

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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FOREIGN MISSIONS
BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY,

SEPTEMBER 1, 2009

+ + + + +

The Foreign Missions Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:45 a.m., Marc D. Loud, Chairman, presiding.

FM BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MARC D. LOUD Chairman
MEREDITH MOLDENHAUER Board Member
PETER MAY Board Member (NPS)
MARCEL ACOSTA Director (NCPC)

OFFICE OF ZONING STAFF PRESENT:

JAMISON WEINBAUM Director
CLIFFORD MOY Secretary
BEVERLEY BAILEY Sr. Zoning Spec.

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING PRESENT:

ARTHUR JACKSON

This transcript constitutes the minutes from the Foreign Missions Public Hearing held on September 1, 2009.

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

9:45 a.m.

CHAIRMAN LOUD: Good morning.

This hearing will, please, come to order.
Good morning, ladies and gentlemen. This is
the September 1st Public Hearing of the
Foreign Mission Board of Zoning Adjustment of
the District of Columbia, affectionately known
as the Board of Zoning Adjustment to Alan
Bergstein.

My name is Marc Loud, Chairperson.

And joining me today are to my right, Mr.
Peter May representing the National Park
Service, then to my left Meredith Moldenhauer,
Mr. Marcel Acosta representing the National
Capital Planning Commission, Cliff Moy,
Secretary of the BZA.

I'm pleased to announce this
morning that the new Director of the Office of
Zoning is joining with us this morning, Mr.
Jami Weinbaum, to his left Sherry Glazer from
the Office of the Attorney General and to her

1 left is Beverley Bailey, Zoning Specialist in
2 the Office of Zoning.

3 Copies of today's hearing agenda
4 are available to you and are located to my
5 left in the wall bin near the entrance of the
6 door. Please, be advised that this proceeding
7 is being recorded by a Court Reporter and is
8 also webcast live. Accordingly, we must ask
9 you to refrain from any disruptive noises or
10 actions in the hearing room.

11 When presenting information to the
12 Board, please, turn on and speak into the
13 microphone, first, stating your name and home
14 address. When you are finished speaking,
15 please, turn your microphone off, so that your
16 microphone is no longer picking up sound or
17 background noise.

18 All persons planning to testify
19 either in support or in opposition are to fill
20 out two witness cards. These cards are
21 located to my left on the table near the
22 entrance door and on the witness tables. Upon

1 coming forward to speak to the Board, please,
2 give both cards to the reporter sitting to my
3 right.

4 The order of procedure for a
5 Foreign Mission case is as follows: Statement
6 and witnesses of the applicant; Government
7 reports including the United States Secretary
8 of State and the District of Columbia Office
9 of Planning on behalf of the Mayor; reports or
10 recommendations by other public agencies;
11 report of the Advisory Neighborhood
12 Commission; persons in support; persons in
13 opposition.

14 Please note, requests for party
15 status in an FMBZA application are not
16 applicable, because it is a rulemaking
17 proceeding.

18 The following time constraints
19 will be maintained: The applicant, including
20 witnesses, will be permitted 60 minutes to
21 present its case. Persons testifying whether
22 in support or opposition will be permitted 3

1 minutes each, except an ANC.

2 These time constraints do not
3 include time used during questions from the
4 Board. The Board may place further reasonable
5 restrictions on or permit additional time for
6 testimony as it deems appropriate.

7 Because this is a rulemaking
8 proceeding, there are no parties and,
9 therefore, there is no cross examination. The
10 record will be closed at the conclusion of
11 each case, except it will remain open for any
12 material specifically requested by the Board.

13 The Board and the staff will
14 specify at the end of the hearing exactly what
15 is expected and the date when the material
16 must be submitted to the Office of Zoning.

17 After the record is close, no
18 other information will be accepted by the
19 Board.

20 The Sunshine Act requires that the
21 Public Hearing on each case be held in the
22 open before the public. The Board may,

1 consistent with its Rules of Procedure and the
2 Sunshine Act, enter Executive Session during
3 or after the Public Hearing on a case for
4 purposes of reviewing the record or
5 deliberating on the case.

