

TESTIMONY OF
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National Capital Planning Commission

BEFORE THE
District of Columbia Zoning Commission
Dorchester Apartments Planned Unit Development and Zoning Map Amendment
ZC 04-36
March 30, 2006

Madame Chair and members of the Commission, thank you for this opportunity to speak to you regarding the proposed addition to the Dorchester Apartments. Since the National Capital Planning Commission has not yet had an opportunity to review this project, I want to make clear that my comments reflect the views of staff only. They do, however, reflect the recommendations that would be included in the Executive Director's report to our Commission if the project as currently proposed were to be referred to NCPC by the Zoning Commission.

As you are aware, the National Capital Planning Act authorizes NCPC to advise the Zoning Commission on the potential impact of proposed changes to the official zoning map or regulations on federal interests. In this case, the federal interest is the Height of Buildings Act of 1910. As noted in the report from the Office of Planning to the Zoning Commission dated March 20, it was previously determined that the Height Act would limit the height of a new building fronting onto 17th Street to 50 feet maximum. The Zoning Commission advised the applicant either to provide a meaningful connection between the two buildings or to request relief for having more than one building on the lot, with the height of the new building determined by 17th Street.

NCPC appreciates the Zoning Commission's effort to clarify the conditions under which it would allow these two buildings to be considered one, thereby allowing the height to be measured from 16th Street. While you ultimately may find that the applicant's response is sufficient to meet zoning regulations regarding the methodology for determining building height, it is our opinion that the proposed zoning change and building addition would not be consistent with the intent of the Height Act.

In architecture school I was introduced to the concept of "due diligence," which was defined as the degree of prudence that might be properly expected from a reasonable person. Due diligence applies to anyone acting in a fiduciary capacity. Our "fiduciary duty" in this case is our shared responsibility to enforce the Height Act.

It is NCPC's view that a reasonable person would look at these plans and determine that these are two buildings. The applicant's own drawings label them as the "Existing Dorchester House Apartment Bldg." and the "Proposed New Apartment Building." They have distinctly different architecture and entrances—one on 16th Street and one on 17th Street. It also is NCPC's view that a reasonable person would find that it is the intent of

ZONING COMMISSION
District of Columbia
ZONING COMMISSION
CASE NO. 04-36
CASE NO. 04-36
EXHIBIT NO. 73

the Height Act that the maximum allowable height for a building with an entrance on 17th Street is 50 feet. We therefore find that the proposed rezoning from R-5-B to R-5-D would be inconsistent with the Height Act because it would change the maximum allowable height of the building fronting on 17th street from 50' to 90'.

We therefore recommend that the Zoning Commission not approve the proposed zoning map amendment. We also recommend that the applicant request relief for having more than one building on the lot and that the allowable height for the proposed building fronting on 17th Street be no greater than 50 feet.

Thank you.