



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C 20001

Phil Mendelson
Councilmember-At-Large

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June 27, 2002

Ms. Carol Mitten, Chairman
D.C. Zoning Commission
441 4th Street, NW Suite 200
Washington DC 20001

RE: Case 02-19 (Forest Hills)

Dear Ms. Mitten:

On April 18, 2002 I write the Zoning Commission to urge set-down of the proposed forest Hills tree/slope overlay for public hearing. Since that time I have heard no reason why the overlay should not be adopted, and so I submit this letter urging your favorable action on the application.

The proposal to map the tree/slope overlay in Forest Hills is consistent with the Ward 3 element of the Comprehensive Plan. For instance:

1406.5(a)(5) Stream valleys, which include Rock Creek Park (and its tributaries) and Glover Archbold Park: Development adjacent to these parks must be low density and shall be further restricted where advisable to protect unstable soils, eliminate runoff potential, and promote a green buffer between the built environment and these natural settings. Development of border areas must avoid any adverse effect (known or plausibly suspected) on these stream valley parks, including the water quality, flora, and fauna, and should minimize any intrusion on views from these parks;

(6) Neighborhoods developed over hilly terrain or near stream valleys (such as Barnaby Woods, Forest Hills, Hawthorne, Palisades, Spring Valley, and Woodland-Normanstone): Urban design should respect and perpetuate the natural features, low density, and usually wooded character of these built areas[.]

* * *

1406.12 Additional public actions are as follows:

* * *

(c) Map the Tree & Slope Protection overlay (11 DCMR § 151) in hilly areas throughout the ward in addition to Woodland Normanstone, particularly in areas adjacent to federal park lands[.]

* * *

1409.4 Residential neighborhood objectives, policies, and actions are as follows:

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(b) Several areas in the ward, because of their existing low density and "park-like" setting, require land use controls in addition to the requirements of R-1 zoning (the most restrictive zone district):

* * *

(2) [The] Tree & Slope overlay should be considered and adapted for other park-like, hilly areas such as the Potomac Palisades and the portions of the Forest Hills and Barnaby Woods neighborhoods adjacent to Rock Creek Park and its tributary valleys[.]

I understand there are two significant issues about which the Office of Planning disagrees with the Forest Hills ANC and the applicant. The first concerns the minimum lot size. I urge your favorable consideration of the proposed minimum lot size.

The Zoning Commission set precedent for requiring a larger-than-matter-of-right lot size in the Chain Bridge/University Terrace Tree/Slope Overlay. Moreover, the 12,000 square foot lot size proposed by the applicant is consistent with numerous policy statements in the Ward 3 element of the Comprehensive Plan. For example, the very first statement in the land use section of the Ward 3 element states:

1409.1(a) The overall protection and enhancement of established residential and commercial areas are the primary objectives of the District's land use policy for Ward 3.

The second OP issue concerns whether the overlay should be limited to the R-1-A district. When the Zoning Commission adopted the overlay district it chose not to limit its applicability to the R-1-A district. Rather, it recognized that the purpose of the overlay is to protect heavily wooded, sloped areas -- especially areas near stream valleys -- from the adverse environmental impacts of development, regardless of the zone district. That policy is as applicable today in the specific case before you as it was ten years ago in the general case that created the overlay.

The essential issue in this case is protecting the environment adjacent to Rock Creek and its tributary valleys. Mapping the overlay over the entire area as proposed by the applicant would achieve this important public policy goal. Carving out the non-R-1-A residential districts -- including ones that abut valley park land -- diminishes the goal. I urge that the Commission map the overlay over all appropriate lots, regardless of the underlying zone district.

Finally, I am very troubled by the discussion in the Office of Planning report (pp. 11-14) which suggest that the Comprehensive Plan's general housing policies offset or outweigh the specific provisions (housing and otherwise) in the Plan's Ward 3 element. This is how a development lawyer would argue, and is regrettable. The general provisions of the Ward 3 element were written to discourage such efforts:

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1400.1(b) This ward plan follows the format of the first eleven elements of the Comprehensive Plan. It supplements the Plan and, for the most part, interprets the Comprehensive Plan's more general objectives and policies. The ward plan attempts to apply the first eleven elements to the ward.

While the housing policies contained in the Comprehensive Plan are critical to this city's future, the Zoning Commission should look to the specific policies -- housing, land use, and otherwise -- contained in the Ward 3 element in considering this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Mendelson", with a long horizontal flourish extending to the right.

Phil Mendelson
Councilmember At-Large