

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



Office of the Director

RECEIVED  
OFFICE OF PLANNING  
JUN 20 2002 PM 4:21

MEMORADUM

TO: Zoning Commission

FROM: *ALS for*  
Andrew Altman, Director  
Office of Planning

DATE: June 20, 2002

SUBJECT: Waiver of Rules for Late Submittal of Report on Case No. 02-19-  
Final Report on Proposed Map Amendment for a Tree and Slope Overlay  
filed by the Forest Hills Citizens Association

---

The attached report concerning a proposed map amendment for the proposed Map Amendment for a Tree and Slope Overlay is being submitted less than 10 days prior to the Zoning Commission's consideration of the item and scheduled public hearing. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record.

Attachments

AA/

ZONING COMMISSION  
District of Columbia  
Case 02-19  
Exhibit 102

ZONING COMMISSION  
District of Columbia  
CASE NO.02-19  
EXHIBIT NO.102

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



Office of the Director

**MEMORANDUM**

**TO:** Zoning Commission

**FROM:** Andrew Altman  
Director

**DATE:** June 17, 2002

**SUBJECT:** Forest Hills Tree and Slope Overlay District Final Report,  
Case No. ZC 02-19 for a Map Amendment

**PETITION**

The Forest Hills Citizens Association filed a petition with the Zoning Commission for the establishment of a Tree and Slope Overlay District within the Forest Hills neighborhood. The boundaries of the proposed overlay district are generally Rock Creek Park to the east, Quebec Street to the south, a meandering line running east of Connecticut Avenue so as not to include the existing commercial and high-rise apartment development that lines the east side of Connecticut Avenue, and 36<sup>th</sup> Street to the north. Two squares within the boundaries of the above-described area were left out of the overlay district and are bounded by Linnean Terrace, Broad Branch Terrace and 33<sup>rd</sup> Street.

**RECOMMENDATIONS**

The Office of Planning recommends that the proposed Forest Hills Tree and Slope (FHTS) overlay be adopted with the following revisions:

1. Apply the FHTS overlay district only to properties located within the R-1-A district.
2. Delete the proposed minimum lot size of 12,000 square feet in §1519.2 and maintain the minimum lot area of the base zone of 7,500 square feet.
3. Delete the language in §1519.3 regarding the "Required Front Yard Setback" map.
4. Amend §1519.4 to maintain the R-1-A minimum side yard setback of 8 feet per side but require a combined total of both side yards equal to 24 feet.
5. Delete the proposed language in §1519.1 referencing subdivision or either improved or unimproved lots.

## GENERAL SUITABILITY OF THE NEIGHBORHOOD FOR TREE AND SLOPE OVERLAY ZONING

The general area proposed for coverage by the FHTS overlay is generally compatible with the established criteria of §1511, Tree and Slope Protection Overlay District. The area has a predominantly single family residential character. There are many areas with dense “strands of mature trees” (§1511.4) in excess of the standard yard and street streets.

The area is also bisected by many stream beds and parks, (Soapstone Valley Park, Melvin C. Hazen Park and Broad Branch stream) and adjacent to the Rock Creek Park.

There are several areas with significant grade changes as represented on the attached map depicting the boundaries of the proposed overlay district and slopes of 25 percent or more (steep slopes). The steep slopes are primarily located throughout the overlay district in small segments, with the greatest concentrations located within existing parkland and/or along waterways). Outside of the parks, steep slopes tend to be more prevalent on the eastern side of the proposed overlay district than on the western side.

OP was unable to map any specific tree locations or circumferences. The city does not have a database of these trees as they exist today.

The majority of the proposed FHTS overlay district is located within the R-1-A district which is developed primarily with one-family detached dwellings. At the northern end are some R-1-B, R-2 and R-5-D districts. Toward the southern end of the overlay district is some additional R-5-D. Federally owned parkland is located within the FED district.

### Zone Districts

The following table displays the distribution of land proposed for the FHTS overlay by zone district. The predominant portion is zoned R-1 with a significant portion in the R-1-A district.

| ZONE  | TOTAL NO. of LOTS | % of LOTS | % of LAND AREA |
|-------|-------------------|-----------|----------------|
| R-1-A | 647               | 86.4%     |                |
| R-1-B | 88                | 11.7%     |                |
| R-2   | 11                | 1.5%      |                |
| R-5-D | 3                 | 0.4%      |                |
|       |                   |           |                |

Table is based on the data base provided by the applicant.

