

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

Application of the
Royal Norwegian Embassy

FMBZA Application No:
ANC 3C08

STATEMENT OF THE APPLICANT

This application is made by the Royal Norwegian Embassy (the “**Applicant**”) for approval pursuant Subtitle U § 203.1(b), Subtitle X § 202.1, and Subtitle Y § 301 of the Zoning Regulations to expand an existing chancery with addresses of 2720 34th Street NW and 3401 Massachusetts Avenue NW (Square 1939, Lot 39) (the “**Property**”) located in the R-12 zone. The Applicant proposes to renovate the existing Chancery on the Property and to construct an approximately 4,272 square foot addition to create a garden room connecting the chancery and embassy structures and reconfigure the chancery entrance and a stairwell/common area, as well as associated improvements to the public space abutting the Property (the “**Project**”).

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Foreign Mission Board of Zoning Adjustment (the “**Board**”) “not disapprove” the Project pursuant to Section 205 of the Foreign Missions Act, 22 U.S.C. § 4305, D.C. Code § 6-1305 and Subtitle X § 202.1 of the Zoning Regulations to permit the expansion of an existing chancery in a low- to medium-density residential zone along with additional elements of relief. The Applicant requests relief as follows:

- To expand the chancery use pursuant to Subtitle U § 203.1(b);
- To exceed the maximum matter-of-right lot occupancy under Subtitle D § 704.1;
- To approve an elevator override not meeting penthouse setback requirements under Subtitle C § 1502.1;

The Applicant also requests review of the public space improvements proposed as part of the Project.¹

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the chancery approval requested pursuant to Subtitle Y § 100.6 of the Zoning Regulations.

III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is located near the northwest end of Embassy Row in Ward 3, to the north of the United States Naval Observatory and the official residence of the Vice President. The Property is located in Square 1939, which is bounded by Massachusetts Avenue NW to the south, 35th Street NW to the west, Fulton Street NW to the north, and 34th Street NW to the east; Square 1939 is bisected by 34th Place NW. The Property is zoned R-12.

The Property is improved with a three-story neo-renaissance structure fronting on Massachusetts Avenue NW, which was designed by John J. Whelan and completed in 1931 (the “**Embassy**”). The Embassy, which serves as the Norwegian Ambassador’s residence, was the second foreign service mission constructed in the United States. Additionally, the Property is improved with a larger two-story modernist structure on the north end of the Property fronting on 34th Street, which was designed by Sverdrup and Parcel and completed in 1978 and which serves as the office of the Norwegian foreign mission (the “**Chancery**”). The Embassy and Chancery are joined by an above-ground connection running along the east lot line on 34th Street that is currently occupied by a small lap pool.

The surrounding area is residentially zoned, including R-12, R-11, R-6, and R-1-B designations, and is characterized primarily by a mix of detached single-family homes, foreign

¹ Pursuant to Subtitle X § 203.7, the Board may grant permission to construct improvements in the public space to be undertaken as part of a chancery application.

missions, and religious uses, in addition to the Naval Observatory and Vice President's residence. Northwest of the Property on Massachusetts Avenue are the Embassies of Cape Verde and Iraq, the Soka Gakkai International-USA Buddhist Temple, the Communities of Christ and St. Nicholas Orthodox Cathedral buildings, and the historic Heurich-Parks House, which serves as a venue for weddings and other events. Further northwest are the St. Sophia Greek Orthodox Cathedral, Temple Micah, the St. Albans Church and School campus, and Washington National Cathedral. To the northeast are the Embassies of Azerbaijan and Belgium along 34th Street, and to the southeast along Massachusetts Avenue are the Apostolic Nunciature of the Holy See and the Embassy of Finland. Further southeast along Massachusetts Avenue are the Woodland-Normanstone Terrace Park and more foreign missions continuing down Embassy Row.

IV. THE PROJECT

The Project will include significant exterior renovations to the Chancery, the proposed garden room addition, and comprehensive interior renovation and reconfiguration of the existing chancery office space within the Chancery. The total addition to the Property will consist of approximately 4,272 square feet. The Embassy will remain unaltered by the Project. As shown in the plans attached as Exhibit I, the planned interior renovations will create a more modern, open office environment. Offices will be reconfigured to incorporate both private and shared work spaces and a variety of common gathering spaces, including new meeting rooms and a lunchroom for staff.

