

George H.F. Oberlander, AICP

Over forty-five years of extensive, comprehensive urban-regional planning and development administration at the city, regional and federal government level. Thirty-one years with the National Capital Planning Commission (NCPC), Washington, DC, developing planning policy recommendations, supervising and directing professional staff, coordinating DC and Federal agencies building projects in the City and the Region.

Special Expertise In:

Zoning, project development, environment and comprehensive planning
Foreign Mission and International organization location issues
Capital programming
Intergovernmental relations - community participation
Federal and DC Government Building Projects

Education

Masters of Science in Planning and Housing, Columbia University
Bachelor of Arts, New York University
Executive Leadership & Management Course, Federal Executive Institute
Executive Program for Agency Heads, New York University

Experience

January 1997-Present Urban planning advisory services. GO Consulting
September 1996 Retired NCPC
1995-1996 Director, Planning Review and Implementation, NCPC
1990-1995 Director, Technical Planning Services, NCPC
1979-1990 Associate Executive Director, DC Affairs, NCPC
1975-1979 Director, Federal Review, NCPC
1968-1980 Lecturer, School of Architecture & Planning,
The Catholic University of America
1966-1975 Director, Long Range Planning and Regional Affairs, NCPC
1965-1966 Director, National Capital Regional Planning Council,
Washington, DC
1958-1965 City Planning Officer (Director), City of Newark, New Jersey
1957-1958 Principal/Senior Planner, Central Planning Board, Newark,
New Jersey
1956-1957 Resident Planner, George M. Raymond Associates, White Plains,
New York
1954-1956 Assistant Planner, Earl Morrow Associates, Ridgewood, New
Jersey
1955 William Kinne Fellows Memorial Fellowship, School of
Architecture, Columbia University

BZA
Case No. 17109
Exhibit No. 70

George H.F. Oberlander, AICP

Professional Affiliations/Memberships

Trustee, D.C. Preservation League, Washington, DC, 1996-Present
Committee of 100 on the Federal City, 1996-Present
American Planning Association, American Institute of Certified Planners, 1964-Present
 President, National Capital Area Chapter 1970-1972
Landscape Architectural Accreditation Board, The American Society of Landscape
 Architects, 1978-1981
Council on Education, ASLA, 1981-1984
Site Visit Team, Planning Accreditation Board, American Institute of
 Certified Planners, 1988-Present
Board of Directors, United Planning Organization, Washington, D.C., 1967-1979
International Fraternity of Lambda Alpha 1974-Present
 Treasurer, George Washington Chapter, 1978-1982
 President, George Washington Chapter 1982-1984
National Association of Housing and Redevelopment Officials
Metropolitan Committee on Planning, New York, New York
Executive Committee, Council of Social Agencies of Newark, Irvington and
 West Hudson, New Jersey
Newark Junior Chamber of Commerce, Newark, New Jersey
New Jersey State Board of Professional Planners

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**BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA**

Appeal of Kalorama Citizens Association from)
The Decision of DCRA Issuing Building Permits)
B455571 & B455876 Notwithstanding Non-) BZA No. 17109
Compliance of Plans with FAR, Height, and Setback)
Requirements with respect to 5-story Apartment in an)
R-5-D Zone at 1819 Belmont Road, N.W. (Square 251,)
Lot 45).)
_____)

Statement of George H.F. Oberlander, AICP

I am George H.F. Oberlander. I served on the staff of the National Capital Planning Commission (NCPC) from 1965 to 1996. As Associate Executive Director for District of Columbia Affairs, I participated in the consideration within the NCPC of its position regarding issues raised by Zoning Commission Case No. 84-10 with respect to proposed changes in the Zoning Regulations regarding roof structures, and specifically, changes in the regulations regarding setback of rooftop penthouses. (NCPC August 1, 1985 Transcript attached).

The 1958 regulations required setback of penthouses, by a distance equal to their height above the roof, from "*all lot lines of the lot*" in most zoning districts.

The Zoning Commission had originally proposed changing these provisions to require setback to be measured from "*the perimeter of the roof*".

Later, however, the Zoning Commission proposed less restrictive language that would retain the requirement of measurement from "*all lot lines of the lot*".

The Zoning Commission also had before it less restrictive language that setback should be measured from the *lot lines fronting on a street* (reportedly expressed by the Corporation Counsel) or *exterior walls fronting on a street* (expressed by the Office of Planning).

The NCPC was concerned that the Zoning Regulations be consistent with the Height of Buildings Act, which requires setback from the "exterior walls" in cases where the roof structure height exceeds the building height allowed by the Act. Therefore the NCPC opposed the then-current provisions measuring setback from lot lines, because the lot lines might be located some distance away from the exterior walls. It also opposed measuring setback only from lot lines or exterior walls that front on a street, since that would require setback from only some


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exterior walls and would therefore, in the NCPC's view, be inconsistent with the Height Act.

In my current review of the NCPC files and Commission consideration of this matter, there were no provisions or discussion for exempting rowhouse party walls from the setback requirements.