Section 200 of the 11DCMR sets out the general provisions and intent of the R-1 zone:

#### 200 R-1 DISTRICTS: GENERAL PROVISIONS

- 200.1 The R-1 district is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.

- 200.2 The provisions of this chapter are intended to stabilize the residential areas and to promote a suitable environment for family life. For that reason, only a few additional and compatible uses shall be permitted.
- 200.3 The R-1 district is subdivided by different area requirements into R-1-A and R-1-B districts, providing for districts of low and high density, respectively.

Section 300 of the 11DCMR sets out the general provisions and intent of the R-2 zone:

300 R-2 DISTRICTS: GENERAL PROVISIONS

- 300.1 The R-2 district consists of those areas that have been developed with one-family, semi-detached dwellings, and is designed to protect them from invasion by denser types of residential development. It shall be expected that these areas will continue to contain some small one-family detached dwellings.

Section 350 of the 11DCMR sets out the general provisions and intent of the R-5 zone:

350 R-5 DISTRICTS: GENERAL PROVISIONS

- 350.1 The R-5 districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through 360, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4 of this title. The R-5 districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and which are excluded from the more restrictive Residence districts.

OP believes that the stated intent of these zones, especially the intentional and clear distinction between the R-1-A and the R-1-B zone, will be nullified under the proposed provisions of the proposed FHTS overlay. The proposed increased minimum lot area essentially brings all these zones into one zone district with no regard for their original intent or their geographic location. OP recommends that the overlay be applied only to the parcels zoned R-1-A.

**R-1-B**

The intent of the R-1 zone district is explicitly stated to have two single family categories divided “by different area requirements into R-1-A and R-1-B districts, providing for *districts of low and high density, respectively.*” The application of the proposed overlay negates this division of single family density by establishing only one 12,000 square foot minimum lot area and one overall density.

| Zone  | Matter-of-Right<br>Min Lot Area | TSP (§1511)<br>Min Lot Area | Chain Bridge/<br>University Terr<br>Min Lot Area | Forest Hills TS<br>Proposed Overlay<br>Min Lot Area |
|-------|---------------------------------|-----------------------------|--------------------------------------------------|-----------------------------------------------------|
| R-1-B | 7,500                           | Same: 7,500                 | 9,500                                            | 12,000                                              |

The R-1-B zoned area proposed for the overlay is located at the northern end of the proposed boundary adjacent to federal open space and an R-2 zoned subdivision. The area is not identified as having significant areas of steep slope and an overwhelming majority of the lots have an area less than 9,000 square feet. It is these clear characteristics of developed land and the contrary intent of the R-1-B zone that causes OP to recommend that the R-1-B zoned area be excluded from the overlay or alternatively, be included in the overlay but with a minimum lot size of 5,000 square feet and side yard of 8 feet.

## R-2

The following table highlights the northern R-2 portion proposed for the overlay, the southern end of Square 2032. This R-2 area is fully subdivided and developed with lots of only 4125 square feet, with the exception of lot 11, which is only 5,910 square feet. The area abuts federal parkland and R-5-D zoned properties and already serves as a buffer for the adjacent R-1-B. Topographically, there are no parcels with slopes 25% or greater. OP does not believe that the proposed overlay is consistent with the purpose of the R-2 in this location and would result in building restrictions that are counter to the very nature of the R-2 zone.

| SQUARE | LOT | ADDRESS                 | LOT<br>SF | VACANT SF | ZONE |
|--------|-----|-------------------------|-----------|-----------|------|
| 2032   | 2   | 3403 Fessenden St., NW  | 4,125     |           | R-2  |
| 2032   | 3   | 3405 Fessenden St., NW  | 4,125     |           | R-2  |
| 2032   | 4   | 3407 Fessendedn St., NW | 4,125     |           | R-2  |
| 2032   | 5   | 3409 Fessenden St., NW  | 4,125     |           | R-2  |
| 2032   | 6   | 3411 Fessendedn St., NW | 4,125     |           | R-2  |
| 2032   | 7   | 3413 Fessenden St., NW  | 4,125     |           | R-2  |
| 2032   | 8   | 3415 Fessenden St., NW  | 4,125     |           | R-2  |
| 2032   | 9   | 3417 Fessenden St., NW  | 4,125     |           | R-2  |
| 2032   | 10  | 3419 Fessenden St., NW  | 4,125     |           | R-2  |
| 2032   | 1   | 5000 34th St., NW       | 5,910     |           | R-2  |
| 2032   | 11  | vacant lot              |           | 4,294     | R-2  |

The intention of this district is to protect areas already developed with one-family and semi-detached dwellings from more dense development. As such, an overlay zone that intends to control future development is not consistent with this district. The Office of Planning recommends that the R-2 zone be excluded from the overlay.