6 The decision of the Board in this
7 legislative proceeding must be based
8 exclusively on the public record. To avoid
9 any appearance to the contrary, the Board
10 requests that persons present not engage the
11 Members of the Board in conversation.

12 Please, turn off all beepers and
13 cell phones, at this time, so as not to
14 disrupt these proceedings.

15 At this time, the Board will
16 consider any preliminary matters. Preliminary
17 matters are those that relate to whether a
18 case will or should be heard today, such as
19 requests for postponement, continuance or
20 withdrawal or whether proper and adequate
21 notice of the hearing has been given.

22 If you are not prepared to go

1 forward with a case today or if you believe
2 that the Board should not proceed, now is the
3 time to raise such a matter.

4 Does the staff have any
5 preliminary matters?

6 MS. BAILEY: Mr. Chairman, good
7 morning and good morning to everyone as well.
8 Just a friendly reminder, Mr. Chairman, that
9 in this rulemaking proceeding, witnesses are
10 not sworn in. That's the only preliminary
11 matter that I have, sir.

12 CHAIRMAN LOUD: Thank you, Ms.
13 Bailey, I appreciate that. Are we prepared to
14 call the first case?

15 MS. BAILEY: Yes, we are.

16 CHAIRMAN LOUD: Okay.

17 MS. BAILEY: Application No.
18 17972. This is the Application of The Kingdom
19 of Sweden, pursuant to the National Property
20 Board, and it's on behalf of the Embassy of
21 Iceland, pursuant to 11 DCMR section 931.3 and
22 Chapter 10 and section 206 of the Foreign

1 Missions Act, 22 USC section 4306, to locate
2 a chancery in excess of the permitted 2.0
3 floor area ratio limitation, section 931.3.
4 The property is Zoned W-2. It is located at
5 premises 2900 K Street, N.W., Square 1171,
6 Part of Lot 82, including Lots 814, 7001 and
7 7002.

8 CHAIRMAN LOUD: Good morning.

9 MR. COLLINS: Good morning, Mr.
10 Chairman.

11 CHAIRMAN LOUD: Welcome back from
12 what I hope was a wonderful vacation.

13 MR. COLLINS: And the same to you.

14 CHAIRMAN LOUD: Can you introduce
15 yourself and the parties at the table? And
16 also just give us a sense of how many
17 witnesses you are going to be calling this
18 morning.

19 MR. COLLINS: Certainly. This
20 morning I have two witnesses. To my left and
21 to your right is Mr. Michael Blomquist. Mr.
22 Blomquist is -- well, as you can tell, he is

1 from the National Property Board Sweden. To
2 my right is Mr. Finnur Birgisson. Mr.
3 Birgisson is the Deputy Chief of Mission at
4 the Embassy of Iceland. And to my far right
5 is Kyrus Freeman of our office.

6 CHAIRMAN LOUD: Excellent. You
7 can begin when you are ready.

8 MR. COLLINS: Thank you. Good
9 morning, Mr. Chairman, again, and Members of
10 the board. My name is Christopher Collins
11 with the Law Firm of Holland and Knight. And
12 seated to my far right is Kyrus Freeman from
13 Holland and Knight as well.

14 This is an application to exceed
15 the permitted FAR in the W-2 Zone for a
16 chancery, the Chancery of Iceland, in the --
17 at the House of Sweden at 2900 K Street, N.W.
18 We have given in a complete statement of the
19 applicant with exhibits. And I would just
20 like to go through those quickly with you.

21 The first page, Exhibit A, is the
22 Zoning Map which shows the site is in the W-2

1 Zone.

2 Exhibit B is from the Sanborn
3 Plat, which shows the location of Lot 82.

4 Exhibit C is a series of
5 photographs and I have handed in to the staff
6 this morning a better quality copy of the
7 first -- of the photos in there. It's the
8 aerial photo from Google and I can describe
9 for you the location of the building from this
10 photo.

11 You can see -- everyone, I hope,
12 is familiar with the Washington Harbor, which
13 is on the left hand side of the photo that,
14 what, oblong circle plaza and the building and
15 you can see the Potomac River to the south.
16 And the to the right of the Washington Harbor
17 Building is a north/south street, which is
18 30th Street. And then to the right of the
19 street are two buildings.

