

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13532, of the Republic of France, pursuant to Sub-section 7501.4 of the Zoning Regulations in effect prior to February 16, 1979, for further processing of a Planned Unit Development to permit the construction of a Chancery in an R-5-C District at the premises 3905 Reservoir Road, N. W., (Square 1320, Lot 892).

HEARING DATE: July 22, 1981
DECISION DATE: September 2, 1981

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Douglas J. Patton, William F. McIntosh, Charles R. Norris, Lindsley Williams and Connie Fortune to grant.)

FINAL DATE OF ORDER: October 15, 1981

ORDER

By letter dated October 4, 1982, the applicant requested approval from the Board to modify plans previously approved by the Board in its Final Order dated October 15, 1981. The proposed modifications will affect only Building "D," which was approved under Phase II of the planned unit development, and which contains the auditorium and several meeting rooms. The proposed modifications include:

- a. Providing access to the lobby via double glass doors at several points around the traffic circle in addition to the four doors indicated on the original plans. The additional doors are proposed to be located in what were windowless building walls and a concrete retaining wall in the original plans.
- b. Enlarging the lobby which will displace the cloak room and toilets. Space for these displaced elements will be provided by extending the building to the south. The addition is to be built into the hillside and behind what was a retaining wall at the eastern edge of the traffic circle in the original plan. The addition will measure approximately thirty-six by forty feet. Expansion of the lobby will also necessitate the

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

13532order/BETTY4

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BOARD OF ZONING ADJUSTMENT



BZA Application No. 13532, of the Republic of France, pursuant to Sub-section 7501.4 of the Zoning Regulations in effect prior to February 16, 1979, for further processing of a Planned Unit Development to permit the construction of a Chancery in an R-5-C District at the premises 3905 Reservoir Road, N. W., (Square 1320, Lot 802).

HEARING DATE: July 22, 1981

DECISION DATE: September 2, 1981

FINDINGS OF FACT:

1. The subject application is a request for further processing of a planned unit development (PUD) by the Board of Zoning Adjustment under the provisions of Sub-section 7501.4 of the Zoning Regulations in effect prior to February 16, 1979. The application for the PUD was pending before the Zoning Commission when the Zoning Regulations were amended in 1979. Under Paragraph 7501.92 of the Zoning Regulations as amended, an application for approval of a planned unit development which was filed prior to the effective date of the amended regulations may continue to be processed to completion in accordance with the Zoning Regulations in effect at the time of the filing.

2. The site, which is partially wooded, is at present vacant and undeveloped. The eight acre tract was originally a portion of the Archbold Estate purchased by the Republic of France as a site for its chancery. It is bounded by Reservoir Road on the south, Glover-Archbold Park on the west and Hillandale, a residential development presently under construction, on the east and north. The Hillandale tract was the remainder of the Archbold Estate.

3. The Zoning Commission granted preliminary approval to the PUD by Order No. 194, dated December 8, 1977. Final approval and a concurrent change of zoning from R-1-B to R-5-C was granted by Order No. 264, dated February 8, 1979. The two-year time limitation for filing for further processing by the Board of Zoning Adjustment was extended by the Zoning Commission for a period of six months by Order No. 327, dated November 13, 1980.

4. Under Sub-section 7501.4 of the applicable Regulations, it is the responsibility of the Board "to implement the planned unit development as finally approved by the Zoning Commission."

5. In Order No. 264, the Zoning Commission set out guidelines, conditions and standards for the further development of the PUD. These conditions, with the Board's findings thereon, are as follows:

- A. The property shall be for the exclusive use of the Government of France for its chancery and other government offices, including associated supporting and accessory uses. The Board finds compliance with this condition.
- B. The maximum height of all buildings and structures shall be limited to forty feet, to be measured from the grade in front of the building as shown on Exhibits 16-A and 16-B of the record regarding the preliminary application, exclusive of roof structures permitted under Section 3308. All buildings shall be set-back from the property line at least the height of the building measured from the lowest point of the finished grade. The Board finds compliance with this condition.
- C. The maximum floor area ratio shall be 0.4. The project as proposed contains a gross floor area of 112,792 square feet, or an FAR of 0.32. The Board finds compliance with this condition.
- D. The maximum percentage of lot occupancy shall be thirty per cent. The lot occupancy as proposed is twenty-three per cent. The Board finds compliance with this condition.
- E. There shall be a minimum of 600 off-street parking spaces and a maximum of 620 off-street parking spaces. The Board finds that applicant's plan provides for a total of 359 self-park, fully accessible spaces on two underground levels as shown on sheets Z-22 and Z-23 of Exhibit No. 11 of the record. The plans further provide for a total of 579 off-street parking spaces to be available on those occasions when more than 359 spaces are required. The arrangement of such spaces, including attendant parking in the underground garage and use of certain access drives and lawn areas, is shown on sheets Z-7, Z-22A and Z-23A of Exhibit No. 11. The total of 579 spaces is 3.5 per cent less than the 600 spaces required. That reduction is permitted by Sub-paragraph 7501.43d of the Regulations.