### R-5-D

The proposed overlay is also contrary to the intent of the R-5-D zone district. The required minimum lot area, decreased lot occupancy from the permitted 75 % to the proposed 50%, and the 50 % restriction on lot coverage combine to reduce the flexibility of design and density capacity that the zone is mapped to permit. The Office of Planning recommends that the R-5 zone be excluded from the overlay.

### MAXIMUM LOT OCCUPANCY

The proposed lot occupancy for all zoning districts within the overlay district is proposed to be 30 percent. Lot occupancy is the amount of each individual property that may be covered by buildings, either by a main structure, or an accessory structure, such as a detached garage or shed. This proposed lot occupancy is the same as required by the TSP Overlay District (Section 1513.1).

The Chain Bridge/UT overlay district contains a sliding scale of 40 percent for lots less than 6,500 square feet in area; 35 percent for lots between 6,500 and 8,999 square feet in area; and 30 percent for lots that are 9,000 square feet in area or greater. The maximum lot occupancy permitted by the Zoning Regulations within the R-1-A, R-1-B and R-2 districts is 40 percent. Under this proposed overlay district the lot occupancy would be reduced by 25 percent for R-1-A, R-1-B and R-2.

### MAXIMUM LOT OCCUPANCY

| Zone  | Matter-of-Right | TSP (§1511) | Chain Bridge/<br>University Terr                          | Forest<br>Hills TS<br>Proposed<br>Overlay | %<br>Reduction |
|-------|-----------------|-------------|-----------------------------------------------------------|-------------------------------------------|----------------|
| R-1-A | 40 %            | 30 %        | <6500 sf = 30 %<br>6500-9000 sf = 35 %<br>>9000 sf = 40 % | 30 %                                      | 25%            |
| R-1-B | 40 %            | 30 %        | <6500 sf = 30 %<br>6500-9000 sf = 35 %<br>>9000 sf = 40 % | 30 %                                      | 25%            |
| R-2   | 40 %            | 30 %        | N/A (this zone is not<br>mapped within the<br>CB/UT)      | 30 %                                      | 25%            |
| R-5-D | 75 %            | 30 %        | N/A (this zone is not<br>mapped within the<br>CB/UT)      | 30 %                                      | 60%            |

Within the R-5-D district, the Zoning Regulations permits a maximum lot occupancy is 75 percent. Therefore, within the R-5-D, the reduction becomes significantly more substantial, or 60 percent. The applicant's propose that one way to reduce impervious surface is to allow driveways to be covered in gravel, rather than hard surfaced. OP is

concerned that such a provision could easily result in property owners removing their driveways to increase their structures. Such a replacement could result in a change in neighborhood character and have run-off effects on the storm sewers and waterways.

#### **MAXIMUM IMPERVIOUS SURFACE COVERAGE**

There is no specific impervious surface requirement within each of the affected zoning districts. The TSP overlay district and the Chain Bridge overlay district each allows a maximum of 50 percent, the same as the Forest Hills proposal. However, as the maximum lot occupancy permitted within the R-5-D district is 75 percent, this would result in a reduction in the impervious surface coverage that could otherwise be attained, assuming that if buildings covered 75 percent of the lot, the impervious lot coverage would be a minimum of 75 percent. This would be significant change to the R-5-D district.

#### **MINIMUM LOT SIZE**

The minimum lot size within the R-1-A zoning district is 7,500 square feet. It is 5,000 square feet within the R-1-B and within the R-2 district it is 3,000 square feet for semi-detached dwellings and 4,000 for all other structures. There is no minimum lot size requirement for the R-5-D district. Under the proposed FHTS overlay district, the minimum lot size would be increased to 12,000 square feet, an increase of 60 percent for R-1-A; an increase of 140 percent for R-1-B; and an increase of between 200 and 300 percent for the R-2 district. The petitioners indicated to OP that the 12,000 square foot lot size was chosen to prevent the further subdivision of 15,000 square foot lots into two 7,500 square foot lots.

