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WASHINGTON, D.C. 20016

January 14, 1991

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

Dear Chairperson Boasberg:

On behalf of Citizens for the Preservation of Residential Neighborhoods, Tenley and Cleveland Park Emergency Committee and Advisory Neighborhood Commission 3-E, I am submitting the enclosed Petition to rezone some of the Lots and Squares at and adjacent to the Tenleytown metro station on Wisconsin Avenue, N.W. If there are any questions or problems regarding this Petition, I would appreciate it if your office could contact me at the above address or at 202-659-4656 (daytime) and 202-686-9653 (evening).

Your attention to this matter is appreciated.

Sincerely yours,

Michael Wolf

Michael Wolf

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ZONING SECRETARIAT
DISTRICT OF COLUMBIA

ZONING COMMISSION
CASE No. 91-2
EXHIBIT No. 1

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District of Columbia
CASE NO.91-2
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MW, 1/17/90

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

Dear Chairperson Boasberg and Members of the Commission:

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. This petition seeks the rezoning of Squares 1731 and 1770, which are zoned C-3-A, and those parts of Squares 1729, 1730 and 1778 which lie within C-3-A zoning districts;[1]/ these Squares encompass properties bordering the east and west sides of Wisconsin Avenue between Grant Road and Brandywine Street, at the Tenleytown Metro stop. Downzoning to C-2-A is requested because the current C-3-A zoning is inconsistent with the requirements of the Comprehensive Plan of the District of Columbia, as amended in 1989 by D.C. Law 8-129.

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[1] Part of Square 1778 is zoned C-3-A and part is zoned R-1-B. All of Square 1729 is zoned R-1-B, except for a portion of Lot 808 (containing a public library) which lies within the C-3-A district. Square 1730 is zoned C-3-A, C-1 and R-5-A; Lot 804 is owned by the D.C. government, but lies within the C-3-A district, as does Lot 15 (Sears). When this Petition refers to these Squares, it is referring only to those Lots currently zoned C-3-A or lying within a C-3-A district.

I. Petitioners

A. Citizens for the Preservation of Residential Neighborhoods (CPRN)

CPRN is a 1300 member community organization devoted exclusively to monitoring and, when necessary, opposing development in the Tenleytown/American University Park area which is incompatible with the residential character of this neighborhood. Over the past few years, CPRN has participated in several administrative proceedings involving development issues before the Board of Zoning Adjustment and the State Health Planning and Development Agency. CPRN believes that downzoning is necessary to achieve the policies of the District of Columbia Comprehehsive Plan and to insure that future development does not adversely affect the residential qualities of Tenleytown/American University Park.

B. Tenley and Cleveland Park Emergency Committee (TACPEC)

TACPEC is a citizens action committee consisting of residents of northwest Washington, many of whom live in or near the area of the Tenleytown Metro stop. One of its purposes is to ensure that land use planning in the Tenleytown area (among other northwest neighborhoods) is carried out in a manner consistent with the Comprehensive Plan and with other District land use statutes.

C. Advisory Neighborhood Commission 3-E

The Squares which are the subject of this petition are within the jurisdiction of Advisory Neighborhood Commission 3-E.

At a public meeting held on December 20, 1990, the Members of the ANC voted unanimously (4-0) to support this petition.

II. Background

A. 1984 Comprehensive Plan

Under the 1984 Comprehensive Plan, the Tenleytown Metro area was designated a multi-neighborhood center with moderate commercial and medium residential zoning densities.[2]/ Multi-neighborhood centers were described as providing the following types of commercial establishments: "variety stores, drugstores, supermarkets, and specialty shops ... restaurants, a hardware or paint store, and 1 or more gasoline stations." (Section 1108(b)(2), Comp Plan.) Large scale commercial offices are not contemplated:

> A small amount of incidental office space is generally included for doctors, dentists, lawyers, realtors, banks, savings and loan associations, and other professional and financial uses. Id.

