb cut on Rhode Island Avenue with a decrease in curb cut width on 15th Street; and
- Locate trash receptacles within the public space off N Street (screened within the gated perimeter)

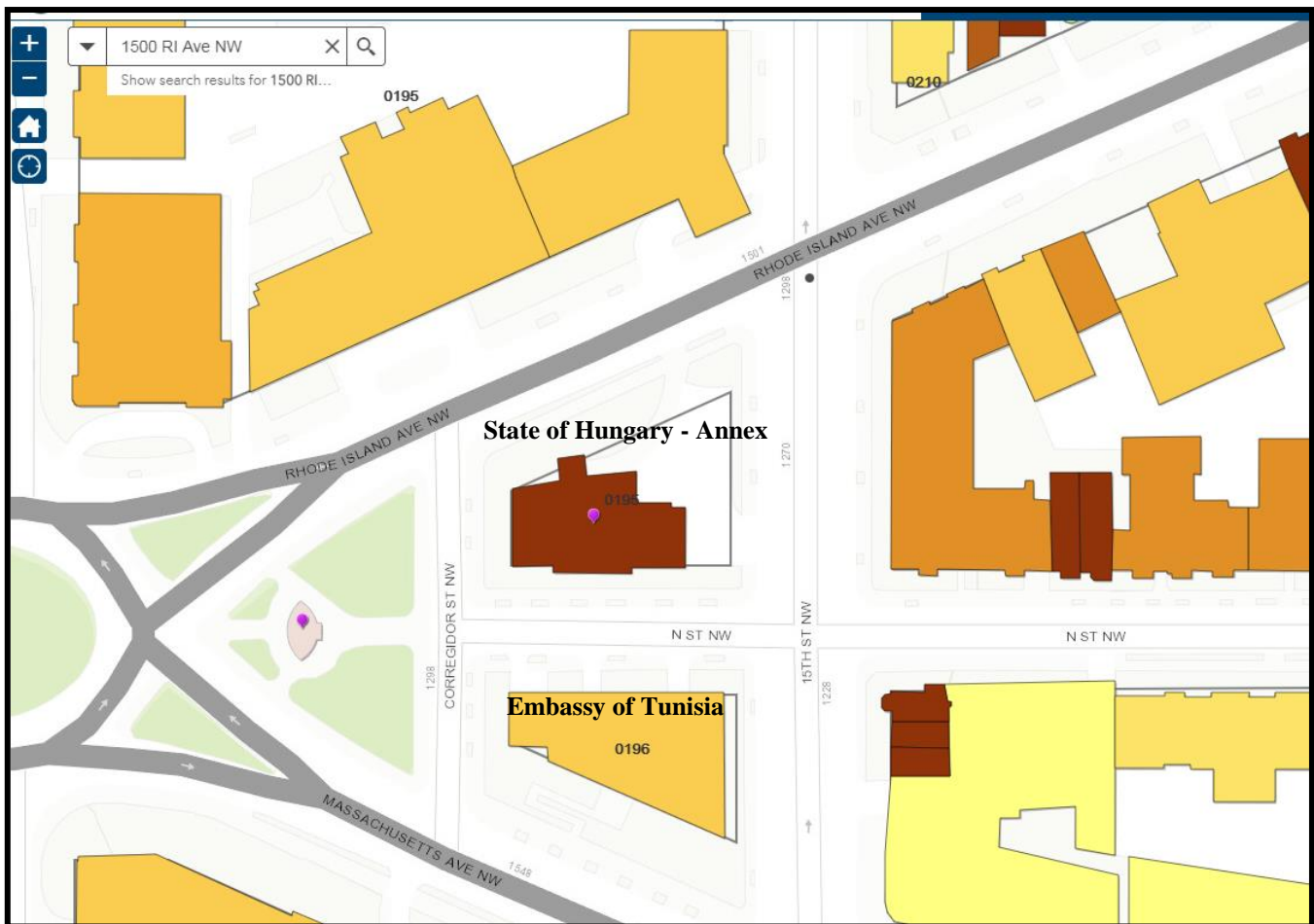
consistent with the intent of 11 DCMR X § Chapter 2 and Section 206 of the Foreign Missions Act (22 USC § 4306).

