



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

July 1, 1988

HEARING SUBMISSION

TO: The D.C. Zoning Commission
1350 Pennsylvania Ave., NW, Rm. 11
Washington, DC 20004

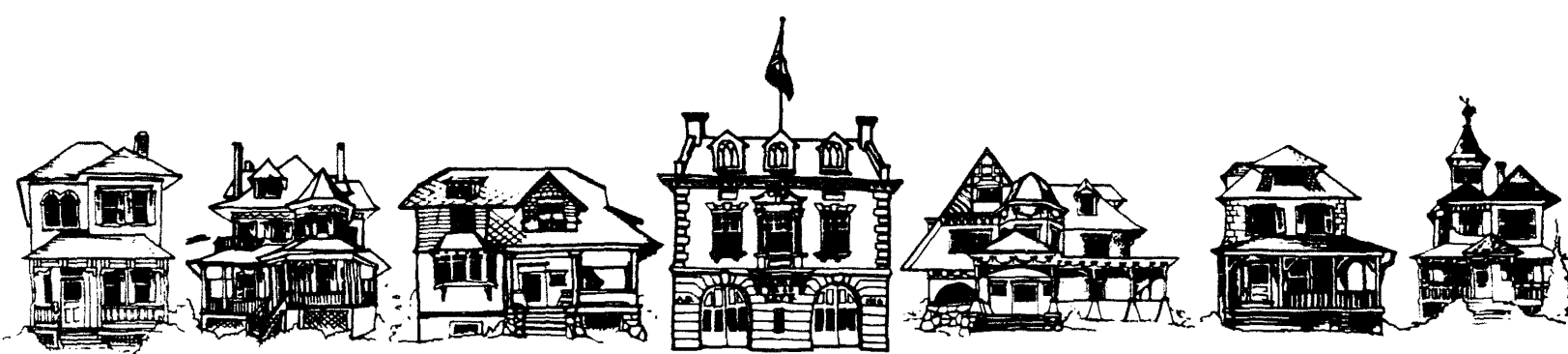
FROM: Cleveland Park Historical Society (CPHS)
Tersh Boasberg, President

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

1988 JUL -1 PM 3:35
DISTRICT OF COLUMBIA

ZONING COMMISSION
CASE No. 86-26
EXHIBIT No. 506

ZONING COMMISSION
District of Columbia
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FROM:  Cleveland Park Historical Society (CPHS)
Tersh Boasberg, President

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

I. ISSUES - TERSH BOASBERG

- A. Include the library block (in Square 2082) within the new CP Overlay Zone. [Inadvertently left out by clerical error.]
- B. Reduce matter-of-right FAR from 2.5 to 2.0 (1.0 non-residential) in the Overlay Zone. [Because it had not been advertized, the Zoning Commission could not reduce the FAR the same 20% it preliminarily reduced the height, i.e., from 50 to 40 feet.]
- C. Limit PUD guidelines for height and FAR to the same limits as the Overlay matter-of-right, i.e., 40 feet and 2.0 FAR (1.0 non-residential).
- D. Change three houses on Ordway (lots 72, 73, and 74 in Square 2068) to residential (R-2).

II. SLIDE PRESENTATION - KATHLEEN SINCLAIR WOOD, Architectural Historian

- Connecticut Avenue: an innovative zoning/land use design.
- Connecticut Avenue: a designated "Special Street."
- Connecticut Avenue: a valuable historic, architectural, cultural and educational resource (D.C. Historic Preservation Review Board Report).

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- o Connecticut Avenue: add to; but do not destroy its historic building fabric.

III. GRAPHICS - RICHARD RIDLEY (BY WILLIAM RIVERS)

- A. Respect the Historic Fabric -- The essence of what the Zoning Commission did in preliminarily 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 60 commercial buildings, 70% are only 1 story, 20% are 2 stories, and 10% are 3 stories.

-- Of 6 residential buildings, only 3 are 40 to 50 feet.

-- The FAR of the existing commercial buildings is only .66 -- substantially less than 1.0! (Residential building FAR is 1.3.) Combined commercial and residential FAR is 1.0.

Allowing 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.

- B. Keep Other PUD Flexibilities -- It is only the height and FAR aspects of PUD guidelines which we wish to limit. Other PUD flexibilities of the C-2-A zone such as percentage of lot occupancy, side and front yards, parking, and urban design elements would be retained.