The Comprehensive Plan concomitantly provided for the protection of residential neighborhoods adjacent to commercially zoned areas:

> Commercial development should be managed so that traffic, inappropriate uses, noise, and pollution do not threaten neighborhood quality and stability. [Section 1101(c), Comp Plan.]
>
> The policies established in support of the residential neighborhoods objectives are as follows: ...
> (9) Protect residential neighborhoods from incompatible uses and from activities generating excessive traffic, noise, litter, and other damaging environmental

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[2] See Zoning Commission Order No. 530, Case No. 86-17 (September 15, 1988).

> impacts, by promoting buffering and other techniques to provide for appropriate separation of uses.... [Section 1105(9), Comp Plan].

B. Zoning Commission Order No. 530

In 1986 the Wisconsin Avenue Corridor Committee filed a petition to bring all commercially zoned property along Wisconsin Avenue into compliance with the 1984 Comprehensive Plan. Although the petition covered Wisconsin Avenue from Western Avenue to the Potomac River, the Zoning Commission limited its consideration to the area surrounding Tenley Circle, with particular concern for the C-3-A zoning around 4000 Wisconsin Avenue. The case was one of the first (if not the first) to consider downzoning under the new Comprehensive Plan. Much of the debate in that proceeding focused on whether downzoning was allowable and whether it should be implemented prior to the adoption of the Ward Plans.

The Zoning Commission determined that the C-3-A zoning designations along most of upper Wisconsin Avenue were incompatible with the Comprehensive Plan. The Commission noted that the C-3 designation for the Tenley Circle area derived from a 1956 study which envisioned Tenley Circle as an intersection of major highways: Nebraska Avenue was to become an expressway (called Fort Drive) and Glover-Archbold Parkway was to be extended through the area. That highway construction never came to pass. (See Order at page 6.)

Because the Tenley area remained largely residential, without the intrusion of highways, the Commission decided that

the C-3-A zoning could not be maintained in the face of the Comprehensive Plan directives:

> The Commission believes that the extent of the C-3-A zoning on Wisconsin Avenue north and south of Tenley Circle is inconsistent with the Comprehensive Plan, except in the area of the Tenleytown Metro station. The Commission believes that the elimination of inconsistencies with the Comprehensive Plan, together with lessening the adverse effect of future development, weighs more heavily in the balance than the possible economic detriments either to some of the commercial property owners in the area or to the District of Columbia government. Any potential loss of revenues to the District is reasonably compensated by the benefit which the District derives from readjusting the District's land use regulations so that they are not inconsistent with the longer term, larger purposes of the Plan which the District has developed to guide its development.

As to the Squares north of Tenley Circle (including the Squares addressed in this Petition), the Office of Planning noted in a 1986 report that these squares:

> are the highest density commercial zones on the entire length of Wisconsin Avenue, except at Friendship Heights, which is ... a designated Regional Commercial Center
>
> * * * *
>
> Full development of this land would result in one of the largest office and retail concentrations outside of the Central Business District in the midst of a section of the city which is predominantly low density residential.[3]/

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[3] Memorandum from Mr. Fred L. Greene, Director, Office of Planning, to D.C. Zoning Commission at page 17 (November 3, 1986). In this letter, the Office of Planning recommended a downzoning to C-2-A for the Squares surrounding the Metro stop. Thereafter, developers who owned most of the land on Square 1770 protested the proposed downzoning; without any change in the facts applicable to the area, the Office of Planning, in response to political pressure, reversed its previous recommendation. See Memorandum from Mr. Fred L. Greene to D.C. Zoning Commission dated December 12, 1986.

Notwithstanding the evident adverse effects that C-3-A development would have on the residential neighborhood around Tenleytown, the Zoning Commission declined to extend its downzoning order to the Squares surrounding the Tenley Metro station. The Commission reasoned that there would be no inconsistency between C-3-A zoning and the Comprehensive Plan's designation of the area as moderate density commercial and medium density residential.

