

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 264*
Case No. 78-20/76-28F
February 8, 1979

Pursuant to notice, a public hearing was held on December 18, 1978 to consider the final application for a planned unit development and related zone change filed by the Republic of France.

FINDINGS OF FACT

1. This is an application for final approval under Article 75 of the Zoning Regulations for a planned unit development (PUD), which involves a change of zoning from R-1-B to R-5-C for lot 802 in square 1320. The site is a portion of the Archbold Estate located at 3905 Reservoir Road, N. W., comprising approximately eight acres.
2. The site is currently vacant and undeveloped and is partially wooded. It is bounded by Reservoir Road on the south, Glover-Archbold Park on the west, and the major remaining portion of the Archbold Estate on the east and north.
3. The Zoning Commission granted preliminary approval to the PUD by Order No. 194, dated December 8, 1977. The Commission specified guidelines, conditions and standards in that order which governed the use, height, bulk, density and design of the site.
4. The R-1-B District permits single family detached houses on minimum lots of 5,000 square feet with a maximum lot occupancy of forty percent. The R-5-C District normally permits general residential uses, including single family dwellings, flats and apartments to a height of ninety feet and a floor area ratio of 3.5. Under the controls of the PUD, the applicant is proposing to limit development of the site to the height and bulk standards of the R-1-B District.
5. The applicant seeks permission to develop a complex of

* NOTE: This order was amended by Z.C. Order No. 327 dated 11-13-80.

facilities including a chancery, consulate, offices for various attaches and services of the French Embassy, reception, exhibition and lecture halls, recreation areas, and related facilities.

6. The total development is designed to house 400 persons, more than the immediate needs of the French government. The total development would not exceed forty feet and three stories in height, would have a floor area ratio of .36, which is less than the 4.0 maximum permitted in R-5-C and less than the 0.4 maximum permitted in R-1-B under PUD, and would have a lot occupancy of twenty-seven per cent, less than the seventy-five per cent permitted in R-5-C and less than the forty per cent permitted in R-1-B.
7. There are several existing non-residential uses in the vicinity, including the Georgetown University complex across Reservoir Road to the south, the German chancery on Reservoir Road west of Foxhall Road and Western High School and its athletic field to the east across 39th Street. With the exception of the house on the Archbold Estate, there are no private residences within 200 feet of any boundary of the subject property.
8. The United States has an international obligation under Article 21 of the Vienna Convention on Diplomatic Relations to facilitate the acquisition by foreign states "of premises necessary for its mission." The construction of the proposed chancery complex will allow the government of France to concentrate in one location all the activities which are presently located in eleven locations Northwest Washington, and in New York City.
9. The only public street abutting the site is Reservoir Road, which is a four lane, secondary arterial type street. Through traffic movement on Reservoir Road is restricted to one lane in each direction by parked cars during off peak periods.
10. All areas not devoted to buildings, structures, access drives or above ground parking will be appropriately landscaped so as not to change the character of the area, in conformity with the landscape plan filed with the final application.
11. In granting preliminary approval to the planned unit development application, the Zoning Commission established guidelines, conditions and standards to be applicable to

the final application. As to those guidelines, conditions and standards, the Commissions finds as follows:

- A. An application for a change of zoning from R-1-B to R-5-C was filed with the final application.
- B. As already found herein, the property shall be for the exclusive use of the Government of France for its chancery and other government offices.
- C. No building or structure exceeds forty feet in height. The roofline has been lowered in a number of locations by relocating mechanical equipment to the basement, as shown on the drawings as part of Exhibit 26 of the record. The design of building no. 1 near the western property line has been revised from the preliminary application to comply with the setback requirements.
- D. The floor area ratio proposed is approximately 0.36, less than the 4.0 maximum specified.
- E. The percentage of lot occupancy is approximately twenty-seven, less than the maximum of thirty per cent.
- F. The final plans contain 618 parking spaces, within the range of 600 to 620 specified in the preliminary approval.
- G. The applicant submitted a revised access plan for the driveway entrance from Reservoir Road. The entrance has been relocated to the west, reducing the number of trees to be cut and also necessitating minor changes in the design of the site in that area. The District of Columbia Department of Transportation approved the revised plan, as shown on exhibit 26-G of the record. Subsequent to the hearing, the applicant submitted a letter, marked as exhibit 32 of the record, containing a car-pooling program which had been agreed upon by the applicant and the Department of Transportation.
- H. The applicant has reached an agreement with the National Park Service and the D. C. Department of Environmental Services with respect to storm water run-off. The agreement in principle is as follows:

" The storm water management system will be an on-site retention system with controlled release to the District system in Reservoir Road, so that the peak runoffs from the developed site will not exceed the peak runoff of the existing site. Final plans and specifications are subject to the approval of the Department of Environmental Services."

