



CLEVELAND PARK HISTORICAL SOCIETY 3101 HIGHLAND PLACE, N.W. CLEVELAND PARK, D.C. 20008 (202) 244-1276

July 7, 1987

Lindsley Williams, Chairperson  
Zoning Commission of the  
District of Columbia  
The District Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Chairperson Williams and Members of the Commission:

I. PURPOSE

This letter is a formal petition to the Zoning Commission to initiate a zoning case pursuant to Chapter 11, Section 3010, of the D.C. Municipal Regulations. The petition covers the west side of Wisconsin Avenue from Idaho Avenue to Massachusetts Avenue and the east side of Wisconsin Avenue from Quebec Street to Woodley Road.

II. PETITIONERS

Cleveland Park Historical Society (CPHS) - is a nonprofit, tax-exempt organization with 41 directors and an active membership of over 600 residents. It was a successful co-applicant (with ANC 3-C) before the Historic Preservation Review Board for the Cleveland Park Historic District. The District was formally designated under D.C. Law 2-144 on November 19, 1986 and listed on the National Register of Historic Places on April 27, 1987. CPHS is greatly concerned about the quality of life in Cleveland Park and with maintaining the character and integrity of the historic district and its immediately adjoining areas and the qualities which led to the designation.

TACPEC (Tenley and Cleveland Park Emergency Committee) - is a citizen's action committee consisting of residents of northwest Washington who live in or near the petition area. One of its purposes is to ensure that land use planning in the Tenley and Cleveland Park area is carried out in a manner not inconsistent with the Comprehensive Plan and all other statutes which regulate land use in the District of Columbia. TACPEC actively supported the recent rezoning on Wisconsin Avenue north of the petition area.

ZONING COMMISSION

CASE No. 86-26  
EXHIBIT No. 28  
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District of Columbia  
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Wisconsin Avenue Corridor Committee (WACC) - is a 13-year-old organization comprised of 26 civic associations in Ward 3, Georgetown and Woodley Park. Its recent work has focused intensely on the disparity between the present commercial zoning along Wisconsin Avenue and the Comprehensive Plan.

Advisory Neighborhood Commission 3-C (ANC 3-C) - is an organization established pursuant to Sec. 738 of the Home Rule Act and Sec. 1-261 of the D.C. Code, consisting of elected representatives of Cleveland Park and nearby neighborhoods. ANC 3-C speaks for some 18,000 area residents. Its function is to advise the District government on matters of public policy affecting the commission area, including planning and zoning. By law, the District must give great weight to advice it receives from the ANC. D.C. Code 1-261(d).

The Protestant Episcopal Cathedral Foundation (The National Cathedral) - consists of Washington Cathedral, National Cathedral School for Girls, Saint Albans School, Beauvoir School, The College of Preachers, and the Cathedral College of the Laity. It employs approximately 600 adults, and its schools have over 1,400 students. In 1986, the Cathedral welcomed over 600,000 worshippers and visitors. The Cathedral Close is an historic landmark under D.C. Law 2-144.

### III. ZONING PROPOSAL

More restrictive zoning in the petition area is necessary: (1) to bring zoning into conformity with the present physical character and land uses at this location, (2) to end inconsistencies with the Comprehensive Plan for the National Capital (D.C. Law 5-76 and 5-187; see D.C. Code § 1-246), and (3) to assure protection of the new Cleveland Park Historic District and Cathedral landmark designation. Existing conditions and zoning, the requirements of the Comprehensive Plan and the proposed rezoning are shown on Charts A and B, attached. The proposed rezoning may be summarized as follows:

A. Residential Area -- The zoning on the east side of Wisconsin Avenue must be modified to establish R-5-A with an historic district overlay for all residential squares within the historic district. Zoning for areas adjacent to the historic district may remain R-5-B and R-5-C where necessary to reflect existing conditions. See Chart A. On the west side of Wisconsin Avenue, residential zoning within the petition area must be a

combination of R-5-A and R-5-C to reflect existing conditions, as shown on Chart B.

