

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15841 of the Government of the Republic of Italy, pursuant to 11 DCMR 1001, for permission under Section 1002 for modification of approved plans for a below-grade garage and multi-purpose room of a new chancery building in a D/R-1-A District at premises 3000 Whitehaven Street, N.W. (Square 2155, Lots 803 and 808).

HEARING DATE: October 20, 1993
DECISION DATE: October 20, 1993 (Bench Decision)

DISPOSITION: The Foreign Missions Board of Zoning Adjustment **GRANTED** the application by a vote of 3-0 (John G. Parsons, Angel F. Clarens, and Robert Gresham to approve).

FINAL DATE OF ORDER: November 26, 1993

MODIFICATION ORDER

PROCEDURAL MATTER:

The notice of proposed rulemaking was published in the D.C. Register on June 2, 1995. The notice read in part "Final action to approve or disapprove this request will be taken in not less than thirty days from the date of publication of this notice." The Board heard and from the bench approved the modification request on June 21, 1995. An order was subsequently issued on July 28, 1995 and mailed to all participants in the case. However, the order did not become effective since the notice of final rulemaking was not published in the D.C. Register on July 28, 1995. The notice of final rulemaking was not published since it reflected the Board's final action of June 21, 1995 that was less than thirty days from the June 2, 1995 publication of the notice of proposed rulemaking. Therefore, on September 6, 1995 the matter was again presented to the Board for a decision.

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The Board granted the application by its Order dated November 26, 1993. By letter dated April 12, 1995, counsel for the Applicant filed a motion for modification of the approved plans, together with a request for waiver of the Supplemental Rules of Practice and Procedure to allow a modification of the approved plans. In the initial application, the Applicant proposed to construct a new chancery with a height of 59 feet, 8 inches, and 81,513 square feet of gross floor area. The structure was to have a 2-story below grade parking garage with 185 self-park spaces.

With valet parking, the garage could accommodate up to 230 vehicles. The initial application also included a 4,200 square foot multi-purpose room below grade.

The Applicant stated that under the proposed modification, the multi-purpose room would be reduced in size from 4,200 square feet to 2,000 square feet, because, as originally designed, the room was found to be larger than necessary for the Embassy's anticipated use for staff and visitors. The room will remain in its same location, in the below-grade portion of Level 1 of the building.

The Applicant stated that the reconfigured parking garage will require less excavation and foundation work, resulting in a significant reduction of construction costs while at the same time providing an abundance of below-grade off-street parking in a more efficient layout to serve the needs of the Embassy and its visitors. The modified plan includes 147 self-park spaces. Using valet parking, the garage as redesigned will accommodate up to 231 vehicles.

Paragraph No. 3 on page 5 of Order No. 15841 indicates that the chancery includes approximately 125 diplomats and staff, with approximately 100 on-site at any one time, with 80 percent of the chancery diplomats and staff driving to work. Page 3 of the Order indicates that there is no plan to substantially increase the number of diplomats or staff in the future. The Board finds that the modified garage will be sufficient to accommodate the needs of the chancery.

The Applicant stated that the modified plans will not result in any exterior changes to the project. Rather, the plans are limited to reconfiguration of the garage to a more efficient layout, and a reduction in size of the below-grade multi-purpose room.

By memorandum dated June 12, 1995, the Director of the Office of Planning (OP), the delegated representative of the Mayor under the Foreign Missions Act, recommended approval of the proposed modifications. OP concluded that the proposal would continue to comply with the provisions of Sections 1001 and 1002 of the Zoning Regulations.

By letter dated June 9, 1995, the Director of the Office of Foreign Missions, on behalf of the Secretary of State, indicated the Department's support for the proposed modifications. The Department requested the FMBZA to act favorably upon the application.

Notice of the subject modification request was sent to all persons who participated in the original application. Advisory Neighborhood Commission 3C indicated no objection. Advisory

Neighborhood Commissions 1D and 2E did not file reports. There was no opposition expressed to the proposed modifications.

The Applicant also requested a waiver from Section 3335 of the Zoning Regulations to allow a modification of plans for a chancery application, more than 6 months after the final date of the written Order approving the application. A building permit application was filed on May 19, 1994, and is currently being processed. The proposed modifications were identified during a thorough review of the project by the Italian Foreign Ministry in Rome. Chapter 33 of 11 DCMR does not provide a process for modification of plans in chancery applications. The Board finds that pursuant to 22 U.S.C. Section 4306(b)(3), the zoning limitations and conditions applicable to chanceries "shall not exceed those applicable to other office or institutional uses." The modification procedure in 11 DCMR Section 3335 would be available to a non-chancery applicant seeking to modify a Board-approved plan. The Board finds that a chancery applicant should be permitted to seek a modification of plans as well. The Board further finds that pursuant to 11 DCMR Section 3301.1, a waiver of the provisions will not prejudice the rights of any person who participated in the proceeding, and the waiver is not otherwise prohibited by law.

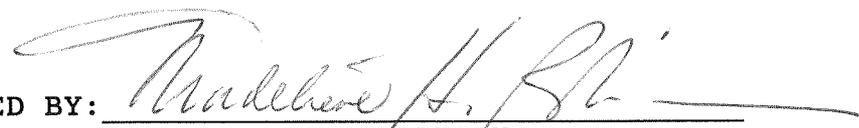
Upon consideration of the motion, the proposed modification, the request for waiver of the rules and the record in this case, the Board concludes that the proposed modification is minor in nature and does not substantially alter the overall project as initially approved by the Board. The Applicant requires no additional zoning relief from the Board. The Board concludes that the material facts relied upon by the Board in approving the application are still relevant. Further, there was no opposition to the proposed modification of plans. It is therefore **ORDERED** that the **MODIFICATION** of plans is hereby **APPROVED**.

DECISION DATE: September 6, 1995

VOTE: 3-0 (John G. Parsons and Angel F. Clarens to approve; Robert Gresham to approve by absentee vote; Craig Ellis and Laura M. Richards, not voting, not having heard the case)

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

ATTESTED BY:



MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

SEP 15 1995

BZA APPLICATION NO. 15841

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS..

15841mod/RCL/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15841

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on SEP 15 1995 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. ROBINSON
Director

Date: SEP 15 1995