

Zoning Commission for the District of Columbia
Case N. 08-06-08, Comprehensive Zoning Regulations Rewrite:
Low/Moderate Density Residential
April 9, 2009

Testimony of George E. Watson, President of Wesley Heights Historical Society

I am George E. Watson, President of the Wesley Heights Historical Society and a member of the Zoning Committee of ANC3D. I have lived in the same house in Wesley Heights in far Northwest Washington for 40 years. My testimony today is mainly on behalf of the Historical Society rather than ANC3D. It will focus on the the importance of the two zoning overlays in ANC3D in preserving our neighborhoods from uncontrolled overdevelopment and preserving the livability and environmental values of our glorious communities.

Wesley Heights is an up-scale 1920-1930's Miller-led development just south of American University consisting of some 525 single family, detached homes in R1A and R1B zones with large yards and landscaped streets. The Miller Company left many of the trees intact when they built homes and the tree cover persists to this day. Most of the homes are two-story structures. Front-yard setbacks were originally generous, providing pleasant streetscapes.

The Wesley Heights homes are an eclectic mix of styles, mostly colonials, English/French style cottages and Tudor houses with wood shingle, stucco, brick and stone facades. One hundred thirty of the homes were designed by Architect Gordon E. McNeil and lot landscaping was in the hands of John Small III, providing a control for the initial appearance of the subdivision that continued for almost 50 years.

In the mid 1980's, however, there was spate of development in Wesley Heights when two adjoining R1B lots with modest shingle homes on Klinge Street were purchased by a developer and immediately demolished. In their place two very large brick, mirror-image "railroad car-like" tall homes went up, changing forever the streetscape of that block of Klinge Street. A block away on Cathedral Avenue, another developer snapped up a large side garden of a flagship property (Miller-family-owned) and in-filled it with a large, three-story town-house-like structure. Shortly after selling the new house for megabucks, the same developer bought a half acre corner lot (also a Miller family home) with a diagonally-placed low Tudor house and turned it 45 degrees so that it faced Cathedral Avenue. On the newly created, subdivided corner lot, he built a tall red-brick three-story home. What had once been a wonderful park-like corner with three well setback, diagonally-situated homes with large open front yard gardens and a trickling stream, became less peaceful and inviting.

A group of neighbors formed the Wesley Heights Historical Society to put together a plan for preserving our neighborhood and trying to prevent permanent alteration. We considered historic designation, but unlike Georgetown and Cleveland Park, we found no unanimity among the homeowners. We did succeed, however, in convincing a majority of the home owners to support the Wesley Heights Overlay District that was adopted by the Zoning Commission in 1992. The Overlay called for a reduction of lot structure footprint from 40 to 30 percent, a limitation of Floor Area Ratio to control bulk and a unique block-by-block averaged front-yard setback to preserve

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streetscapes. These are all simply stated in the Zoning Code. We did, however overlook one aspect of the front yard setback provision, namely, that for corner lots we should have made them subject to the front yard setbacks on both sides of the corner. There has already been one egregious new corner lot home placement with an 8-foot setback fronting 20-plus foot setback streetscape.

The Society has kept a watchful eye for add-ons and new structures in the neighborhood and has attempted through interactions with ANC3D and the Zoning Office to see that both the provisions of the Overlay and the underlying Zoning Code have been enforced in a fair and even-handed way that allows homeowners to make modest improvements to their properties and yet preserves the open and inviting wooded and garden environment.

We have had some successes and some disappointments. A developer bought a quarter-acre sideyard on 44th Street and began pouring concrete walls for a new in-fill townhouse about 10 feet from the street. In the name of the Society, I brought this to the attention of ANC3D and the chair immediately sent the developer a "tear-down-that-wall" letter pointing out the WHOD infraction. The next day the developer's bulldozer demolished the wall and put up a new facade sited in conformity with the WHOD frontyard setback. Another developer on a large steeply sloping parkside lot on Dexter Terrace wanted a flat back yard overlooking Acclimation Park. He built a 30-foot high rampart wall immediately abutting the park and hauled in many truck-loads of landfill to cover layers of plastic that stabilized the wall and built-up yard. The Society, ANC3D and the National Park Service (Acclimation is part of the Rock Creek Park System) and a neighbor lawyer who looked all day at the offending wall testified before the BZA and showed that the wall and its layers of plastic were a "structure" under the WHOD and Zoning Regulations that was in violation of the lot coverage provisions. The developer's appeal of the BZA teardown order failed to convince two DC courts that the yard and wall structure were legal. There are several other instances in Wesley Heights that show how well the overlay has served us.

Because another neighborhood to the west of Battery Kemble Park between Chain Bridge Road, University Terrace and Arizona Avenue is a watershed for the Park (another part of Rock Creek National Park) and the C & O Canal National Park, a group of neighbors was able to sponsor a tree and slope overlay for the area that was adopted by the Zoning Commission and is now part of the Zoning Code.

Under that overlay a developer for an extraordinarily steep sloping lot on Arizona Avenue was charged with multiple violations for stripping virtually all the trees from a 9000-square foot lot one Saturday morning before watchdogs were awake. The developer is now seeking approval for plans to once more develop the lot after a court-imposed seven-year ban on lot development activity. Meanwhile, all the neighbors and Virginia commuters who use Arizona Avenue have had to see the lot increasingly overgrown by weeds and invasive, exotic trees-of-heaven.

Our neighbors and others throughout this city have worked hard to establish and enforce these neighborhood overlays that are tailored to local conditions and environments. These individual neighborhoods of varying characters are what has made our city so diverse and livable. We hope that you will not sacrifice this diversity for overall zoning homogeneity in the District.