II. LOCATION AND SITE DESCRIPTION

| | |
|-------------------------------|--|
| Address | 1500 Rhode Island Ave NW |
| Applicant: | State of Hungary |
| Legal Description | Square 0195S, Lot 0800 |
| Ward / ANC | Ward 2; ANC 2B |
| Zone | MU-15 |
| Historic District or Resource | Historic Resource – Brodhead-Bell-Morton House (Levi P. Morton House) noted in the National Register of Historic Places. |

| | |
|------------------------------------|---|
| Lot Characteristics | The 11,700-square foot lot is irregularly shaped and is surrounded on four sides by public right of ways including, Rhode Island Avenue to the north, 15 th Street to the east, N Street to the south and Corregidor Street to the west. |
| Existing Development | The property is developed with a landmarked structure now owned by the State of Hungary. It is used as a chancery annex for the Ministry of Trade and Foreign Affairs. |
| Adjacent Properties | To the south across N Street is the embassy of Tunisia and to the west of Corregidor Street is Scott Circle. |
| Surrounding Neighborhood Character | The neighborhood is a mix of apartment homes, hotels, embassies, and some small institutions. |

LOCATION MAP



III. APPLICATION-IN-BRIEF

The State of Hungary proposes to renovate their chancery annex building housing the Ministry of Trade and Foreign Affairs. The main renovations would include interior, some structural, and mechanical improvements to the historic resource including, but not limited to:

- Modification of the driveway and curb-cut at Rhode Island Avenue and reduction of the curb cut width at 15th Street;
- Installation of a security fence on the site's perimeter (7 feet 6 inches in height);
- Replacement of the elevator override penthouse on the roof;
- Installation of a decorative wall to screen the existing fire escape between the first and second floors;
- Reduction of on-site parking from 29 spaces to 8 spaces (5 spaces required);
- Loading spaces within public space on both N Street and Rhode Island Avenue and 3 diplomatic parking spaces on N Street;
- Installation of permeable paving in currently impermeable paved areas;
- Removal of and reconstruction of a new eastern retaining wall;
- Roof repairs and green roof installation;
- Modification of chimneys, including removal of the third-floor chimney and height reduction of the chimney on the main roof;
- Windows and doors repair, HVAC relocations, and provision of ADA access;
- Enclosure of the trash receptacles; and
- Installation of a dish antenna on the building's roof.

The renovations to the chancery would complement the existing architecture, and improve the exterior of the historic resource. The project would require zoning relief to address the lack of 1:1 setback from the penthouse requirements for the exiting penthouse, which would be replaced with a new penthouse at a lower height.

IV. REGULATORY REQUIREMENTS

The property falls within the MU-15 Zone District (former SP-1/DC), which permits a maximum of 65 feet stories in height and a maximum lot occupancy of 100% and 4.0 FAR. Subtitle U § 504.1 establishes a Chancery as a special exception use, while Subtitle X Chapter 2 provides provisions and criteria for the review of chancery applications by the FMBZA; specifically, the criteria of X § 201.8. Section 201.8 (e) requires a review of municipal interests, including the zoning regulations, public space requirements, and historic preservation, as discussed below.

V. OFFICE OF PLANNING ANALYSIS

Compliance with § 201.8

As part of its review, the FMBZA is required to evaluate the application within the 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's memo dated March 6, 2018 (Exhibit 5) states its approval for filing the application. The State Department also determined that approval of the application would fulfill the obligation of the United States to facilitate provision of adequate and secure facilities for the Hungarian foreign mission. ([Exhibit 43](#)).

