

BEFORE THE DISTRICT OF COLUMBIA ZONING COMMISSION
CASE NO. 02-19
[TEXT AMENDMENT - FOREST HILLS TREE & SLOPE PROTECTION OVERLAY]

PREPARED STATEMENT OF DAVID J. BARDIN
ON BEHALF OF ANC 3F
27 June 2002

Chair Mitten and Commissioners:

ANC 3F has studied the environmental overlay set for hearing on April 19 in this case with the benefit of a report from the ANC's *Ad Hoc* Committee on Tree and Slope Protection Overlays. [Report dated June 3, 2002, in this record as part of Exhibits 64 and 104.]

ANC 3F has recommended that this Commission adopt each of the several amendments to the pending Overlay proposed by the *Ad Hoc* Committee. [Resolution adopted June 17, 2002, in this record as Exhibit 81.]

ANC 3F also recommended, on June 17, that this Commission carefully weigh additional amendments that might be proposed thereafter, and complete its proceedings on the Overlay as expeditiously as feasible.

Subsequently, on June 20, ANC 3F filed amendatory language to implement its recommended changes to the pending Overlay. [Exhibit 101.]

- **The Office of Planning (OP) submitted its final report on the same day.** [Exhibit 102.]
- **The Applicant, Forest Hills Citizens Association, endorsed each of ANC 3F's amendments.** [Ex 104.]
- **The OP position also lines up with ANC 3F's amendments as far as they go, and suggests others.**

The principal differences between OP and the pending Overlay as Applicant and ANC 3F would amend it now concern two issues:

- **What shall be the minimum lot size *for future subdivisions* in the R-1-A zone?**
- **Shall this Commission preclude mapping the Overlay on every lot *outside* the R-1-A zone – no matter how necessary or appropriate such mapping appears on the environmental merits?**

On June 24, ANC 3F05 Commissioner Doug Mitchell suggested additional amendment in reaction to OP's proposal to exclude R-2 properties. [Exhibit 109.]

From the standpoints of the Forest Hills neighborhood and of the District of Columbia as a whole, an environmental overlay for Forest Hills should –

- protect parks, streams and stream beds – helping the District live up to its commitments under the Chesapeake Bay Agreement;
- channel growth so as to preserve much of the park-like character of the neighborhood;
- carry out key principles of the Comprehensive Plan adopted by the Mayor and the D.C. Council and reviewed by the National Capital Planning Commission -- notably including

the Ward 3 Element – which fit well with transit-oriented development policies, correctly understood and implemented.

Overlay protection of parks, streams and stream beds, as well as a reasonable portion of the urban woods remaining on private lands, demands coverage of some lots beyond the R-1-A zoning district.

- **As recently as 1999, this Commission applied the tree and slope overlay for Chain Bridge Road / University Terrace to R-1-B properties. (In that case, this Commission also rezoned those properties R-1-A; but here the Applicant has not suggested rezoning.)**
- **The Commission cannot protect environmental resources adequately in this case if it hamstrings consideration of the Overlay to R-1-A alone.**

One R-5-D lot on Tilden Street [Lot 817 in Square 2232] illustrates the point:

It exceeds 71,000 square feet – almost two acres.

On it stands an urban woods of lovely trees.

Development consists of a few small townhouses.

Although the address is 2900 Tilden Street, entry is on 29th Street, which slopes down toward – and drains into – the Melvin Hazen tributary to Rock Creek (there being no storm sewer along 29th Street).

Melvin C. Hazen Park is across 29th Street from lot 817.

What kind of environmental policy adopted in 2002 would say: When it's time to redevelop this lot in the nation's capital, we (the neighborhood-friendly planners) want you to cut down the woods and fill 75% of the land with buildings?

Parklands

The proposed Overlay district abuts

- Rock Creek Park,
- Melvin C. Hazen Park,
- Soapstone Valley Park,
- units of the National Park Service's Fort Circle Parks,
- the NPS-owned Tilden median strip, and
- two City-owned Parks & Recreation properties.