- F. Vehicular access shall be from Reservoir Road, with the location and provision of such access to be determined in conjunction with and approved by the D. C. Department of Transportation as shown on Exhibit No. 26-G of the record. The applicant shall follow a car-pooling plan as submitted to the Commission and approved by the Department of Transportation, as follows:

Subject to the uncertainties of predicting the situation in 1981 or 1982 or later, the goals sought to be achieved for car-pooling are the following:

1. 25% of the personnel of the Embassy to travel to and from work other than by private cars (this to continue the situation now existing).

2. Senior diplomatic and military personnel not to be required to car-pool. All other personnel of the Embassy to be required to car-pool wherever it is possible. The result sought to be achieved is to be an average for such other personnel of not less than two persons per vehicle.

3. The total of all vehicles for such travel, including those of senior diplomatic and military personnel, not to exceed 200.

The Board finds that the applicant's site plan shows vehicular access with the appropriate channelization as recommended by the DOT in compliance with this condition. The Board finds that applicant's statement of intent indicates its compliance with the car-pooling condition.

- G. The final site plan shall be designed so as to satisfy the Department of Environmental Services concerning the collection and drainage of storm water run-off, so as to minimize other adverse environmental impact. The Board finds that applicant's statement of intent indicates its compliance with this condition.
- H. The applicant shall submit a detailed landscape plan along with the application for further processing of the PUD. All areas not devoted to buildings, structures, access drives and above ground parking shall be appropriately landscaped so as not to change the character of the area. The Board finds that the landscape plan submitted is in compliance with this condition.

- I. The final design of the complex shall be based on the plans presented to the Zoning Commission with the final application, marked as Exhibits No. 8 and 26 of the record. The Board finds compliance with this condition.
 - J. No site grading or other change in the existing character of the property, including removal of existing trees or vegetation, shall take place prior to approval of the detailed site plan by the Board of Zoning Adjustment. The Board finds compliance with this condition.
 - K. Approval of the application by the Zoning Commission and/or 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. The Board finds compliance with this condition.
 - L. 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. The Board will require compliance with this condition.
 - M. The applicant may process the project through the Board of Zoning Adjustment in one or more stages. The Board shall specify appropriate time limits on the staging of development, if the process is to involve more than one stage. The PUD covenant applicable to the entire property shall be recorded prior to the issuance of permits for the first stage. The Board finds that applicant has proposed the construction of the site in two phases, Phase I to be completed by July of 1984 and Phase II to be completed by March of 1985.
6. The plans now before the Board produce a reduction of approximately sixteen percent in the building area, from the plans approved by the Zoning Commission. This reduction lowers the floor area ratio from 0.36 for the design approved by the Zoning Commission to 0.324 for the present design. It also lowers the lot occupancy from approximately twenty-seven percent for the prior design to approximately twenty-three percent for the present design. The effect of this reduction is to increase the amount of open space surrounding the building and to reduce slightly the visual presence of the building. A further effect of the reductions in the building area is to permit a simplification in the building's appearance and roof line.

7. The final design of the planned unit development provides on-site parking for 579 automobiles which represents a reduction of three and one-half percent from the minimum number of 600 parking spaces required by Order No. 264. The 579 parking spaces are provided in anticipation of the annual observance of Bastille Day. At all other times, the Chancery's parking requirements will be satisfied by the underground parking facilities which will accommodate 359 self-parked vehicles. Order No. 264 requires the applicant to follow a car-pooling plan under which the total number of daily commuting vehicles, including those of senior diplomatic and military personnel, shall not exceed 200. Consequently, the 359 self-parked spaces in the underground parking facilities will satisfy the normal business hour requirements of the development as well as the requirements of all after-hours functions, except Bastille Day. Twenty-five percent of the underground spaces, both self-parked and valet parking, are allocated for compact cars.