The NCPC regarded the Zoning Commission's original proposal to require setback from the perimeter of the roof, which had the effect of requiring setback from all walls of the building, to be in keeping with and to have the same intent and effect as the Height Act's requirement of setback from the exterior walls.

The NCPC communicated its views on the setback issue to the Zoning Commission on August 1, 1985, requesting that the Commission consider reverting to its original proposal requiring penthouse setback to be measured from the perimeter of the roof. Ultimately the Zoning Commission adopted a formulation that the NCPC regarded as having the same effect, namely, the requirement of setback from "all exterior walls".



George H.F. Oberlander, AICP
04/19/04
Date

ACKNOWLEDGEMENT

State of Maryland
County of Montgomery

I, Zulienne C. Wolfrey, a Notary Public of said county, do hereby certify that George H.F. Oberlander, whose name is signed to the foregoing writing bearing the date of the 19th day of April, 2004, has t his day acknowledged the same before my in my said County.

Given under my hand this 19th day of April 2004.


Notary Public
Zulienne C. Wolfrey, Notary Public
Montgomery County
State of Maryland

My commission expires May 1, 2007



OFFICIAL PROCEEDINGS

NATIONAL CAPITAL PLANNING COMMISSION

In the matter of: **COMMISSION MEETING**

 OPEN SESSION

Place **WASHINGTON, D.C.**

Date: **THURSDAY, AUGUST 1, 1985**

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NATIONAL CAPITAL PLANNING COMMISSION
 COMMISSION MEETING
 OPEN SESSION

9:47 o'clock a.m.
 Thursday, August 1, 1985
 Conference Room
 Tenth Floor
 1325 G Street, N.W.
 Washington, D.C.

PRESENT:

- CHAIRMAN GLEN T. URQUHART
- VICE CHAIRMAN ROBERT J. NASH
- MR. WILLIAM EUGENE BAUMGARTNER
- MR. ALFREDO ECHEVERRIA
- MR. JACK FINBERG
- MS. DIETRA GERALD
- MR. STEVEN KLEIMAN
- MR. ROBERT MILLER
- MS. MARION MORRIS
- MR. JOHN G. PARSONS
- MS. ANN V. TODD

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ALSO PRESENT:

FORMER COMMISSION MEMBERS:

MR. ROBERT C. JENKINS

MRS. HELEN M. SCHARF

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I N D E X

<u>AGENDA</u> <u>NO</u>	<u>FILE</u> <u>NO.</u>	<u>ITEM</u>	<u>P A G E</u>
1		APPOINTMENT OF WILLIAM EUGENE BAUMGAERTNER AS MEMBER OF THE COMMISSION	6
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6	Z.C. 84-10	AMENDMENTS TO THE ZONING REGULATIONS OF THE DISTRICT OF COLUMBIA RELATING TO PENTHOUSES.....	30
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Opposed.

(No response.)

The EDR is carried unanimously. Mr. Parsons voting
~~just~~ arrived.

→ ITEM NO. 6 - Z.C. - AMENDMENTS TO THE ZONING REGU-
84-10 LATIONS OF THE DISTRICT OF
COLUMBIA RELATING TO PENTHOUSES

MR. BOZARTH: Mr. Chairman.

CHAIRMAN URQUHART: Sir.

MR. BOZARTH: Dick Westbrook is ill today so George
Oberlander will sub for him this morning.

CHAIRMAN URQUHART: I thought that Dick had put on a
different suit and changed his hairdo.

MR. OBERLANDER: He has a little more hair than I do.
(Laughter.)

CHAIRMAN URQUHART: Just redistribute it.

MR. OBERLANDER: Good morning, Members of the
Commission.

The next item is comments to the D.C. zoning
Commission on a proposed action dealing with penthouse setbacks
at the upper level of buildings. The Zoning Commission at the

1 June 10th meeting was considering 9 amendments to the Zoning
 2 Regulations pertaining to rooftop penthouses. There are 8
 3 items which we have no particular concerns or problems with.
 4 There is one that deals with the measuring of how you interpret
 5 the requirements for the setbacks and, if you look on page
 6 2 of the EDR, the current setback requirement is a one-to-one
 7 ratio from the lot line, as compared to an alternative which
 8 would be a one-to-one ratio from the perimeter of the roofline.

9 The recommendation that the staff is making is
 10 that, although the finding is that there are no federal
 11 interests that would be adversely affected, we do request that
 12 the Zoning Commission consider adopting the proposed text of
 13 the advertised public notice of this case requiring penthouse
 14 setbacks to be measured from the exterior walls in keeping
 15 with the Height of Buildings Act of 1910.

16 I'll be glad to try to answer other questions that
 17 you might have on this matter.

18 (The Report to the Zoning Commission for the
 19 District of Columbia re NCPC File No. Z.C. 84-10 reads as
 20 follows:)

21

1 CHAIRMAN URQUHART: Questions?

2 MS. MORRIS: Mr. Chairman, I have a question.

3 CHAIRMAN URQUHART: Marion.

4 MS. MORRIS: Does this proposed rule also relate to
5 the location of rooftop structures such as antennas?

6 MR. OBERLANDER: No, they split the case into two
7 and this only deals with the rooftop penthouses.

8 MS. MORRIS: Okay. So this is solely concerned
9 then with covering up mechanical towers, air conditioning, and
10 similar rooftop things related to the workings of the buildings?