20 Those two buildings together are
21 2900 K Street. They were built as one
22 building for zoning purposes and we refer to

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1 them as the North Building and the South
2 Building.

3 The South Building, the one
4 closest to the river, the smaller of the two
5 buildings with the gray roof is House of
6 Sweden. And that's where this proposal is
7 located. And then to the right of House of
8 Sweden and the North Building is Rock Creek.
9 And then you can see Whitehurst Freeway is
10 labeled above.

11 Exhibits D, E and F are other
12 decisions of the Foreign Missions Board of
13 Zoning Adjustment where -- in which they
14 approved or you approved, your predecessors
15 approved an increase in FAR to allow a
16 chancery to occupy what otherwise would be
17 residential FAR in the Mixed-Use Zone.

18 And then Exhibits G and H are the
19 testimony of the witnesses.

20 Exhibit I is a photo of the seal
21 of the Embassy of Iceland that will be placed
22 on the exterior of the building.

1 And you can go look back at
2 Exhibit C, the second page of Exhibit C is a
3 nighttime photo of House of Sweden looking
4 generally in the south direction and you can
5 see the seal of embassy -- of the Embassy of
6 Sweden on the north face of the building. The
7 Embassy of Iceland's seal will be placed
8 immediately to the left in the next panel over
9 to be centered on the next panel. So there
10 will be complimentary seals to each other.

11 Unless there are any questions
12 about the overview of the process and the
13 application, I would be happy to go to my
14 first witness.

15 CHAIRMAN LOUD: Thank you, Mr.
16 Collins. Let me see if Board Members have any
17 questions for you. Okay. Ms. Moldenhauer?
18 Okay.

19 MR. COLLINS: Mr. Blomquist, would
20 you, please, identify yourself for the record
21 and proceed with your testimony?

22 MR. BLOMQUIST: Thank you, Mr.

1 Collins. I'm Michael Blomquist and I
2 represent -- sorry. Michael Blomquist,
3 address, Swiss Plom #9 in Stockholm, Sweden.

4 I represent the Swedish National
5 Property Board, who owns and manages
6 government-owned buildings in Sweden in the
7 same fashion as the GSA do here in the United
8 States.

9 We are discussing our building
10 that we own on 2900 K Street. That location,
11 as you know from Mr. Collins' statement, the
12 building was completed in 2006 and the Embassy
13 of Sweden moved into the building in the fall
14 of 2006. And we have since then had several
15 different tenants moving into the building
16 during this time.

17 At the moment, this is the home of
18 the Embassy of Sweden. We do have an event
19 center with commercial exhibition facilities
20 and meeting facilities and, at the moment
21 also, offices and homes, residential homes.

22 We have during a long period of

1 time been discussing with the Embassy of
2 Iceland to relocate their embassy within the
3 House of Sweden. It is quite common for the
4 Nordic countries to have these localized in
5 the same buildings.

6 I know Iceland have in -- they are
7 also localized in -- together with Denmark and
8 Norway and other countries. And in Berlin we
9 have all the Nordic countries are located at
10 the same embassy spot.

11 The unit we are discussing is Unit
12 509, which is in the northeast corner of the
13 building on the 5th, top, floor. It is one of
14 the larger apartments and very well-suited for
15 having a chancery located into it.

16 Iceland would also, if this is
17 approved, lease the Apartment 509 -- sorry,
18 508 which is adjacent to Apartment 509. And
19 this will be used for the DCM residence.

20 Also, it can be interesting to
21 know that we do have in the whole complex of
22 the north and south building, which was

1 developed by an American developer, we have
2 negotiated, so we have 24 parking spaces that
3 we can use for our use in the parking garage
4 located at the very north of the north
5 building.

6 And we have made it possible that
7 4 of these 24 spaces can be used by the
8 Embassy of Iceland. The proposal is described
9 in the statement and I would be happy to
10 answer any questions if you have any.