- C. Still Allows 300,000 Sq. Ft. Buildout -- Our proposed PUD limits, still, would allow a buildout in the Cleveland Park Overlay Zone of 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.

- D. City Policies -- Attached as Exhibit A is our letter dated April 4 to Ms. Maybelle Bennett setting forth in greater detail why

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our proposal to so limit PUD guidelines accords with (a) PUD Goals (DCMR § 2400.3) (PUDs must be "sensitive to... historic preservation objectives") and (b) the Comprehensive Plan (Land Use Element, Historic Preservation Element, Urban Design Element). Most recently the Draft Ward 3 Plan has specifically called for policies and recommendations which buttress our efforts to limit PUDs in a low-scale historic district.

"Adopt development controls and design review criteria that for particular historic districts, reflect the existing, valuable characteristics of the particular historic district or portion thereof." (at p. 93)

"[Eliminate] existing incentives to replace historic resources..." (at p. 93)

"The 'Park & Shop' site should be developed in a manner that is sensitive to the qualities and objectives of the Cleveland Park Historic District." (at p. 96)

"OP and the Zoning Commission should protect the small scale of local neighborhood commercial centers by revising the Zoning Regulations and other land use controls, as appropriate." (at p. 124)

IV. PANELS

A. Area Businesses -- Zina Green, John Hatton (Calliope Bookstore), Shawn Taginya (Debonaire Cleaners).

- Ending speculation, ensuring stability, and creating a climate for long-term leases
- Reducing property assessments
- Retaining neighborhood-oriented business

B. Citizens -- Margaret Hare (S.O.S.), Tilford Dudley, Bobbie Kraft (Quebec House).

- Retention of local businesses
- Needs of the elderly
- Cleveland and Woodley Park -- a nice place to live and shop

CLEVELAND PARK HISTORICAL SOCIETY

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C. Government -- Earl B. Reynolds, Jr., Assistant City Manager, Roanoke, VA. (Resume attached as Exhibit B).

- The Roanoke experience
- Historic preservation and zoning: mutually supportive tools

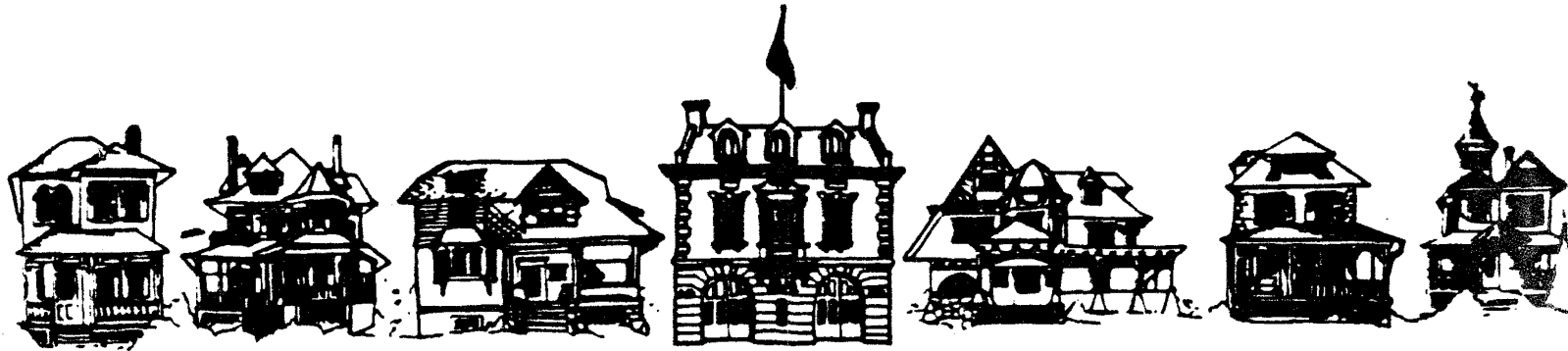
-- And note letters of support for limiting PUDs from Chicago and San Francisco (Exhibit C).

