

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** July 13, 2018

**SUBJECT:** FMBZA Case # 19788 Application of the Kingdom of Norway pursuant to 11 DCMR Subtitle X § 201.8 for renovation of and addition to its chancery.

**I. RECOMMENDATION**

The Office of Planning recommends that the FMBZA **not disapprove** the request by the Kingdom of Norway to renovate the existing chancery including an approximately 4,272 sf addition, including requested relief to:

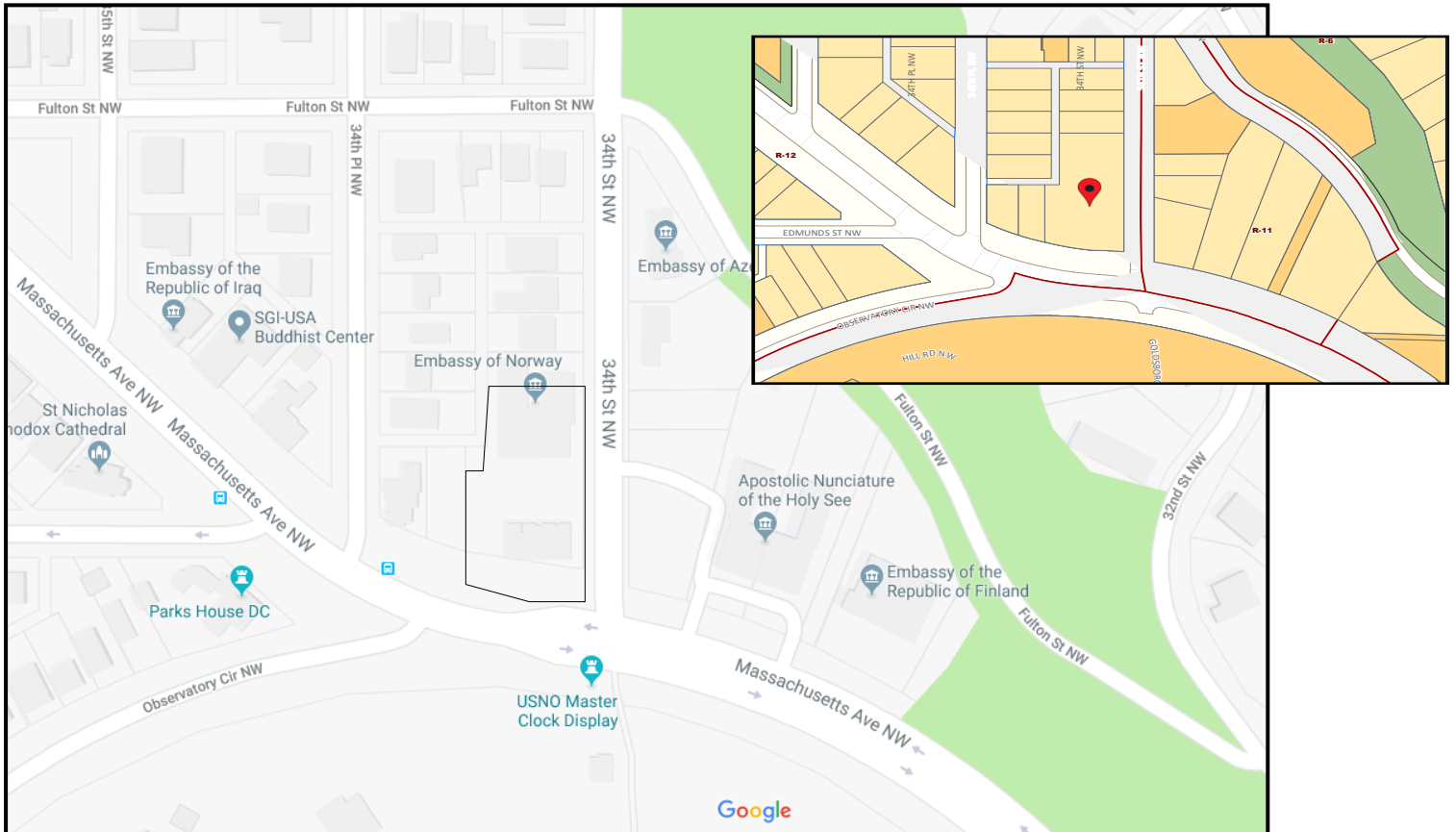
- Expand the chancery use under Subtitle U § 203.1 (b);
- Increase the lot occupancy under Subtitle D § 704.1 (Maximum 40%: Proposed 45.4%);
- Approve and elevator override not meeting the 1:1 setback under Subtitle U § 1502.1;