11 CHAIRMAN LOUD: Thank you, Mr.
12 Blomquist. And am I pronouncing that name
13 correctly?

14 MR. BLOMQUIST: That's correct.

15 CHAIRMAN LOUD: All right. Let's
16 see if Board Members have any questions for
17 you. Okay. There are appearing to be none.
18 Did you want to move on to your next witness?

19 MR. COLLINS: Yes, please. The
20 next witness is Mr. Finnur Birgisson, who is
21 the Deputy Chief of the Mission of the Embassy
22 of Iceland.

1 MR. BIRGISSON: Thank you, Mr.
2 Collins, Honorable Members of the Court,
3 sorry, Board, my name is Finnur Birgisson and
4 I'm the Deputy Chief of Mission of the Iceland
5 Embassy. We are currently located at 1150
6 Street -- 1156 15th Street, sorry, in
7 Northwest Washington, D.C.

8 While we are -- that is our
9 current location. However, it has been for
10 the last 15 years. Our plans are to relocate
11 to the House of Sweden, assuming that the
12 application that is before you today is
13 granted.

14 I will also personally move my
15 office and residence to the unit that is next
16 door to the unit where we are planning to have
17 our chancery in Unit 508 in the House of
18 Sweden.

19 Our current makeup of staff is
20 that we have 4 diplomats and 3 administrative
21 staff. That probably put us to -- well, makes
22 us one of the smaller embassies here in D.C.,

1 which reflects the fact that we are, indeed,
2 a small country.

3 As an embassy, of course, our --
4 most of our business relates to the bilateral
5 relations between the government of Iceland
6 and the Federal Government of the U.S. That
7 means that most of our business is with U.S.
8 Government officials, mostly on the executive
9 side, but also in the legislative and by
10 Denmark courtesy, our business is one we have
11 meetings with officials from the government,
12 we do call on them instead of their calling on
13 us.

14 So the day-to-day traffic to our
15 embassy is fairly small. We mostly do our
16 business out on -- calling on our counterparts
17 and the federal government, emailing them,
18 writing formal letters to them or just calling
19 them by the telephone.

20 So the flow of visitors to us is
21 relatively low. My estimate is that it will
22 be something around on average 4 to 6 per day,

1 but that is -- that disguise quite pronounced
2 populations. Some days we can, you can
3 imagine, on a slow day in August that the only
4 people who visit us are the mailman and the
5 cleaning lady.

6 We do issue passports for Iceland
7 citizens who live in the U.S. The trouble
8 with that is it's not much. We might see on
9 average one person per week, but again that's
10 disguised. Many weeks none, other weeks we
11 might have a family of four.

12 We might have meetings of our
13 colleagues in other embassies, particularly
14 the Nordic or the Nordic and Baltic States
15 maybe once a month, some cases twice a month,
16 some months no such meetings where we will see
17 many 7 to 12 people attend.

18 As, of course, part of our job in
19 the embassy is to educate people about
20 Iceland. We might have some groups coming in
21 to visit particular student groups, that is
22 not that common, but may happen maybe once a

1 month and include visitors up to 25 people.

2 Probably, that is on the higher
3 side, because the -- given the size of the
4 location that we're moving hopefully into in
5 the House of Sweden, that will limit the
6 number of people we will be able to
7 accommodate.

8 We plan to have one parking space
9 in the garage beneath the building, as we are
10 required to do. One we have moved to this new
11 corridors pending your approval. We will then
12 have to assess the -- how many additional
13 parking spaces we need for the staff and the
14 plan is to rent spaces in the garage that is
15 adjacent to the other -- the current location
16 at the House of Sweden.

17 We just have to assess the need
18 for further parking spaces when we have moved
19 there. There are other possibilities for
20 people, for our staff to get to work, but our
21 policy is to provide parking spaces for every
22 single of our staff member that plans to drive

1 to our -- to the embassy.

2 As always has been pointed out, we
3 will place the official seal of the embassy on
4 the north side of the building facing K Street
5 and adjacent to the existing seal of the
6 Embassy of Sweden.

7 So I think that I will leave that.
8 If there are any questions, I will, of course,
9 happily answer them. But I will respectfully
10 request that you grant the application that is
11 before you today. Thank you.