- I. The applicant has submitted a general landscape plan, which preserves most existing wooded areas and some open meadow land in a natural state, and enhances portions of the site with plantings of various types.
 - J. No site grading or other change in the existing character of the property has taken place.
12. The Municipal Planning Office, by report dated December 14, 1978, and by testimony at the hearing on the final application, confirmed that the applicant has complied with all the conditions set forth by Zoning Commission Order No. 194, granting preliminary approval for the PUD, with the exception of a specific car-pooling/shuttle bus program.
13. The Department of Transportation, by memorandum dated October 13, 1977, and by testimony at the hearing on the preliminary application, reported that the application would not result in unacceptable traffic impacts. The Department developed a preliminary traffic circulation plan for Reservoir Road adjacent to the subject site. The plan involves dedication by the applicant of property along its frontage to allow for the reconstruction of Reservoir Road. The reconstruction will allow for the channelization of traffic, including a storage lane for left turns into the complex. Left turns into the Georgetown Medical/Hospital complex parking garage on the south side of Reservoir Road will also be accommodated. The Department advised that, subject to working out the details of the road improvements, Reservoir Road can handle the added traffic anticipated by the French Chancery complex, provided that the French agree to measures to reduce auto trips in and out of the site.
14. The applicant and the Department of Transportation have agreed on the goals to be sought with respect to car-pooling in 1981 or 1982 or later, when the construction of the proposed facilities are completed and the

representative of the French Embassy has stated the principles to be considered with respect to a possible shuttle bus program. The Department has confirmed that this condition of Order No. 194 has been fulfilled.

15. The Department of Environmental Services, by report dated June 13, 1977, reported that there are available water and sanitary sewer services in the subject area to accommodate the needs of the applicant. Storm sewer service in Reservoir Road is presently inadequate to handle the proposed development, necessitating the construction of additional sewer or the provision of on-site retention facilities. The Department of Environmental Services has confirmed that a satisfactory agreement regarding a storm water retention system has been reached between the Department, the applicant and the National Park Service.
16. Advisory Neighborhood Commission 3-B, within which the property is located, by testimony presented at the hearing confirmed by resolution received in the Zoning Secretariat on January 10, 1979, opposed the application on the following grounds:
 - A. The required change in zoning from R-1-B to R-5-C is out of character with the neighborhood, which is primarily residential and the chancery would be a totally commercial enterprise.
 - B. The City has previously designated specific areas for foreign chanceries located outside our Advisory Neighborhood Commission. We feel that the land should be more appropriately used for residential or park development.
 - C. The present traffic plan is inadequate and basically non-existent and the addition of the chancery to this area would seriously aggravate the already existing traffic problems.
 - D. The number of parking spaces was far in excess of the number needed to serve the employees and visitors of the French government.
17. Advisory Neighborhood Commission 3-A which is located on the south side of Reservoir Road, by report dated December 18, 1978 and by testimony presented at the public hearing stated that they in general oppose the entire request by the applicant on the basis that:

- A. The zoning change request is in opposition to the local plans, policies, and zoning as well as the Fulbright Act.
 - B. The proposal will adversely affect the stability of the historic Georgetown neighborhoods.
 - C. Traffic congestion which is already a serious problem in the area will only become more of a problem.
18. The Burleith Citizens Association, by the testimony of its president Robert McFadden at the hearing and by statement dated December 18, 1978, took a neutral position on the application because of the division of its membership on the application. The Association did express concern that the rezoning of the site not serve as a precedent for other changes in the area, and that traffic management and car-pooling plans be adopted to minimize additional traffic problems.
19. The Foxhall Community Citizens Association, by statement dated December 18, 1978, opposed the application on the grounds that the proposal would change the residential character of the neighborhood, create a precedent for increased commercial and high density residential use and would negatively impact on already existing traffic congestion in the area.
20. The Commission is required by statute to give "great weight" to the issues and concerns of the Advisory Neighborhood Commission. As to the issues raised by the ANC and the other parties and persons who appeared, the Commission finds as follows:
- A. Even though the property will be rezoned R-5-C, the level of building bulk and development of the site will be limited to the standards of the R-1-B District. The height, floor area ratio, lot occupancy and other factors will all be kept below, in some cases well below, the present standards applicable to the property.
 - B. The Commission reviewed the potential impact of the project at the time of consideration of the concept of the development in the preliminary application. At that time, the Commission heard considerable testimony from both the applicant's traffic expert and the D. C. Department of Transportation, and in Order No. 194, dated December 8, 1977, which granted the preliminary

application, the Commission found "Reservoir Road can effectively handle all the traffic generated by the proposed development."

