

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

FOREIGN MISSIONS ACT APPLICATION

+ + + + +

WEDNESDAY

MAY 27, 2020

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The Regular Public Meeting convened via video teleconference, pursuant to notice, at 9:30 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
MARCEL ACOSTA, Board Member (NCPC)
LORNA JOHN, Board Member

ZONING COMMISSION MEMBER PRESENT:

PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

DANIEL BASSETT, ESQ.

This transcript constitutes the minutes from the Public Meeting held on May 27, 2020.

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P-R-O-C-E-E-D-I-N-G-S

(9:37 a.m.)

CHAIRPERSON HILL: Good morning, everybody. The meeting will please come to order. We're conducting the public meeting via WebEx video conferencing. This is the May 27th, 2020 public meeting of the Board of Zoning Adjustment for the District of Columbia. We're convened to action on a chancery application pursuant to Foreign Missions Act 22 U.S.C. 4301-4316 and Chapter 10 of the Zoning Regulations.

My name is Fred Hill, Chairperson. Joining me today is Lorna John, Board Member. The federal representatives are Marcel Acosta and representing the National Capital Planning Commission, Peter May -- I'm sorry, Marcel Acosta representing the National Capital Planning Commission and Peter May representing the U.S. National Park Service.

Copies of today's agenda are available on the Office of Zoning website. Please be advised this meeting is being recorded by a court reporter.

This is a decision meeting and therefore there is no testimony from the public. Please note the request for party status and the chancery application are not applicable in a rulemaking proceeding. The record will be closed at the completion of the case, except it will remain open for any material specifically requested by the Board. The Board and

1 the staff will specify at the end of the meeting exactly what
2 is expected and the date when the material must be submitted
3 to the Office of Zoning. After the record is closed, no
4 other information shall be accepted by the Board.

5 The District of Columbia Administrative Procedures
6 Act requires that the public hearing on each case be held in
7 the open before the public pursuant to Section 405(b) and 406
8 of that Act. The Board made consistent with these roles of
9 procedures and the Act enter into a closed meeting on a case
10 for purposes of seeking legal counsel on a case pursuant to
11 D.C. Official Code Section 2-575(b)(4) and/or deliberating
12 on a case pursuant to D.C. Official Code Section 2-
13 575(b)(13), but only after providing the necessary public
14 notice in the case of emergency closed meeting after taking
15 a roll call vote.

16 The decision of the Board in legislative
17 proceedings must be exclusively on the public record.
18 Preliminary matters are those which relate to whether a case
19 will or should be heard today such as a request for a
20 postponement, continuance, or withdrawal or whether proper
21 and adequate notice of the hearing has been (telephonic
22 interference).

23 Mr. Secretary, do we have any preliminary matters?

24 MR. MOY: No, Mr. Chairman.

25 CHAIRPERSON HILL: Okay. All right, so just --

1 I guess, Mr. May and Mr. Acosta, can you guys still -- are
2 you guys still on video? My computer is going in and out so
3 I don't see you, but I'm just checking if you are.

4 MEMBER ACOSTA: I am here. This is Marcel Acosta.

5 CHAIRPERSON HILL: Okay.

6 COMMISSIONER MAY: I'm here, but occasionally I
7 have to turn off my camera because my computer gets bogged
8 down.

9 CHAIRPERSON HILL: Okay, all right, great. So
10 then just -- I was just checking if it was user error on my
11 side. Okay all right, Mr. Moy, if you would go ahead and
12 announce our case please.

13 MR. MOY: With pleasure. Thank you, Mr. Chairman.
14 Good morning, and good morning to the foreign missions
15 composition of the BZA. The application for action before
16 the Board is Application No. 19134C of the Embassy of Zambia.
17 And this is the request for a modification of consequence to
18 the time-limit condition of BZA Order No. 19134B. This would
19 allow the temporary location of a chancery in the R-3 Zone
20 at Premises 2200 R Street Northwest, Square 2512, Lot 808.

21 CHAIRPERSON HILL: Okay, great. Are you guys all
22 ready to deliberate? Okay, if you can each nod if you want.
23 Yeah? Okay. All right, so this is for a time extension for
24 the temporary use of the chancery. And I guess they asked
25 for the time-limit to be taken to about May 31st of 2021.

1 And there seemed to be a little bit of confusion in terms of
2 that the ANC was -- they had some concern about continuing
3 this use over and over again. But they didn't have an issue
4 with them taking it on for another year. So there seemed to
5 be a little bit of confusion in that a year from now -- a
6 year from when this would have expired would have taken them
7 to January 31st, 2021. But what seems to be happening in
8 addition to this is there is going to be a case before us on
9 July 8th where there's going to be a case about the embassy
10 where they're actually trying to get the embassy -- I guess
11 they're trying to do some work on the embassy and therefore
12 they're keeping the chancery here at this location while
13 they're doing the work at the embassy.

