

Mixed Use Area Determination

Applicable Regulations

Pursuant to X- 201.3: For applications requesting to locate, replace, or expand a chancery in a low- to medium-density residence zone, before applying the criteria of Subtitle X § 201.8, the Board of Zoning Adjustment after a hearing on the application shall determine whether the proposed location is in a mixed-use area determined on the basis of existing uses, which includes office and institutional uses.

Pursuant to X- 201.4: for the purposes of Subtitle X § 201.3 determination, the “area” shall be the area that the Board of Zoning Adjustment determines most accurately depicts the existing mix of uses adjacent to the proposed location of the chancery.

Pursuant to X-201.5: An area shall be considered to be a mixed-use area if as of the date of the application more than fifty percent (50%) of the zoned land within the area is devoted to uses other than residential uses as defined in Subtitle B, Chapter 2. Notwithstanding the foregoing, the Board of Zoning Adjustment may find that an area with less than or equal to fifty percent (50%) of non-residential uses is a mixed-use area upon a showing of non-residential uses as may be submitted by the applicant, Secretary of State, or the Mayor of the District of Columbia.

Pursuant to Y-301.6: If the application is for a location in a low- to medium-density residence zone, a written statement by the applicant attesting to: (a) A calculation of the land area within the square, or other area determined pursuant to Subtitle X § 201.4, of all low- to medium-density residence zoned lots, identified by lot numbers; (b) For each lot within the square devoted to a use other than a residential use within a low- to medium-density residence zone, the number and date of the certificate of occupancy authorizing the use and the use designation authorized; and a copy of each certificate of occupancy referenced in Subtitle Y § 301.6(b).

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Analysis: Subtitle Y-301.6 is an application filing requirement. Subtitle X-201.4-5 are the regulations governing the determination as to whether the area is mixed-use. The square is split zoned. The chart below includes all lots in the square that are located in the RA-2 zone, as that is what is required by Y-301.6. For purposes of calculating the mixed-use area, the Applicant is also including the land in the Embassy of Poland, the directly next-door neighbor. That Property is entirely in the RA-4 zone. While it is not required to be included in Y-301.6, the Applicant asserts that as the next-door property, it should absolutely be included in the mixed-use area determination per X-201.4 and 201.5.

The subject square, Square 2527, is made up of nine lots. Three of the nine lots are owned and used by Pan American Union, as noted below. Those lots are as follows:

Address	Owner	Use	C of O # and Date	Land Area	Category
2600 16 th Street NW (Lots 31, 818, and 848)	Pan American Union & International Organization	Commercial Office	CO2101190 Date: 2/5/21	37,378 sq. ft.	Non-Residential
2620 16 th Street, NW (Lot 23)	2620 16 th Street LLC	Apartment Building	NA/Residential	7,668 sq. ft.	Residential
2517 Mozart Place, NW (Lot 30)	Mozart Owner LLC	Apartment Building	NA/Residential	12,714 sq. ft.	Residential
2622 16 th Street, NW (Lot 32)	Government of the Republic of Lithuania	Embassy/Chancery	CO0900466 Date: 11/25/08	17,015 sq. ft.	Non-Residential
2630 16 th Street, NW (Lot 843)	Republic of Cuba	Embassy/Chancery	Subj Property	26,775 sq. ft.	Non-Residential
2640 16 th Street, NW (Lot 834)	Republic of Poland	Embassy/Chancery	Could not be found, but confirmed chancery	16,721 sq. ft.	Non-Residential
1620 Fuller Street, NW (Lot 844)	Embassy Tower	Apartment	NA/residential	17,250 sq. ft.	Residential

The total Non-Residential square footage in the square is: 97,889 square feet.

The total Residential square footage in the square is: 37,632 square feet.

Seventy-two percent (72%) of the land in the square is non-residential. Accordingly, more than 50% of the area within the square is dedicated to non-residential uses and a determination can be made that this is a mixed-use area.