



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS • CLEVELAND PARK
MASSACHUSETTS AVENUE HEIGHTS
McLEAN GARDENS • WOODLEY PARK

Single Member District Commissioners

01-Lee Brian Reba; 02-Jason Fink; 03-Janell Pagats
04-Beau Finley; 05-Sauleh Siddiqui; 06-Adam Hoyt
07- Maureen Kinlan Boucher; 08-Jocelyn Dyer; 09-Nancy MacWood

P.O. Box 4966
Washington, DC 20008
Website <http://www.anc3c.org>
Email all@anc3c.org

ANC3C Resolution 2022-018
RESOLUTION REGARDING FMBZ APPLICATION 20838 - 3612 MASSACHUSETTS
AVENUE, NW

WHEREAS, the property at 3612 Massachusetts Avenue, NW (“**3612 Home**”), is a single-family home located in Square 1931, Lot 5, with a lot area of 6,732 square feet located in a low-density R-1B zone, and is immediately adjacent to a row of single family residential homes; and

WHEREAS, Square 1931 comprises 24 lots, totaling 173,932 square feet, with 150,355 square feet of land used for single family residential use (86.25%) and 23,907 square feet of land used by Temple Micah for religious use (13.75%) (see **Exhibit 1**); and

WHEREAS, the 3612 Home is located within the Massachusetts Avenue Heights Citizens Association (“**MAHCA**”), which was established in the 1960s and is a cohesive 13-block residential neighborhood with longstanding defined boundaries of Wisconsin Avenue, Massachusetts Avenue, Garfield Street, Observatory Circle and Calvert Street (see **Exhibit 2**); and

WHEREAS, several parks and open spaces are positioned near the boundaries of MAHCA and, together with Massachusetts Avenue (a four-lane road), define and separate this low-density residential neighborhood from institutional/religious uses to the north and east; and

WHEREAS, the 3612 Home is oriented to 36th Place, NW and has its sole entrance on 36th Place, NW, with all points of egress and ingress on 36th Place and no direct access to Massachusetts Avenue, requiring all vehicular and pedestrian traffic to access the property from 36th Place (see **Exhibits 3 and 4**); and

WHEREAS, the 3612 Home has 164 feet of frontage on 36th Place and 112 feet of frontage on Massachusetts Avenue and the property is fully privacy fenced and landscaped to buffer the residential property from the noise and traffic on the four-lane wide Massachusetts Avenue and to prevent any access from the property onto Massachusetts Avenue and vice versa (see **Exhibit 4**); and

WHEREAS, the Embassy of Kosovo (the “**Embassy**”) purchased the 3612 Home in August 2022; and

WHEREAS, the Embassy has filed FMBZ Application 20838 to the Board of Zoning Adjustment to locate its chancery at the 3612 Home, proposing six offices and an initial estimate of seven employees on the site; and

WHEREAS, the [Foreign Missions Act of 1982](#), 42 U.S.C. § 4306, established procedures and criteria governing the location of chanceries in DC and identified where foreign missions may locate without regulatory review (matter-of-right areas), including all areas zoned commercial, industrial, waterfront, or mixed-use,

including areas zoned medium-high and high-density residential, SP, and areas within a diplomatic overlay zone; and

WHEREAS, the location of a chancery is not permitted as a matter of right in a low-density neighborhood; and

WHEREAS, the Comprehensive Plan for the National Capital District Elements, effective from August 21, 2021 (the “**Comprehensive Plan**”), includes [Policy LU-3.4.1: Chancery Encroachment in Low-Density Areas](#), which encourages foreign missions to locate their chanceries where adjacent existing and proposed land uses are compatible with existing office, commercial and mixed use areas, and instructing them to take special care to protect the integrity of residential areas; and

WHEREAS, [Subtitle X § 201.3 of the DC Zoning Code](#) requires the Board of Zoning Adjustment (“**BZA**”), when considering an application to establish a chancery in a low-density residence zone, to first determine as a threshold issue whether the proposed location is in a “mixed use” area; and

WHEREAS, Subtitle X § 201.5 of the DC Zoning Code defines a “mixed use” area as one with more than 50% of the zoned land within the area devoted to uses other than residential uses; and

WHEREAS, pursuant to Subtitle X § 201.7 of the DC Zoning Code, if the area is not a “mixed use” area, the BZA must disapprove the application; and

WHEREAS, only after the BZA determines the area is mixed-use shall the BZA consider the merits of the application based upon the criteria of Subtitle X § 201.8 of the DC Zoning Code; and