V. ORDWAY HOUSES -- JOHN O'SULLIVAN

VI. CONCLUSION

Together, we have come a long way since a permit for demolition of the Park & Shop was withdrawn in 1985. With the support of OP, ANC-3C, our elected representatives, virtually every neighborhood group and thousands of citizens you have helped us save a valuable neighborhood by your actions both on Wisconsin and Connecticut Aves. We ask for this final limit on PUDs to fully protect the wonderful work you have already done in creating the innovative and appropriate Cleveland Park Overlay Zone. Thank you.

A



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

April 4, 1988

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,

CLEVELAND PARK HISTORICAL SOCIETY

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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

Ms. Maybelle Bennett
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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,

/s/

Tersh Boasberg, President

TB/crt

cc: Fred Greene
Nate Gross
Lisa Maher
Steve Raiche
Jim Nathanson
Diane Olsson
Peggy Robin
Kathy Wood
Gene Massey
John O'Sullivan

B

BIOGRAPHICAL PROFILE

EARL B. REYNOLDS, JR.

Mr. Reynolds was born in Roanoke, Virginia, on April 7, 1951, to Mr. and Mrs. Earl B. Reynolds, Sr. He grew up at 331 Harrison Avenue, N. W. with his parents and sister in what is generally referred to as the Gainsboro section of the City. He is married to the former Avis Crenshaw, also a Roanoke native. They have one daughter, Ashley Nicole.

Mr. Reynolds was educated in Roanoke's public schools and graduated from Lucy Addison High School in 1969. His higher education began at Fayetteville State University where he graduated with honors (cum laude), receiving the Bachelor of Science Degree in 1973. Thereafter, he obtained two Master of Arts Degrees from the State University of New York at Albany; the first in Criminal Justice Administration, and the second in Urban Affairs.

Mr. Reynolds' work career began at the early age of five when his father put him to work in his barber shop as a shoe shine boy (he fondly refers to this experience as being his first job in customer relations). During high school and college Mr. Reynolds worked as a salesman, janitor, truck driver, tree trimmer, refuse collector, and industrial motor cleaner. Since graduating from Fayetteville State University, Mr. Reynolds has taught at both the public school and college levels, been a political aid, job training counselor and taught GED classes to inmates in the Virginia-prison system. In 1978, he became the City's first human services planner. One year later he was promoted to become the City's first Chief of Community Planning, and in 1986 Mr. Reynolds was promoted to his current position of Assistant City Manager.

In the area of civic involvement, Mr. Reynolds has served on the Boards of The Roanoke Valley Science Museum, Roanoke Valley Arts Council, American Red Cross, Association for Retarded Citizens, Mill Mountain Theatre, Youth Haven for boys, Sanctuary and Pathways programs for girls. Mr. Reynolds currently serves on the Boards of the Roanoke Valley Literary Coalition, United Way of Roanoke Valley and the Blue Ridge Regional Board of Signet Bank. At the request of Governor Gerald Baliles, Mr. Reynolds recently agreed to serve on the Governor's Study Commission on Historic Preservation.

In line with his belief that an active and sincere religious life is the cornerstone of his success, Mr. Reynolds has been a life long member of the Loudon Avenue Christian Church. He has twice been Moderator of the Church General Board and is currently Chairman of the Board of Deacons.

Mr. Reynolds, during his career with the City of Roanoke, created the City's Neighborhood Partnership Program, established the City's first Office on Youth, oversaw the development of a new comprehensive plan for the City commonly known as Roanoke Vision, and wrote the document which won the City its 1982 All America City designation.

His service to the community has won him the following recognition: Roanoke Jaycees Outstanding Young Man of the Year, 1982; Roanoke Alumni Chapter, Kappa Alpha Psi Fraternity; 1985-86 Community Achievement Award; V.F.W. Post 1444 1986 Community Service Award; 1986 Delta Sigma Theta, Inc. Achievement in City Affairs Award and American Planning Association's 1987 Honorable Mention for Outstanding Planning Award. Mr. Reynolds is recognized as an advocate for equal opportunity, community self-help, and determination.

It is not the fact that Mr. Reynolds is Roanoke's Assistant City Manager that makes him what he is. Rather, he views his position as a means to further his beliefs in community progress and human relations.

