

**BEFORE THE FOREIGN MISSIONS BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of the Apostolic Nuncio of the Holy See
ANC 3C

STATEMENT OF THE APPLICANT

This is the application of the Apostolic Nuncio of the Holy See ("**Embassy of the Vatican**" or "**Embassy**") for the review of plans to erect a security fence. The property that is the subject of this application is 3339 Massachusetts Avenue NW (Square 2122, Lots 6, 16, 17, 20, 21, 804, & 809) (the "**Property**") The Property is included in the D/NO/TSP/R-1-A Zone District. A Surveyor's plat is attached as Exhibit C, and a portion of the District of Columbia Zoning Map is attached as Exhibit D.

I. NATURE OF RELIEF SOUGHT

The Embassy requests that the Foreign Missions Board of Zoning Adjustment (the "**FMBZA**" or the "**Board**") not disapprove the alteration of an embassy to allow the erection of a security perimeter fence.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to review the application pursuant to Section 1002 of the Zoning Regulations (11 DCMR § 1002) and Section 206 of the Foreign Missions Act (22 U.S.C. § 4306(b)(2)(B), also codified as D.C. Code § 6-1306). The Property may be altered for the existing Embassy, subject only to disapproval of the Board in accordance with the criteria set forth in 22 U.S.C. § 4306(b)(2)(B) (also stated in 11 DCMR § 1001).

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III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is generally in the Woodland Normanstone/Embassy Row neighborhood of Ward 3. It is irregularly shaped and contains approximately 110,050 square feet of land area. The Property is roughly bounded by Fulton Street to the north, Massachusetts Avenue to the south, the Embassy of Finland to the east, and 34th Street to the west. Across Massachusetts Avenue to the south is the Naval Observatory. Further north across Fulton Street is parkland. Areas further to the west are primarily residential uses or foreign missions.

The Property is improved with one main building at the southeast corner. Another smaller building is located at the northwest corner of the building, and another small building is located at the north side of the Property. A garage and surface parking are located at the western side of the Property. A semi-circular driveway with two curb cuts on Massachusetts Avenue services the Property and the front of the main building. Another driveway with a curb cut on 34th Street also services the Property. The Property is improved with large amounts of landscaping and hardscaping at its northwestern and northern sides. Multiple trees line the front (south) side Property, some of which are in the public parking. Photos of the Property are attached as Exhibit E.

IV. PROPOSED PROJECT

In anticipation of the visit of His Holiness, Pope Francis in September 2015, the Embassy proposes to construct a security fence around the Property. The Embassy will construct this fence on the advice of the U.S. Secret Service, which recommended the proposed fence and its specifications.

The fence will generally follow the Property's property line along its eastern, western, and northern sides. The fence will follow the edge of the public parking (and thus will be in public space) along its south side along Massachusetts Avenue, but the fence will not interrupt or obstruct the pedestrian right-of-way on the sidewalk. Otherwise, the fence will be on the Embassy's property. The fence will generally be on one plane for each frontage of the Property, but it will contain three recessions that will allow cars to pull out of the sidewalk while waiting for entry. Two recessions on Massachusetts Avenue will be in the location of the existing driveway. One recession on 34th Street will be in the location of the existing driveway. All three automobile entrances will control access with a sliding gate. A separate pedestrian access-controlled gate will be off Massachusetts Avenue. The site plan for the fence is depicted in the attached Exhibit F.

The fence will be black in color, with six stone columns on the Massachusetts Avenue and 34th Street frontages. Elevation illustrations and design specifications of the fence are attached in Exhibit G. For all locations, the fence will be six feet tall. Parts of the fence also will be black chain link, but those portions will not be visible to the public. However, all portions of the fence that will be adjacent to or visible from public streets will be black iron. Each automobile entrance will be flanked by two stone columns. The color of the columns will be as close as possible to the stone color on the main building. In total, there will be six columns: four on Massachusetts Avenue and two on 34th Street. Along north side of the Property, the fence will be chain link but will be on significantly higher grade and recessed back from the street. The chain link also will be obscured by vegetation and otherwise will not be visible.

V. THE EMBASSY ALTERATION SHOULD NOT BE DISAPPROVED

Section 1001 of the Zoning Regulations establishes the six criteria upon which the Board must base its determination regarding the alteration of an embassy. In considering the application, the Board must balance the interests set forth in the criteria.

A. International Obligation of the United States

The Embassy anticipates a diplomatic note from the Director of the Office of Foreign Missions from the U.S. Department of State stating that it has no objections to alteration of the Embassy Property by constructing a security fence. The Embassy has already consulted with the Office of Foreign Missions about the proposed fence.

B. Historic Preservation

The Property is in the Massachusetts Avenue Historic District. The Applicant will consult with the Historic Preservation Office about the security fence prior to the public hearing. However, as stated in the project description, the proposed alteration is only the construction of a security fence that is attractive and compatible with the building on the Property, and with the surrounding Historic District. Therefore, there will be no adverse impact on the Historic District.

C. Adequacy of Parking

This section is not applicable. The proposed alteration will not affect the number of employees at the Property, the use on the Property, or any other factor that could affect parking. The existing parking inventory will remain.

D. Security

The Office of Foreign Missions will report on the security requirements for the proposed chancery. Further, the U.S. Secret Service, as described in the letter attached as Exhibit H, recommended the security fence in the location and with the specifications as proposed.

E. The Municipal Interest

Approval of the security fence will be in the municipal interest. The proposed fence will be compatible with the surrounding uses and will not have an adverse impact on the surrounding area. The surrounding area is largely dedicated to chancery/embassy and institutional uses, so similar security fences are on many properties including the following: the Naval Observatory, the British Embassy, and the South African Embassy.

No residential uses will be impacted because the proposed fence will not be aesthetically objectionable, the fence will not obstruct light or air, and no additional uses will be introduced on the Property.

The Embassy recognizes the importance of the trees on and adjacent to the Property in the public parking. Because the fence will be close to some of the trees, the Embassy has hired an arborist as a consultant to devise a tree protection plan that will minimize any risk of damage to the trees from the construction of the fence. The tree protection plan is attached as Exhibit I.

F. The Federal Interest

In accordance with the Land Use Element of the Comprehensive Plan and the Foreign Missions Act, the location of foreign missions should be in reasonable proximity to other foreign missions. It is particularly appropriate for this Embassy to remain an area with other chanceries, but remaining in this location necessitates increased security; thus, the proposed security fence is necessary. The Department of State will further elaborate on the federal interest in this case.

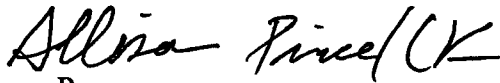
VI. EXHIBITS

EXHIBIT A	Application Form, Self-Certification Form, and Letter of Authorization
EXHIBIT B	Applicant's Statement in Support of Requested Relief
EXHIBIT C	Surveyor's Plat
EXHIBIT D	Portion of Zoning Map
EXHIBIT E	Photos of Property
EXHIBIT F	Site Plan of Fence
EXHIBIT G	Elevations and Specifications of Fence
EXHIBIT H	Letter from Secret Service Recommending Fence
EXHIBIT I	Tree Protection Plan
EXHIBIT J	Property Owner List

VII. CONCLUSION

For all of the above reasons, the Applicant requests that the Board does not disapprove of the Applicant's plans for alteration of an embassy

Respectfully submitted,
GOULSTON & STORRS, PC


Allison Prince


Cary Kadlecek