In reaching that decision, however, the Commission did not address one of the unique aspects of the Tenleytown neighborhood: the concentration of seven public and private schools within a three-block radius of the Metro stop, with a daily attendance of more than 3,500 school children. That decision also failed to take into account the presence of a college dormitory facility at the American University Tenlytown campus. Finally, the Commission did not consider the impact of increased traffic on Friendship Terrace (a senior citizen apartment building) and Iona House (a service center for senior citizens), both of which are one block west of the Metro station. In light of the amendments to the Comprehensive Plan adopted in 1989, these and other compelling factors must be taken into account in reviewing the inappropriateness of C-3-A zoning in the area addressed by this Petition.

B. 1989 Comprehensive Plan Amendments

In 1989, the City Council adopted amendments to the 1984 Comprehensive Plan which significantly altered the land use

elements for the Tenley metro area, making the case for rezoning that part of Wisconsin Avenue even more compelling.[4]/ Those amendments obviously could not have been considered by the Zoning Commission at the time that it rendered its decision in Order No. 530. Petitioners request that they be considered now.

The new Amendments first sought to reinforce the mechanisms for protecting residential neighborhoods from commercial encroachment. For example, Section 1105(11) of the Plan, relating to residential neighborhoood objectives, was amended to add the following language: "Control the external negative impact of new non-residential uses that are permitted in residential areas...." Section 1105(9) was also amended to require that residential neighborhoods be protected from incompatible uses and activities "by consulting with neighborhood organizations..."

With respect to multi-neighborhood centers, such as Tenleytown, the amended Plan explicitly limited the type of commercial development allowed in a multi-neighborhood center by inserting the following language: "In summary, retail use is usually the predominant commercial use in a multi-neighborhood center." Section 1108(b)(2). The City Council Report on the amended Plan also set forth density ranges for commercial and residential developments. Of particular relevance here, moderate density commercial was defined as having 1.0 to 2.0 FAR (Floor Area Ratio); medium density residential was defined as having 49

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[4] District of Columbia Comprehensive Plan Amendments Act of 1989, D.C. Law 8-129.

to 90 dwelling units per acre. See Report on Bill 8-2 at pages 10-11.

In the context of this general precatory language, the City Council changed the designation of the Tenleytown Metro stop to a "special treatment area" and a "housing opportunity area." Sections 1128b, 1136(d)(2). The Plan defined the policies for the Tenleytown Metro special treatment area as follows:

> "(1) Stimulate a well-planned economic activity center that utilizes the public transit infrastructure and maximizes Metrorail access;
>
> (2) Enable merchants to upgrade existing businesses, attract new customers and new business establishments, and give residents needed services;
>
> (3) Provide for the development of substantial new housing;
>
> (4) Protect and preserve existing low density residences in the vicinity, and the surrounding institutions and local public facilities, from the adverse effects, including traffic, of development;
>
> (5) Maintain heights and densities at appropriate levels, architectural design that is sensitive to the District." [Section 1128b.]

D. Wisconsin Avenue Development

Since the time of the filing of the WACC petition in 1986, significant changes have taken place along Wisconsin Avenue which have materially altered the conditions confronting the Commission in Case No. 86-17. To the south of Tenley Circle, occupancy was completed at 4000 Wisconsin Avenue, a large office building constructed with C-3-A zoning. In 1986, the Department of Public Works concluded that 4000 Wisconsin Avenue would alone push the

Wisconsin/Van Ness intersection "over capacity." Unfortunately, the occupancy of that building has proved DPW correct. To make matters worse, construction has also commenced on 4100 Wisconsin Avenue (at Van Ness Street), which will be another large office building. North of Tenleytown, at the intersection of Wisconsin and Western Avenues, construction has advanced to completion on most of the office-hotel-retail project situated at the southeast corner of that intersection.

