

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13976, of the Government of Japan, pursuant to Article 46 of the Zoning Regulations, for permission to expand a chancery in a D/R-3 District at premises 2520 Massachusetts Avenue, N.W., (Square 2500, Lots 8-11, the remainder of Lot 12, 13-16, 34-43 and the public alley now closed included within the boundaries of said lots).

HEARING DATE: June 8, 1983
DECISION DATE: June 8, 1983 (Bench Decision)

INTRODUCTION

The subject application was filed by the Government of Japan to expand its chancery located at 2520 Massachusetts Avenue, N.W. The application was considered by the Board in accordance with the requirements of Article 46 of the Zoning Regulations. Article 46 was adopted by the Zoning Commission to implement Section 206 of the Foreign Missions Act (Title II, Public Law 97-241, 96 Stat. 286, August 24, 1982). The public hearing was conducted as a rule-making proceeding under Chapter 6 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

APPLICATION

The subject site is approximately three acres in size and is situated between Massachusetts Avenue and Waterside Drive, N.W. The site is approximately 1,700 feet northwest of Sheridan Circle, N.W. It is located within the Massachusetts Avenue Historic District and a portion of the existing building on the site has been designated as an historic landmark. Surrounding uses include other embassy and chancery uses, single family residential use and apartments.

Chancery use of the site dates back to 1932 when the landmark building housing the old chancery and the east wing were constructed. The west wing and the tea house were constructed in 1961. The ambassador relocated to the new residence on Nebraska Avenue in 1977 and the entire premises has been used for chancery purposes since then.

The government of Japan seeks approval of this application to permit it to consolidate its chancery facilities presently housed in three locations: the subject site, the Watergate Office Building and at International Square on

19th Street, N.W. The addition is also necessary to alleviate seriously overcrowded conditions at the chancery and to furnish ample off-street parking.

The proposed chancery addition will be constructed in two phases, with the first phase consisting of the addition which is the subject of this application. In phase 2, a conference center and exhibit area will be built on the eastern portion of the site.

CRITERIA

In considering the subject application, the Board must apply the specific criteria set forth in Section 4602 of the Zoning Regulations, which are as follows:

1. Paragraph 4602.11 The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.
2. Paragraph 4602.12 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 historic 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 landmarks.
3. Paragraph 4602.13 The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, 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.
4. Paragraph 4602.14 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.
5. Paragraph 4602.15 The municipal interest, as determined by the Mayor.
6. Paragraph 4602.16 The Federal interest, as determined by the Secretary of State.

EVALUATION

With respect to the six criteria identified in the Regulations, the Board states the following:

1. The international obligation of the United States: By letter dated May 26, 1983, the Director of the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of State, has determined that the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the nation's capital will be met by the approval of this application. According to the Office of Foreign Missions and testimony presented by the applicant, the chancery offices operated by the applicant in the Watergate and International Square office buildings present severe security problems for the applicant. The Department of State has advised the applicant that it is difficult to maintain security for those two office buildings. The chancery addition would be adequate to meet existing staff needs as well as projected future staff needs for which current projections are for up to 170 employees by 1987.
2. Historic preservation: The subject site is located within the Massachusetts Avenue Historic District and contains an historic structure. The chancery addition has been designed to meet historic preservation objectives in the District of Columbia. All existing buildings will be kept and no new construction will rise above the main building. The addition will include a new entrance, leaving the old courtyard as a ceremonial entrance to the main building. Cars will be removed from the courtyard and underground parking provided. The tea house will be moved to the southwest corner of the site, the Japanese garden reconstructed, and the walkway leading to the tea house heavily landscaped to screen the garden area from the new chancery. Seventy foot trees in Rock Creek Park will screen the new building completely in the summer and nearly so in the winter. As noted by letter dated May 13, 1983, the Commission of Fine Arts reviewed and approved concept designs for the project on May 18, 1982. The Joint Committee on Landmarks of the National Capital, by Memorandum of Actions Taken on June 16, 1982, found no objection to the basic concept noting certain details to be attended to in the final plans.
3. Parking and transportation: In place of the limited off-street parking presently located in an open area west of the existing building and in the ceremonial courtyard area, the applicant will construct underground parking for up to 250 vehicles for staff and visitors. Applying the guidelines in Sub-section 7202.1 of one parking space per 800 square feet of gross floor area devoted to chancery use, only sixty-three parking spaces need be provided. Under current projections for increases in the number of employees

and visitors over the next four years, the 250 underground parking spaces are adequate for the Chancery's present and future needs. The applicant's traffic consultant concluded in his written report that the applicant's planned parking would be adequate for peak requirements of both employees and visitors, so that there should be no spillover onto residential streets. The D.C. Department of Transportation reviewed the applicant's plans and concluded that the garage parking and circulation plan will satisfactorily handle the expected volume of traffic generated by both employees and visitors. The applicant will also reduce the number of curb cuts along Massachusetts Avenue from the existing five to four. The applicant proposes to seek approval for a curb cut on Waterside Drive which will lead into a tunnel into the parking garage. The tunnel is to be a security device with limited access and would not be available for the general use of staff and visitors. Limitation on access to and use of the tunnel will be a condition of this decision and order. The Office of Foreign Missions has determined that the underground parking meets security requirements.

