



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK
MASSACHUSETTS AVENUE HEIGHTS • MCLEAN GARDENS
WOODLAND-NORMANSTONE • WOODLEY PARK

Single Member District Commissioners
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04- Beau Finley; 05- Emma Hersh; 06-Angela Bradbery
07- Maureen Kinlan Boucher; 08-Malia N. Brink; 09-Nancy MacWood

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ANC 3C Resolution No. 2017-005
Regarding a DDOT Public Space Application to Install a Fence for the
Vatican Embassy, located at 3339 Massachusetts Avenue, NW

Whereas on April 20, 2015, ANC3C passed Resolution 2015-16 objecting to a planned fence at the Vatican Embassy (Apostolic Nunciature), which is attached to this Resolution, and

Whereas subsequent to that Resolution, the District Department of Transportation's Urban Forestry Administration issued a report recommending that, to ensure the health of the trees in public space, the fence along Massachusetts Avenue should be located as far from existing trees as possible; and

Whereas the Office of Planning issued a report concluding that, consistent with the District's interests in maintaining the open character along Massachusetts Avenue and in maintaining the health of the trees, a fence should be placed significantly back from the curb; and

Whereas on May 18, 2015, ANC3C passed Resolution 2015-021 supporting the reports of the Office of Planning and the Urban Forestry Administration, which is attached to this Resolution; and

Whereas on January 3, 2017, representatives of the Vatican Embassy appeared before the Planning and Zoning Committee of ANC3C to request permission to place a 6-foot fence in the building restriction zone along 34th Street, as well as a 42 inch fence along Massachusetts Avenue, which would not have complied with the previous issued reports by the Urban Forestry Administration and the Office of Planning; and

Whereas representatives of the Vatican Embassy met with representatives of the District Department of Transportation, the Urban Forestry Administration, the Office of Planning and several others to revise the plan; and

Whereas representatives of the Vatican Embassy have submitted revised plans that locate the taller security fence along 34th Street in the building restriction zone immediately behind tall existing bushes at the location of an existing lower fence, as well as a 42-inch fence along Massachusetts Avenue set back more than 20 feet from the curb; and

Whereas relocating the 6-foot-tall security fence within the building restriction zone along 34th Street provides significantly better protection for trees beyond the building restriction zone;

Whereas the location of the 42-inch fence in front of the Nunciature seeks to avoid damage to the trees along Massachusetts Avenue, several of which are heritage trees, as well as ensure that those trees remain public space;

Whereas the Vatican Embassy has agreed to undertake significant tree protection efforts to ensure that trees are not harmed by the installation of the fence, including hand digging of posts and the locating of posts to protect tree roots; and

Whereas the revised permit request submitted reflects a compromise between the Nunciature and city agencies that serves both the Nunciature's interest in having a security fence and the District's interest in maintaining the health of the trees and the park like setting of the avenue;

Be It Therefore Resolved that ANC3C has no objection to this application provided that the tree protection measures are incorporated as a condition of the permit;

BE IT FURTHER RESOLVED that the Chair, the 3C08 Commissioner, or their designees are authorized to represent the commission on this matter.

Attested by



Nancy J. MacWood
Chair, on February 21, 2017

This resolution was approved by a voice vote on February 21, 2017 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

ANC 3C Resolution No. 2015-016
Regarding DDOT Public Space Application to install a fence for the
Vatican Embassy, located at 3339 Massachusetts Avenue, NW

WHEREAS, the Apostolic Nunciature (AKA Vatican Embassy, Vatican Chancery, Holy See), the owner of the property at 3339 Massachusetts Avenue NW which is the location of the Vatican Chancery, has applied for a special exception for a 6' perimeter metal picket fence to be located in public space with sliding electronic gates and repair and repaving of the curb cuts and driveway on Massachusetts Avenue NW and 34th St NW (Public Space #106852 and Foreign Mission BZA #19013), and

WHEREAS, the height of the proposed fence at 6' will exceed the 42" height permitted by DC regulations, and

WHEREAS, the Vatican applied to and has received approval from the Office of Foreign Missions of the Department of State for the plans provided that the proposal complies with local building codes and regulations and will obtain all necessary permits from the Government of the District of Columbia, and

WHEREAS, the property is located within the Naval Observatory Tree and Slope Protection Overlay the purpose of which is, in part, to preserve and enhance the park-like setting of designated neighborhoods, the natural topography and mature trees to the maximum extent feasible in a residential neighborhood, and prevent significant adverse impact on adjacent open space and

WHEREAS, property owners must maintain property in public space in compliance with the district of Columbia Public Space regulations concerning height and design of fences, hedges and retaining walls, and

WHEREAS, this property contains 6 mature second row linden trees located in public space on the historic stretch of Embassy Row along Massachusetts Avenue, and