8. The reduction in the size of the buildings has resulted in a slight relocation of the buildings in relation to the property lines. For the most part, the new building lines are within the building lines on the design granted final approval by the Zoning Commission and they are removed slightly from the property lines.

9. All of the personnel apartments have been relocated along the western edge of the main driveway. In the plan approved by the Zoning Commission one group of the apartments was located on the lawn between the southernmost building and Reservoir Road and another group was located along the western edge of the driveway near Reservoir Road. This modification in the design consolidates these units, removes them from the Reservoir Road boundary of the site and brings them into closer harmony with the design. Locating these units along the boundary shared with Glover-Archbold Park will not adversely affect the Park because the units are sunk into the slope so that their roofs will be at or below the grade of the driveway, because they will be screened from the Park by retaining walls and a wrought-iron fence and because the roofs of the apartments and the patios facing the Park will be landscaped.

10. The present design has been modified by the elimination of a fourth main access to the building to the east, the elimination of a portion of the driveway and a passenger drop-off circle to serve that entrance and the removal of the stairs to the underground parking facility from the passenger drop-off circles to the inside of the building. The effects of these changes are to simplify the appearance of the surface, to simplify the vehicular and pedestrian traffic patterns on the surface and to lessen the visual impact of traffic across the surface.

11. The recreational facilities that were to be located on the lawn between the southernmost building and Reservoir Road have been eliminated altogether. Eliminating these facilities and relocating the personnel apartments that were to adjoin them permits the retention of an undeveloped green area between Reservoir Road and the front of the development. It also permits the retention of the existing contours of the property to a greater degree.

12. The curb cut, driveway, traffic island with guardhouse and traffic island in Reservoir Road have been relocated slightly to the east of their positions on the design approved by the Zoning Commission. This relocation and the attendant adjustment to the channelization of traffic in Reservoir Road have the effects of preventing the encroachment onto the adjoining Park property and endangering certain trees on the Park's property line, of preserving the greatest number of trees possible and of avoiding disruption of the steep slope at the western edge of the Park's southern boundary at Reservoir Road.

13. The surveillance road, a path that will be traversed by guards on foot and occasionally by a jeep, has been adjusted to compensate for the changes in the layout of the driveway, to allow for the elimination of the eastern arm of the driveway and to avoid existing trees.

14. Two radio antennae have been located on the final design at the roof level and they are shown to rise to a height of twelve feet above the roof line in the plans.

15. The final design shows the location of a cooling tower north of the building and air intake and exhaust structures between the building and the eastern boundary of the site. The air intake and exhaust structures will be designed to conform to the standard of 55 dba at the property line. The structures are to be built into the slope facing the building and are located between the building and the eastern property line. The buildings on the Hillandale development located nearest to these structures are set back from the property line. The air moving equipment serving the air intake and exhaust structures are to be located at the garage level, underground; no fans will be placed at the surface. In between the structures and the nearest buildings on the Hillandale development, the land rises approximately thirty-four feet above the structures at the property line and then drops back down, forming a natural berm between the air intake and exhaust structures, and the Hillandale development. The cooling tower structure, located between the northern end of the building and the wooded portion of the site, will have a fan above ground but will be located 150 feet from the east property line.

16. The final design has been oriented toward the preserva-

tion of the existing topography and vegetation where possible. The steep and wooded slope at the eastern half of the southern boundary of the property is to be left undisturbed. Elimination of the recreation facility also results in the preservation of existing trees. The wooded area at the northern end of the site will be preserved entirely except for its southern boundary where a retaining wall will be built to preserve the existing slope. The landscaping plan consists of a mixture of grass, ground cover and vegetation which, taken in concert, are appropriate to the site. The sizes of the individual plants that will be installed, subject to availability, is substantial and appropriate.

17. The Office of Planning and Development, by report dated July 17, 1981, and by testimony at the hearing before the Board, recommended that the application, including all of the modifications proposed by the applicant, be approved. The OPD has reviewed the submitted documents and proposed plans in conjunction with the Zoning Commission Order and found that the application is consistent with the intent of the Zoning Commission's approval of the planned unit development. The Board so finds.