consistent with the intent of 11 DCMR X § Chapter 2 and Section 206 of the Foreign Missions Act (22 USC § 4306).

**II. LOCATION AND SITE DESCRIPTION**

Address	2720 34 <sup>th</sup> Street, NW or 3401 Massachusetts Avenue, N.W.
Applicant:	Kingdom of Norway
Legal Description	Square 1939, Lot 39
Ward / ANC	Ward 3; ANC 3C08
Zone	R-12
Historic District or Resource	None
Lot Characteristics	The 36,566 sf lot is irregularly shaped due to the alley's L-shape at the rear of the property and its curved corner location at Massachusetts Avenue and 34 <sup>th</sup> Street NW.
Existing Development	The property is owned by the Royal Norwegian Government and is developed with two buildings, including the ambassador's residence and the chancery with offices for diplomatic services.

Adjacent Properties	The site is bound by 34 <sup>th</sup> Street to the east, an L-shaped alley for a portion of the west property line, with residences abutting the west and north property line. The property fronts the intersection of Massachusetts Avenue and 34 <sup>th</sup> Street at the southern property line.
Surrounding Neighborhood Character	The neighborhood is a mix of single-family detached homes, embassies, some small institutions, as well as the US Naval Observatory.



**Location and Zoning Maps**

**III. APPLICATION-IN-BRIEF**

The Royal Norwegian Government proposes to renovate the Embassy and Chancery buildings, including an approximately 4,272 sf addition to the chancery building to create a garden room connecting the north and south wings. The interior and exterior renovations would include:

- Creation of a new plaza court to improve the entry experience to the Embassy and Consulate;
- A new elevator of translucent panels to provide connection to the below grade garage;
- A garden room to host events; and
- New lunchrooms, meeting rooms, office areas and archive.

The renovated chancery would complement the existing architecture, with design elements of Norway's history/culture, including copper, limestone and wood expressions across the façade and interior. The project would require zoning relief to expand the existing chancery, exceed the maximum lot occupancy, and from the penthouse requirements. Other municipal requirements including public space would also be addressed in this application. The necessary requirements are reviewed according to the criteria of the Foreign Missions Act reiterated under Subtitle X § 201.8 discussed hereafter.

#### **IV. REGULATORY REQUIREMENTS**

The property falls within the R-12 Zone District (former R-1-B Naval Observatory/Diplomatic Overlay Zone), which permits a maximum of 40 feet/3 stories in height and a maximum lot occupancy of 40%. Subtitle U § 504.1 establishes a Chancery as a special exception use, while Subtitle X Chapter 2 provides provisions and criteria for the review of chancery applications by the FMBZA; specifically, the criteria of X § 201.8. Section 201.8 (e) requires a review of municipal interests, which are synonymous with the District's regulatory requirements including the zoning regulations, public space requirements, and historic preservation, as discussed below.

#### **V. OFFICE OF PLANNING ANALYSIS**

##### **Compliance with § 201.8**

As part of its review, the FMBZA is required to evaluate the application within the six factors set forth in the Foreign Missions Act (FMA).

*(a) The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital;*

The State Department's memo dated April 5, 2018 ([Exhibit 5](#)) states its approval for filing the application. By inference, the proposed renovations for improved office space, ADA and elevator access would satisfy the United States' international obligation to facilitate the provision of secure and adequate facilities for this foreign mission.