B. Commercial area -- At a minimum, the Zoning Maps must be changed to designate C-1 zoning with supplemental use overlays designed to implement the designations of the Comprehensive Plan and the historic district. See Chart B. Preferably, the Zoning Commission should establish a single zone (district) tailored to this locality; perhaps a Special Public Interest Zone classification to protect Wisconsin Avenue as a designated special street and the historic district and Cathedral landmark designations.

#### IV. BACKGROUND

##### A. History

Wisconsin Avenue is one of the oldest roadways in Washington. Since Colonial times, it was the major highway from the docks of Georgetown to Rockville, Maryland. A village had been established around St. Alban's Church by the time of the Civil War. In 1907, construction commenced on the Washington Cathedral. A few years earlier, President Grover Cleveland had established his summer home on a nearby hill. At that time, the Cleveland Park community began to emerge.

The present commercial zoning for the area was established in 1958. At that time, the District's highway plan contemplated major new highways near the area, and zoning was designed to accommodate growth to be served by these highways. The highway plan was subsequently revised to eliminate those highways. No corresponding rezoning occurred.

In the spring of 1985, the Council of the District of Columbia enacted the Land Use Element of the Comprehensive Plan specifically designating the petition area as a "Local Neighborhood Center." In addition, Wisconsin Avenue is designated a Special Street.

On November 19, 1986, the District of Columbia designated the Cleveland Park Historic District. The Cathedral Close is an historic landmark. Portions of the petition area lie within the Historic District; the remainder of the petition area forms the boundary of the Historic District and Cathedral Close.

B. Present Description

The National Cathedral is the geographic and visual cornerstone of the petition area. Visible for miles north and west of the area, it is a major Washington geographic and historic landmark and tourist attraction. In addition to its essential functions as a local and national religious center, its cultural and social activities are a major attraction for area residents and members of the wider metropolitan community of all races and creeds. The Cathedral's presence underscores the basic human character of the petition area.

The major concentration of trees near the National Cathedral is a special feature of the city which must not be taken for granted. As Mayor Barry has said, "One of the loveliest aspects of our city is our parks and trees, and Cleveland Park is particularly fortunate in this regard." (Special Message from Mayor Barry, May 1986.)

The residential setting adjoining the petition area is characterized by fine, well-maintained single family homes. Sale prices over the last few years have consistently exceeded \$200,000 per unit, with some homes selling for well over that amount. The neighborhood is of substantial importance to the city as a source of quality housing and as a major aesthetic, historic and economic resource.

The presence of a number of older apartment buildings within the petition area provides welcome moderate price housing options in the neighborhood and supplies housing for many elderly and single people. These apartments contribute to local foot traffic, an important base of support for neighborhood merchants. Their design, character and scale generally conform with the local neighborhood center and historic district designations. These older residences are a necessary and desirable feature of the area.

The petition neighborhood is also fortunate in being near to a number of excellent institutions. These include John Eaton and Hearst public schools, St. Alban's, the National Cathedral School for Girls, Beauvoir and The Sidwell Friends independent schools, the Washington School of the Ballet, and Youth for Understanding (Rosedale). These institutions contribute to the overall high quality of the living environment in the area.

The commercial sector of the petition area consists of about three blocks on the west side of Wisconsin Avenue, from Idaho Avenue to approximately Lowell Street. It is an area of one and two story buildings housing shops which serve neighborhood needs. There are over 50 small commercial establishments within the area, including many longtime local merchants. The shops include a bakery, and stores selling books, photographic supplies, shoes, liquor, paint and wallpaper, jewelry, toys and fabrics. Services include cleaning and leather repair, barbershops, beauty salons, travel agencies and a few restaurants, among others. The area also features a Giant grocery store, Peoples Drug Store and pharmacy, and G.C. Murphy Co., a substantial variety store. These enjoy unusually deep lots, enabling them to provide surface customer parking.