12 CHAIRMAN LOUD: Thank you, Deputy
13 Chief Birgisson. Let's see if Board Members
14 have any questions that they would like to ask
15 you, at this time. And there don't appear to
16 be any. I believe that ends your presentation
17 of witnesses?

18 MR. COLLINS: Yes, that's correct.

19 CHAIRMAN LOUD: Okay. Why don't
20 we then move on to Government reports and
21 let's start with the United States Secretary
22 of State. Good morning, why don't you join

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1 them at the table?

2 MR. MASSEY: Good morning, Mr.
3 Chairman. My name is Richard Massey. I'm the
4 Office Director in the Office of Foreign
5 Missions at the Department of State. I'm here
6 this morning on behalf of the Secretary of
7 State to support the application of the
8 Embassy of Sweden on behalf of the Embassy of
9 Iceland.

10 I did send you, the Board, a
11 letter dated July 17th to support this
12 application. To summarize that letter, we
13 have determined, the Department has
14 determined, that approval of this application
15 fulfills our international obligation to
16 facilitate acquisition of adequate facilities
17 for foreign missions.

18 There are no security or
19 protection problems with this application at
20 this location. And the government of Iceland
21 has always assisted the U.S. Embassy in
22 Reykjavik on our zoning and land use issues

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1 there and so we believe it is best federal
2 interest for have -- to have this application
3 approved. Thank you.

4 CHAIRMAN LOUD: Thank you, Mr.
5 Massey. And let's see if counsel has any
6 questions for you. Mr. Collins?

7 MR. COLLINS: Given that -- the
8 rulemaking nature of this hearing I would not
9 be entitled to, but otherwise, I have no
10 questions anyway.

11 CHAIRMAN LOUD: Thank you. I
12 appreciate that. Board Members, are there any
13 questions for Mr. Massey? All right.

14 Why don't we then go to -- thank
15 you for your testimony this morning. we
16 appreciate that. Go to the Office of
17 Planning, which is here, and Mr. Jackson is
18 seated. And let's hear the report from the
19 Office of Planning. Good morning.

20 MR. JACKSON: Good morning, Mr.
21 Chair and Members of the Board. My name is
22 Arthur Jackson with the D.C. Office of

1 Planning. I'm here to make a brief summary of
2 the Office of Planning report, which consists
3 of me standing on the record and indicating
4 that we have submitted a report that supports
5 the application that's before you.

6 And we will remain available to
7 answer any questions.

8 CHAIRMAN LOUD: Thank you, Mr.
9 Jackson. We did get your report. It was an
10 excellent report. By the way, that's our
11 Exhibit 33, which we got on August 25. And I
12 believe the ultimate recommendation was that
13 the BZA not disapprove the application. Is
14 that correct?

15 MR. JACKSON: That's correct.

16 CHAIRMAN LOUD: Are there any
17 questions for the Office of Planning? Okay.
18 Hearing none, then why don't we turn to -- I
19 don't believe there are any other public
20 agencies that have submitted reports in our
21 record. So why don't we turn to the ANC?

22 Is the ANC here this morning? I

1 believe that would be ANC-2E, which did submit
2 a report that is our Exhibit 29. It does not
3 appear that a representative of the ANC is
4 here. But the ANC did submit a report dated
5 June 3, '09. And in their report, they
6 evidenced familiarity with the relocation
7 issues and voted to not disapprove the
8 application.

9 Again, that's our Exhibit 29, ANC-
10 2E's report.

11 At this time, if there are persons
12 in the audience that are in support of the
13 application, now would be the time to step
14 forward. You would be given 3 minutes to give
15 your testimony. There do not appear to be
16 any. If there are persons in the audience who
17 are in opposition to the application, as well,
18 now would be the time to step forward and you
19 would be given 3 minutes. And again, there
20 don't appear to be any persons in opposition.

21 So I think what we can do now, let
22 me just again check, is to see if Board

1 Members have any final thoughts or questions
2 that they wanted to ask any of our witnesses
3 this morning? And there don't appear to be
4 any.