#### **MINIMUM LOT AREA**

| Zone  | Matter-of-Right<br>Min Lot Area<br>(sf) | TSP (§1511)<br>Min Lot Area<br>(sf) | Chain Bridge/<br>University Terr<br>Min Lot Area (sf) | Forest Hills TS<br>Proposed Overlay<br>Min Lot Area (sf) |
|-------|-----------------------------------------|-------------------------------------|-------------------------------------------------------|----------------------------------------------------------|
| R-1-A | 7,500                                   | 7,500; same as base zone            | 9,500                                                 | 12,000                                                   |
| R-1-B | 5,000                                   | 5,000; same as base zone            | 9,500                                                 | 12,000                                                   |
| R-2   | 3,000 residential<br>4,000 non-res      | 3-4,000; same as base zone          | 9,500                                                 | 12                                                       |
| R-5-D | No minimum                              | None; same as base zone             | 9,500                                                 | 12                                                       |

Within the R-1-B district, much of the land is developed as one-family dwellings on moderate sized lots. The proposed 12,000 square foot minimum is not indicative of the character of this part of the neighborhood. The imposition of a 12,000 square foot minimum lot size may also be counter-productive and result in property consolidation to provide for larger lot sizes.

Within the R-2 district, the lots are also already developed and have a small lot size of 4,125 sf. Again, the imposition of a 12,000 square foot minimum lot area would result in the same issues of developed lots as the R-1-B and therefore would be equally unrealistic standards.

A review of lot size data prepared and submitted by the petitioners to OP, indicates that the average lot size, when not including the larger institutional properties (i.e. schools, churches, Hillwood Museum and Gardens, embassies and chanceries, and government owned parks and individual lots) is 14,044 square feet for developed lots. If all properties within the overlay district are included, the petitioner's analysis indicates that the average lot size is 17,275 square feet.

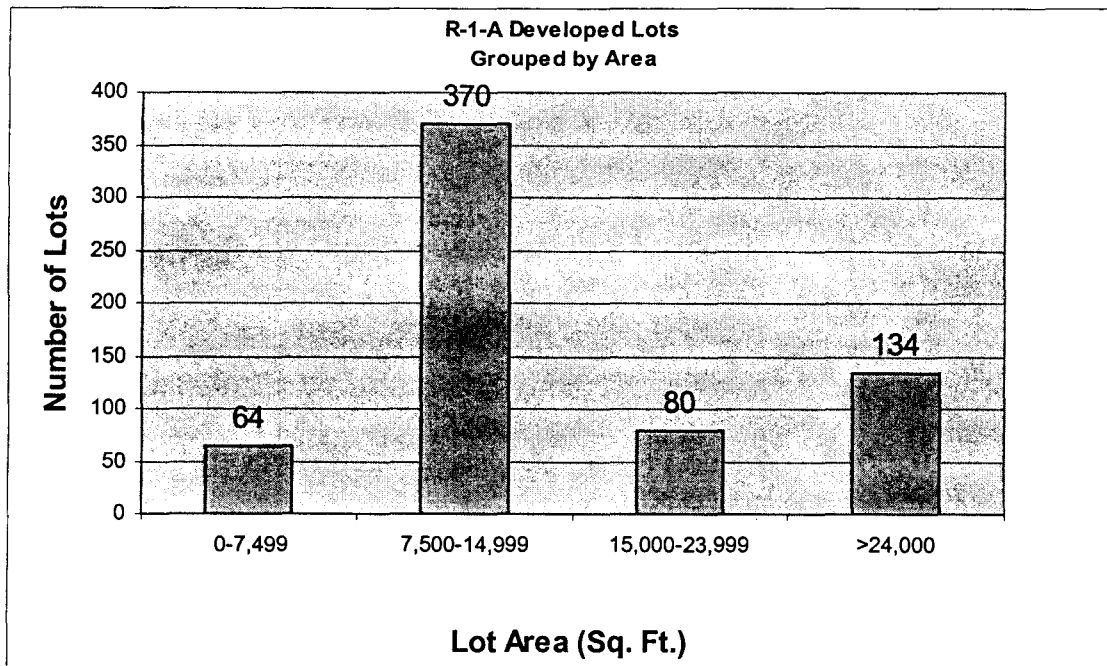
However, due to the few extremely large parcels, OP believes the Median lot size is more statistically appropriate and indicative of the neighborhood lots. The median lot size for all developed lots provided in the applicant's data base is 9,810 square feet and the median lot size for vacant lots in the applicant's data base is 9,415.