WHEREAS, under Subtitle X § 201.4 of the DC Zoning Code, the relevant “area” is the area that most accurately depicts the existing mix of uses adjacent to the proposed location of the chancery; and

WHEREAS, under [Subtitle Y § 301.6 of the DC Zoning Code](#), the applicant for a proposed chancery, for purposes of determining the existing mix of uses adjacent to the proposed location of the chancery, should calculate “the land area within the square” (where the proposed chancery will be located) of all low- to medium-density residence zoned lots, identified by lot numbers, and provide additional information about “each lot within the square devoted to a use other than a residential use within a low- to medium-density residence zone” (emphasis added); and

WHEREAS, the current land use in Square 1931 is 86.25% residential use and 13.75% religious use and 0% commercial/office/institutional use and, as such, does not meet the threshold determination of a “mixed use” area.

NOW, THEREFORE, BE IT RESOLVED, that the ANC finds that Square 1931 is the area that most accurately depicts the existing mix of uses adjacent to the proposed location of the chancery; and

BE IT FURTHER RESOLVED, that the ANC urges the BZA give full consideration that Square 1931 is the relevant area under consideration for the “mixed use” determination and most accurately depicts the existing mix of uses adjacent to the proposed location of the chancery; and

BE IT FURTHER RESOLVED, that the ANC requests the BZA disapprove the application to locate a chancery in this low-density residential neighborhood; and

BE IT FURTHER RESOLVED, that the ANC authorizes the Chair and the Commissioners for 3C08 and 3C09 to represent the Commission on this matter.

Attested by

A handwritten signature in black ink that reads "Beau Finley". The signature is written in a cursive, flowing style.

Beau Finley

Chair, on November 14, 2022

This resolution was approved by roll call vote on November 14, 2022, at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

EXHIBIT 1 - Location of subject property (Lot 5, Square 1931) – Square 1931 includes all residential homes plus Temple Micah

Source: [DC Office of Tax and Revenue Real Property Assessment Lot Map Search \(arcgis.com\)](https://arcgis.com)



