

STATEMENT OF JOHN M. FOWLER  
REGARDING  
DOWNZONING IN THE CLEVELAND PARK HISTORIC DISTRICT

My name is John Fowler. I am the Deputy Executive Director and General Counsel of the Advisory Council on Historic Preservation, a cabinet-level agency of the Federal government charged by the National Historic Preservation Act of 1966 with advising the President and the Congress on historic preservation matters. I am also a native Washingtonian and a resident of Cleveland Park. My sixteen-year career in historic preservation has focused on the legal and regulatory aspects of accommodating development and preservation. I served on the Mayor's Task Force that led to the current District of Columbia historic preservation ordinance and I currently serve as a member of the Architectural Review Committee of the Cleveland Park Historical Society.

My work at the Council regularly brings to my attention the difficult question of reconciling the demands for productive contemporary development with the preservation of fragile and irreplaceable historic properties and environments. Preservation is not static, nor are the economic and social forces that determine the health and vitality of a neighborhood or a city. The process that our Council administers, mandated by Section 106 of the National Historic Preservation Act, establishes a method for accommodating the often conflicting needs of development and preservation when Federal projects are under consideration. Thousands of federally-sponsored actions each year are brought into some kind of accord with the historic environment through the Section 106 process. Quite often this review process is conducted in conjunction with local preservation ordinances, such as that in effect in the District of Columbia. From this perspectives there are lessons that I have learned which I believe are germane to the issue before the Commission.

First, no regulatory process to protect a historic property can be effective when the underlying zoning permits significantly higher intensity development than the existing historic building. We have found this to be true repeatedly when negotiating solutions under Section 106 and have witnessed the almost routine circumvention of local landmark protection laws when the discrepancy between existing and potential development is substantial. Historic preservation review processes are politically sensitive and the intimate relationship between real estate economics and politics is no secret.

Second, incongruity between historic preservation regulation and zoning places governmental objectives at cross-purposes, to the detriment of both the government's objectives and the rights and expectations of citizens. When a jurisdiction makes a commitment to the preservation of historic properties as a matter

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of public policy, it is absurd to enact a strict landmarks law to regulate design and demolition and at the same time leave unchanged those other governmental processes and policies that determine the use of land. The most effective preservation programs at the local level are those that have harmonized land use plans, zoning and preservation review to achieve a balanced approach to historic preservation.

Third, preservation of a neighborhood as a historic district requires more than just enactment of a preservation review process. The character of a historic neighborhood, whether it be strictly residential or a varying mix of residential and commercial, is fragile and demands careful nurturing in a dynamic real estate market such as Washington to maintain the proper balance between continuity and change. Building scale, density, traffic, nature of building use, greenspace and signage are all important factors that determine the continuing integrity of a historic district. A local government must recognize its commitment to use all the tools at its disposal to ensure that they contribute to, rather than work against, the longterm conservation of irreplaceable historic resources.

Connecticut Avenue in Cleveland Park is an integral part of the greater historic district and its character will substantially affect the longterm health of the historic district. New development is neither inappropriate or undesirable. Preservation of the important elements of the Cleveland Park historic district does not demand a freezing in time; indeed, the district's significance is drawn from the variety of styles and developments contained in the neighborhood. However, development in the past has respected the character and qualities that have gone before. The presence of Metro and the underlying zoning, along with the ability to build even more densely with planned unit developments, present irresistible forces that, as evidenced by pending proposals, are guaranteed to disrupt that continuity of scale and use which has evolved since the turn of the century.

The proposal before the Commission would promote the harmony between the city's historic preservation law and its building regulations that I think is necessary. I believe that this is sound public policy, consistent with the city's recent recognition of the importance of the historic character of the neighborhood and its commitment to balanced historic preservation citywide. I urge your favorable action.