- (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 structure is designated on the National Historic Register. The applicant worked extensively with DC's Historic Preservation staff regarding the proposed exterior changes, including removal of the cut-outs for window air conditioners, the renovated grand stair facing Rhode Island Avenue and use of materials for the screen wall to shield the view of the fire escape from public space, proposed to be designed by a Hungarian artist. Historic Preservation staff is satisfied that the applicant satisfied the historic preservation requirements upon provision of their revised plans and explanations discussed further on [page 5](#) of this report.

- (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 Applicant provided a transportation statement to the District Department of Transportation (DDOT) for review and comments ([Exhibit 37A](#)). The statement provides information on the existing transportation conditions, the site's vehicular access, trash collection and deliveries, parking, pedestrian and bicycle accommodations, as well as the existing and proposed transportation demand management plan for the chancery.

The site is accessed by staff vehicles via a curb cut off Rhode Island Avenue and an existing curb cut for a ceremonial semi-circular driveway from Corregidor Street. Twenty-nine parking spaces are currently provided on the surface area east of the site, more in tandem than in striped spaces. The proposed renovations would reduce the legal number of parking spaces to 8, where six spaces would be located on the east side of the lot with ingress and egress off Rhode Island Avenue and two spaces for the Ambassador to be accessed off 15th Street NW. The parking supply would exceed the requirement of the Regulations (3 spaces required). Loading is not required for the office space, but the applicant is working with DDOT to provide loading spaces

off Rhode Island Avenue for typical deliveries, and one space off N Street for food and catered functions when they occur.

The Applicant worked with the ANC 2B to address their concerns about the on-site parking spaces. The ANC also encouraged the applicant to provide signage information regarding the artistic piece proposed for the screen wall. The ANC's report is provided to the record as [Exhibit 34](#).

Currently there are 29 diplomatic and administrative staff and nine local employees. The proposed improvements would not result in additional employees or events at the site. The location is well-served by frequent Metrobus service on nearby 16th Street, metro access and taxi services. The applicant has stated that those who drive would access nearby garages to supplemental additional parking needs. The existing pedestrian and bike infrastructure around the site includes sidewalks on both sides of the street, marked crosswalks and handicap accessible ramps at the intersections. Capital Bikeshare has four stations within walking distance of the site and a bike lane runs along 15th Street east of the site.

(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's comments at Exhibit 43 states that there exist no special security requirements relating to parking in this case.

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

The municipal interest is determined by the following regulatory requirements for which relief was requested:

Penthouse setback: C § 1502.1 (a):

The existing penthouse that encloses the elevator machine room does not provide a 1:1 setback from the roof's edge. The penthouse is 13 feet in height, with a setback of 1 foot 7 inches from the roof's edge upon which it is located. ([For context, see Existing and Proposed North Elevation Item #9 Sheet PD 0201](#)). The new penthouse would be reconstructed to enclose a code compliant elevator system with an override of 3 feet 11 inches and a slightly reduced setback of 1 foot 1.5 inches from the roof's edge. The new penthouse height would therefore be reduced and would be less visibility from the street. In this case, the intent of the regulations would be satisfied.

Roof Mounted Antenna Installation: C § 1304.1

An 8-foot wide dish antenna is proposed on the renovated roof area as shown on the revised plans. The dish would be mounted no more than 9 feet 4 inches in height above the roof, which is below the maximum permitted mounted height of 12 feet above the roof (C § 1304.1 (b)). Its proposed location towards the center of the roof would ensure that its visibility would be minimized from public space, including along Rhode Island Avenue and 15th Street NW.

Therefore, the installation would satisfy the intent of C § 1304.1 and would not require relief from the regulations. This serves as OP's report to the Zoning Administrator as required under C § 1311.

Historic Preservation and Public Space

The treatment of the public space is an important element of the municipal interest. The chancery collaborated extensively and productively with OP's and DDOT Public Space staff, as well as with the Historic Preservation Office on key public space design issues commented on during the meeting held with OP in June 2018. The applicant provided an update to the Proposed Site Plan to OP (attached). OP's comments on the original application and the applicant's response are noted in the table below. OP is satisfied that the applicant explained their position and satisfied the requests expressed by Historic Preservation and Public Space staff.