The most visible consequence of this increased construction has been a tremendous increase in commuter automobile traffic, causing near gridlock in the Tenleytown area during some rush hours -- the same times of day when school children are entering or leaving the area's schools. Saturdays have also seen a significant increase in automobile traffic. The increased traffic on Wisconsin Avenue has caused many commuters (especially those entering the District on River Road) to cut through the residential streets of Tenleytown and American University Park on their way to and from work downtown, often at speeds far in excess of the posted limits.[5]/ The increased automobile traffic concomitantly increases the dangers to pedestrians of all ages, especially on streets without sidewalks. In sum, the development

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[5] The problem of commuter traffic using residential streets during rush hour has become so severe that ANC-3E has been presented with and is considering several citizen petitions for measures to divert that traffic back to the main arterial roads (e.g., Wisconsin and Western Avenues).

north and south of the Tenleytown Metro has not maximized Metro usage nearly as much as it has maximized traffic problems.[6]/

III. Description of Tenleytown

A. Tenleytown Is A Residential Neighborhood

The area immediately surrounding the Tenleytown Metro stop is occupied by residences and educational public facilities. The vast majority of the homes in the surrounding area are single-family detached houses. The residences within one block of the Metro stop are zoned R-1-B. Also within one block of the Metro stop, at 42nd Street and Butterworth Place, is Friendship Terrace, a 200-unit apartment building for senior citizens. Across from Friendship Terrace (also at 42nd Street and Butterworth Place), in a detached frame house, is the headquarters for Iona House, which is one of the leading providers of services for senior citizens in the city. Iona House also provides counselling and other services to senior citizens at another location one block east of Wisconsin Avenue (at Albemarle Street).

Demographically, Tenleytown has been a very stable residential neighborhood, with a good mix of age groups, from children to senior citizens. Many people have lived in the

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[6] The commercial area at the Western/Wisconsin Avenues intersection is served by the Friendship Heights Metro stop. That service, however, has not prevented or ameliorated the horrific traffic jams which now plague that intersection and which grow worse with each new construction project. We must expect that concentrated commercial development at the Tenleytown Metro stop will similarly increase traffic difficulties; the presence of the Metro stop cannot realistically prevent the traffic problems already evident at Friendship Heights and in Bethesda.

neighborhood for decades. The presence of Iona House serves as an anchor for senior citizens who wish to remain in the area.

B. Tenleytown Has a Very High Concentration of Schools

One reason for the stability of the Tenleytown neighborhood is the proximity of so many schools, many of them within one block or less of the Metro stop. The following chart shows the concentration of students within the blocks immediately surrounding the Metro station:

Janney Elementary	365
St. Columba Pre-school	90
St. Ann's Academy (pre-school/elementary)	255
Wilson High/Deal Jr. High	2,480
Georgetown Day School (Junior/Senior High)	400
Oak Crest Day School	100
Total	3,690

This tally does not include the thousands of students who attend American University and utilize its Tenley Campus (located at Wisconsin and Yuma), which is serviced by a shuttle bus between the Metro station and the main campus.

Janney Elementary School, serving preschool through 6th grade, is closest to the Metro stop, at 42nd and Albemarle Streets. Many of the children attending Janney live in the Tenleytown neighborhood and walk to the school, a fact readily evident on any school morning. However, many of the surrounding

streets do not have sidewalks. Because of the high level of automobile traffic, older children and parents serve as patrol guards and assist at various intersections near the school. Commuters speeding to work make this guard service both vital and precarious. The dangers will only multiply with increased development.

Immediately adjacent to Janney, at the intersection of Wisconsin Avenue and Albemarle Street, is a D.C. public library, which serves many of the students (as well as other residents, including senior citizens) in the area. It provides a place of study and work outside of the normal school hours, which means that students can be found there after school, including during the evening rush hours.

Also at the intersection of 42d and Albemarle Streets, is a nursery school operated by St. Columba's Church, with approximately 90 pre-schoolers. One block south of the Metro stop, on Wisconsin Avenue, is St. Ann's Academy, serving 255 children in grades pre-school through 8th. Next to St. Ann's, in the same Square, is the Oak Crest School, which serves approximately 100 students.

One block east of Wisconsin Avenue and the Metro stop is Wilson High School and one block north of Wilson is Deal Junior High School. Almost 2500 children from all over the city attend these two schools. Many of these children travel to and from school by the Metro.