EXHIBIT 2 – MAHCA Neighborhood and Square 1931 Boundaries

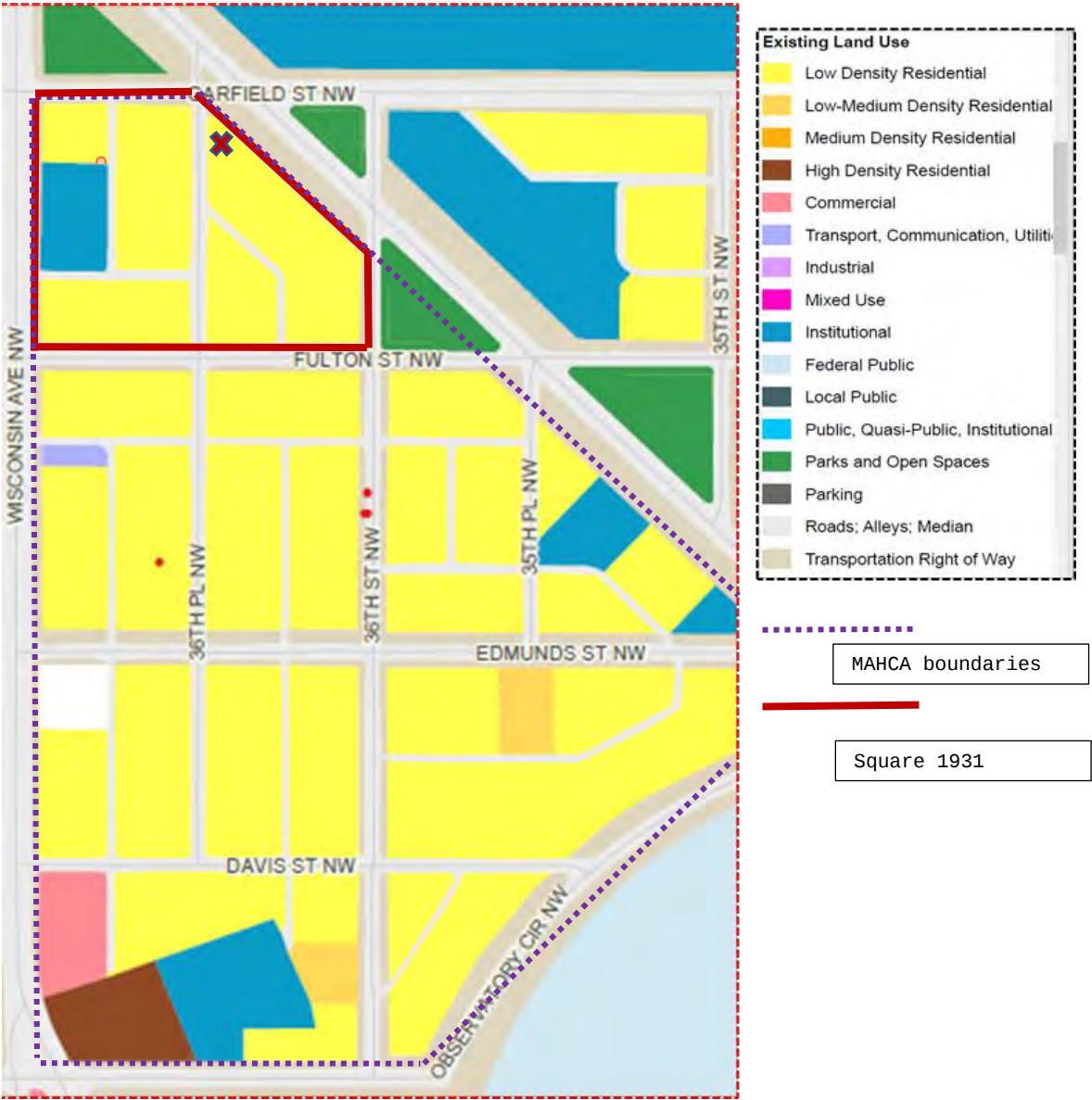


EXHIBIT 3 – 3612 Home and View from 36th Place and Homes Directly Across Street and Adjacent to Property

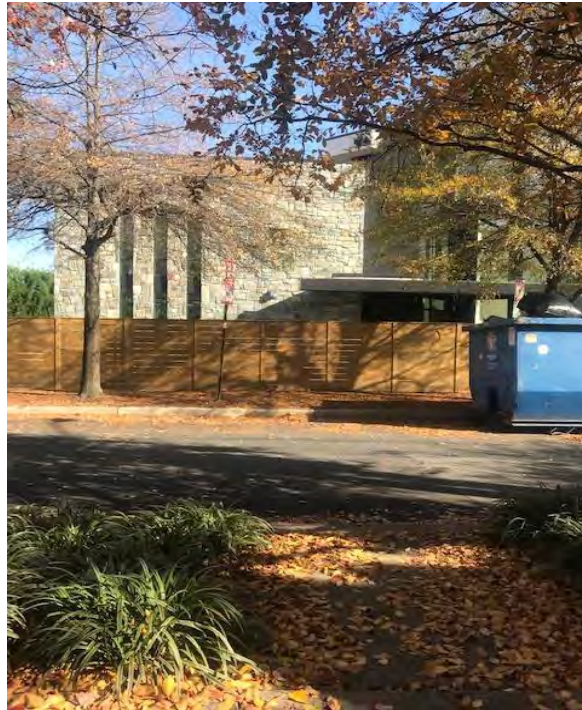
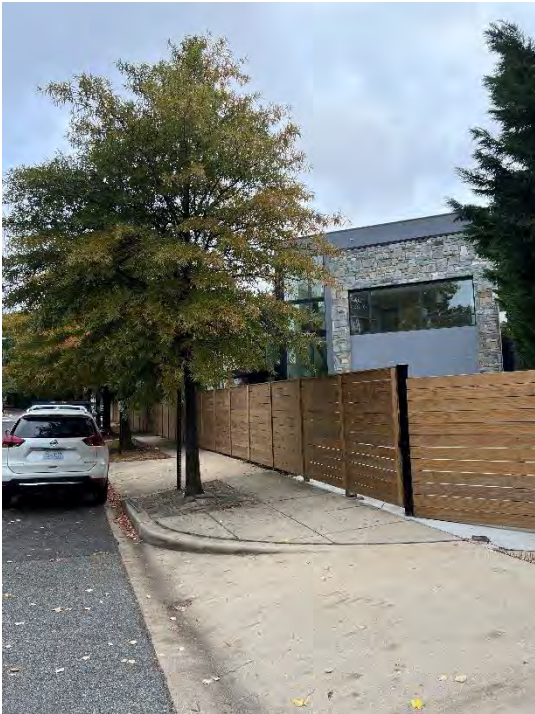


EXHIBIT 4 – 3612 Home and View from Massachusetts Avenue

