

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13166, of the Government of the Republic of Italy, pursuant to Sub-section 7501.4 of the Zoning Regulations, for further processing of a planned unit development to permit the construction of a Chancery in an R-5-C District at the premises 2800 Albemarle Street, N.W. also known as 4400 Broad Branch Road, N.W. (Square 2248, Parcel 58/200).

HEARING DATE: February 13, 1980
DECISION DATE: March 5, 1980

FINDINGS OF FACT:

1. The subject site is known as the Firenze Estate. It is located at 2800 Albemarle Street, N.W., also known as 4400 Broad Branch Road, N.W. The majority of the site is zoned R-1-A. A portion of the site is zoned R-5-C.
2. The subject site comprises approximately 21.7 acres. The site is improved with a large single family residence currently being used as the embassy of the Republic of Italy, a use permitted as a matter-of-right. The majority of the site is undeveloped and wooded, with a cleared and generally level area at its center. The site slopes downward from the west to east toward Rock Creek Park and from north to south toward Soapstone Valley Park. The high point is at elevation 211 at the northwest corner of the site near Albemarle Street. The low point is at elevation 70 at the southeast corner of the site at Broad Branch Road.
3. The Zoning Commission granted preliminary approval to an application for a Planned Unit Development for this site by Order No. 205, dated February 9, 1978. This application is therefore being processed in accordance with the Regulations in effect on that date.
4. By Order No. 283, dated June 14, 1979, the Zoning Commission granted final approval to the PUD and a concurrent change of zoning for part of the site from R-1-A to R-5-C.

5. In Order No. 283, the Zoning Commission set out guidelines, conditions and standards for the further development of the PUD. Those conditions, with the Board's findings thereon, are as follows:

- a. The Planned Unit Development shall include the entire 21.7 acre Firenze Estate. The area to be rezoned from R-1-A to R-5-C shall comprise 3.41919 acres, and shall be as shown on the plan marked as Sheet D6 of Exhibit 5 of the record. The Board finds that the plans submitted include the entire 21.7 acres and that the rezoned area comprises 3.41919 acres in compliance with this condition.
- b. The property shall be for the exclusive use of the Government of Italy for its embassy, chancery, and other government offices including associated supporting and accessory uses. The Board finds compliance with this condition.
- c. The existing Firenze Estate house shall be retained for embassy use only. The Board finds compliance with this condition.
- d. The Government of Italy may construct up to six single family dwellings, which conform to the standards of the R-1-A District, on the property. The location and design of such dwellings shall be reviewed by and receive the prior approval of the Board of Zoning Adjustment in accordance with the provisions of Sub-section 7501.4 of the Zoning Regulations in effect on the date this application was filed.

The plans as submitted do not provide for the construction of the six single family dwellings. Such construction would require further application to and approval from the Board.

- e. 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. 5 of the record. The Board finds that the final design is based on the plans presented to the Zoning Commission, in compliance with this condition.

- f. The maximum height of all buildings and structures shall be limited to forty feet, as measured from the finished grade in front of the chancery, but in no event shall the height of the building exceed forty-five feet above the adjacent finished grade surrounding the chancery. The Board finds that as measured from the finished grade in front of the chancery the height is less than forty feet and at no point does the height of the building exceed forty-five feet above the adjacent finished grade, in compliance with this condition.
- g. The gross floor area in the chancery shall not exceed 80,000 square feet. The Board finds that the gross floor area in the chancery is approximately 42,770 square feet, in compliance with this condition.
- h. The maximum percentage of lot occupancy for the chancery structure shall not exceed forty percent of that part of the site zoned R-5-C. The Board finds that the lot occupancy of the chancery structure is 13.46 percent, in compliance with this condition.
- i. Parking shall be provided in the chancery structure at a rate of one space for each 800 square feet of gross floor area devoted to chancery use. Surface parking shall be confined to appropriately screened locations, and shall not exceed 100 spaces. The total number of spaces shall not exceed 150. The Board finds that the applicant's site plan provides for a total of 125 parking spaces. Eighty-five indoor and forty outdoor spaces are provided, in compliance with this condition.
- j. Vehicular access to the chancery shall be from Broad Branch Road, with the location and provision of such access as determined in conjunction with and approved by the D.C. Department of Transportation, all as shown on Sheet D9 of Exhibit 5 of the record. The two gates, shown on Sheet D9, which restrict access from Albemarle Street to the Chancery shall be kept locked at all times, except to permit access for emergency vehicles and by visitors during national holidays and for evening functions. The applicant shall follow its Transportation Plan for car-pooling as submitted to the Zoning Commission and approved by the Department of Transportation as follows:

Subject to the uncertainties of predicting the situation in the future, the goals sought to be achieved are as follows:

- a. All employees of the Government of Italy, excepting personnel having senior diplomatic and military status, shall be required to carpool (to travel to and from work) whenever it is possible. The goal to be achieved is to obtain the average occupancy of not less than two persons per vehicle.
- b. The maximum number of indoor parking spaces to be allocated to non-senior diplomatic and military employees will be not more than one-half the number of such employees. The Board finds that the applicant's detailed site plan shows vehicular access to the chancery from Broad Branch Road with the appropriate traffic controls as recommended by the DOT, in compliance with this condition.
- k. In accordance with the plans submitted, there shall be no antenna constructed on the site other than for reception of local radio and television signals. In the event that the Government of Italy desires to construct some other type of antenna on the property, the plans for such antenna shall be subject to the approval of Board of Zoning Adjustment. The Board finds that the applicant's statement of intent, Exhibit No. 6 page 7 indicates its agreement to this condition.
- l. All areas not devoted to buildings, structures, access drives and above-ground parking shall be appropriately landscaped so as not change the character of the area in accordance with the final detailed landscape plan presented to the Zoning Commission and marked as Sheet D10 of Exhibit 5. The Board finds that the landscape plan submitted is in compliance with this condition.
- m. The stormwater management system, based on a fifteen year intensity storm, will be a combination of onsite retention systems, diversion structures and/or flow dissipators with controlled release to Broad Branch and its tributaries, so that the peak runoff from the developed site will not exceed the peak runoff of the existing site. Final plans and flow calculations as they pertain to impacts on parklands are subject to the approval of the National Park Service. The Board finds that the applicant's statement of intent indicates its agreement with this condition.

- n. 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.
- o. 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.
- p. 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.
- q. 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 the applicant has proposed the entire construction of the site in one stage, except for the previously described six single family dwellings.

6. The Office of Planning and Development, by report dated February 11, 1980, recommended that the application be approved. The OPD has reviewed the submitted documents and proposed plans in conjunction with the Zoning Commission Order and finds that the applicant has complied with all the conditions imposed in the Zoning Commission Order. The Board so finds.

7. There was no opposition to the application.

8. Advisory Neighborhood Commission - 3F made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the above findings of fact, the Board concludes that the subject application complies with the provisions of Zoning Commission Order No. 205. 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. Accordingly, it is ORDERED that the application is GRANTED subject to the FOLLOWING CONDITIONS:

1. The applicant shall continue to comply with all of the requirements of Zoning Commission Order No. 283, dated June 14, 1979.
2. The development shall be constructed in accordance with the plans submitted to the Board and marked as Exhibit No. 14 of the record.
3. 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.
4. The Board shall retain jurisdiction to interpret and apply the terms and conditions of this Order and to make plan corrections and minor modification 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.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Leonard L. McCants to GRANT; Charles R. Norris not voting, not having heard the case).

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

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ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 MAY 1980

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."