

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Zoning Commission
District of Columbia

Office of the Director

SUPPLEMENTAL SET DOWN REPORT

TO: District of Columbia Zoning Commission
FROM: *X.S.R.* Ellen McCarthy, Director, DC Office of Planning
DATE: September 2, 2005

SUBJECT: Supplemental Set Down Report for ZC Case Number 04-36
Dorchester Apartments (Ward 1, Sq. 2572, lots 815 & 816)
Application for a Consolidated Planned Unit Development and Map Amendment

04-36 04-36
EXHIBIT NO. 18

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I. RECOMMENDED ACTION

OP recommends that the Zoning Commission set down for a Public Hearing Zoning Commission Case #04-36, Dorchester Apartments expansion on 17th Street NW, for a Consolidated PUD review and zoning map amendment from R-5-B to R-5-D.

II. EXECUTIVE SUMMARY

At its March 14, 2005 meeting, the Zoning Commission set down for a public hearing Consolidated PUD and map amendment application 04-36, for an expansion to the existing Dorchester Apartment building at 2480 16th Street NW. The new construction would be located along 17th Street NW, to the rear of the existing building, in a separate new structure on the parcel. The new building would conform to the proposed R-5-D height limit and to the R-5-D PUD density limit.

Subsequent to set down, an issue related to the height of the proposed new building was raised, specifically with respect to the Height Act of 1910, which states that:

"On a residence street, avenue, or highway no building shall be erected, altered, or raised in any manner so as to be over 90 feet in height ... (except) on a street, avenue, or highway 60 feet wide or less, where a height equal to the width of the street may be allowed" (§ 5-405 (c))

This would limit the height of a new building fronting onto 17th Street (which has a right of way width of only 50') to 50 feet maximum, whereas the proposed new building would have a height of 58.5 feet along the street and 78 feet behind.

The applicant has attempted to resolve this by revising the application to include a new above grade connection between the existing and new construction (see Revised Site Plan Attachment I). This renders the new construction an "addition" rather than a "separate building", so that height for the new construction can be measured from wider 16th Street, which would permit the proposed height.

While this may be seen to be contrary to the intent of height regulations, which attempt to relate building height to the fronting street width, the Zoning Regulations allow for through lots to use either street for determining their height:

"If a building fronts on more than one (1) street, any front may be used to determine the maximum height of the building; but the basis for the height of the building shall be

determined by the width of the street selected as the front of the building.” (DCMR 11 §199.1)

The Zoning Regulations, under the definition for “building” also states that:

“...When separated from the ground up or from the lowest floor up, each portion (of a structure) shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.” (§ 199.1)

The inference and interpretation is that providing above grade communication between two structures renders them one building. In this case, providing an acceptable connection between the buildings will render the new construction an “addition” and allow the height to be measured from the wider 16th Street.

Exactly what constitutes “communication” between two structures is also open to interpretation. In the past, both the previous Zoning Administrator and the Board of Zoning Adjustment have accepted a simple trellis, which is what appears to be shown on the applicant’s revised drawings. However, concerns have been raised that this solution does not constitute communication, and that an enclosed connection allowing people to freely move from public areas of one structure to public areas of the other is required. While the Zoning Regulations may require clarification, OP feels that this latter interpretation, at a minimum, is reasonable.

As such, OP is not convinced that the connection shown in the Applicant’s revised submission dated July, 2005, provides an acceptable, or even functional, means of communication. It does not seem to provide an internal connection between the two structures, and the applicant has not indicated changes to the proposed or existing building that would be necessary to allow this connection and allow residents of, or visitors to, one portion of the building to access the internal space of the other portion. However, an acceptable and practical means of communication would seem to be possible, and OP would work with the applicant to ensure the provision of an acceptable solution prior to the public hearing.

As a result of the change to provide the connection, the request for relief to allow two buildings on one lot is eliminated (see also Revised Project Profile, Attachment II). In addition, it appears that the proposed addition would not meet rear yard setback requirements, with 30’ required and 25’ proposed, measured from the centerline of 17th Street in accordance with the Zoning Regulations. This variance is small, and the applicant has worked with OP to provide building façade undulation and landscaped areas along 17th Street. However, given the narrow width of 17th Street and the height of the proposed building, OP will work with the applicant to investigate whether providing this setback is possible and preferable, to provide “breathing space” and opportunities for landscaping along 17th Street. Requests for relief from parking space size and rooftop penthouse wall height and setback regulations, described in the original application and OP report dated March 4, 2005 remain.

EM/jl

ATTACHMENTS:

- I. Revised Site Plan
- II. Revised Project Profile