*(b) Historic preservation, as determined by the Board of Zoning Adjustment. In carrying out this section, and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmark;*

The existing structure is not within a historic district, nor is it a designated landmark structure. However, the applicant solicited feedback from DC's Historic Preservation staff regarding the proposed exterior design and use of materials, as the Ambassador's residence has been in existence since 1931 and is the second Foreign Mission constructed in the United States.

*(c) The adequacy of off-street parking or other parking and the extent to which the area will be served by public transportation to reduce parking needs, subject to such special security requirements as may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services;*

The Applicant provided a transportation statement to the District Department of Transportation (DDOT) for review and comments ([Exhibit 37](#)). The statement provides information on the existing transportation conditions, the site's vehicular access, trash collection and deliveries, parking, pedestrian and bicycle accommodations, as well as the existing and proposed transportation demand management plan for the chancery.

The site is accessed by vehicle via a curb cut off 34<sup>th</sup> Street and two existing curb cuts for a ceremonial semi-circular driveway from Massachusetts Avenue. Seventeen parking spaces are currently provided on one level below-grade. The proposed renovations would increase the parking supply to 23 spaces, where six spaces would be located at the rear adjacent to the alley. The parking supply would exceed the requirement of the Regulations (10 spaces required).

Fifteen long-term bicycle spaces, as well as accessory locker and showers below-grade, 7 short-term bike-space at the front entryway, would be included in the design. Five electric bike charging stations would also be located in the garage near the shower facilities. ADA access would be installed to supplement the site's improved entrance to the public

The Applicant worked with the ANC 3C to address their concerns about the proposed parking spaces adjacent to the alley and neighbors' accessibility of the alley and garages; lighting from office windows in evenings and trash containment for pest control. According to the ANC's report ([Exhibit 39](#)), the Applicant revised its plan to propose pull-in parking spaces instead of the original parallel parking spaces; enclose the trash receptacles and install sensor lights.

The Embassy/chancery does not anticipate that the proposed improvements would result in additional events or employees at the site. A TDM plan would be applied as stated in their transportation statement, that will include (apart from the bike facilities and amenities), a TDM leader and transit screen for on-time public transportation options/access. The location is well-served by frequent Metrobus service on Massachusetts Avenue, with a stop at the corner of Massachusetts and Avenue and 34th Street.

The State Department has not indicated to date that special security requirements relating to parking in this case would be a concern. OP anticipates the State Department's comments prior to, or at the hearing.

- (d) *The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services;*

The State Department's comments have been filed at Exhibit 44, noting that the subject site and area are capable of being adequately protected.

(e) *The municipal interest, as determined by the Mayor of the District of Columbia; and*

The municipal interest is determined by the following regulatory requirements for which relief was requested.

## **REGULATORY REQUIREMENTS**

### **Zoning:**

The proposed expansion or replacement of an existing chancery is reviewed pursuant to X §§ 201.1 and 202 where it is prescribed that The Board of Zoning Adjustment's determination of the merits of the application shall be based solely on the criteria of X § 201.8 (analysis provided above).

**Use: U § 203.1 (b):** The chancery expansion is permitted by special exception if it is located within a low-density residential zone X § 202.1 and X§ 201.3. The use has existed at this location, zoned R-12 which is a low-density residential zone, since 1931, prior to the existing regulations. The chancery was renovated in 1978 as a two-story structure with below-grade parking.

OP supports the continued use of the chancery at this location, as satisfying the requirements of X § 201.3, through 201.5. The applicant has sufficiently documented that the defined area for purposes of X §201.4 and X § 201.5 is Square 1939 and portions of Square 2122 fronting 34<sup>th</sup> Street. ([Exhibit 10](#)). Further, the required area utilized for non-residential purposes exceed the minimum 50% land area considered as mixed-use, in this instance. OP concurs that the requirement for a chancery site to be located within a mixed-use area anticipated under X § 201.5 is satisfied and the merits of the application should be considered further, pursuant to X§ 201.8.

