



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK
MASSACHUSETTS AVENUE HEIGHTS • MCLEAN GARDENS
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ANC3C Resolution 2018-039
Regarding Embassy of the Republic of Nepal Application for Chancery
Conversion BZA No. 19875

Whereas, the Embassy of the Republic of Nepal (Applicant) is seeking approval from the Board of Zoning Adjustment (BZA), Case No. 19875, to convert the Applicant's property at 2730 34th Place NW, currently serving as the residence of the Ambassador of the Republic of Nepal to the United States (Ambassadorial Residence), into a chancery;

Whereas, this application is subject to DCMR Subtitle X Sec. 201.3-201.7, which provides that the Board of Zoning Adjustment (BZA) is not to grant approval for a chancery to be located in a low- to medium-density residence zone unless the proposed setting of the chancery is a "mixed-use area," which is defined as an area with greater than fifty percent non-residential land usage (Subtitle X Sec. 201.5);

Whereas, the BZA Rules of Practice and Procedure require that the Applicant calculate the land area of each lot within the square, and provide a Certificate of Occupancy for lots with non-residential uses (Subtitle Y Sec. 301.6);

Whereas, the Applicant is permitted to use an area other than a square to determine the accurate mix of uses, but the Applicant must explain the basis for using the area, which cannot rely solely on using an area previously approved by the BZA (Subtitle Y, Sec. 301.7);

Whereas, the Applicant submitted an area to the BZA that includes part of square 1939 where its residential property is located and where chanceries for the Embassy of Cape Verde, Embassy of the Republic of Iraq, and Embassy of Norway, as well as, Soka Gakkai International are located;

Whereas, the Applicant has provided Certificates of Occupancy for the Embassy of the Republic of Iraq, the Embassy of Cape Verde, and Soka Gakkai International, but the neighbors of the embassy believe the submitted certificates may not be the most recent and that there are limits on the non-residential use not reflected in the older certificates for at least one of the embassies;

Whereas, the Applicant also proposes to include in the area part of square 2122, which begins on the eastern side of 34th Street and which was used by the Embassy of Norway, which is located on the east side of 34th Street, in a recent FMBZA case;

Whereas, in its November 14, 2018 letter to the FMBZA the Applicant explains that it included square 2122 because it includes more of the diplomatic uses centered on Massachusetts Avenue and those uses are more akin to its proposed use than the residential uses on 34th Place where the embassy is located, and further that it used almost the same area approved by the FMBZA in the recent case involving the Embassy of Norway;

Whereas, the residents in a letter to the FMBZA (Exhibit 39) argue that only the area of square 1939 should be used to determine the accurate mix of uses adjacent to the Ambassadorial Residence because it maps a distinct single-family neighborhood bordered by Massachusetts Avenue to the south

and 34th Street to the east, and that the area on the western side of 34th Street, mapped as square 2122, has a very different character noted for its concentration of diplomatic properties:

Be It Resolved that ANC 3C finds that the Ambassadorial Residence is in the middle of square 1939 and appears consistent with and functions almost seamlessly in the square's residential neighborhood centered on 34th Place; and the ANC finds that the area east of 34th St. in square 2122 is a very different type of residential neighborhood where diplomatic uses predominate over residential uses;

Be It Resolved that the ANC interprets the Applicant's reason for not choosing to use square 1939 in its entirety as based on its predominate residential land area that would not create the desired mixed-use area;

Be It Further Resolved that ANC 3C finds that it is reasonable for the FMBZA to approve an area that included squares 1939 and 2122 for the Embassy of Norway case because that embassy and chancery has a large presence on Massachusetts Avenue and 34th Street where the embassy extends almost a block with diplomatic uses across the street in square 2122;

Therefore, Be It Resolved that ANC 3C finds that only square 1939 should be used to determine an accurate area and it must oppose the Applicant's conclusion that the proposed chancery and existing Ambassadorial Residence is located in a mixed-use area. Accordingly, the BZA should disapprove the application (Subtitle X, Sec. 201.7);

Be It Resolved that the Chair and her designee are authorized to represent the commission on this matter.

Attested by

A handwritten signature in cursive script, appearing to read "Nancy J. MacWood".

Nancy J. MacWood
Chair, on November 19, 2018

This resolution was approved by a voice vote on November 19, 2018 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.