- C. The areas designated for chancery development by the Zoning Commission were based in large part upon the Foreign Missions element of the Comprehensive Plan, prepared by the National Capital Planning Commission. As found herein, the resolution of the Planning Commission which adopted that element clearly stated that the element did not apply to those facilities which were in process at the time. The French chancery application falls within that category.
 - D. After considerable testimony and discussion in the preliminary hearing case, the Commission in Order No. 194 concluded "it is appropriate for the Republic of France to locate its chancery in the subject square, provided that the development should be controlled to insure that it will not have unacceptable negative effects."
 - E. The Fulbright Act issues were fully raised and discussed by the Commission in the context of the Diplomatic District cases. The Commission finds that its action taken herein is not in opposition to the Fulbright Act.
 - F. The number of parking spaces was fully discussed in the preliminary application. The level of spaces was deliberately set at a much higher level than is necessary for employee parking in order to be able to completely accommodate on the site the parking needs of the French government for all its diplomatic reception activities. All of these spaces will be underground within buildings on the site, creating no greater environmental displacement of the site than if the parking were not provided at all. The government has agreed to apply a car-pooling programming to its employees, to reduce traffic impacts as far as possible and to discourage individual private use of automobiles for commuting purposes.
21. The resolution by the National Capital Planning Commission dated October 6, 1977 which adopted the Foreign Missions and International Agencies element of the Comprehensive Plan, contains a clause which states that the element will not apply to those facilities for which an application had been filed with the Zoning Commission and upon which a

public hearing had been granted, and that such facilities would be deemed not inconsistent with the Foreign Missions and International Agencies element. The application for preliminary approval was filed December 1978 and was set for hearing on March 24, 1977.

22. The proposed action was referred to National Capital Planning Commission under the terms of the District of Columbia Self-Government and Governmental Reorganization Act and the NCPC reported that the proposed map amendment and PUD will not have an adverse impact on the interests or functions of the Federal Establishment within the National Capital and is deemed not to be inconsistent with the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital in accordance with the resolution adopted by the Planning Commission on October 6, 1977 adopting such element.

CONCLUSION OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject site.
2. Approval of this final application is appropriate, because it is generally consistent with the present character of the area and because it would encourage stability of the area.
3. Approval of this final application and change of zone from R-1-B to R-5-C is in conformity with the entirety of the District of Columbia zoning plan as embodied in the District of Columbia.
4. The Commission takes note of the position of the Advisory Neighborhood Commission and in its decision has accorded to the ANC the "great weight" to which it is entitled.
5. Approval of this final application for a planned unit development and change of zone from R-1-B to R-5-C is in accordance with the Zoning Regulations of the District of Columbia, as amended, and the Zoning Act (Act of June 20, 1938 Stat. 797) as amended,
6. Approval of the application would be not inconsistent with the Foreign Missions and International Agencies element of the Comprehensive Plan.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby Orders approval of the final application for a planned unit development and adoption of a change in zoning from R-1-B to R-5-C for lot 802 in square 1320, located at 3905 Reservoir Road, N. W., comprising approximately eight acres. The application will be subject to the following conditions:

1. 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.
2. 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 set-back from the property line at least the height of the building measured from the lowest point of the finished grade.
3. The maximum floor area ratio shall be 0.4.
4. The maximum percentage of lot occupancy shall be thirty per cent.
5. There shall be a minimum of 600 off-street parking spaces and a maximum of 620 off-street parking spaces.
6. 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:

- A. 25% of the personnel of the Embassy to travel to and from work other than by private car (this to

continue the situation now existing).

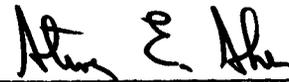
- B. Senior diplomatic and military personnel not to be required to car-pool. All other personnel of the Embassy to be required to car-pool wherever it is possible. The result sought to be achieved is to be an average for such other personnel of not less than two persons per vehicle.
- C. The total of all vehicles for such travel, including those of senior diplomatic and military personnel, not to exceed 200.
- 7. 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.
- 8. 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.
- 9. The final design of the complex shall be based on the plans presented to the Zoning Commission with the final application, marked as Exhibit No. 8 and 26 of the record.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. 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.

Vote of the Commission taken at the public meeting held on January 11, 1979: 4-0 (Walter B. Lewis, Theodore F. Mariani, Ruby B. McZier, and John G. Parsons, to grant, George M. White not present, not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on February 8, 1979 by a vote of 4-0 (Theodore F. Mariani, George M. White, Walter B. Lewis and Ruby B. McZier to adopt, John G. Parsons not present, not voting).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, the amendment to the Zoning Map is effective on _____.

* NOTE: This order was amended by Z.C. Order No. 327 dated 11-13-80.