In short, the area is served by a stable commercial community providing an excellent range of local consumer-oriented shopping and services.

#### V. REASONS IN SUPPORT OF PETITION

##### A. Conservation Of The Functioning, Stable Neighborhood

The petition area is at the center of a healthy, functioning community. The area's low-scale, neighborhood-oriented shops attract a local clientele, supply its needs and in turn depend on it for support: the supermarket (one of only 38 remaining in the District) and pharmacy are particularly important in supplying basic community needs. At present, the critical components of the community--commercial, residential and institutional--are in a viable but delicate balance. The low-scale nature of the commercial component is integral to this balance.

The area requires protection. Its features include a residential neighborhood of substantial importance to the city both as a unique housing resource and as a significant tax base; an existing, remarkably stable community of merchants; one of the country's most important religious institutions (itself a designated landmark); several premier educational facilities, and the newly-designated, nationally-listed historic district. In short, the area is a major Washington amenity which warrants immediate, careful attention and action.

Unfortunately, the area faces imminent and severe pressures for redevelopment which could drastically change its character.

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Under present C-2-A zoning, commercial buildings up to 50 feet in height and with a 2.5 floor area ratio (for mixed use) could be constructed as a matter of right; under a Planned Unit Development, even larger construction could be permitted. The large lot sizes on Wisconsin Avenue pose a particular threat:

In some locations in the city, especially on relatively large sites, new office buildings in C-2-A Districts have replaced the previously existing one to two story retail buildings which provided a wide range of neighborhood-serving establishments. Typically, the higher ground-floor rents required in a new office building allow only financial institutions and a more limited range of 'upscale' retail and service establishments to come back to the site after redevelopment. Thus, the planning and neighborhood concerns are: a weakening of neighborhood shopping services, requiring residents of the neighborhood to travel some distance by automobile for more of their convenience shopping; the attraction of automobile commuter traffic to the office building; and, in some situations, the height of the office building if it is built to 50 feet within a neighborhood shopping cluster which is otherwise developed with one to two story neighborhood stores.

(Letter to D.C. Zoning Commission from Fred L. Greene, Director, Office of Planning, Oct. 28, 1986, concerning the need to address the petition area.)

B. D.C. Code § 5-414

D.C. Code § 5-414 sets forth the purposes of zoning. Even a brief review of these criteria shows that § 5-414 strongly supports the proposed rezoning.

1. Lessen congestion in the street. An initial analysis of traffic in the area, see Part V of the Wisconsin Avenue Corridor Study (D.C. Office of Planning, August 1986), pp. 31-51, concluded that unsatisfactory levels of service already exist at two intersections within the petition area and that traffic conditions are expected to deteriorate in the future. The

study showed that service at Porter Street, Woodley Road and Massachusetts Avenue will remain poor even with traffic system management measures: these measures are themselves offensive to residents and can be harmful to local businesses. The enormous new construction along Wisconsin Avenue is making traffic congestion even worse. The petition area is not served by metrorail.

The increasing traffic congestion along Wisconsin Avenue in the petition area as well as on neighboring side streets justifies immediate rezoning.

2. Secure safety; promote health and welfare; prevent overcrowding; create conditions favorable to transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities. Preserving the existing low scale character of the neighborhood will further the attainment of these purposes and is particularly essential to the elderly, many of whom have decreasing ability to travel elsewhere. Crossing Wisconsin Avenue to reach the shops, or Woodley Road to visit the Cathedral or reach its schools, is becoming a major hazard for slower-moving senior citizens and inexperienced children. This problem is particularly acute for the elderly living in the nursing home or other residences across Wisconsin Avenue from the grocery store and pharmacy. The further purposes listed in the law, such as civic activity and recreational, educational and cultural opportunities, all depend on first securing minimum requirements of a safe, amenable neighborhood.

