

Before the Board of Zoning Adjustment, D. C.

Application No. 12107, of the Polish People's Republic, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7501.4 for further processing of a Planned Unit Development to erect an embassy and Chancery in the R-5-C District at the premises 2900 Tilden Street, N. W., (Square 2234, Lots 800-805, 803 and part of 806).

HEARING DATE: March 17, and 31, 1976

DECISION DATE: May 3, 1976

FINDINGS OF FACT:

1. The current application relates to the Polish element of a planned unit development approved for four governments along Tilden Street and Linnean Avenue west of Rock Creek Park, (Lots 800-805, and part of 806 in Square 2232 and Lot 803 in Square 2234).

2. A public hearing with notice duly given and posted was called for February 18, 1976, and carried forward and held in part on March 17, 1976 and concluded on March 31, 1976.

3. The preliminary application for a planned unit development was filed jointly by the Governments of Poland, Hungary, Indonesia and Czechoslovakia on March 17, 1971. The Zoning Commission on October 26, 1973 issued Order No. 70 granting preliminary approval with conditions.

4. The final application for a planned unit development was filed separately by each government, but combined for purposes of consideration by the Zoning Commission. A change of zoning from R-1-A to R-5-C was requested by the four governments and construction of new embassy/chancery buildings was requested by Poland and Hungary. The Zoning Commission, on December 30, 1974, issued Order No. 106, and approved the requested zone change from R-1-A to R-5-C and approved the construction of the new embassy/chancery buildings for Poland and Hungary subject to conditions and guidelines, all as set forth in Case 74-7/71-5F; Order No. 106.

5. The applicant has submitted the following documents prepared by the firm of Howard Needles Tammen and Bergendoff

as required under Paragraph 7501.41 of the Zoning Regulations and as required by the Zoning Commission, as set forth in its Order No. 106:

- a. Floor plans and elevation of building (Sheets 6 thru 9 dated December 18, 1975, and Sheets 11A and 12A dated December 18, 1975, revised March 18, 1976).
- b. Roof plans and architectural elevations of roof structure (Sheets 10 and 13 dated December 18, 1975, and Sheets 11A and 12A dated December 18, 1975, revised March 18, 1976).
- c. Final grading and drainage plan (Sheet 2A dated December 18, 1975, revised March 18, 1976).
- d. Planting and landscaping plan (Sheet 3A dated December 18, 1975, revised March 18, 1976).
- e. Site plan showing dimensions, area, building and noting precisely any difference in their location as approved by Zoning Commission and details of all other structures not classified as buildings and the location, details, and grades of all driveways and curb cuts and detailed parking plans, including circulation, screening, and lighting and the relationship between garage facilities and street access. (Sheets 1A, 4A, 5A, 2A, and 13A dated December 18, 1975, revised March 18, 1976).

6. The plans filed with the Board on December 30, 1975, showed a protective fence with lighting, protective louvres outside certain windows, and a sign marking the Embassy/Chancery, none of which were shown on the plans presented to the Zoning Commission. The sign, and a part of the fence and lighting, are located within the 25 foot set back from the Tilden Street right of way provided by the Zoning Commission Order No. 106.

7. At the Board hearing on March 17, 1976, the Forest Hills Citizens Association took exception to these departures

from plans presented to the Zoning Commission.

8. Following the March 17, 1976 hearing, the applicant revised its plans to remove the protective louvres outside windows facing Tilden Street, to relocate the sign and fence in the area facing Tilden Street, to lower the lighting in that area, and to provide additional screening of the fence in that area.

9. As a result of these changes, the Forest Hills Citizens Association has no objection to an approval of the application.

10. The Municipal Planning Office, by report dated February 13, 1976, found that the development was in harmony with the conditions and guidelines of Zoning Commission Order No. 106, and recommended approval of the application.

CONCLUSIONS OF LAW:

The development as proposed by the Polish People's Republic, and revised on March 18, 1976, is in harmony with the conditions and guidelines set out in Order No. 106, Case No. 74-7/71-5F and Section 7501 of the Zoning Regulations, and is in accordance with the intent of the Zoning Commission for this development. The Board's review of the detailed plans submitted by the Polish People's Republic reveals that they are, with one exception, substantially identical to the Submission approved by the Zoning Commission in its Order No. 106 dated December 30, 1974. The placement of a sign, fence and lighting fixtures in part within the 25 foot set back from Tilden Street accords with the intent of the Zoning Commission's approving Order, is in harmony with the objectives of Section 7501 of the Zoning Regulations, and is permitted by the Board. The landscaping planting, screening, site plan and drainage plans comply with the spirit and intent of the conditions contained in the Zoning Commission Order, and are therefore found to be satisfactory. It is therefore ordered that the above application be GRANTED subject to the following conditions:

1. The Board, under the terms of this Order, shall retain jurisdiction to modify this approval as provided by Paragraph 7501.49 of the Zoning Regulations.

2. Approval of the application by the Board of Zoning Adjustment shall not relieve the applicant of the responsibility of conforming to all other applicable codes and ordinances of the District of Columbia.
3. The change of zoning shall not be effective until the recordation of the covenant required by Sub-section 7501.2 and completion of the planned unit development process.
4. The order of the Board shall be valid for a period of 18 months. Within such period, the plans shall be filed for the purpose of receiving a building permit.

VOTE: 3-0 (Leonard L. McCants, Martin Klauber and William F. McIntosh to grant, William Harps and Lilla Burt Cummings, Esq., not voting, not having heard the case.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: _____

STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF ORDER: MAY 21 1976