At the intersection of 42nd and Davenport Streets (one block off of Wisconsin Avenue), is the Georgetown Day School, serving junior and senior high school students from all over the city.

From the foregoing, it is clear that within the immediate vicinity of the Tenley Metro stop there is an unusual concentration of schools and students. Many of those students walk to school or take the Metro. When the Zoning Commission reached its decision in Case No. 530, it did not address this issue. The impact of C-3-A zoning on the students and schools was not discussed in the Zoning Commission decision. This factor should now be given careful consideration.

C. Tenleytown Has Several Large and Active Churches

Another factor contributing to the stability of the Tenleytown neighborhood is the presence of several churches with large and active congregations. Three Churches are within one block of the Metro stop: St. Columba's Episcopal Church,[7]/ St. Ann's Catholic Church and Eldbrooke Methodist Church. Wisconsin Avenue Baptist Church is two blocks from the Metro stop. In addition to their religious contributions to the community, each of these churches provides social and community services throughout the weekdays and weekends (schools, meeting rooms, etc.). Many of those services are directed towards the children of parishioners. The introduction of the type of large buildings allowed by C-3-A in the areas immediately surrounding these

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[7] St. Columba's Church, with over 950 families, is the largest Episcopal parish in the city.

churches, with increased traffic and commercial utilization, will undoubtedly have an adverse impact on the quality of the environs in which these various church functions are conducted.

D. Tenleytown Contains Many Historical Features

Except for Georgetown, Tenleytown is the oldest neighborhood in the city. Buildings and institutions from the 19th Century are still standing and operating. The Dunblane Estate (now part of the American University-Tenley campus) was built between 1818 and 1839. The first church in Tenleytown was the predecessor to the present Eldbrooke Methodist Church; it was in operation in 1840. St. Columba's Episcopal Mission was established in 1875. The cemetery currently located behind the Eldbrooke Church (adjacent to the Sears store in Square 1730) was first used as a cemetary for St. Alban's in 1855. The Catholic mission which became St. Ann's Church was organized in 1867; the first chapel there was erected in 1868. Several houses on Grant Road (across from St. Ann's) date from the 19th century.

The Metro stop is situated in the middle of an area which played a significant part in the Civil War. Grant Road, which meets Wisconsin Avenue opposite St. Ann's Church, was part of an important Civil War military road. It connected with Murdock Mill Road (on the west side of Wisconsin Avenue) and linked other forts set up around the District for its defense. Soldiers regularly met at the Buckman House (no longer standing) at Grant Road. The grounds of the Methodist Church and then the Church itself (now Eldbrooke Methodist) were taken over by Union

soldiers; the original building was destroyed in approximately January 1863. Nearby Fort Reno was a civil war military encampment. In approximately 1888, Reno City was established as a community for African-Americans; in the 1930s, most of the homes in this community were destroyed by "urban renewal."

One other historical feature, albeit of more recent vintage, is the Sears Building on Square 1730. When it was built (circa 1940), it utilized an art deco design. While that design was common in buildings built in the city in that era, today there are very few commercial buildings in the District epitomizing that architectural style. The store is also believed to be unique because, at the time of construction, it was the first building in the country to incorporate a roof-top parking facility.

E. Squares 1730, 1731, 1770 and 1778 Contain Retail Establishments Providing Essential Services To The Community

Most of the structures in the affected Lots of Squares 1730, 1731, 1770 and 1778 house retail stores providing goods and services to local residents.[8]/ Almost all of the buildings that house these businesses are no more than 2 or 3 stories tall. The Office of Planning observed in 1986 that "well over half of the existing buildings [are] generally 20 feet in height or less and

[8] Only two buildings in these squares are devoted predominantly to office space.

more than three quarters of existing buildings are 30 feet in height or less."[9]/

The following are only a few of the establishments within one block of the Metro stop: Hechinger, Sears, Radio Shack, a record store, a delicatessen, several restaurants, an appliance sales and repair store, stationery store, and dry cleaners. These retail services are within walking distance for many residents, increasing their accessibility to groups that do not drive, such as senior citizens. In fact, virtually all essential goods and services are within walking distance of the Metro stop. Many of these establishments have been in business serving the Tenleytown community for decades.