The exterior renovations will incorporate three major elements: a curvilinear copper mansard roof along the east wall extending from the entrance of the Chancery south to the rear wall of the Embassy; limestone cladding for the Chancery to read as a "bookend" to the northern portion of the Property correlating to the limestone construction of the Embassy on the south end;

and a transparent curtainwall system of vertical wood fins constituting the top of the building façade. These components have been carefully developed to both complement and improve upon the Property's existing features. Further, the design features pay tribute to the Norwegian culture and heritage — utilizing wood curtainwall that honors the country's tradition of woodworking and shipbuilding — and honor Norway's close relationship with the United States — utilizing the copper mansard that alludes to the copper Norway supplied for the construction of the Statute of Liberty. An important aspect of the renovations is that they will make the structure accessible, with a new elevator and reconfigured Chancery entrance. Additionally, the Project will create a more open, transparent environment. For instance, by replacing the Chancery's current punched windows with a design that features significantly enlarged fenestration, the Project will both offer more light and an overall better workplace setting for the foreign mission's employees and also create a less austere, more open relationship to the pedestrian environment along 34th Street and neighbors. The Project also includes trellises along the alley to ensure that privacy for residences to the west is maintained adjacent to such enlarged windows. Similarly, windows are not proposed where they do not exist on the northern façade to enhance the privacy of the Property's northern neighbors.

V. DESCRIPTION OF RELIEF REQUESTED

Pursuant to Subtitle X § 202.1 of the Zoning Regulations, an existing chancery in a low-to medium-density residential zone, such as the R-12 zone, may be expanded or replaced, subject to the Board's review in accordance with the standards set forth in Subtitle X § 201.8. The Board's review under Subtitle X § 201.8 encompasses any relief needed from applicable matter-of-right area requirements. *See, e.g., Order No. 17972 of the Kingdom of Sweden by the National Property Board of Sweden, on behalf of the Embassy of Iceland* (2010) at 3; *see also Embassy of the People's*

Republic of Benin v. District of Columbia Bd. of Zoning Adjustment, 534 A.2d 310, 316–18 (D.C. 1987). Additionally, the Board’s review covers any public space features of the chancery application. 11 DCMR Subtitle X § 203.7; *see also Order No. 18242 of the Embassy of the Republic of Serbia* (2011) at 4 n.3.

Here, the Applicant seeks review of the following relief or aspects of the Project:

- Use. Expansion of an existing chancery in the R-12 zone is permitted as a special exception pursuant to Subtitle U § 203.1(b).
- Lot occupancy. The maximum permitted lot occupancy in the R-12 zone is 40% under Subtitle D § 704.1. The Property currently has a lot occupancy of approximately 41.7%, and the Project will result in a lot occupancy of approximately 45.4%, which would otherwise be permitted as a special exception pursuant to Subtitle D §§ 5201.2(a) and 5201.3(e).
- Penthouse setback. Subtitle C § 1502.1(a) requires that all penthouses be setback at a ratio of 1:1 from the front building wall below. The proposed elevator override located in the southeast corner of the Chancery does not provide any setback from the curvilinear copper mansard roof and, accordingly, requires relief, which would otherwise be permitted as a special exception pursuant to Subtitle C § 1504.1.
- Public space. Improvements in public space will include: reconfiguring the Chancery entrance to be ADA-accessible and more fully engage with the 34th Street pedestrian way; incorporating stormwater management and sustainability strategies into the landscape plantings along 34th Street; surface treatment for the existing concrete wall that delineates the planting edge along the sidewalk on 34th Street; shifting the public art at the Chancery

entry west, closer to the building façade; and reinstalling the existing flagpole adjacent to the Chancery entrance.

VI. SATISFACTION OF STANDARDS FOR RELIEF

In reviewing a chancery application, the Board must determine whether to “not disapprove” or “disapprove” the application based exclusively upon the six factors set forth in Subtitle X § 201.8 of the Zoning Regulations. Where, as here, a chancery application encompasses relief from applicable zoning requirements, the Board, rather than undertaking the usual analysis provided under the Zoning Act and Regulations for granting that relief, instead applies the criteria set forth in the Foreign Missions Act and reiterated in Subtitle X § 201.8. For applications requesting to locate, replace, or expand a chancery in a low- to medium-density residential zone, before applying the criteria of Subtitle X § 201.8, the Board must first determine that the proposed location is in a mixed-use area on the basis of existing uses. *See* 11 DCMR Subtitle X §§ 201.3–201.7. As discussed in detail below, the Property is located in a mixed-use area, and the Project satisfies the standards for relief under the Foreign Missions Act and Subtitle X § 201.8.

A. The Property Is Located in a Mixed-Use Area.

Square 1939, in which the Property is located, and the portions of Square 2122 adjacent to 34th Street are mixed-use and thus meet this requirement under Subtitle X §§ 201.3–201.7. For purposes of this analysis, the relevant “area” to be evaluated is the area that most accurately depicts the existing mix of uses adjacent to the Property, which may be the square within which the Property is located or other bounds as determined by the Board. *See* 11 DCMR Subtitle X § 201.4 and Subtitle Y § 301.6. While an area is automatically considered to be mixed-use if more than 50% of the zoned land within such area is devoted to non-residential uses, an area that does not

meet this 50% threshold may still be found to be mixed-use upon a showing of non-residential uses.

