

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

April 4, 1988

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ZONING SECRETARIAT,
DISTRICT OF COLUMBIA

Ms. Maybelle Bennett, Chair
D.C. Zoning Commission
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Re: Case No. 86-26
Cleveland Park Overlay Zone
PUD Guidelines

Dear Ms. Bennett:

Petitioner Cleveland Park Historical Society (CPHS) hereby responds to the Zoning Commission's request for comments on OP's plan to limit PUD guidelines in the Cleveland Park Overlay Zone.

CPHS agrees with OP's limitations; but they do not go far enough. Since the Zoning Commission has reduced the matter-of-right height limit from 50 feet to 40 feet and will consider the OP recommendation of a corresponding 20% reduction in FAR from 2.5 to 2.0, we are asking that PUD guidelines also be reduced to the same 40 feet and 2.0 FAR as the underlying zoning. We do not ask for a change in other PUD guidelines applicable to a C-2-A zone -- only height and FAR.

I. PUD GUIDELINES ARE NOT LEGAL LIMITS

First, we believe that PUD guidelines are, after all, only guidelines. Under Title 11, Chapter 24, § 2400.9 of the DCMR, the Zoning Commission can establish standards and conditions for any PUD lesser or greater than the guidelines. Thus,

ZONING COMMISSION
District of Columbia

Case 86-26

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District of Columbia
Exhibit 425

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adopting 40 foot height and 2.0 FAR guidelines will not mean that all development must be so limited.

II. RESPECT THE HISTORIC FABRIC

The essence of what the Zoning Commission did in reducing the matter-of-right Overlay Zone height limit to 40 feet was to respect the low height of the existing buildings in the Cleveland Park local and National Register Historic District. Even 40 feet, however, is higher than all but 3 of the 66 buildings in the Connecticut commercial area of the historic district!

- Of the 60 commercial buildings, 70% are only 1 story, 20% are 2 stories, and 10% are 3 stories.
- Of the 6 residential buildings, only 3 are between 40 and 50 feet.
- The FAR of the existing commercial buildings is only .66 -- substantially less than 1.0! (Residential building FAR is 1.3.)

Permitting new buildings of maximum matter-of-right height (40 feet) and FAR (2.0), still, will allow construction of the largest buildings by far in the historic district. For example, on the Park & Shop site (50,000 sq. ft.), a developer will be able to construct -- as a matter-of-right -- a 4-story, 100,000 sq. ft. building. This new building would be 3 times larger than any existing building in the zone. And this can be done now, under the new Overlay Zone, as a matter-of-right.

PUD guidelines which would allow even greater height and density than the Overlay serve only to encourage the demolition of the existing historic fabric. This would completely undermine the Zoning Commission's good work in lowering the matter-of-right limits from 50 feet to 40 feet.

III. KEEP OTHER PUD FLEXIBILITIES

It is only the height and FAR aspects of PUD guidelines which we wish to limit. The Zoning Commission can (and should) encourage other PUD flexibilities such as percentage of lot occupancy, side and front yards, parking, and urban design elements under current PUD guidelines applicable to C-2-A zones.

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IV. STILL ALLOWS 300,000 SQ. FT. BUILDOUT

Our proposed PUD guideline limits, still, would allow a buildout in the Cleveland Park Overlay Zone of up to double the existing square footage, i.e., another approximately 300,000 square feet! This clearly permits substantial new construction; but keeps it within such overall height and bulk limits as to be compatible with the historic district (a requirement of the D.C. Historic Preservation Law 2-144 (Chapter 10, § 5-1007(f))). In other words, our proposal is both compatible with the existing buildings and provides for another 300,000 sq. ft. of growth. This is a real compromise.

V. COMPARISON WITH C-1 ZONING

When the Zoning Commission reduced the height limit of the Cleveland Park Overlay Zone from 50 feet to 40 feet, it effectively gave the Overlay the same height limit as a C-1 zone. The PUD height guideline for C-1 zoning districts is only 40 feet -- the same as matter-of-right. We ask for nothing more.