14 I think that the work probably at the embassy is
15 going to take them past even May 31st, 2021, so therefore
16 when they come before us on July 8th, depending upon how this
17 goes as to when we -- you know, how far we may -- if we do
18 agree to extend this time-limit, they will probably need even
19 more time past May 31st in order to get the work done because
20 the work hasn't even started yet. And because of the
21 pandemic, things are obviously not working in the same way
22 that they were working before. So I think that they would --
23 and I'm mentioning this because -- for the Applicant, if
24 they're listening, to realize that they're probably going to
25 need an additional time extension perhaps. And they would

1 have to then discuss that again with the ANC and the State
2 Department.

3 I did review the record and I did not have an
4 issue with the application in terms of the time extension.
5 I did also see that the State Department has submitted into
6 the record not to disapprove. And as I mentioned before, the
7 ANC did not have an issue with the extension for a year. But
8 it seemed maybe there was -- since there's -- it's not clear
9 to me as to, you know, how much further -- it's an additional
10 four months to take it to May 31st, whether the ANC
11 necessarily had an issue with that or not, because -- So for
12 efficiency sake, I am comfortable with taking it to the --
13 the application to when they requested to May 31st, 2021.
14 And then again realizing that on July 8th, we're going to
15 have before us more -- an application for the embassy. So
16 I'm comfortable not disapproving this. Would someone else
17 like to please give me your opinion, Ms. John?

18 MEMBER ACOSTA: Hi, this is Marcel. I would
19 actually concur with your summary of the proceeding right
20 now. And I would also support the approval of this case.

21 CHAIRPERSON HILL: Ms. John, there you go.

22 MEMBER JOHN: Okay, thank you. So Mr. Chairman,
23 I agree with your analysis. This is a very straightforward
24 application for a time extension. And looking at the
25 application, it is clear that there is no concern about the

1 municipal interest. We have a letter from the Department of
2 State. The only issue I think is the one you mentioned in
3 that the application itself is in one year, which would --
4 if we were to grant this (telephonic interference) -- not to
5 disapprove. Or if we were to disapprove of the application
6 -- did I get that right? Anyway, if we were to allow the
7 extension for one year, it would take us to January.

8 And you know, the ANC in its letter did not
9 explain why their response was tied to a lease of one year.
10 So it's not clear to me what the issues and concerns of the
11 ANC are with respect to an extension for more than one year.
12 So because it is not clear what the ANC is asking us for the
13 additional six months, I think as you said for efficiency
14 sake, it might make sense to go ahead and not disapprove the
15 application for the time that would take them to May 31st of
16 2021.

17 CHAIRPERSON HILL: Okay, great. Commissioner May?

18 COMMISSIONER MAY: Yes, Mr. Chairman, I agree with
19 your analysis and I have no concerns about not disapproving
20 the extensions through the requested date of May of whatever
21 -- May whatever 2021.

22 CHAIRPERSON HILL: Okay. Thank you, all. Then
23 I'm going to go ahead and make a motion to -- not to
24 disapprove Application No. 19134C as captioned read by the
25 Secretary and ask for a second.

1 COMMISSIONER MAY: Second.

2 CHAIRPERSON HILL: The motion has been made and
3 seconded. Mr. Moy, could you please take a roll call vote?

4 MR. MOY: Thank you, Mr. Chairman. When I call
5 your name, if you would please reply with a yes or no or
6 abstain. This would be with the motion that was made by the
7 Chairman. Zoning Commissioner Peter May?

8 COMMISSIONER MAY: Yes.

9 MR. MOY: Ms. John?

10 MEMBER JOHN: Yes.

11 MR. MOY: Mr. Marcel Acosta?

12 MEMBER ACOSTA: Yes.

13 MR. MOY: And Chairman Hill?

14 CHAIRPERSON HILL: Yes.

15 COMMISSIONER MAY: The motion passes to not
16 disapprove.

17 CHAIRPERSON HILL: Okay, great. Thank you. Mr.
18 Acosta, is that going to be it for you?

19 MEMBER ACOSTA: Yes, it is. I'll see you in July.

20 CHAIRPERSON HILL: All right. You stay safe.

21 MEMBER ACOSTA: Thank you.

22 CHAIRPERSON HILL: Bye-bye.

23 MEMBER ACOSTA: Bye.

24 (Whereupon, the above-entitled matter went off the
25 record at 9:47 a.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Foreign Missions Act Application

Before: DC BZA

Date: 05-27-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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