The applicant responded to the District Department of Transportation's (DDOT) questions at the meeting through its Transportation Assessment noted in the record as Exhibit 37A. The questions involved the size of curb cuts on Rhode Island Avenue, 15th Street and Corregidor Street, as well as the requested loading zones on Rhode Island Avenue and N Street. There was also a concern about trash storage in public space as shown on the plans. However, the storage area is now shown enclosed by 4 feet high screening. The proposed fencing height was also reduced to 7 feet 6 inches, consistent with the District's requirements. DDOT's response would be issued to the record separately.

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

The State Department issued its statement to the record on August 27, 2018 indicating that there is a federal interest in this project ([Exhibit 43](#)).

| | Agency Comments (OP,'s HP and Public Space, DDOT) | Applicant's Response |
|----|--|---|
| 1. | <i>Realign the ceremonial drive to more closely approximate the historic (or existing) alignment.</i> | This was revised as requested. (See Revised Site Plan or Exhibit 40) |
| 2. | <i>Adding variation to the permeable paving pattern or color to differentiate the parking area from the ceremonial drive.</i> | This was revised as requested. As noted in the applicant prehearing statement dated August 22, 2018 Exhibit 40 . |
| 3. | <i>Reconfigure the strip of lawn on the north side to relate more directly to the geometries of the adjacent drive and building.</i> | This was revised as requested. As noted in the applicant prehearing statement dated August 22, 2018 Exhibit 40. |
| 4. | <i>Maintain a small buffer around the perimeter of the building to allow for foundation planting.</i> | This was revised as requested. As noted in the applicant prehearing statement dated August 22, 2018 Exhibit 40 . |
| 5. | <i>Extend planted area around the east side of the secure parking area (currently shown as paving).</i> | This was revised as requested. As noted in the applicant prehearing statement dated August 22, 2018 Exhibit 40 . |
| 6. | <i>Retain (or replace in kind) the low hedge along the east edge of the site. An approximately 3' hedge would screen parked cars from the surrounding streetscape.</i> | The architects and Hungarian Ministry are still studying this comment, as they are concerned about impacts to the visibility between the paved area and perimeter fence. The vegetative buffer around the parking area has been expanded inward of the property line. |
| 7. | <i>Consider introduction of large, multi-generational tree species along RI Ave</i> | The Ministry has opted to preserve the existing, mature trees on the site, and they have consulted with an arborist to ensure these won't be impacted by the proposed security fence and curb. |
| 8. | <i>Supportive of either option to introduce kitchen venting. Although HPO prefers the option concealed behind the decorative screen wall, they would also support a sensitive reconstruction of the existing chimney, provided it is detailed appropriately.</i> | These alternatives are still being studied—subject to field investigation—to determine what is appropriate and feasible from an MEP and structural perspective. |
| 9. | <i>Requested additional information regarding the operation and associated mechanical equipment for automated fence gates.</i> | Gates will operate on rollers with no tracks or top rail. There will be a small vertical control unit at about the juncture of the gate and fence, mounted on a concrete foundation concealed below grade. |

The revised design also proposes a small solar array mounted on the roof (note #25 of plan). In addition, for code and safety reasons, railings inboard of the existing parapet walls will be added on the second and third floors for roof areas converted to exterior terraces.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

A transportation statement was submitted to the District Department of Transportation (DDOT) for review, (Exhibit 37A). At the writing of this report, DDOT's comments were not included in the record.

VII. COMMUNITY COMMENTS

ANC 2B at its regularly held meeting on July 11, 2018, voted to approve the request (Exhibit 34).

At the writing of this report, no other public comments have been submitted to the record.

Site Plan: (As provided by the applicant- Sheet P0101)