**Lot Occupancy: D § 704:** Maximum: 40%: Existing: 41.7%: Proposed: 45.4%  
The existing lot occupancy at 41.7% would be increased to 45.4% by the addition of the approximately 4,272 square foot addition as a garden room, which would connect the residence to the chancery. The existing enclosed garden would be reconfigured to extend and enhance proposed program space into the exterior. Further, there would be an addition of an accessible entrance to the main chancery building lobby from 34th Street.

Due to the locations of the proposed additions, neither should have an undue impact to the light and air to neighboring property, nor should they create privacy concerns for the abutting neighbors to the north or west of the site, which are well screened by landscaping and vegetation. The garden room area would serve in part as function space for events averaging around 40 guests at a time. The number of events (approximately 100 per year) is not anticipated to increase due to the addition.

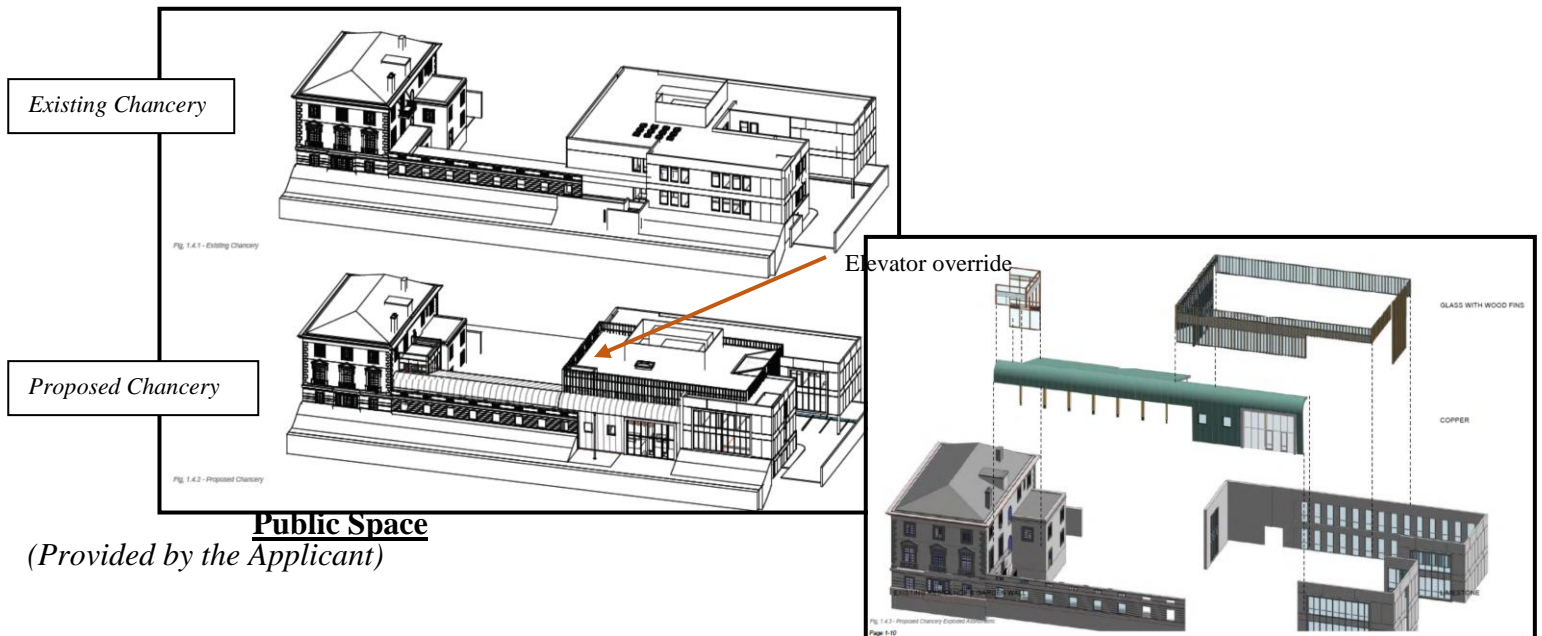
Therefore, the proposed additions should not create an adverse impact on the surrounding neighborhood to harm the public good or the intent of the Regulations. OP supports the requested relief.