As discussed in detail above, the community surrounding the Property is zoned with a mix of low-density residential zones and is characterized by a mix of detached single-family homes, foreign missions, and religious uses, in addition to the Naval Observatory and Vice President's residence. Square 1939 and the portions of Square 2122 adjacent to 34th Street, which is the relevant "area" for purposes of this analysis, exemplifies this mix of uses defining the broader surrounding community. As shown on Page 4-3 of Exhibit I and detailed with additional information on Exhibit G, the entirety of the "area" consists of approximately 300,967 square feet of land area and, of such area, approximately 190,157 square feet of land area is utilized for non-residential/religious/diplomatic uses. Such figure amounts to an approximately 63.2% figure of the "area" shown on Page 4-3 of Exhibit I. Clearly, such percentage exceeds the 50% threshold for presumptive treatment as mixed-use. We note that such calculations also do not include the area of the Naval Observatory and the grounds of the Vice President's Mansion immediately to the south of the Property on Massachusetts Avenue, NW.

The prevalence of foreign mission and religious uses in Square 1939 and Square 2122 is, moreover, in line with the character, not only of the broader surrounding community but of Embassy Row more generally. The Property and its "area," thus, meet the requirement that the Property be located within a mixed-use area.

B. The Application Satisfies the Criteria Set Forth in Subtitle X § 201.8.

Pursuant to Subtitle X § 201.8, the Board's review of the application shall be based on the six (6) criteria provided under Section 205 the Foreign Missions Act. As discussed in detail below, the application meets these criteria.

1. *The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital. (X § 201.8(a))*

Approval of the proposed expansion and renovation of the existing Chancery will allow the Applicant to bring the building up to modern chancery office standards, including making the building ADA-accessible, allowing for more functional space, and reconfiguring the building entrance and providing elevator access. Reconfiguration of the building, the proposed garden room, and the proposed exterior renovations will ensure that the Applicant maintains adequate facilities for its foreign mission, and approval of the Project will meet the United States' international obligation to facilitate such facilities.

2. *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. (X § 201.8(b))*

This criterion is not applicable as the Property is not located in any historic district and the existing buildings are not designated historic landmarks. However, we note that the Applicant has conferred with D.C. Historic Preservation Office staff regarding the subject application to receive feedback, and the Applicant has incorporated such feedback from staff into the Project.

3. *Adequacy of off-street parking or other parking and the extent to which the area will be served by public transportation to reduce the 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. (X § 201.8(c))*

The Property will continue to provide adequate parking for the Embassy and Chancery. The parking requirement for the Property is ten (10) spaces or the number of spaces determined by the Board. *See* 11 DCMR Subtitle C § 701.5. Nineteen (19) parking spaces are currently provided, and the Project will increase the number of spaces to 23, which is sufficient to meet the

needs of the current and proposed uses. Additionally, the Property is served by the Metrobus N Routes, which pick up at the corner of Massachusetts Avenue and 34th Place, with service to Downtown. Accordingly, the proposed parking and public transportation options in the area are adequate to serve the chancery. In addition, the Applicant encourages the use of other non-automobile modes, such as bikes, and will augment such offerings as the result of the Project. To such end, the Applicant will increase the number of long term bike spaces from five (5) to fifteen (15) and increase the number of short term bike spaces from zero (0) to seven (7).

4. *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. (X § 201.8(d))*

The Embassy and Chancery currently exist at the location and have been able to be adequately protected at such location. The U.S. State Department may further review the instant application as part of the requested review for additional consideration of site protection issues.

5. *The municipal interest, as determined by the Mayor of the District of Columbia. (X § 201.8(e))*

Approval of the application will further the municipal interest. The Applicant has a unique relationship to the District, having maintained one of the longest-standing foreign missions in the District, with the diplomatic use of the Property dating back to the 1930s. The Chancery and Embassy are ideally sited along the District's esteemed Embassy Row, along with the other diplomatic uses that line Massachusetts Avenue NW. Additionally, while the application is to be reviewed exclusively under the six (6) criteria provided under the Foreign Missions Act, it is worth noting that the relief requested from the matter-of-right zoning requirements — specifically, penthouse setback and maximum lot occupancy — would be permitted as special exceptions outside of the Chancery context. Further, in addition to the internal office reconfiguration and

garden room addition, the Project will also include exterior renovations that will improve the existing Chancery's connection with the streetscape and public realm by creating a more open design, making the building entrance ADA-accessible, and improving the landscaping and design adjacent to the sidewalk on 34th Street. Accordingly, the approval of the application will serve the municipal interest.

6. *The federal interest, as determined by the Secretary of State. (X § 201.8(f))*

The U.S. Department of State is in support of the application, as indicated by the letter from the Department included as part of this application.

VII. CONCLUSION

For the reasons set forth in this statement, the Applicant requests that the Board not disapprove this application.

Respectfully submitted,



Jeff C. Utz



Lawrence Ferris