

# Government of the District of Columbia

## ZONING COMMISSION



ORDER NO. 91

Case No, 74-2/72-18F

June 17, 1974

Pursuant to notice, a public hearing of the Zoning Commission was held on May 1, 1974, to consider the final application for a Planned Unit Development and related zone change, filed by the Andrew W. Mellon Foundation, on behalf of the Government of the Republic of Italy.

### FINDINGS OF FACT

1. The site of the proposed Planned Unit Development is located at the southwestern corner of Whitehaven Street and Massachusetts Avenue, N.W.

2. The area of the subject site is approximately 230,576.15 square feet. (Baist Atlas No. 3, Page 25).

3. The subject site is presently zoned R-1-A (one-family detached dwelling - minimum width of 75 feet, minimum area of 7,500 square feet, percentage of lot occupancy 40, 3 stories and 40 feet height limit).

4. The final application requests a zone change of the subject site to R-5-C1 (medium high density apartment house - specifications set out in Subsection 7501.24 of the Zoning Regulations).

5. The final application proposes the construction of a new Italian chancery and embassy, to be constructed in one building.

6. The subject site is unimproved and is of a general wooded character.

7. The subject site is located immediately south of an embassy enclave consisting of the Brazilian, Bolivian, British and New Zealand embassies and chanceries, commonly known as the Whitehaven Chancery Enclave. The site is bounded on the north by Whitehaven Street, on the south and east by Rock Creek Park and Dumbarton Oaks Park, and on the west by the Center for Hellenic Studies. A public easement crossing the southeastern corner, known as "Lovers" Lane, connects Rock Creek Park and Dumbarton Oaks Park with Massachusetts Avenue.

8. The final application proposes the construction of one building containing approximately 92,221 square feet of gross floor area and 40 feet in height as measured from the midpoint of the property line on Whitehaven Street, N.W.

9. The Zoning Advisory Council concluded, and the Commission finds, that the plans submitted by the applicant are in conformance with the development controls imposed by the Zoning Commission in Order No. 74, granting preliminary approval of this proposed Planned Unit Development. The Council found, and the Commission finds, that the proposed use of the subject site as an embassy/chancery is highly appropriate, in as much as there are 9 chanceries and 14 embassies already existing within approximately 1,500 feet of the subject site and that the design of the building would be compatible in height and density with the surrounding and existing development. The Council noted, and the Commission finds, that while the application does involve a zone change from R-1-A to R-S-C, the conditions imposed by the Commission's preliminary approval limited development in the R-1-A District (TR. 20-21).

10. The Zoning Advisory Council concluded, and the Commission finds, that the final application is in harmony with the intent and purposes of the Zoning Regulations and map. The Council, based upon the foregoing, recommended that the Zoning Commission approve the final application with the conditions specified in the Office of Planning and Management staff report (TR. 21-22).

11. The Zoning Unit of the Office of Planning and Management concluded, and the Commission finds, that the application was in conformance with the guidelines and standards set out by the Zoning Commission in Order No. 74, granting the preliminary approval of the Planned Unit Development. The Zoning Unit recommended approval of the final application subject to the conditions contained on pages 4 and 5 of its report (Exhibit No. 1), and further conditions relating to: final design being based on Exhibits Nos. 3-12 submitted by the applicant, width and design of designated outdoor vehicular access ways, interior pedestrian access from the parking area to the building, access within the chancery to 5 interior courts within the chancery portion, a detailed landscaped plan being submitted to the Board of Zoning Adjustment, no changes in the existing character of the property, adherence to applicable codes and regulations of the District of Columbia, and recordation of the covenant required by Article 75 of the Zoning Regulations before the requested zoning change is to become effective (TR. 6-11).

12. There was opposition to the final application from the Dupont Circle Citizens Association, Georgetown Citizens Association and Sheridan-Kalorama Neighborhood Council and support for the final application from the Cleveland Park Citizens Association.

#### CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling the type and level of this development.

2. This final application for a planned unit development is in accordance with the elements and guidelines contained in the Commission's preliminary approval of this planned unit development contained in Order No. 74, dated November 9, 1973.

3. This final application is in harmony with the intent, purpose and integrity of the comprehensive zone plan of the District of Columbia as embodied in the Zoning Regulations and map.

4. The approval of this final application for a planned unit development is in accordance with the Zoning Regulations of the District of Columbia, as amended, and the Zoning Act (Act of June 30, 1938, 52 Stat. 797), as amended.

DECISION

Upon consideration of the findings of fact and conclusions of law herein, the Zoning Commission hereby ORDERS APPROVAL of said final application for a Planned Unit Development and the following change of zone:

Change from R-1-A to R-5-C, lots 803 and 808, in Square 2155, located at the southwestern corner of Whitehaven Street and Massachusetts Avenue, N.W.

The approval of said final application for a Planned Unit Development is subject to the following elements, conditions and guidelines:

1. The property shall be restricted to use by no more than one foreign government as an embassy and chancery.
2. The maximum height of the building shall be 40 feet, not to exceed four stories, as measured from the midpoint of the property line on Whitehaven Street, N.W. All buildings and structures within fifty feet of any street or property line shall not exceed ten feet in height above ground level.
3. All buildings and structures shall be set back a minimum of ten feet from street and property lines.
4. The maximum floor area ratio shall be 0.4.
5. The maximum percentage of lot occupancy shall be 40%.

6. Parking shall be provided at a minimum rate of one space per sleeping room for embassy use and one space per 600 square feet of gross floor area for the space devoted to chancery use. All such parking spaces shall be underground or shall be screened so as not to be visible from any public property or street.
7. Vehicular access to the property shall be from Whitehaven Street and shall be no further than 500 feet from the intersection of Whitehaven Street and Massachusetts Avenue, N.W.
8. Public easement known as Lovers' Lane which crosses the southeastern corner of the property, shall be maintained in the final plans for this Planned Unit Development.
9. There shall be no change in the general wooded character and topography of the area. No tree of six inch diameter or greater shall be removed unless it is to be covered by a building or structure or it is necessary to remove it for a primary access road, or the tree is diseased or a present danger to occupants of the site or the public.
10. All areas not devoted to buildings, structures, and access drives or above ground parking shall be landscaped as not to change the character of the area.
11. The final design of the building shall be based on the plans submitted with the application for final approval and designated as Exhibits Nos, 3-12.
12. The width of all designated outdoor vehicular access ways shall be a maximum of sixteen feet if of one-way design and 24 feet if of two-way design.

13. Vehicular access ways which approach the main entrances to the embassy and chancery for purposes of providing space for vehicles to pick up or leave passengers should be of one-way design and thus limited to sixteen feet.
14. The building shall contain direct interior pedestrian access from the parking area to both the embassy and chancery portions of the building.
15. There shall be direct access from within the chancery to the five interior courts located within the chancery portion of the building.
16. The applicant shall submit a detailed landscape plan to the Board of Zoning Adjustment at the time of filing an application for further processing of the Planned Unit Development. Such plan shall show the location of all trees with diameters of six inches or greater, the type and location of all landscaping which is replacing- areas where the original vegetation has been removed, the specific treatment to be given all rooftop areas and terraces, as well as all of the natural features to be retained.
17. 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.
18. 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.

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19. The change of zoning shall not be effective until the recordation of the covenant required by Subsection 7501.2 and completion of the Planned Unit process.

BY UNANIMOUS VOTE OF THE ZONING COMMISSION

ATTEST:   
MARTIN KLAUBER  
Executive Secretary