5 So I believe we are probably ready
6 to deliberate today and make a decision on
7 this one. And I think that I'll start us off
8 with respect to our deliberation and open it
9 up for other Board Members to weigh in.

10 What we have here is an
11 application on behalf of the Embassy of
12 Iceland brought forward by the Kingdom of
13 Sweden, the National Property Board. It's for
14 the relocation of the chancery of the Embassy
15 of Iceland. It's in the W-2. And it's a
16 relocation to a current residential unit, Unit
17 509, which is going to be, I believe, in the
18 south tower of a building called the House of
19 Sweden located at 2900 K Street.

20 The use is matter-of-right in the
21 W-2; however, conversion of Unit 509, which is
22 currently residential to commercial increases

1 the nonresidential FAR from what is allowable
2 2.0 to 2.05. And that's, essentially, the
3 basis of the application for relief this
4 morning.

5 Similarly, the conversion of the
6 residential unit to the chancery use creates
7 a one-space parking shortage in the W-2. As
8 a result, as I indicated, the applicant is
9 before us seeking the relief under our
10 jurisdiction as the Foreign Missions Board of
11 Zoning Adjustment.

12 We heard testimony this morning
13 from the Deputy Chief of Mission, who
14 testified that the day-to-day traffic and the
15 visitors are going to be very small, that the
16 work is largely done by email, that's Deputy
17 Chief of Mission Birgisson, that perhaps there
18 would be 4 to 6 persons a day and that some
19 days the traffic would be much smaller.

20 The office issues passports.
21 There was an indication that the chancery
22 office will make an assessment of additional

1 parking needs once they have had an
2 opportunity to do that. There is a policy
3 that they have to make sure that all employees
4 are provided at least one space.

5 Mr. Michael Blomquist testified as
6 well this morning, who is representing the
7 Kingdom of Sweden. I believe it is the
8 National Property Board which is the
9 counterpart to GSA. And his testimony is that
10 the Kingdom of Sweden has long sought
11 relocation of the Embassy of Iceland as part
12 of a Nordic tradition to localize countries
13 together, citing Berlin as an example where
14 all the Nordic countries are in the same
15 location.

16 Mr. Blomquist also testified that
17 the 24 parking spaces at the north end of the
18 building into which the chancery use would be
19 relocated and that four of those parking
20 spaces were to be used and set aside for the
21 Embassy of Iceland.

22 In terms of the criteria for

1 approval of this application or the criteria
2 for an action not to disapprove this
3 application, the Secretary of State was
4 represented by Mr. Massey here this morning
5 who testified that the Board's action to not
6 disapprove this application meets the
7 international obligation of the United States.

8 The State Department also filed
9 our Exhibit 30 which makes the same
10 representation. In terms of the Board
11 considering Historic Preservation as
12 determined by the Board, it is noted that this
13 interior space conversion is not subject to
14 historic review, although the location is in
15 Georgetown Historic District.

16 There are some very, very minor
17 exterior changes that will take place,
18 specifically, attaching the official seal of
19 the Embassy of Iceland to the northern facade
20 of the building in to which the use will go.
21 And Mr. Collins indicated exactly where that
22 would be and how it would be complimented by

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1 the current seal, I guess, of the Kingdom of
2 Sweden.

3 The -- in terms of ensuring
4 compatibility with historic landmarks or the
5 Historic District, this property is not an
6 historic landmark and so that provision would
7 not come into play.

8 With respect to the adequacy of
9 off-street parking, other parking
10 availability, the availability of public
11 transportation, security, Mr. Massey testified
12 that the State Department has done an analysis
13 of security and does not find that there are
14 any security risks at the site. I think
15 that's also represented in their Exhibit 30.

16 And as I noted, the Deputy Chief
17 of Mission indicated that they will have some
18 parking available through a relationship with
19 the Kingdom of Sweden that involves 4 spaces
20 to be certain and that they will also make an
21 assessment as the matter proceeds to determine
22 if additional parking will be needed.

1 But the traffic, the day-to-day
2 flow of traffic appears to be very small and
3 there does not appear, from our record, to be
4 any indication of any traffic challenges, in
5 addition to which the area is well-served by
6 public transportation.

