

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 21267 of the Embassy of the Republic of Poland, pursuant to 11 DCMR Subtitle X, Chapter 2, to locate a new chancery use in the MU-1/DC zone at 1740 Massachusetts Avenue, N.W. (Square 158, Lot 82).

HEARING DATE: February 26, 2025
DECISION DATE: February 26, 2025

NOTICE OF FINAL RULEMAKING
and
DETERMINATION AND ORDER

The Board of Zoning Adjustment, pursuant to the authority set forth in § 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 273; D.C. Official Code § 6-1306 (2012 Repl.)) and Chapter 2 of Subtitle X of the Zoning Regulations of the District of Columbia (Title 11 of the District of Columbia Municipal Regulations), and after having held a public hearing on February 26, 2025, hereby gives notice that it took final action not to disapprove the application of the Embassy of the Republic of Poland (“Applicant”) to locate a new chancery use in the MU-1/DC zone at 1740 Massachusetts Avenue, N.W. (Square 158, Lot 82) (the “subject property”).

A notice of proposed rulemaking was published in the January 17, 2025 edition of the *D.C. Register* (72 DCR 000547). The Office of Zoning scheduled a public hearing on the application for February 26, 2025 and provided written notice to the public more than 40 days in advance of the public hearing in accordance with Subtitle Y § 402.1. On January 3, 2025, the Office of Zoning referred the application to the United States Department of State, the National Capital Planning Commission, the District of Columbia Office of Planning (“OP”) and the Historic Preservation Office, the District Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 2B (whose boundaries encompass the subject property), the Single Member District Commissioner for ANC 2B05, the Office of Advisory Neighborhood Commissions, the Department of Buildings, and the Councilmember for Ward 2 as well as the Chairman and the at-large members of the D.C. Council. On January 3, 2025, the Office of Zoning provided notice of the public hearing on the application to the Applicant and to the owners of all property within 200 feet of the subject property. In addition, the Applicant posted notice on the subject property in plain view of the public in accordance with Subtitle Y § 402.3.

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The application was filed on December 22, 2024, accompanied by a letter from the United States Department of State certifying the Applicant had complied with § 205 of the Foreign Mission Act (22 USC § 4305) and that the application could be submitted to the Board. The application sought approval to locate a new chancery use in an existing attached building in a Dupont Circle Mixed Use zone (MU-1/DC),¹ which will allow the Applicant to consolidate its foreign mission operations, currently housed in three buildings, into one location. The Applicant did not propose any physical changes to the building exterior and did not request any other relief related to zoning, historic preservation, or public space in this application.

The subject property has approximately 122 feet of frontage on Massachusetts Avenue and a lot area of 21,852 square feet. The lot is generally rectangular with an irregular rear lot line that abuts a public alley. The subject property is improved with an attached eight-story building that was constructed circa 1962 and used for academic and administrative purposes by Johns Hopkins University until 2023. The Applicant acquired the subject property and proposed to use the existing building for a chancery use, from which the Applicant will conduct diplomatic and related functions.

The building at the subject property contains approximately 58,613 square feet of gross floor area and is 88.2 feet tall. The subject property has a lot occupancy of 49 percent and a floor area ratio of 2.68. The existing rear yard, approximately 50 feet deep, will be used to provide 25 vehicle parking spaces accessible from the public alley. The subject property has one loading berth and one delivery space onsite, which can be accessed from the public alley.

FOREIGN MISSIONS ACT CRITERIA

Pursuant to § 206(d) of the Foreign Missions Act, D.C. Official Code § 6-1306(d), the Board must consider six enumerated criteria when reviewing a chancery application and must base its decision solely on the six criteria. The provision further dictates who is to make the relevant finding for certain factors. The factors and relevant findings are as follows:

1. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

In a letter dated January 16, 2025, the Department of State determined that favorable action on this application would fulfill the international obligation of the United States to facilitate the Government of the Republic of Poland in acquiring adequate and secure premises to carry out their diplomatic mission. (Exhibit 19.) The Office of Planning also recommended the Board not

¹ Pursuant to Subtitle X § 201.2, chanceries “shall be permitted in the medium-high density residential zones, high-density residential zones, and special purpose zones, subject to disapproval by the Board of Zoning Adjustment in accordance with the review standards of Subtitle X § 201.8.” Pursuant to Subtitle X § 200.3, the MU-1/DC zone constitutes a “special purpose zone.”

disapprove the request. (Exhibit 22.) As recommended by the Secretary of State and the Office of Planning, the Board finds that favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of the Republic of Poland for its diplomatic mission in the Nation's Capital.