|                                                      |
|------------------------------------------------------|
| 9,810 sq ft<br>median developed lot size - all zones |
| 9,415 sq ft<br>median vacant lot size - all zones    |

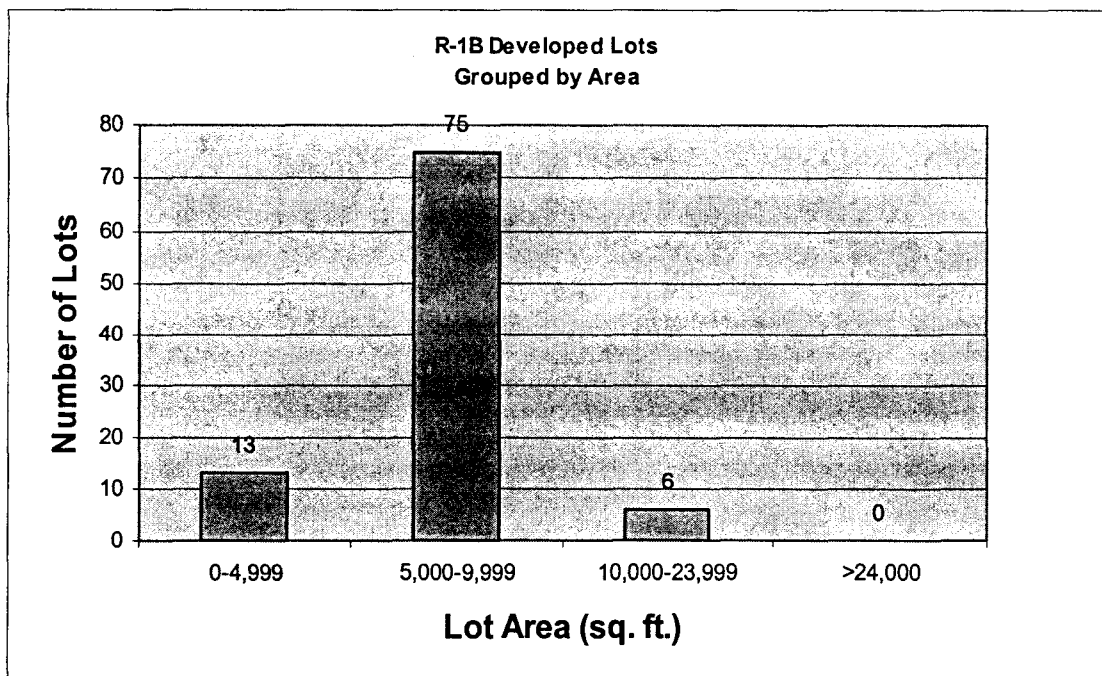
A bar chart lot size distribution of the R-1-B and R-1-A, grouped by thousands is attached. It highlights the lot sizes and the number of lots that would no longer be able to subdivided under the proposed 12,000 squares foot minimum. The bar charts are grouped by the following:

- Below matter-of-right (m-o-r) minimum lot area
- Between m-o-r minimum lot area and twice the m-o-r
- Between twice the m-o-r and twice the proposed minimum (24,000)
- Greater than twice the proposed minimum.

