

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 283
CASE NO. 78-30/77-17F
JUNE 14, 1979

Pursuant to notice, a public hearing was held on March 19, 1979 to consider the final application for a Planned Unit Development and related zone change filed by the Government of the Republic of Italy.

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-A to R-5-C for Parcel 58/200 in Square 2248. The site is known as the Firenze Estate located at 2800 Albemarle Street, N.W., also known as 4400 Broad Branch Road, N.W., comprising approximately 21.7 acres.

2. 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 the PUD by Order No. 205, dated February 9, 1979. 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-A District permits single family detached houses on minimum lots of 7,500 square feet with a maximum height of forty feet. 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-A District.

5. The applicant proposes the construction of a new chancery on approximately 3.4 acres of the entire 21.7 acre site in order to consolidate all the present offices of the Italian Government in one building located on land already owned by the Italian Government. The present Embassy of the Republic of Italy is already located on the subject site.

6. The chancery would be designed for a maximum of 130 persons, more than the immediate needs of the Italian Government. The proposed chancery will be no more than three stories above grade, with the height estimated at approximately twenty-five feet above grade. The top of the building will be below the elevation of the entrance to the property on Albemarle Street. The proposed chancery building will contain not more than 80,000 square feet of gross floor area, resulting in a floor area ratio of approximately 0.35 for the area proposed to be zoned for chancery purposes. This would be far less than the 4.0 maximum permitted in the R-5-C District and also less than the 0.4 maximum permitted in R-1-A. The proposed lot occupancy will be approximately thirty per cent of the area proposed to be zoned for chancery purposes, far less than the maximum of seventy-five per cent permitted in the R-5-C District and less than the forty per cent maximum in R-1-A.

7. The application proposes the construction of the chancery in the center of the site on the area which is generally level and not now covered with trees. The chancery site is located at least 200 feet away from all lot lines of the property owned by the Government of Italy, is heavily screened in all seasons by wooded areas which include many large trees and cannot be seen from outside the property by the public.

8. There are a number of existing embassies and chanceries in the area. They include facilities of the governments of Hungary, Czechoslovakia and Indonesia in an enclave on Tilden Street and Linnean Avenue; the Netherlands on Linnean Avenue and Upton Street, N.W.; Kuwait and Zaire on Tilden Street; Spain on Tilden Street and Connecticut Avenue; Paraguay on Broad Branch Road; New Zealand on 32nd and Ellicott Streets; and Malaysia in the 2700 block of Albemarle Street, N.W., opposite the subject site. Other nearby non-residential uses in the area include the Carnegie Institute of Washington, The Howard University Law School, and the Merryweather-Post Foundation Museum of Russian Imperial Art and Eighteenth Century Furniture on the Hillwood Estate.

9. The application also proposes that, at some time in the future, the Government of Italy may construct up to six single family residences on the embassy portion of the site for use as housing for diplomatic personnel and guests. Such houses would conform to the standards of the R-1-A District.

10. The application proposes to provide eighty-five parking spaces within the chancery building. Forty additional above-ground visitor parking spaces will be provided, all to be screened and not visible from any public property or street. In addition, there will be over fifty screened and hidden parking spaces available when necessary on the access road between the chancery and Broad Branch Road.

11. The United States Government has 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 will allow the Government of Italy to consolidate in one modern building at a site already owned and used by the Government of Italy all the activities presently conducted in four different locations within the District.

12. Consolidation of operations is required to permit a more efficient and effective performance of the Italian Government mission to the United States, and would benefit the Government of Italy, the United States Government and the District of Columbia.

13. The site has access to both Albemarle Street and Broad Branch Road. Albemarle Street is designated as a collector street between Connecticut Avenue and Linnean Avenue, and a local street from Linnean Avenue eastward. Except for the portion east of 28th Street, the roadway width is thirty feet. Board Branch Road is designated as a collector street with a roadway width of twenty-two feet.

14. The traffic generated by the proposed development would not adversely impact the area and Broad Branch Road can adequately and effectively handle all the traffic generated by the proposed chancery development.

15. Development of the site under the Planned Unit Development as proposed would result in a lower level of development and a lesser amount of traffic in comparison with full development of the site for single family homes under the standards of the R-1-A District.

16. 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 Commission finds as follows:

- A. An application for a change of zoning from R-1-A to R-5-C was filed with the final application.
- B. The final Planned Unit Development application includes the entire 21.7 acre Firenze Estate. The area to be rezoned from R-1-A to R-5-C comprises 3.41919 acres.
- C. 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.
- D. The existing Firenze Estate house shall be retained for embassy use only.

E. The Government of Italy continues to propose the possible construction of single family dwellings on the property. The final application did not show the specific location or design of such houses, which may never be constructed. The dwellings would conform to the standards of the R-1-A District, and thus could now be constructed as a matter-of-right. The Commission finds that such dwellings should be reviewed by the Board of Zoning Adjustment as part of the further processing of the PUD, in order to insure their compatibility with the remainder of the site and their surroundings.

F. The maximum height does not exceed forty feet as measured from the finished grade in front of the chancery. At no point does the height exceed forty-five feet from the adjacent finished grade surrounding the chancery. The majority of the building is less than twenty-eight feet in height.