7 There is the DDOT Circular Bus,
8 which is a part of the pleadings. I don't
9 know if it was brought out on the record
10 today. Foggy Bottom Metro Stop is about 3,000
11 linear feet away. And again, the testimony of
12 Mr. Blomquist is that they will make 4 parking
13 spaces available that are currently under the
14 control of the Kingdom of Sweden and that
15 additional parking needs will be assessed on
16 an ongoing basis.

17 I talked about the security
18 arrangements for the proposed use and the
19 Exhibit 30, as well as the testimony from Mr.
20 Massey. In terms of the municipal interest,
21 that has been testified to by the Office of
22 Planning, that's our Exhibit 33. The Office

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1 of Planning's conclusion after walking through
2 an analysis similar to what I'm doing is that
3 the Board should take final action to not
4 disapprove the application.

5 I would like to incorporate by
6 reference the entire OP report and to our
7 deliberations. And then, as indicated, Mr.
8 Massey testified to the federal interest as
9 determined by the Secretary, that's also at
10 Exhibit 30. And the Federal Government
11 receives support from the government of
12 Iceland and the city of Reykjavik, I'm
13 probably pronouncing that incorrectly, and the
14 U.S. Embassy in Iceland has been helped by the
15 Embassy of Iceland with land use needs over
16 there.

17 So I think they have met all of
18 their criteria for the rulemaking approval.
19 Let me open it up to Board Members for your
20 weigh in.

21 MEMBER MAY: I don't really have
22 much of a comment. I think that summarizes

1 the case very well. It is pretty straight
2 forward.

3 MEMBER MOLDENHAUER: I agree. I
4 think that all six factors, balancing them, I
5 think you have stated all the factors and
6 reviewed all the different facts and we're
7 probably ready to move forward.

8 MR. ACOSTA: I concur. We are
9 ready to move this forward.

10 CHAIRMAN LOUD: Thank you. So I
11 think what I would do, now, this is my first
12 opportunity to Chair an FMBZA case and I know
13 it's a little bit different. It's a
14 rulemaking and not a contested case, but I
15 believe the motion would be for the Board to
16 not disapprove the application.

17 Is that correct? So I would like
18 to move that the Board not disapprove the
19 Application No. 17972 of the Kingdom of Sweden
20 for the relocation of the Embassy of Iceland's
21 chancery. Is there a second?

22 MR. ACOSTA: I second.

1 CHAIRMAN LOUD: Okay. The motion
2 has been and seconded. Is there further
3 deliberation?

4 Hearing none, all those in favor
5 of the motion say aye.

6 ALL: Aye.

7 CHAIRMAN LOUD: All those opposed?
8 Are there any abstentions? Ms. Bailey, can
9 you read back the vote for us, please?

10 MS. BAILEY: Thank you, Mr.
11 Chairman. Mr. Acosta, did I hear you second
12 the motion?

13 MR. ACOSTA: Yes.

14 MS. BAILEY: Thanks. And the vote
15 is recorded as 4-0-1 not to disapprove the
16 application. The motion was made by Mr. Loud,
17 seconded by Mr. Acosta, Mr. May and Mrs.
18 Moldenhauer support the motion.

19 CHAIRMAN LOUD: Thank you, Ms.
20 Bailey. Is there anything further on this
21 case?

22 MS. BAILEY: Not on this case, Mr.

1 Chairman.

2 CHAIRMAN LOUD: Thank you. I want
3 to thank Mr. Marcel Acosta for coming this
4 morning. We appreciate your time. It's
5 always good to see you at BZA. We are going
6 to be joined shortly by Mr. Shane Dettman, who
7 will represent that office for the remainder
8 of the cases today.

9 So thank you. We are going to --
10 we're not going to take a break. We're going
11 to go into this morning's hearing cases
12 immediately, but I'm going to need to read
13 introductory remarks for the normal hearing
14 cases.

15 MR. ACOSTA: Thank you.

16 CHAIRMAN LOUD: All right. Thank
17 you.

18 (Whereupon, the Foreign Missions
19 Public Hearing was concluded at 10:17 a.m.)
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22