See how Congress has blessed D.C. residents and visitors with wonderful national parklands.

An overlay should buffer and protect those treasures.

Although most abutting lands are in the R-1-A zoning district, several are not.

Streams and Stream Beds

The need to reach beyond the R-1-A zoning district is particularly acute in order to protect streams and stream beds. These streams include:

Broad Branch. The headwaters of Broad Branch, a tributary of the Potomac River, rise on federal parkland (just west of 36th Street, N.W.) downslope of forested R-1-B properties of Square 2032 included in the Overlay and continues along the edges of R-1-A Squares 2282, 2258, 2250, 2248, and 2245.

Davenport tributary of Broad Branch. An unnamed tributary of Broad Branch once flowed along Davenport Street and now flows mainly through culverts but emerges for stretches of its last 1,300 feet on or between Squares 2258, 2270 and 2272. Slopes are steep and some still wooded.

Soapstone Creek. Soapstone Creek, a tributary of Broad Branch, emerges from a culvert dozens of feet under Connecticut Avenue to flow about 3,000 feet through federal parkland and then twists by riparian lands of the Hillwood Museum and Gardens for 600 feet to its confluence with Broad Branch (in R-1-A Squares 2046, 2246 and 2245).

Tributary of Soapstone Creek. An unnamed tributary flows northward to Soapstone Creek, through Square 2049, through a deep channel of virtual wilderness past a very steep, poorly tended slope on the east and a beautifully landscaped slope on the west. This land is zoned R-2 and (we believe) R-5-D. It deserves tree and slope protection no less than land zoned R-1-A. Neither landowner (Howard University on the east or the Van Ness East condominiums on the west) has objected to the Overlay.

The Melvin C. Hazen tributary of Rock Creek flows through Square 2232.

Street flows of storm water. Streets in several squares also convey storm flows because about half the streets lack storm sewers. For example, Square 2040 looks, superficially, like a grid-pattern block, but this land slopes toward Soapstone Creek toward which storm water flashes southward. (Residents of Square 2040 asked, during Applicant's Community Meeting on April 16 at the Netherlands Embassy, to have their property added to the Overlay and this Commission did just that on April 19 – for which residents filed a letter of thanks.)

Transportation Infrastructure

The Ward 3 Element of the Comprehensive Plan, which identifies transportation as "a critical factor" in development plans review (§1404.2),

- proposes careful control of "land use and future development ... to protect the existing scale and low density character" of the ward (§ 1406.2);
- **warns that "development adjacent to parks which are designated landmarks 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" (§ 1407.3);**
- observes that "current land use character of the ward has created a value in the land and attracted an affluence in population that contributes substantially to the District's tax base" (§ 1409.1);

- sets as objectives for land use zoning to "ensure that land use does not exceed the capacity of the Ward's infrastructure (i.e., public facilities)" and to enhance "maintenance and improvement of existing natural open spaces and other qualities of the ward" (§ 1409.2); and
- concludes that "inappropriate infill locations include very large lots in single-family neighborhoods" and that several areas "because of their existing low density and 'park-like' setting, require land use controls in addition to the requirements of R-1 zoning" (§1409.4);

There are no major transportation arteries inside the proposed Overlay.

There are no public transit services.

There are no north-south street or road connections across Soapstone Valley which divides the Overlay district from the standpoint of transportation.

East-west transportation links are already strained making it important to plan residential growth wisely.

Residential growth in the Overlay district seems unlikely to be transit-oriented.

- Tilden Street in the southern sector is the only east-west through street.
- Other east-west streets dead end.
- In the northern sector, Brandywine and Davenport Streets reach Broad Branch Road, which winds precariously down the hills to Beach Drive; but all the other east-west streets dead end.
- Several of the intersections at Connecticut Avenue are not signalized.
- The principal east-west connectors are *outside* the Overlay district: Military Road, to the north, and Porter Street, to the south.
- For over a 100 years – since the original trolley line – higher density growth has concentrated very close to Connecticut Avenue, where we have Metrobus service today and two Metrorail stations (Van Ness - UDC and Cleveland Park).