G. The gross floor area is approximately 42,770 square feet, far less than the 80,000 square feet permitted.

H. The percentage of lot occupancy for the chancery is 13.46 per cent of the area to be zoned R-5-C, less than the forty per cent permitted.

I. Fifty-four parking spaces are required. Eighty-five indoor and forty outdoor spaces are provided, for a total of 125 spaces.

J. Vehicular access to the chancery is from Broad Branch Road. The applicant has conferred with the Department of Transportation, and has included driveway access and other appropriate traffic controls satisfactory to the Department.

K. The applicant submitted a general landscape plan along with the application for final approval of the PUD. All areas not devoted to buildings, structures, access drives, and above ground parking will be appropriately landscaped so as to adequately buffer adjacent residential areas.

L. No site grading or other change in the existing character of the property has taken place.

17. The Department of State, by testimony presented at the hearing, stated its strong support for the application and requested that the Zoning Commission approve the application.

18. The Office of Planning and Development, by report dated May 1, 1979, 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. 205, granting preliminary approval for the PUD.

19. The Department of Transportation, by memorandum dated October 12, 1977 and by testimony at the hearing, reported and the Commission finds that the application would not result in an unacceptable traffic impact. The Department recommended that Broad Branch Road be utilized to provide both ingress and egress for the proposed chancery development. The Department further found that the use of Broad Branch Road for chancery traffic would guard against encroachments on local streets and would be preferable to use of Albemarle Street. The Embassy would continue to use the Albemarle Street entrance and in times of emergency that entrance would also be usable by chancery workers. The Department suggested the installation of a signal at the chancery driveway as a feasible measure to control traffic.

20. Advisory Neighborhood Commission 3-F, within which the property is located, by letter marked as Exhibit No. 18 of the record, endorsed the application, provided the Commission added the following conditions:

- (a) That the construction of any of six single family dwellings which conform to R-1-A standards on the property be made subject to the requirement that the Government of Italy submit an application to the Zoning Commission, for which there shall be notice and a hearing, whether it be an amended PUD or a further proceeding.
- (b) That vehicular access to the chancery will be from Broad Branch Road, and that the gates which prevent access from Albemarle Street to the chancery will be kept locked at all times, except to permit access by emergency vehicles and by visitors during national holidays and for evening functions.
- (c) That any future plans for antennas or other roof structures be submitted for approval to the Board of Zoning Adjustment or to the Zoning Commission if it assumes review authority.
- (d) That the proposals in the Transportation Plan be implemented.

21. The Commission is required by statute to give "great weight" to the issues and concerns of the Advisory Neighborhood Commission. All of the concerns of the ANC have been met in conditions in this final order.

22. At the public hearing, the Zoning Commission requested the applicant to resolve the question of how storm water drainage would be handled. Representatives of the applicant met with representatives of the National Park Service and agreed on how the runoff would be controlled. Such agreement is incorporated in the condition of this order.

23. The proposed action was referred to the National Capital Planning Commission under the terms of the District of Columbia Government and Governmental Reorganization Act and the National Capital Planning Commission reported that the PUD with the guidelines, standards and conditions as proposed by the Zoning Commission will not have an adverse impact on the interests or functions of the Federal Establishment within the National Capital and is deemed to be not 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.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, since control of the use and site plan is essential to insure compatibility with the neighborhood.

2. Approval of this final application and change of zone from R-1-A to R-5-C is in conformity with the entirety of the District of Columbia zoning plan as embodied in the District of Columbia.

3. 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.

4. The final application can be approved with conditions which would insure that development would not have an adverse effect on the surrounding community.

5. The final application is not inconsistent with the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital.

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-A to R-5-C for Parcel 58/200 in Square 2248, located at 2800 Albemarle Street and Broad Branch Road, N.W., comprising approximately 21.7 acres. The application will be subject to the following conditions:

1. 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.
2. 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.
3. The existing Firenze Estate house shall be retained for embassy use only.
4. 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.
5. 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.
6. 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.
7. The gross floor area in the chancery shall not exceed 80,000 square feet.
8. 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.

9. 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.

10. 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 9D, 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.

11. 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.

12. 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 in accordance with the final detailed landscape plan presented to the Zoning Commission and marked as Sheet D10 of Exhibit 5.

13. The stormwater management system, based on a 15-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.

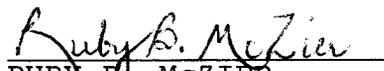
14. No site grading or other change in the existing character of the property, including removal of existing trees or vegetation, shall take place prior to approval of the detailed site plan by the Board of Zoning Adjustment.

15. 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.

16. 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.

17. 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 May 10, 1979: 3-0 (Walter B. Lewis, John G. Parsons and Ruby B. McZier to approve with conditions, Theodore F. Mariani and George M. White not present not voting).


RUBY B. MCZIER
Chair
Zoning Commission


STEVEN E. SHER
Executive Director
Zoning Secretariat

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This Order was adopted by the Zoning Commission at its public meeting held on June 14, 1979 by a vote of 5-0 (Walter B. Lewis, John G. Parsons, Theodore F. Mariani, Ruby B. McZier and George M. White to adopt).

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 _____.