- 2. 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 landmarks.**

The Applicant and the Office of Planning, which includes the Historic Preservation Office, indicated that the subject property is located within both the Massachusetts Avenue and the Dupont Circle historic districts but the existing building is not a contributing building in either historic district. (Exhibits 20, 22.) The Applicant and OP also indicated that the Applicant's proposal was not subject to review by the Historic Preservation Review Board or the Commission of Fine Arts as no additions or external changes were proposed as part of this application. Nevertheless, the application was referred to the Historic Preservation Office on January 3, 2025 and the Applicant consulted with the Historic Preservation Office regarding the application. Based on the evidence and testimony in the record, the Board finds that this criterion has been met.

- 3. 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 such special security requirements as may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.**

The Board concurs with the conclusion of DDOT that the impacts of the planned chancery use on the surrounding transportation network will be minimal, given that the Applicant will meet or exceed zoning requirements for vehicle and bicycle parking, will provide loading facilities accessible from the public alley at the rear of the site, and will implement a transportation demand management plan as shown in the Applicant's transportation statement to promote non-vehicular modes of travel.² (Exhibit 23.) The Applicant anticipated between 60 and 70 employees at the new chancery and will provide 25 vehicle parking spaces for employees on-site in a gated area at the rear of the lot, in excess of the zoning requirement of 15 parking spaces. The Applicant will also provide 12 long-term bicycle parking spaces within the building and two short-term bicycle parking spaces in the public realm along Massachusetts Avenue, N.W., thereby meeting the zoning requirements. The subject property is located less than a half-mile from the Dupont Circle Metrorail station (Red line) and is also served by several Metrobus routes, including a Metrobus Priority Corridor Network route within one-quarter mile of the site. Bicycle facilities in the area

² The Applicant indicated an intent to implement transportation demand management policies and strategies to reduce travel demand or redistribute demand to other times or spaces, with a focus on reducing the demand of single-occupancy private vehicles during peak period travel times or on shifting single-occupancy vehicular demand to off-peak periods. See Exhibit 20A1 at page 12.

include five Capital Bikeshare stations within a quarter-mile of the subject property as well as protected bicycle lanes on several nearby streets. (Exhibit 20A1.)

The Department of State, after consulting with the Federal agencies authorized to perform protective services, determined that there are no special security requirements related to parking in this case. (Exhibit 19.) Based on this finding and determination, and the evidence in the record, the Board concludes that this criterion has been met.

4. 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 Department of State, after consulting with the Federal agencies authorized to perform protective services, determined that the subject site and area are capable of being adequately protected. (Exhibit 19.)

5. The municipal interest, as determined by the Mayor.

The Office of Planning, on behalf of the Mayor of the District of Columbia, determined that approval of the application will be in the municipal interest. The Office of Planning indicated that the District of Columbia appreciated the adaptive reuse of an underutilized building and commented favorably on the location of the new chancery in supporting the economic development of the area. (Exhibit 22.)

6. The federal interest, as determined by the Secretary of State.

The Department of State determined that there is federal interest in this project. Specifically, the Department of State acknowledged the Government of the Republic of Poland's assistance in addressing the United States' land use needs in Warsaw, Poland. The Department of State also noted that "[s]uch cooperation was essential for successfully achieving the Federal Government's mission of providing safe, secure, and functional facilities for the conduct of U.S. diplomacy and the promotion of U.S. interests worldwide." (Exhibit 19.)

Great Weight

The Board is required under § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(d); Subtitle Y § 406.2) to give great weight to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 2B. The ANC submitted a report dated February 13, 2025, indicating that at its duly noticed public meeting on February 12, 2025, with a quorum present, ANC 2B was in support of the application as presented. (Exhibit 24.) For the reasons discussed above, the Board agrees with the ANC that the application should not be disapproved.

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Based upon its consideration of the six criteria discussed above, and having given great weight to the affected ANC, the Board has decided not to disapprove the application. Accordingly, it is hereby **ORDERED** that the application is **NOT DISAPPROVED** subject to the site plan shown at Exhibit 9.

VOTE: 5-0-0 (Frederick L. Hill, Marcel C. Acosta, Carl H. Blake, Lorna L. John, and Tammy M. Stidham to NOT DISAPPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: March 18, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.