#

C

GOULD & RATNER

GERALD RATNER
GERALD A. WEBER
HARRY M. COVEN
RICHARD R. ELLEDGE
STEPHEN P. SANDLER
DAVID M. RUBIN
LOUIS R. HEGEMAN
THOMAS A. KORMAN
VIRGINIA M. HARDING
DAVID M. ARNBURG
JOHN A. WASHBURN
JOHN H. MAYS
MICHAEL S. MANDELL
THEODORE M. SWAIN
JOHN S. WORTHEN
GAIL POTYSMAN BLEY
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JOSEPH M. LAUB
CINDY B. LYONS
GLENN T. GARFINKEL
OF COUNSEL
SAMUEL SCHLESINGER
HOWARD M. TURNER

BENJAMIN Z. GOULD
(1913-1986)

June 20, 1988

WRITER'S DIRECT DIAL

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

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

Dear Ms. Bennett:

I am writing to comment briefly on the effect of the PUD guidelines in the Cleveland Park Overlay Zone. As you may recall, I was privileged to appear before your Commission last January to discuss the relationship of rezoning plans to the preservation of historic districts and as rezoning has been used as an adjunct to landmark preservation in the Lincoln Park area in Chicago.

Prior to the rezoning ordinances which were passed in Chicago for Lincoln Park, most of the Lincoln Park community, including the landmark areas, were contained within extremely high density residential and commercial zones. One of the purposes of the rezoning, in addition to controlling density, was to assure that future development would not have an adverse impact on the landmark areas.

Under the Chicago zoning ordinance, the type of high density development that threatened Lincoln Park would have, in most cases, required a PUD. However, under the Chicago zoning ordinance, development pursuant to a PUD must be consistent with the underlying zoning.

Ms. Maybelle Bennett
June 20, 1988
Page Two

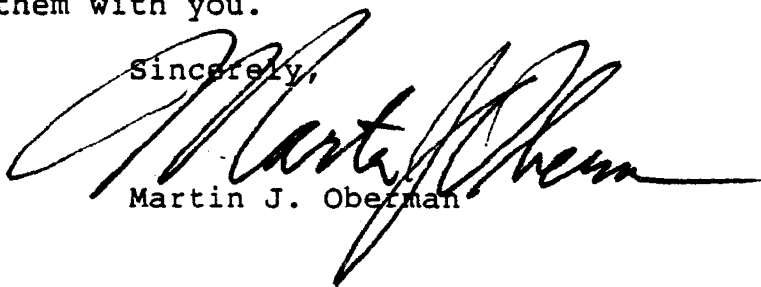
Section 11.11 of the Ordinance states, in part:

The intensity of use permitted in all planned developments shall be in substantial conformity with existing zoning regulations in respect to the zoning classification presently applicable to the subject property and to the intent and purpose of this zoning ordinance.

In other words, with respect to floor area ratio, a developer cannot build more under a PUD than could be built under the underlying zoning. It seems to me that this type of provision is essential if a rezoning plan intended to control density and to assist in the protection of an historic area is to be meaningful. Consequently, I believe that the suggestion of the Cleveland Park Historical Society that the PUD guidelines for the overlay zone be made consistent with the restrictions in the overlay zone is worthy of your consideration.

If you have any questions about these matters, I would be most happy to discuss them with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin J. Oberman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Martin J. Oberman

MJO:cmu



**City and County of San Francisco
Department of City Planning**

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ADMINISTRATION

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CITY PLANNING COMMISSION

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PLANS AND PROGRAMS

(415) 558-6264

IMPLEMENTATION / ZONING

(415) 558-6377

June 27, 1988

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

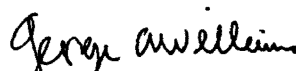
**Re: Case No. 86-26
Cleveland Park overlay
zone
PUD Guidelines**

Dear Ms. Bennett,

I am writing to supplement my testimony before the Commission regarding the Cleveland Park Overlay Zone. I commend you for proposing to adopt a 40 foot height limit and a 2.0 FAR for this section of Connecticut Ave. and urge you not to allow modification of those limits through PUD exceptions.

It has been our experience that it is very important to not allow increases in height and FAR through the Planned Unit Development device in situations when there are sound reasons for the basic height and density limit. In the rezoning of San Francisco's neighborhood commercial district, we expressly provided that height and density could not be increased in a Planned Unit Development. We were concerned with maintaining the scale of the existing development even though none of the commercial strips is an historic district. The need to maintain the basic height and density limit, in my judgement, is even more compelling when an historic district is involved.

Sincerely,


George A. Williams

GAW:220k