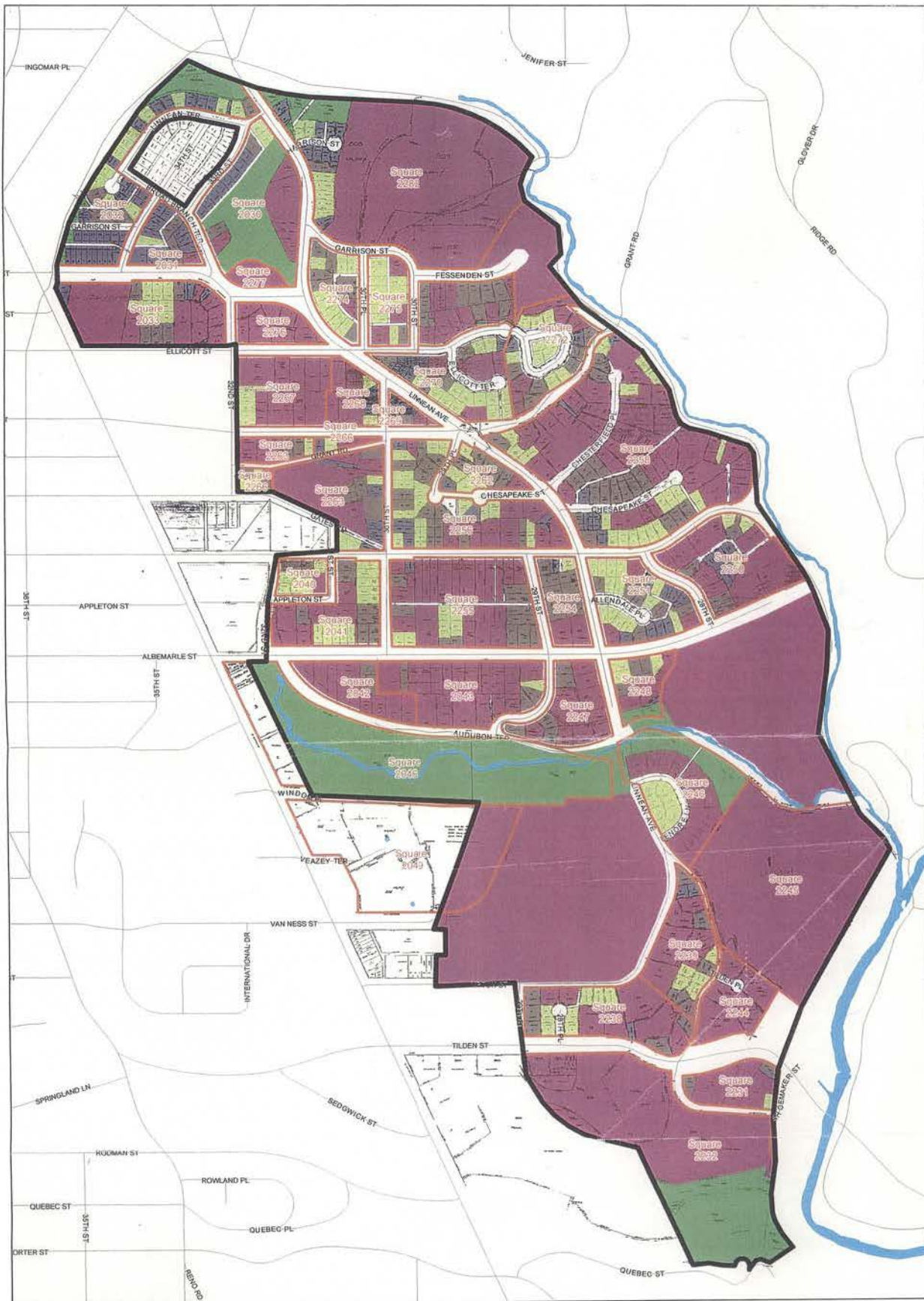
The point of the distribution groupings is to show the lots that would no longer comply with the minimum lot size, the number of lots that would no longer be able to be subdivided and the lots that could be subdivided under the proposed minimum.



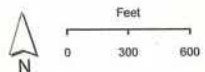
| R-1-A   |              |               |         |       |
|---------|--------------|---------------|---------|-------|
| 0-7,499 | 7,500-14,999 | 15,000-23,999 | >24,000 | Total |
| 64      | 370          | 80            | 134     | 648   |



| R-1B    |             |               |         |       |
|---------|-------------|---------------|---------|-------|
| 0-4,999 | 5,000-9,999 | 10,000-23,999 | >24,000 | Total |
| 13      | 75          | 6             | 0       | 94    |



S:\GIS\data\Permitting\Wardensburg\ForestHills\Parcel1.tif.mxd



\*\*\* Government of the  
District of Columbia  
Anthony A. Williams, Mayor  
Office of Planning  
June 14, 2002

#### Properties by Size

- Less than 7500 sq ft
- 7500 to 9499 sq ft
- 9500 to 11999 sq ft
- 12000 sq ft and greater
- Not Classified  
(government-owned)