Given the adedquacy of services currently in the neighborhood, further development for retail purposes is unnecessary. In fact, future development at C-3-A zoning realistically will be dominated by office space; many current retail establishments are likely to be pushed out of the neighborhood by higher rents. The new retail tenants, to the limited extent there are any, are much less likely to be neighborhood oriented; they are more likely to serve the tenants of the new offices. The net effect of C-3-A development will therefore be a loss in retail services, which is contrary to the mandate of the amended Comprehensive Plan.

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[9] Memorandum from Mr. Fred Greene to D.C. Zoning Commission (December 12, 1986).

IV. C-3-A Zoning Is Inconsistent With the Comprehensive Plan, As Amended, And Incompatible With Tenleytown's Designation As A Special Treatment Area, Multi-Neighborhood Center And Housing Opportunity Area

The 1989 Amendments to the Comprehensive Plan, in conjunction with the 1984 Plan, require that development at the Tenleytown Metro follow strict guidelines, all of which must be met. These requirements are:

1. As a moderate density area for commercial zoning, the FAR may not exceed 1.0 to 2.0.

2. As a medium density area for residential zoning, the number of dwelling units must fall within the range of 49 to 90 units per acre.

3. As a multi-neighborhood center, "retail use" should be the predominant form of commercial development.

4. As a special treatment area and a housing opportunity area, development must:

   a. create substantial new housing;

   b. protect and preserve existing low density residences in the vicinity ... from the adverse effects, including traffic, of development;

   c. maintain heights and densities at appropriate levels;

   d. stimulate well planned economic activity which enables merchants to upgrade existing businesses and to attract new businesses providing services to residents.

For many reasons, C-3-A zoning cannot meet these criteria. Indeed, C-3-A zoning is not only incapable of achieving the Comprehensive Plan's goals, but allows development which would destroy existing properties currently serving the interests and policies embodied in the Plan and thus eviscerate the Plan

itself. The following is a summary of the essential components of the Comprehensive Plan that are violated by C-3-A zoning at the Tenleytown Metro:

1. C-3-A zoning allows a 2.5 FAR for commercial usage. However, the Amended Comprehensive Plan limits commercial development in these Squares to a range of 1.0 to 2.0 FAR.

2. Under the zoning regulations, C-3-A zoning is designed for "major business and employment centers," with medium density commercial usage allowed. (See 11 DCMR § 740, et seq.)[10]/ The Amended Comprehensive Plan, in contrast, designates the Tenley Metro area a multi-neighborhood center with a limit of moderate commercial development.

If all of the affected lots in Squares 1730, 1731, 1770 and 1778[11]/ were developed to the maximum extent allowed by C-3-A, we estimate that in excess of 800,000 square feet of office space could be constructed; if the extended guidelines for PUDs were utilized, that number would increase to almost 1,000,000 square feet. That density of office space would indeed convert the Tenley Metro neighborhood into a major business center. As the Office of Planning stated in its November 1986 report:

> Full development of this land [surrounding the Tenley Metro] would result in one of the largest office and retail concentrations outside of the Central Business District in the midst of a section of the city which is predominantly low density residential.

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10 Even greater density is allowed if residential units are added to the commercial space.

11 We do not currently have a calculation of the square footage of the portion of Square 1729 that is zoned C-3-A.

The adverse impact on the single family residences in the surrounding neighborhood would be devastating.

3. C-3-A zoning does not require the construction of any residential units; a developer has the right to devote the entire structure to offices or other commercial uses. The Comprehensive Plan designates Tenelytown Metro as an housing opportunity area, which requires that dwelling units be built.

4. C-3-A zoning allows development of a building devoted entirely to offices, with no requirement for retail establishments. The Comprehensive Plan, however, requires that retail services predominate in a multi-neighborhood center, such as the Tenleytown Metro area.