Moreover, the PUD guideline for FAR in a C-1 zone is only 1.0. Here, we are asking the Zoning Commission to double the C-1 FAR to 2.0. We submit this is well beyond that called for by C-1 zoning; but makes good sense for Cleveland Park.

VI. GOALS OF PUDS

Section 2400.3 of the DCMR provides that:

Compatibility with city-wide and neighborhood goals, plans, and programs, and sensitivity to environmental protection, energy conservation, and historic preservation objectives of the District of Columbia, shall be goals of the PUD process.

In other words, if the very goals of a PUD in a historic district like Cleveland Park must be "sensitive to environmental protection and historic preservation objectives," then allowing PUDs significantly greater than the height and bulk of existing historic structures is counterproductive and against the City's own regulations. By definition, then, PUDs in historic districts should be compatible with the historic

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character, height, and FAR of the existing buildings. We submit that only PUDs limited to no more than 40 feet in height and 2.0 in FAR can accomplish this preservation goal -- the same as the PUD goal.

VII. THE COMPREHENSIVE PLAN

Section 2400.5 of the DCMR states that:

...the PUD process shall not be used to circumvent the intent and purposes of this title, nor to result in action that is inconsistent with the Comprehensive Plan.

A. Land Use Element -- The Land Use Element of the Comprehensive Plan and its accompanying Map identify the Connecticut commercial area as a "low density" (1107(a)(1)), "local neighborhood center" (1008(b)(1)). The PUD development guidelines most suitable to our "low density, local neighborhood center" is 40 feet and 2.0 FAR because they respect the low height and FAR of our historic district.

It should be remembered, that in a specific Map Amendment, the Connecticut Avenue shopping area was pointedly changed by the City Council from its prior designation as a "multi-neighborhood" center to a "local neighborhood" center -- the lowest commercial density/use category possible.^{1/}

B. Historic Preservation Element -- The Historic Preservation Element of the Comprehensive Plan informs the Zoning Commission as well as the HPRB. The goal of preserving a neighborhood historic district through appropriate zoning (and PUD guidelines) is repeatedly emphasized:

Section 806(12). "Adopt development controls...that ...reflect the existing, valuable characteristics of the particular historic district."

Section 806(13). "Encourage...historic preservation by...eliminating existing incentives to replace historic resources...."

^{1/} Section 1136(f)(11), Comprehensive Plan, Land Use Element, at p. 41 (1985).

Section 807(p). "New construction...in historic districts should be compatible with the historical architectural character and cultural heritage of the...district. In design, height, proportion, mass, configuration, building materials, texture, color and location, new construction should complement these valuable features of the...district, particularly features in the immediate vicinity to which the new construction will be visually related."

We believe that only PUD guidelines limited to 40 feet and 2.0 FAR will "reflect the existing historic district," "eliminate incentives to replace historic resources," and permit new construction "compatible with the historic architectural character of the district."

C. Urban Design Element -- This Element is replete with specific directions such as those contained in § 726(6):

Balance and design development sensitivity within low-scale regional activity centers in order to respect the established residential scale and character of the areas.

VIII. OTHER CITIES

In shaping the new Cleveland Park Overlay Zone, the Zoning Commission and OP staff borrowed much that was good from the City of San Francisco's recent experience with neighborhood commercial rezoning. When San Francisco rewrote its zoning ordinance, it refused to allow by PUDs greater height and FAR guidelines than permitted by matter-of-right in the underlying neighborhood commercial zone, many of which had 40 foot height limits. As Mr. George Williams, Assistant Planning Director of San Francisco, commented in his letter of February 10, 1988 to then Chairman Williams concerning PUDs (Exhibit A):

The language on p. 7 of the [OP] draft is so broadly worded that it would permit substantial erosion of the controls through the granting of exceptions and approvals of PUDs. To prevent such erosion, we put a provision in our neighborhood commercial controls which forbids exceeding the allowable height and FAR through exceptions and PUD approvals. I recommend that you adopt a similar limitation.