3. Further economy and efficiency in the supply of public services. Any increases in existing street congestion would not only lead to deterioration in bus service in this non-metrorail area but could also lengthen police, fire and ambulance emergency response times.

4. Consider the character of the district; encourage stability. The present zoning simply does not protect the neighborhood: rather, it is an outdated (because of the changed highway plan) and now wholly inappropriate (because of the Comprehensive Plan, historic district and Cathedral landmark designations) invitation to inappropriate, massive new development.

5. Summary of Section 5-414 analysis. The purposes of the zoning regulations as set forth in Section 5-414 clearly require rezoning in the petition area. Particularly when read in

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the light of the Comprehensive Plan, it is plain that the present zoning is wrong and must be changed.

C. Comprehensive Plan

1. Land Use and Historic Preservation Elements - Zoning in the petition area must not be inconsistent with the Comprehensive Plan for the National Capital, D.C. Law 5-76 and 5-187. D.C. Law 5-414. Where requirements of the Plan are more restrictive than zoning regulations, the Plan's requirements are controlling. D.C.M.R. 101.4. Furthermore, zoning should complement, not undercut, the historic district and landmark designations.

The Comprehensive Plan is composed of eleven District elements and eight Federal elements. Together, these elements cover a broad range of municipal concerns.

Although D.C. Law 5-414 bars zoning inconsistent with "the Comprehensive Plan" in general, the principal areas of concern from the zoning viewpoint are those portions of the Plan which are geographic and land-use specific--namely, the Land Use Element and the Preservation and Historic Features Element as it pertains to the specifically designated Cleveland Park Historic District and Cathedral landmark. This conclusion is supported by section 1101(k) of the plan, section 7 of D.C. Law 5-76, codified at D.C. Code section 1-246, and by well-recognized rules of statutory interpretation that place the specific over the general. Hence, under D.C. Law 5-414 zoning must be not inconsistent with the geographically specific requirements of these two elements; interpretation of the other elements must be in concert with and respectful of them. Section 102.

Residential -- The maps of the Land Use Element of the Plan, Title XI, show a mix of low, medium and high density residential uses in this area. Because the area includes residences within and immediately adjacent to the Historic District and Cathedral landmark, the Preservation and Historic Features Element, Title VIII, is also pertinent. This element establishes a number of policies directed toward preserving the area's historic character. It calls for development controls and design review criteria to reflect the historic district (806(12)) and for eliminating incentives to replace historic resources (806(13)). See also sections 806(l), 807(b), 807(k), 807(p) and 809, especially 809(e) and (f). Overall, these provisions clearly emphasize preservation of the existing scale and character of the historic neighborhood.

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The Cleveland Park Historic District was designated after the generalized land use maps were adopted. Therefore, the land use element designations are tempered by the additional restrictions of Title VIII and indicate a need for zoning more restrictive than that suggested by the land use maps alone.

Commercial -- Under the Plan, the commercial sector of the petition area is a Local Neighborhood Center and is to be maintained at the low density commercial level. These are the lowest density commercial designations assigned by the Plan: adoption of the lowest possible commercial zoning category is necessary to avoid inconsistencies.

The Plan's definitions of local neighborhood center and low density commercial, sections 1107(a) and 1108(b)(1), portray a low-scale shopping and service area, with very little office space, serving neighborhood residents and workers. This, of course, describes the existing situation here: it is the legal enactment of the City Council's express intent to maintain the present commercial character of this area:

I feel strongly that the plan should reflect things as they are. For instance, there was a recommendation made to us that the description of the local neighborhood center at Wisconsin and Newark be deleted. It just so happens that neighborhood contains a Giant super-market, a People's drug store, a variety store, a bank, a toy store, a dry cleaner, a fabric and wallpaper store, and several restaurants. How anybody can ask me to suggest that this area not be called a local neighborhood center is beyond me.