The recently constructed 4000 Wisconsin Avenue and 4530 Wisconsin Avenue are good examples of the type of unfettered construction permitted and likely to occur under matter-of-right C-3-A zoning. At 4000 Wisconsin Avenue, only part of the lower floors of that building are devoted to retail stores and services. At 4530 Wisconsin Avenue, the first floor contains a bank and some retail services, while the upper four floors are devoted exclusively to office space.

Perpetuation of C-3-A zoning at the Tenley Metro would clearly generate either no or miniscule floor space devoted to the types of retail services that currently occupy this area of Wisconsin Avenue; past experience also shows that it will generate no housing opportunities.

5. Even if the Squares in question were developed exclusively for residential purposes, the C-3-A zone would allow development far in excess of the density limits provided under the Comprehensive Plan. If a one acre site (43,560 square feet) were developed at an FAR of 4.0 (the C-3-A limit for residential development), that development would allow approximately 174 apartments on the one acre.[12]/ The Comprehensive Plan, in contrast, states that Tenleytown should have only medium density residential construction, defined as having a range of 49 to 90 apartments per acre. Thus, development as a matter of right under C-3-A zoning could produce residential usage far in excess of that called for under the Comprehensive Plan.

6. C-3-A zoning would allow construction of buildings 65 feet in height. Currently, almost all buildings in Squares 1729, 1730, 1731, 1770 and 1778 are two stories tall; three quarters of the buildings are 30 feet in height or less. Only two buildings on Wisconsin Avenue in these Squares are five stories in height. Under the Comprehensive Plan, any new development must "maintain heights and densities", consistent with the surrounding area. The construction of several blocks of five story buildings along Wisconsin Avenue would create a canyon of office space completely out of proportion with the surrounding single family homes and in conflict with the Plan's Special Treatment designation for the area. C-3-A zoning would exceed, rather than maintain, current heights and densities.

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[12] Assuming an average apartment of 1000 square feet.

7. The introduction of large office buildings allowed under C-3-A zoning would exacerbate existing traffic problems and create new parking problems. A significant percentage of visitors to and workers in office buildings invariably drive. The development at Friendship Heights provides a good example of the problems likely to ensue. Nothwithstanding the Metro stop there, traffic and traffic jams have increased exponentially since the introduction of the most recent development in that neighborhood. Since several more large-scale office buildings are slated for Friendship Heights (Maryland and D.C.), we can expect ever-increasing traffic problems that will inevitably overflow into the Tenleytown neighborhood a few blocks to the south. As traffic increases, more and more cars will discover that they can cut through the residential streets off of Wisconsin Avenue and River Road in order to speed their way to work. School children and other pedestrians will be put at increased risk from this change in traffic patterns.

Some percentage of visitors to office buildings also inevitably park outside the buildings visited, regardless of parking available inside the buildings; such parking in Tenleytown could only be on nearby residential streets. This parking will be another adverse impact on the surrounding homes, schools and churches. If restaurants and movie theaters are constructed in a C-3-A development (as at 4000 Wisconsin Avenue),

street parking will extend far into the night and on the weekends, severely degrading the quiet of the surrounding neighborhood.

The foregoing changes to the traffic and parking patterns in Tenleytown would violate the Comprehensive Plan's limitations on development at this location because it fails to

> protect and preserve existing low density residences in the vicinity, and the surrounding institutions and local public facilities, from the adverse effects, including traffic, of development.

V. Proposed Zoning Changes

A. Squares 1730 (Lot 15), 1731 and 1770

These three Squares are in the Tenleytown special treatment and housing opportunity areas designated by the 1989 amendments to the Comprehensive Plan. Only C-2-A zoning can accomodate all of the Comprehensive Plan's requirements for this area. By including a housing overlay, C-2-A zoning can ensure adequate housing, while avoiding the sort of overdevelopment which the 1989 amendments to the Comprehensive Plan seek to avoid.