11 MR. OBERLANDER: Appurtenances, yes. That's right.

12 CHAIRMAN URQUHART: Is the distinction in measurement
13 from the building wall, external building wall, as opposed to
14 the lot line?

15 MR. OBERLANDER: That's correct.

16 CHAIRMAN URQUHART: How prevalent is that issue?
17 What raised this change?

18 MR. OBERLANDER: It's a matter of how the rooftop
19 appears to the observer from the street. If the measurement

20 CHAIRMAN URQUHART: No, no. I understand that,
21 George. I just wondered if there was a whole group of abuses

1 or problems or issues or is this an anticipatory action to
 2 avoid a problem?

3 MR. OBERLANDER: There are several buildings that
 4 have been built recently that extend the roofline straight up
 5 for the penthouse and the provisions in the 1910 Height of
 6 Buildings Act are that they be measured from the roofline
 7 rather than from the lot line.

8 CHAIRMAN URQUHART: The setback, the one-to-one set-
 9 back be measured from the edge of the exterior building --

10 MR. OBERLANDER: That's right.

11 CHAIRMAN URQUHART: -- at the roofline?

12 MR. OBERLANDER: Right.

13 CHAIRMAN URQUHART: Okay.

14 Any other questions?

15 MR. ECHEVERRIA: Let me clarify that. I don't think
 16 that the provisions of the Height Act indicates it has to
 17 be from the perimeter of the building rather than the building
 18 line. I think that the intent was to basically avoid those
 19 buildings in which they have a setback from the property line
 20 on which they carried that facade all the way up to the top of
 21 the penthouse, which adds 18.6 feet to the roofline that exists

1 on the rest of the building.

2 The question that you raise, Mr. Chairman, is how
3 prevalent is that and there are a few cases in the District
4 in which that has been experienced. However it is not a very
5 prevalent case, because, as you well know, the bulk that we
6 have is trying to utilize as much as possible by the develop-
7 ment initiatives that are taking place and, therefore, the
8 recess of the facade has not too commonly appeared on the build-
9 ings.

10 An example of this is the building on Connecticut and
11 L, the northwest corner, where the building was recessed and
12 then the whole facade on that recess was extended all the way
13 to the top of the penthouse.

14 I think that the intent is to see that, on the
15 EDR recommendation, that is that the setback be established
16 along the perimeter or whatever happens to the configuration
17 of that facade, be it on the building line or be it recessed
18 from the building line.

19 CHAIRMAN URQUHART: That there be a further recess
20 for the penthouse?

21 MR. ECHEVERRIA: That's right.

1 CHAIRMAN URQUHART: Has the 18.6 been saved?

2 MR. OBERLANDER: No.

3 MR. ECHEVERRIA: No.

4 VICE CHAIRMAN NASH: No.

5 CHAIRMAN URQUHART: Okay.

6 VICE CHAIRMAN NASH: I move the EDR.

7 MS. GERALD: Second.

8 CHAIRMAN URQUHART: Further questions or discussion?

9 MS. MORRIS: Yes, Mr. Chairman.

10 CHAIRMAN URQUHART: Ms. Morris.

11 MS. MORRIS: Could I clarify one other point? I

12 understand the way this is presented to us on the one-to-one

13 setback from the lot line under the current regulations. The

14 proposed action is not to change that; is that correct?

15 MR. OBERLANDER: That's correct.

16 MS. MORRIS: Thank you.

17 VICE CHAIRMAN NASH: Call for the question.

18 CHAIRMAN URQUHART: The question has been called.

19 All those in favor.

20 (A chorus of ayes.)

21 Opposed.

1 MR. ECHEVERRIA: I abstain.

2 CHAIRMAN URQUHART: And the Chair is abstaining as
3 well.

4 (Ms. Todd not yet present.)

5 It passes unanimously with two abstentions.

6 ~~ITEM NO. 7 - 2505 - NAVAL RESEARCH LABORATORY -~~
7 MCDONALD'S RESTAURANT (BELLEVUE
8 HOUSING AREA)

9 CHAIRMAN URQUHART: Item No. 7, Naval Research Labor-
10 atory, McDonald's Restaurant.

11 Are we getting samples?

12 (Laughter.)

13 MR. LEWIS: The proposal you have before you is the
14 constructions of McDonald's in the Southeast portion of
15 Bellevue Naval Housing adjacent to the Naval Research Labora-
16 tory. The proposal, while consistent with the Comprehensive
17 Plan, is inconsistent with the master plan for the Naval
18 Research Lab.

19 The restaurant provides for eating facilities for
20 the Temporary Naval Lodge and Naval personnel. In 1982 the
21 ~~Temporary Naval Lodge was submitted to the commission for~~