

# Government of the District of Columbia

## ZONING COMMISSION



**ZONING COMMISSION ORDER NO. 702**  
**Case No. 90-17**  
**(Map Amendment - Washington Cathedral Area)**  
**September 10, 1991**

Pursuant to notice, a public hearing before the Zoning Commission for the District of Columbia was held on March 18, 1991, to consider a petition from Advisory Neighborhood Commission (ANC) 3C, the Tenley and Cleveland Park Emergency Committee and the Protestant Episcopal Cathedral Foundation to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations, (DCMR), Title 11, Zoning. The hearing was conducted in accordance with the provisions of 11 DCMR 3021.

The petition, which was filed on July 27, 1990, requested a change of zoning from R-5-C to R-5-A for the west side of Wisconsin Avenue, N.W., between Massachusetts Avenue and Macomb Street, directly across from the Washington National Cathedral, that is, Square 1923, Lots 55, 835, 836, 837, 838, 812 and 813 and Square 1920, Lots 812, 813, 814 and 815.

The petitioners requested the rezoning to preserve existing low scale heights in the area directly opposite and northwest of the Washington National Cathedral.

The R-5-A District permits matter-of-right single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment low density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of forty percent, and a maximum height of three-stories/forty feet.

The R-5-C District permits matter-of-right medium/high density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum height of ninety feet, a maximum FAR of 3.5, and a maximum lot occupancy of seventy five percent.

The District of Columbia Generalized Land Use Map of the Comprehensive Plan for the National Capital, as amended, designates the subject area as indicated in the moderate density residential land use category.

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The petitioners testified that a designation of R-5-A is the appropriate zoning designation to implement the Comprehensive Plan's moderate density designation. It is also necessary to protect the setting and vistas of the Washington National Cathedral and the natural afternoon sunlight on the architectural features of the west entrance of this nationally significant structure. The petitioners indicated that the entire petition centers around visual issues.

The petitioners further stated that R-5-A would restrict heights to 40 feet, is the prevalent zone district in the area, would minimize the density, and would help to preserve the existing housing stock by creating a disincentive to redevelop the affected area.

The District of Columbia Office of Planning (OP), by memorandum dated March 15, 1991, and by testimony presented at the public hearing, recommended an R-5-B zone change as opposed to an R-5-A zoning. OP stated that an R-5-A zone category seemed needlessly low both as to the resulting nonconformity and redevelopment potential. OP further stated that the R-5-A zone requires site plan review by the Board of Zoning Adjustment for construction of apartments.

OP stated that R-5-B zoning would permit row dwellings as well as apartments at a density of 1.8 FAR. The density would generally encourage the continuation of the existing apartment buildings rather than redevelopment although this density would permit moderate expansion or redevelopment of some of the properties.

By letter dated March 18, 1991 and by testimony presented at the public hearing, Advisory Neighborhood Commission (ANC) 3B testified in favor of the proposed R-5-A rezoning. ANC-3B indicated that if the downzoning is not approved, developers will be permitted to construct larger buildings along the stretch of Wisconsin Avenue directly across from the National Cathedral, which will inhibit the historic and unique nature of the area.

City Councilman James E. Nathanson testified in support of the rezoning, as proposed by the petitioners, and its ability to protect the landmark Washington National Cathedral.

Several groups and individuals presented testimony at the public hearing and filed letters for the record in support of the proposed R-5-A rezoning. They supported the downzoning for the following reasons including, but not limited to:

- a. The Comprehensive Plan requires a generally moderate height profile in the area of the Washington National Cathedral;

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- b. R-5-A zoning is required to avoid inconsistency with the Comprehensive Plan moderate density designation; and
- c. Reduced zoning is a justified tool to insure a less congested, more livable neighborhood along this portion of Wisconsin Avenue.

A group of property owners, represented by counsel, testified in opposition to the proposed downzoning. Their comments included, but were not limited to the following:

- a. Development under R-5-C would not impair the visual context of the National Cathedral;
- b. The proposed R-5-A rezoning is inconsistent with established principals of urban design and urban planning which was the basis of the R-5-C and similar zoning;
- c. The proposed downzoning would deprive the city of the opportunity for significant additional housing and would undermine the feasibility of refinancing the property; and
- d. The requested rezoning is not required in order to lessen congestion in the street.

Counsel for the opposition submitted post-hearing submissions dated April 8, 1991, which included reduced copies of the views of Wisconsin Avenue, N.W. and a panoramic view from the Cathedral looking west with a line drawn at the 60 foot height level as requested by the Commission.

The petitioners submitted post-hearing statements dated April 8, 1991, as requested by the Commission, which included height impacts on the Cathedral facade, setting and vistas, a narrative on the need for affordable housing on Wisconsin Avenue, N.W. and their views on the 1989 Comprehensive Plan Amendment.

A notice of proposed rulemaking was published in the District of Columbia Register on July 12, 1991 (38 DCR 4367.). As a result of publication of the notice of proposed rulemaking counsel for the petitioners submitted their comments dated August 16, 1991, which urged the Commission to address the need for limits on the height of buildings immediately facing the Washington National Cathedral.

The Zoning Commission does not concur with the recommendation of the petitioners, but concurs with the recommendation of OP. The Commission believes that rezoning the proposed site to R-5-B would generally encourage continuation of the existing apartment

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buildings rather than redevelopment while minimizing the creation of non-conforming structures.

The Zoning Commission believes that the rezoning is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

The proposed decision to approve R-5-B rezoning was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Governmental and Government Reorganization Act. NCPC by report dated September 6, 1991, found that the proposed zoning map amendment would not adversely affect the Federal Establishment or other Federal Interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission has accorded ANC 3B the "great weight" to which it is entitled.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the following amendments to the Zoning Map of the District of Columbia.

Change from R-5-C to R-5-B all existing property zoned R-5-C on the west side of Wisconsin Avenue, N.W. between Massachusetts Avenue and Macomb Street; that is, Square 1923, Lots 55, 835, 836, 837, 838, 812 and 813, and Square 1920, Lots 812, 813, 814 and 815.

Vote of the Zoning Commission taken at the June 13, 1991 monthly meeting: 3-0 (John G. Parsons, Maybelle Taylor Bennett, and Lloyd D. Smith to approve R-5-B - Tersh Boasberg, recused himself and William L. Ensign, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at its monthly meeting on September 10, 1991 by a vote of 3-0 (John G. Parsons, Maybelle Taylor Bennett and Lloyd D. Smith to adopt - Tersh Boasberg, recused himself and William Ensign, not voting, not having participated in the case).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; that is, on

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MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission



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EDWARD L. CURRY  
Executive Director  
Zoning Secretariat

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