This is an example of a number of recommendations which have been made to me and which I did not accept....

(Council member Shackleton, speaking during proceedings of the Council of the District of Columbia, consideration of and amendments to the Comprehensive Plan, Committee of the Whole Mark-Up, Transcript, December 4, 1984.

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The Office of Planning has also recognized that the Plan protects the neighborhood scale in this area in essentially its existing character. (Fred Greene letter, supra.)

The small commercial area along Wisconsin Avenue is geographically adjacent and functionally integral to the Cleveland Park Historic District. As is true of the residential areas, Title VIII provisions that call for maintaining the character and scale of the area must be respected. As noted previously, prompt rezoning here is particularly critical because of the deep lot sizes.

2. Additional Plan Elements - Although the Land Use and Preservation elements alone fully mandate rezoning in the petition area, the mandate is forcefully buttressed by virtually every element of the Plan.

The first Major Theme of the Plan is to Stabilize the District's Neighborhoods, including conserving functioning, stable neighborhoods. Section 101.1. In Title II, Economic Development, the salient point is that the petition area is not targeted as an Economic Development area. The title notes that tourism is an important aspect of the District's economy: the Cathedral is a significant tourist attraction, and the adjacent historic district is already expanding that base of tourism. Complementary zoning will preserve the area's appeal for tourists.

Zoning to maintain existing affordable apartment buildings is consistent with Title III, the Housing Element. Rezoning is also consistent with the major policy of Title IV, calling for regulation of the human environment to maintain and enhance the quality of life in the District. Section 401(a). The goal of Title V, the Transportation Element, is to provide a transportation system that serves the needs of residents and insures effective functioning of the District (Section 502): additional growth leading to further deterioration of traffic conditions in this non-metrorail area would be seriously inconsistent with that goal. Title VII, Urban Design, more specifically addresses the need to control development to protect neighborhoods. See Sections 701(a)(4), 721 and 726.

It is, therefore, apparent that the rezoning required to avoid inconsistency with the Land Use and Preservation elements is fully supported by the provisions of other applicable elements.

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#### VI. CITY'S SUPPORT FOR REZONING THE PETITION AREA

Mayor Marion Barry, Jr., has recognized the importance of maintaining the integrity of Cleveland Park "as a charming, stable community that contributes much to the District of Columbia community." Special Message, May, 1986. In October, 1986, he announced his support of zoning changes specifically for the petition area. The Mayor stated:

I am very much committed to stabilizing all District neighborhoods. To that end, I will do everything within my power to prevent the encroachment of out-of-scale commercial development into our residential areas and neighborhood centers. (News from Mayor Marion Barry, Jr., Oct. 31, 1986.)

The Mayor added that the needed changes include both zoning map and text amendments.

In addition, the Mayor has recognized the severe traffic problem along the Wisconsin Avenue corridor. In his June 9, 1986 letter to the Zoning Commission, the Mayor emphasized the need to prevent unwarranted traffic intrusions into surrounding residential areas as part of his increasing concern about the quality of the living environment along this corridor.

The petition area was also included in the Office of Planning's memorandum to the Zoning Commission, Oct. 28, 1986. That memorandum recognized the need to consider zoning action to implement the Comprehensive Plan and resist pressures for redevelopment and change of character.

The Mayor's Oct. 28, 1986 press release stated that the Office of Planning would report to the Zoning Commission within 30 days regarding rezoning of the petition area. To date, that report has not been issued.

The Mayor's May, 1986 message emphasized the need to expand the cooperation between government and citizens. The petitioners look forward to participating in the effort to attain our mutual goals. However, we are concerned with the slippage of time and the potential that inconsistent, unacceptable development may be initiated before the needed rezoning occurs. Therefore, we request the Commission to schedule a hearing on this petition at the earliest feasible date.