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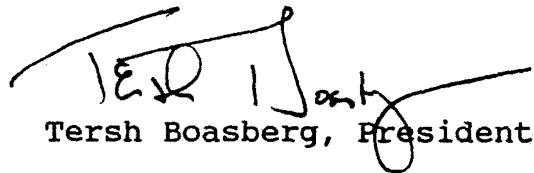
IX. HOUSING VIS A VIS OFFICE SPACE

Lastly, we ask the Zoning Commission to consider, in establishing any PUD limits, that housing be encouraged over office space. Thus, in a 2.5 FAR, 1.5 should be reserved for residential housing and 1.0 for commercial office space rather than the other way around as it is now in C-2-A zones. Further, if the Zoning Commission adopts our recommendations of a 2.0 FAR limit, at least 1.0 should be reserved for residential housing. This would: (a) accord with the Comprehensive Plan; (b) be more appropriate for Cleveland Park, a fine residential area which does not want (or need) office space; and (c) add permanent taxpayers rather than day-time office workers to the D.C. tax rolls.

X. CONCLUSION

For the above reasons, we urge the Zoning Commission to limit the height and FAR guidelines of DCMR Chapter 24 (PUDs) in the Cleveland Park Overlay Zone to those authorized as a matter-of-right -- 40 feet in height and 2.0 in FAR. All other PUD guidelines applicable in C-2-A zones would remain untouched.

Respectfully submitted,


Tersh Boasberg, President

TB/crt

cc: Fred Greene
Nate Gross
Lisa Maher
Steve Raiche
Jim Nathanson
Diane Olsson
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Kathy Wood
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February 10, 1988

Lindsley Williams
Chairman, District of Columbia
Zoning Commission
The District Building
1350 Pennsylvania Ave. N.W.
Washington, DC 20004

RE: Case No. 86-26-Cleveland Park Overlay Zone

Dear Lindsley:

I am responding to your request that I review the controls for the proposed Cleveland Park overlay district. I have reviewed the draft general provisions for the overlay district (I have enclosed a copy of the document so you will know what I am referring to). I also spent some time familiarizing myself with the area and its surroundings when I was in Washington two weeks ago. All of the proposed controls seem appropriate with a few exceptions noted below.

1. Height

Given the scale of existing development on Connecticut Ave. and adjunct areas I believe a height limit of 40 feet would be proper. This is suggested as an alternative in the draft.

2. FAR

The draft indicates no density limit. However, I understand that the underlying district controls provide for a maximum FAR of 2.5:1 with a maximum commercial FAR of 1-1/2:1 and an additional FAR of 1 for housing. I believe these densities to be very appropriate for the area and consistent with our approach in San Francisco.

3. Exceptions and PUD eligibility

The language on p. 7 of the draft is so broadly worded that it would permit substantial erosion of the controls through the granting of exceptions and approval of PUDs. To prevent such erosion we put a provision in our neighborhood commercial controls which forbids exceeding the allowable height and FAR through exceptions and PUD approvals. I recommend that you adopt a similar limitation.


February 10, 1988

I understand that the opponents of the legislation argued that higher density should be allowed in this section of Connecticut Ave. because of the presence of the Metro station. Given the multitude of stations in the District, it seems to me inappropriate to encourage intense commercial development at every stop and particularly at a station located in a low density residential area which is also an historic district.

In San Francisco in the late 60s and early 70s, prior to the completion of our metro system, we set the rules to encourage intensified development at BART stops. We allowed higher height, and in the downtown allowed a substantial FAR bonuses on sites located near BART stations and in developments providing direct connections to BART. In the early 80s, we changed our approach and decided to eliminate the higher density incentives and allowances and base our allowable density standards on broader considerations. Certainly good transit access was a factor arguing in favor of higher density. However, the desire to concentrate office development is in the downtown core rather than decentralize it and the desire to preserve the fine older buildings and the existing scale of development around certain of the BART stations were thought to be more important. As a consequence we reduced the allowable heights and densities around most of the BART stations.

I enjoyed the opportunity to present my views to the Commission. I hope you will find them helpful.

Sincerely,


George A. Williams
Assistant Director,
Plans and Programs

GAW:110/jmk

Enclosure