18. The Department of Transportation, by memorandum dated July 10, 1981, and by testimony at the hearing before the Board, reported that the modifications to the plan will not adversely effect the street system in the surrounding neighborhood. The Department of Transportation memorandum stated that the 579 spaces provided will be adequate to protect the residential neighborhood against parking overflow onto the local streets during the annual observance of Bastille Day and that the 359 self-park spaces underground is appropriate for the normal daily activities of the chancery. The Board so finds.

19. Advisory Neighborhood Commission 3-B, within which the property is located, by testimony presented at the hearing before the Board, was concerned about traffic in the neighborhood. The ANC offered several alternative suggestions to deal with traffic, one of which was to require the implementation of a car-pooling plan. The ANC did not submit a written statement of its issues and concerns for the record.

20. The Burleith Citizens Association, by the testimony of Mr. Robert McFadden at the hearing, took a neutral position on the application because of the division of its membership on the application.

21. The Hillandale Development Corporation, by the testimony of its representative at the hearing before the Board and by a letter from its president received on the day of the hearing, stated its support for the application but expressed its concern over the possibility of excess noise from the air intake and exhaust struc-

tures and expressed also the wish that construction of the chancery development might be coordinated with their construction. At the hearing, the representative withdrew all of the objections and stated its concerns were satisfied by the testimony presented.

22. As to the issues raised by the ANC, the Board finds that the car-pooling plan adopted by the applicant with the approval of the Department of Transportation is adequate to limit to 200 the number of vehicles commuting to the site daily. Also, the Board finds that the parking provided will more than serve the daily needs of the Chancery. The Board has found compliance with this condition of the Zoning Commission Order No. 264. Further, the Board notes that the ANC originally objected to the provision of 600 off-street parking spaces as being too many off-street spaces and an examination of the Zoning Commission's order indicates that the car-pooling plan, which would limit to 200 the number of cars commuting to the site daily, was adopted in response to that objection before the Commission.

CONCLUSIONS OF LAW AND OPINION:

Based on the above findings of fact, the Board concludes that the subject application complies with the provisions of Zoning Commission Order No. 264. The Board further concludes that the application to change the requirement of Paragraph No. 5 by a reduction of the number of off-street parking spaces provided by less than the five percent permitted by the Zoning Regulations to provide 579 off-street parking spaces, a three and one-half percent reduction, is consistent with the intent of the Zoning Commission's approval of the planned unit development and consistent with the Zoning Regulations. The Board further concludes that the subject application is in accord with the intent of Section 7501 of the Zoning Regulations in effect on the date the application was granted preliminary approval by the Zoning Commission.

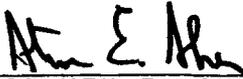
The Board concludes that it is not required to accord "great weight" to the issues and concerns of the ANC, because those issues and concerns were not submitted in writing for the record. The Board notes that it has addressed the issues raised at the hearing in its findings. Accordingly it is ORDERED that the application is GRANTED subject to the FOLLOWING CONDITIONS:

1. The noise emanating from the air intake and exhaust structures shall not exceed 55dba as measured at the property line.

2. The applicant shall comply with all the conditions of Z.C. Order No. 264, dated February 8, 1979, provided that the applicant shall be required to provide only 579 off-street parking spaces.
3. Phase I is to be completed by July of 1984 and Phase II is to be completed by March of 1985.
4. The Board shall retain jurisdiction to interpret and apply the terms and conditions of this Order and to make plan corrections and minor modifications of such plans.
5. Prior to the issuance of any building permit, in accordance with the requirements of Sub-section 7501.2 and Paragraph 7501.52 of the Regulations in effect prior to February 8, 1979, the owner of the property shall record a covenant in the land records of the District of Columbia acceptable to the Zoning Regulations Division and the Office of the Corporation Counsel. The applicant shall file a copy of that covenant with the Board and also with the Zoning Commission.
6. The Order of the Board shall be valid for a period of eighteen months. Within such period, the plans therefore shall be filed for the purpose of securing a building permit.
7. The development shall be constructed in accordance with the plans submitted to the Board and marked as Exhibit No. 11 of the record.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh, Charles R. Norris, Lindsley Williams and Connie Fortune to grant).

BY ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 15 OCT 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."