WHEREAS, ANC3C has heard comments from neighbors and from Restore Mass Ave, an organization dedicated to preserving the park-like views and sidewalk allés, objecting to the placement of a 6 foot fence in close proximity to the sidewalk on the grounds of pedestrian safety, impaired sight line, danger to the safety of the mature trees and disruption of the park-like setting of the Avenue, and

WHEREAS, the strip of land containing the tree boxes is only two feet deep in front of this property along its boarder with Massachusetts Ave and there is no parking lane which would offer protection to pedestrians form traffic along Mass Ave and were the fence to be placed right up against the side walk, it would create unsafe conditions for pedestrians and cyclists, and

WHEREAS, the intersection of Mass Ave and 34th Street is a busy intersection with heavy pedestrian traffic and location of the fence along the sidewalk would produce an unnecessary pedestrian danger,

WHEREAS, representatives of the Vatican Embassy, their arborist, neighbors, the ANC, and the arborist for Restore Mass Ave met on site to evaluate potential impact of the plans on the mature trees,

WHEREAS, the Vatican has proposed a tree protection plan designed by a certified arborist,

BE IT THEREFORE RESOLVED that ANC3C appreciates the efforts of the Vatican representatives to address neighborhood concerns,

BE IT FURTHER RESOLVED that ANC3C objects to the placement of any fence greater than 42” in the public space because it detracts form the park-like setting of the avenue, and

BE IT FURTHER RESOLVED that ANC3C strongly objects to a perimeter fence located along the sidewalk as inherently dangerous to pedestrians and,

BE IT FURTHER RESOLVED that notwithstanding these objections, ANC3C recognizes the current application as representing a significant improvement over the original proposal to locate a fence abutting the sidewalk, and can condition support for this proposal upon

- Fence along 34th Street will be located at a 4’ setback from the sidewalk and replace the existing chain link fence and the existing yews will remain to soften the aspect of the fence
- Fence along Mass Ave will be located no closer than 18” from the sidewalk and maintained with a grassy strip
- Gate set backs will be deep enough to accommodate security vehicles so that they will not obstruct the sidewalk

- Fence will not be lighted or otherwise embellished in such a manner as will increase the height of the fence
- All trenching for electrical power for the fences will take place within the paved area.
- The fence will be set back from the corner of the intersection in such a manner that the fence will no longer run along the side walk but will cut the corner at Mass and 34th running between the two lindens and creating a corner space that can be planted with low bushes to keep it from being used as an area where anyone could stand.
- The pedestrian gate will be set back 5' from the sidewalk with a 3' setback from the walkway on each side to create a more open approach to the gate.
- The arborist will supervise the location and sinking of all posts for the fence

BE IT FURTHER RESOLVED that the Chair, the Commissioner of ANC3C08 or their designee are authorized to represent the Commission on this matter.

Attested by



Carl Roller
Chair, on April 20, 2015

This resolution was approved by a voice vote, on April 20, 2015 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

ANC 3C Resolution No. 2015-021

Regarding DDOT Public Space Application to Install a Fence for the Vatican Embassy, located at 3339 Massachusetts Avenue, NW

Whereas, on April 20, 2015 ANC3C passed resolution 2015- 016 objecting to the placement of any fence greater than 42” in public space and objecting absolutely to the placement of a fence closer than 18 inches from the curb along Massachusetts Avenue; and

Whereas, at the time of the Resolution the ANC did not have access to the reports of the Department of Transportation (“DDOT”) Urban Forestry Administration (UFA) nor the report of the Office of Planning (“OP”) and sought the best compromise available at that time to preserve the integrity of the trees and streetscape along Massachusetts Avenue; and

Whereas, the Department of Transportation’s Urban Forestry Administration report (attached) recommends that, to ensure the health of the trees in public space, the fence along Massachusetts Avenue should be located as far from existing trees as possible; and

Whereas, the Office of Planning Report (attached) concludes that the fence would be made more consistent with District interests in maintaining the open character along Massachusetts Avenue and maintaining the health of street trees by placing the fence up to 38 feet back from the curb; and

Whereas, placing the fence 38 feet back from the curb would also satisfy U.S. Department of Homeland Security criteria and embassy need for the standard 50 foot security buffer between the fence and the building:

Be It Therefore Resolved that ANC3C supports the conclusions of the DDOT and OP reports and finds that the placement of the fence at 38 feet from the curb is more consistent with the ANC concern for the health of the trees and for maintaining the park like nature of the avenue; and

Be It Further Resolved that if agreement cannot be reached that approval be postponed in order that the Nunciature and city agencies may continue to work together to find a solution that serves both the Nunciature's interest in having a security fence and the District's interest in maintaining the health of the trees, access to public parking, and the park like setting of the avenue; and

Be It Further Resolved that the Chair, the Commissioner of ANC3C08 or their designee are authorized to represent the Commission on this matter.

Attested by

A handwritten signature in blue ink, appearing to read 'Carl Roller', is written over a light blue horizontal line.

Carl Roller
Chair, on May 18, 2015

This resolution was approved by a voice vote, on May 18, 2015 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.