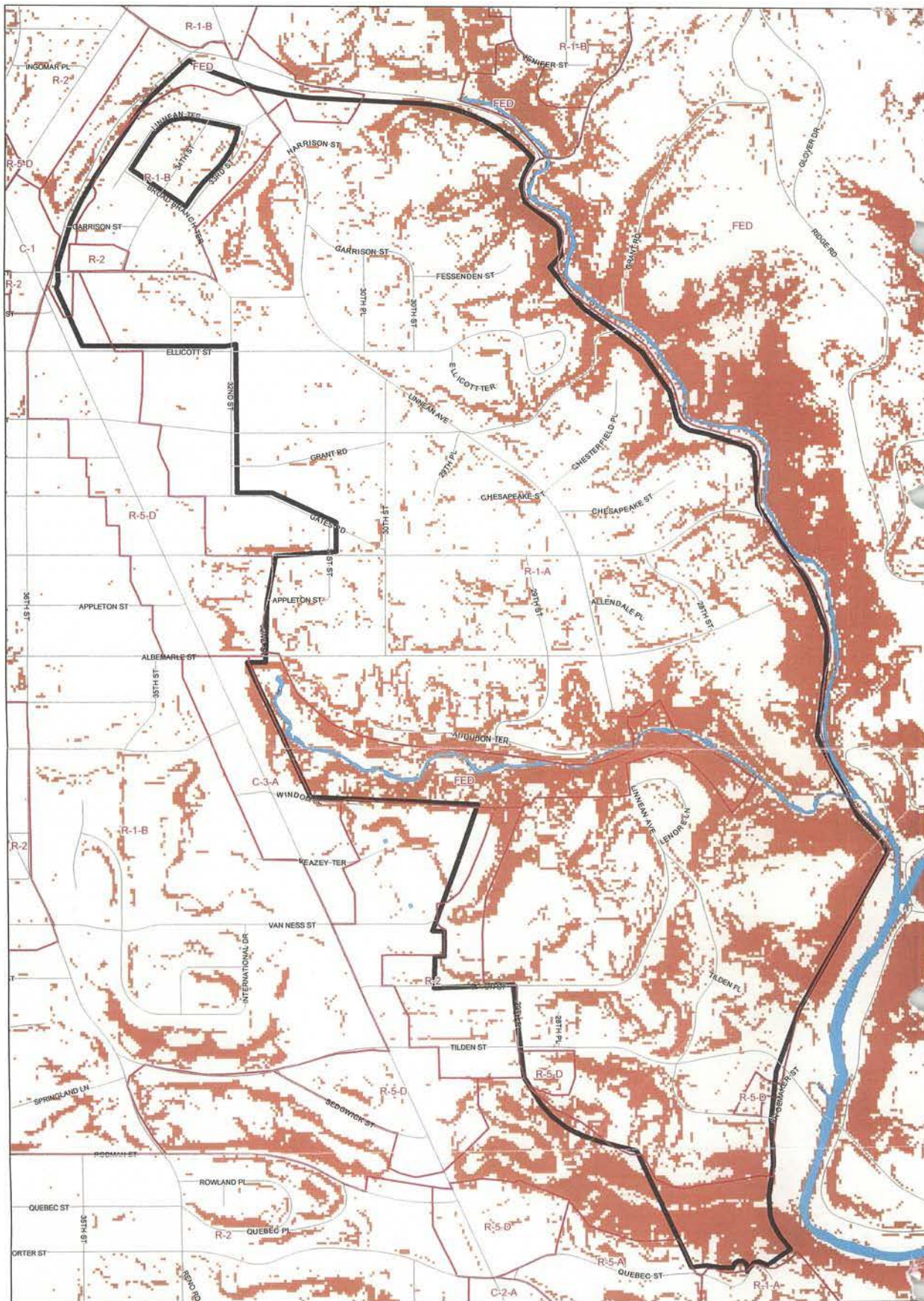
Study area

Rock Creek and tributaries

Squares

Street centerlines

#### Forest Hills TSP Properties by Size



N

Feet  
 0 300 600

- Study area
- Slope greater than 25%
- Zoning boundaries
- Rock Creek and tributaries
- Street centerlines

**Forest Hills TSP**

Steep Slopes

★ ★ ★ Government of the District of Columbia  
 Anthony A. Williams, Mayor  
 Office of Planning  
 June 13, 2002