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VIII. CONCLUSION

The people and the government of the District of Columbia share a duty of stewardship for the unique Cleveland Park area. The requested rezoning is an essential element in discharging that duty, for the sake of this and future generations. We respectfully petition that the Commission promptly undertake the requested rezoning.

This petition may be considered with or separately from the CPHS and ANC 3-C petition for rezoning along Connecticut Avenue in Cleveland Park.

Thank you for your consideration.

Sincerely,

Cleveland Park Historical  
Society  
3101 Highland Place, N.W.  
Cleveland Park, D.C. 20008  
828-9600

By: 

Tersh Boasberg, President

Tenley and Cleveland Park  
Emergency Committee  
3941 Van Ness Street, N.W.  
Washington, D.C. 20016  
362-6264

By: 

Joel Odum, President

Wisconsin Avenue Corridor Committee  
3511 39th Street, N.W.  
Washington, D.C. 20016  
363-6666

By: 

Carol Currie, President

Advisory Neighborhood  
Commission 3-C  
Room 1  
2737 Devonshire Place, N.W.  
Washington, D.C. 20016  
232-2232

By: 

Peggy Robin, Chairperson

The Protestant Episcopal  
Cathedral Foundation  
Mt. St. Alban  
Washington, D.C. 20016  
537-6225

By: 

Wilfred B. Sherk, General  
Manager

CHART A  
EAST SIDE OF WISCONSIN AVENUE  
QUEBEC STREET - WOODLEY ROAD

Location	Existing Improvements	Existing Zoning	Comprehensive Plan	Historic District	Requested Rezoning
Quebec - Norton Pl.	2 story commercial; 8 story owner/residential; 3 story institutional (ballet school); single family homes.	R-5-A	Low density residential.	Yes.	R-5-A.* (No change)
Norton Pl. - Newark	2 story rowhouses; 4 story residential.	R-5-B	Low density residential to approx. Idaho; medium density residential Idaho to Newark.	Yes.	R-5-A.*
Newark - Macomb	8 story institutional (nursing home); 8 story residential.	R-5-B R-5-C	Medium density residential.	No.	R-5-B; R-5-C. (No change)
Macomb - Lowell	Single family home; 7 story residential (under construction); 2 story residential; single family home; 8 story residential; 1-2 story institutional (school).	R-5-C	Medium density residential.	Yes, except 8 story residential at Wisconsin and Lowell.	R-5-A.*
Lowell-Woodley	4 story institutional (school).	R-5-C	Institutional (school).	Yes.	R-5-C. (No change)

\*An overlay is needed to protect Wisconsin Avenue as a Special Street, to implement the Comprehensive Plan and to carry out the purposes of the Historic District and Landmark designations. Alternatively, a Special Public Interest zone could be developed to achieve those ends.

CHART B  
WEST SIDE OF WISCONSIN AVENUE  
IDAHO AVENUE - MASSACHUSETTS AVENUE

Location	Existing Improvements	Existing Zoning	Comprehensive Plan	Historic District	Requested Rezoning
Idaho Avenue - Macomb Street.	1 and 2 story commercial.	C-2-A	Low density, commercial; local neighborhood center.	No.	C-1.*
Macomb Street to approximately Lowell St.	1 and 2 story commercial; 2 story residential.	R-5-C	Low density, commercial; local neighborhood center.	No.	C-1.*
Approximately Lowell St. - approximately North Road (Cathedral).	8 story residential.	R-5-C	High density residential.	No.	R-5-C. (No change)
Approximately North Road to Mass. Ave.	2 and 4 story residential; 5-6 story residential at Cathedral Avenue.	R-5-C	Medium density residential.	No.	R-5-A.*

\*An overlay is needed to protect Wisconsin Avenue as a Special Street, to implement the Comprehensive Plan and to carry out the purposes of the Historic District and Landmark designations. Alternatively, a Special Public Interest zone could be developed to achieve those ends.

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