4. Protection: The Office of Foreign Missions has determined that the area is capable of being adequately protected. The location is such that it facilitates security, particularly when compared to the less desirable existing situation where chancery offices are located in commercial office buildings.
5. Municipal interest: The Director of Planning, the delegated representative of the Mayor, by memorandum dated May 31, 1983, reported that approval of the application will not be contrary to the municipal interest. The Office of Planning reported that the chancery addition will be within the allowable zoning envelope for the D/R-3 District. The roof structure will be thirteen feet in height and will not exceed twelve percent of the total floor area. The portion fronting on Massachusetts Avenue will be two stories which will step down to a one-story mass on the front to respond to the residential character and scale of the street. The third story will be set back eighty feet from the property line. The addition has also been designed to minimize disturbance of the existing vegetation, especially along the slope towards Rock Creek Park. All existing buildings will be kept and no new construction will rise above the main building. The proposed scheme, by virtue of the application of modern design and construction standards, will result in improved conditions for storm water runoff, traffic circulation and energy consumption. The Office of Planning noted that the D.C. Department of Transportation had reviewed the application and concluded that

there will not be any objectionable impacts from the application's parking and circulation plan. The Office of Planning reported that the Department of Environmental Services (DES), in a memorandum dated August 6, 1982, stated that the existing water distribution and sewer systems accommodate the proposed expansion. The DES noted that site development will have to conform to soil erosion and sediment control regulations of the District of Columbia. The Office of Planning was of the opinion that concerns expressed by a neighboring property owner, Mr. Rudolph of 2525 Waterside Drive, N.W., whose letter of May 2, 1983, is part of the record of this case, are part of the municipal interest. Mr. Rudolph expressed concern over whether portions of the subject property abutting his home would be used as the construction staging area throughout the construction period. He objected to the resulting noise and activity that he believed he would be required to bear during the construction period and requested that the construction staging site be located on a portion of the site where any allegedly negative effects of construction would be buffered from his property. The applicant has satisfactorily addressed Mr. Rudolph's concern as shown in the location of the construction staging area in public space along Massachusetts Avenue, N.W., and on other portions of the site. The applicant's proposed construction staging plan will be made a condition of this order.

6. Federal interest: The Office of Foreign Missions determined that approval of the application would be in the federal interest in that it would be in the best interest of the United States and consistent with bilateral and reciprocal interests of the United States and Japan. The Japanese government accommodated the building of United States facilities in its territory and the Office of Foreign Missions has determined that it is not only proper, but incumbent upon the United States to provide similar accommodation. The Office of Foreign Missions concluded that the ability of the United States to provide similar reciprocal treatment to the government of Japan is important to the federal interest as it promotes the foreign relations of the United States.

ANC REPORT

Advisory Neighborhood Commission 1D, by letter dated May 17, 1983, from Elaine Dym, Chairperson, advised the BZA that at its March 31, 1982, meeting, the ANC voted unanimously to support the application. The ANC noted that its concerns regarding parking, and the effects of construction noise and congestion were addressed by the applicant.

DECISION

On the basis of the record before it and the criteria of Section 4602 of the Zoning Regulations, the Board determines that the standards of Section 4602 of the Zoning Regulations have been met by this application. Accordingly, it is therefore hereby ORDERED that this application is APPROVED SUBJECT to the following CONDITIONS:

1. Construction shall be accordance with the plans marked as Exhibit No. 33 of the record.
2. Construction staging shall be as shown on Exhibit No. 41 of the record.
3. The use of the access to the parking garage from Waterside Drive shall be limited to senior officials of the Embassy and emergency use and shall be prohibited from 7 A.M. to 9 A.M. and from 4 P.M. to 6:30 P.M.

VOTE: 5-0 (Douglas J. Patton, John G. Parsons, Charles R. Norris, Carrie Thornhill and Reginald W. Griffith to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

IN ACCORDANCE WITH SECTIONS 609.4 AND 609.5 OF THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE, THIS ORDER SHALL BECOME FINAL UPON PUBLICATION OF THE NOTICE OF FINAL RULEMAKING IN THE D.C. REGISTER.

FINAL DATE OF ORDER: SEP - 9 1983

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 CONSUMER AND REGULATORY AFFAIRS.