**Garden View – Existing and Proposed**



**Penthouse setback: C § 1502.1 (a):**

The proposed elevator override at the southeast corner of the Chancery, would not provide a 1:1 setback from the curved copper roof over the addition. The override, while set back 6 feet 3 inches from the front of the curved portion of the roof, would be effectively screened by glass and woodfin panels from the curved portion of the lower roof, to the main upper roof, with a parapet wall at 3 feet 6 inches above the main roof's edge (For context, see [Exhibit 15A1 Sheets, 1-9 and 1-10](#)). The new elevator's proposed setback is the result of the programmatic space requirements, including at the new lobby entrance off 34<sup>th</sup> Street and it satisfies the intent of the Regulations, which is to reduce visibility from public space. OP supports this request for relief.



The treatment of the public space is an important element of the municipal interest. The chancery collaborated extensively and productively with OP’s and DDOT Public Space staff, as well as with the Historic Preservation Office on key public space design issues. OP’s comments on the original application and the applicant’s response are noted below:

	OP’s Comments	Applicant’s Response
1.	<p><i>Finish the retaining wall in stone to match the other retaining wall on 34th Street. The intent of the public space regulations is to create a uniform and consistent appearance along a street. The street itself has a design character that needs to be taken into consideration. I know the existing retaining wall is concrete, but due to the extent of construction taking place the finished material of the new retaining wall should be consistent with what we require for other new retaining walls.</i></p>	<p>The retaining walls have been revised to be clad in stone to incorporate the design character along the street. <i>See Sheet L0703</i></p>
2	<p><i>Maintain an elevated grade of green space for the area to the south of the main entrance. Similar to the comment for the retaining wall, the intent of the public space regulations is to maintain a uniform and consistent appearance on the street. OP can support a change in the grade to provide access to the building entrance, but a raised grade should otherwise be maintained to the greatest extent possible.</i></p>	<p>The design team tried to maintain the existing grade where possible. The pedestrian entry to the building has been lowered to provide an accessible entrance from the sidewalk along 34th Street while a raised grade defined by stone clad walls is proposed for the green space along 34th Street to the north and south of the main building entrance area. The walled area to the north of the main building entrance currently exists. The area to the south of the main entrance will maintain the same existing elevated grade at the building face. These linear green spaces will need to include bioretention planting areas to meet the storm water management requirements of the project. These elements of the project are detailed on Sheet L0703</p>
3.	<p><i>Relocate the flag pole so that it is mounted to the building. This is a comment we routinely give embassies. Mounting the flag on the building allows it to be fully visible at all time regardless of the weather. Flags on upright poles can only be fully seen when there is a breeze.</i></p>	<p>The Chancery and its design team prefer the ground-mounted flag pole design along 34th Street and believe that it is best for the project to maintain this flag configuration. The more primary and visible flag – along Massachusetts Avenue NW – is mounted on the front of the building façade which acts as the “front door” for the property. The existing/proposed 34th Street flagpole design is in accordance with other embassy/chancery flagpoles.</p>

The applicant provided updates to the final renderings to the record as [Exhibit 42A](#) on July 3, 2018 including the following:

- Detail of existing conditions vs. proposed conditions in public space along 34th Street;
- Site plan detailing work in public space (including area between building restriction line and sidewalk);

- Grading plan; and
- Detail of the proposed stone wall along 34th Street NW.

The applicant has explained their position and satisfied the requests expressed by Historic Preservation and Public Space staff.

(f) *The federal interest, as determined by the Secretary of State.*

The State Department statement is provided at Exhibit 44.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

A transportation statement, which included a Transportation Management Plan (TMP) was submitted to the District Department of Transportation (DDOT) for review, ([Exhibit 37](#)). At the writing of this report, DDOT's comments were not included in the record.

## **VII. COMMUNITY COMMENTS**

ANC3C at its regularly held meeting on May 21, 2018, voted to approve the request. The applicant worked with the ANC to address concerns regarding parking in the alley, lighting and maintenance the trash area ([Exhibit 39](#))

At the writing of this report, no other public comments have been submitted to the record.