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January 25, 20005

BY HAND

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D.C. OFFICE OF ZONING
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Mr. Geoffrey Griffis, Chairman
D.C. Board of Zoning Adjustment
441 – 4th Street, N. W.
Suite 220 South
Washington, D.C. 20001

Re: BZA Application No. 17260 -
2224 R Street, N. W.

Dear Mr. Griffis:

At the conclusion of the public hearing in the above-referenced Application, the Board allowed the Embassy of Greece (which is not a party to this Application) to submit to the record by January 18, 2005 any relevant correspondence from the U.S. Department of State (which is also not a party to this Application) concerning the issue of security. The Applicant was given until January 25, 2005 to file any response.

No additional information was filed in the record by the Embassy of Greece by January 18, or even as of January 24, 2005. However, to the extent that a waiver of the Board's rules is necessary, the Applicant respectfully requests such a waiver in order to accept into the record the attached letter dated January 24, 2005 to the Embassy of Guatemala from the U.S. Department of State. The letter is directly responsive to the security issue on which the Board sought input from the Department of State at the conclusion of the public hearing in this case. Specifically, the Department of State indicates that,

> "as we informed the Ambassadors of Greece, Kenya, Armenia and Cyprus, zoning and land use issues regarding private commercial activity in residential areas are matters for the consideration of the Government of the District of Columbia and not for the Department of State".

The letter also indicates that "the Department's Bureau of Diplomatic Security is available to recommend specific security measures" that an embassy can take to address its individual concerns.

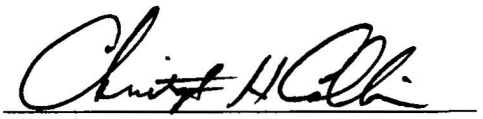
BZA
Case No. 17260
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 17260
EXHIBIT NO. 35

The State Department has been requested by a number of Embassies to intervene in this case in the name of security, and has declined to do so. The Applicant believes that it has met the burden of proof for special exception relief in this case, and respectfully requests your favorable consideration. Thank you.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Christopher H. Collins

CHC/skp
Enclosure

cc: David McGettigan, Office of Planning
Sandra Perlmutter, Advisory Neighborhood Commission 2D
Laura and Raymond Saba

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United States Department of State
Office of Foreign Missions
Washington, D.C. 20520

January 24, 2005

Dear Mr. Ambassador:

Thank you for your letter of January 13, 2005 regarding the proposed establishment of a 10-room bed and breakfast at 2224 R Street, N.W. in the District of Columbia. We understand the Embassy of Guatemala supports the property owner's application now pending before the D.C. Board of Zoning Adjustment.

You are aware that other embassies in the neighborhood have also written to the Office of Foreign Missions concerning this issue. As we informed the Ambassadors of Greece, Kenya, Armenia, and Cyprus, zoning and land use issues regarding private commercial activity in residential areas are matters for the consideration of the Government of the District of Columbia and not for the Department of State. On the other hand, should the issue be the establishment of a chancery of a foreign mission in the area, the Department of State would be directly involved in the zoning approval process.

The protection of foreign missions is an important matter and should any embassy have security concerns the Department's Bureau of Diplomatic Security is available to recommend specific security measures.

Sincerely,

Richard C. Massey
Office Director
Real Estate

His Excellency
Jose Guillermo Castillo
Ambassador of Guatemala
Washington, D.C.