Under sound environmental planning, reflected in the Comprehensive Plan, it would seem dumb to encourage "evolution" of R-1-A squares east of the Connecticut transit corridor to fill up on the basis of 7,500 s.f. spacing. ANC 3F's Resolution 02-27 recited the goals and strictures set by the Ward 3 Element of the Comprehensive Plan to go for reduced residential densities in such areas. The principles of smart growth and transit-oriented development similarly call for a balance of heightened densities within walking distance of public transit, commercial nodes and public attractions and reduced densities farther away.

Largest Lots in the Overlay District

The largest lots range downward from a high of just over a million square feet. Most are occupied, but by far fewer units than 7,500 s.f. spacing would permit. The attached table lists the 16 lots in the Overlay district that are larger than 100,000 s.f.

The median lot size of R-1-A lots falls between 10,000 s.f. and 11,000 s.f. The average (mean) lot size is considerably more – well over 12,000 s.f.

Special Exceptions Procedures

ANC 3F's recommended amendments to the Overlay would guide landowners and the Board of Zoning Adjustment (BZA) toward a variety of acceptable mitigation measures from which landowners could select if they needed a Special Exception for a project.

- **We believe we have included the ideas that community residents and professionals in the field have brought to our attention, while retaining flexibility for the landowner and the BZA to select what is right for a particular project on a particular lot or lots.**
- **We urge this Commission to adopt our recommended guidance in order to assure both landowners and the BZA that it is acceptable to consider measures as varied as tree replacements, canopy preservation and/or specimen tree preservation.**

Some have expressed concern about delays, bureaucratic entanglements and costs of applications to the BZA – especially due to time taken by agencies invited to comment. Since a Zoning Commissioner sits on the BZA panel for each case, we defer to your superior experience. It is our understanding that BZA practice sets an application for hearing and then holds each commenting agency's feet to the fire: either adhere to the time limits for filing a written report before the hearing date or testify at the hearing; otherwise you are just too late.

Conclusion

We ask this Commission to adopt the amendments submitted by ANC 3F, on the advice of our Ad Hoc Committee, to weigh carefully additional amendments proposed by the Office of Planning and by ANC 3F05 Commissioner Doug Mitchell, and any other amendments that may be forthcoming. We are aware of the following proposed amendments:

- | | |
|---------------------------|---|
| OP Final Report, page 4: | Alternatively, include the R-1-B in the Overlay with a minimum lot size of 5,000 s.f. and 8-foot side yards. |
| Commissioner Mitchell: | Include R-2 in the Overlay, retaining its minimum lot size of 3,000 s.f. for residences and add the Chain Bridge Road provision for lots smaller than 6,500 s.f., limiting building lot occupancy to 40% as in the underlying zoning. |
| OP Final Report, page 10: | Add exception to front-yard set back provision: that it will not apply if there are no existing dwellings fronting on any one street on any one side. |

We would be happy to answer your questions.

TABLE of LARGEST LOTS [> 100,000 s.f.]

Owner	SQ	Lot	Lot Size [s.f.]		
			Occupied	Vacant	US or DC govt
Foundation of Marjorie Merriweather Post	2245	1	1,000,649		
Government of Italy	2248	805	943,945		
Howard University School of Law	2049	810	854,090		
United States of America	2234	805			741,140
Government of the Republic of Peru	2282	808		451,804	
Government of the Republic of Peru	2282	810		378,489	
Republic of Indonesia	2232	818	339,658		
Czech Republic	2232	809	338,453		
Government of the Republic of Peru	2282	809	285,257		
Government of District of Columbia	2030	803			244,800
United States of America	2232	812			241,083
Levine School of Music	2049	809	193,842		
Methodist Home DC	2033	16	150,646		
Federation of Malaysia	2250	808	122,648		
Government of Kingdom of Netherlands	2049	808	115,072		
Jewish Primary Day School	2263	872	105,970		