C-2-A zoning provides for 1.5 commercial FAR and 2.5 residential FAR, with a maximum height of 50 feet. Lot occupancy is permitted up to 60%. These limitations all satisfy the Comprehensive Plan. The 1.5 commercial FAR falls within the middle of the permissible range of the Comprehensive Plan's definition for moderate commercial density (1.0 to 2.0 FAR). A residential FAR of as little as 1.13 would satisfy the Comprehensive Plan's requirements for a minimum of 49 dwelling

units per acre.[12]/ The limitation of a 50 foot height and 60% lot occupancy would satisfy the requirements that the height and density of new development be maintained at a level consistent with the area. This type of development is also likely to keep increases in traffic and parking to a minimum.

Overlay requirements should be imposed to insure full compliance with the Amended Comprehensive Plan, especially its housing opportunity provisions. These overlay limitations should include:

1. Any development must contain sufficient dwelling units to fall within the range of 49 to 90 units per acre.

2. More than half of the commercial space must be devoted to retail establishments.

3. In addition to normal zoning requirements, each dwelling unit must have one parking space per bedroom.

4. The following uses should not be permitted as a matter of right:

   a. Fast food restaurants;

   b. Theaters, including movie theaters;[13]/

   c. Radio and television stations, studios or broadcasting towers;

   d. Restaurants with more than 75 seats. Restaurants of less than 75 seats should be

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[12] Using an average unit of 1000 square feet, a 1.13 FAR on a one acre site produces exactly 49 apartments.

[13] Between Western Avenue and Van Ness Street, there are already 22 movie theater screens. There is no need for more movie screens.

required to provide free parking spaces within the building for all patrons.

B. Squares 1729, 1730 and 1778

The portions of these Squares within C-3-A districts are adjacent to, but outside of the special treatment area designated by the Comprehensive Plan. However, they are included in the multi-neighborhood center and housing opportunity designations.

Lot 804 in Square 1730 is bounded by Albemarle Street, 42nd Street and Murdock Mill Road. It is unclear whether it was omitted from the special treatment area as an oversight or because the site was owned by the District and occupied by the Secret Service as a sub-station. The Secret Service has since abandoned the site, leaving the one-story structure unoccupied.

The Lots in Square 1778 which are zoned C-3-A are bounded by Albemarle Street, Wisconsin Avenue and Grant Road; the C-3-A portion of Lot 808 in Square 1729 is at the corner of Wisconsin Avenue and Albemarle Street (the Tenleytown Library). These lots are also subject to the multi-neighborhood and housing opportunity designations and are surrounded by R-1-B districts.

The inappropriateness of C-3-A zoning for these sites, while not dictated by the limitations of the special treatment area, is dictated by their inclusion in the multi-neighborhood center and housing opportunity designations. As previously explained, C-3-A zoning is incompatible with a multi-neighborhood center, which is limited to moderate commercial and medium residential densities. C-3-A zoning on these Squares would create a major business office center, rather than housing and neighborhood

oriented retail stores. Lot 804, Square 1730 is especially inappropriate for C-3-A zoning because it does not abut Wisconsin Avenue and is adjacent to Lots zoned C-1 and R-5-A; it is also directly across the street from the Janney Elementary School and the St. Columba pre-school. Squares 1729 and 1778 are similarly situated. They both are partly zoned R-1-B and are surrounded by other squares zoned exclusively R-1-B. Square 1778 is across the street from Wilson High School; Lot 808 in Square 1729 contains the Janney elementary school (in an R-1-B zone) immediately adjacent to the Library, which incongruously lies within the C-3-A district . Development of these Lots under C-3-A zoning, with its intense commercial uses of right, would be dangerous as well as incompatible with the multi-neighborhood and housing opportunity designations under the Comprehensive Plan.

VI. Conclusion

Petitioners request the rezoning of all Lots in Squares 1729, 1730, 1731, 1770 and 1778 that currently have C-3-A zoning. Petitioners request that these properties be downzoned to C-2-A.

Advisory Neighborhood Commission 3-E

By: _____

Citizens for the Preservation of Residential Neighborhoods

By: Michael Wolf

Tenley and Cleveland Park Emergency Committee

By: _____