



Forest Hills Citizens Association

Dedicated to the enhancement, maintenance, protection, and promotion of
a positive community spirit in the Forest Hills neighborhood.

July 29, 2002

Mr. Alberto P. Bastida, AICP
Secretary of the Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: Case No. 02-19 (Forest Hills Tree and Slope Overlay District)

Dear Mr. Bastida:

In response to questions from the Commission at the hearing held June 27, 2002 in the above-entitled matter, I enclose several pages of charts and text relating to the minimum-lot-size issue, as well as a document entitled "Subdivision of Lots in Forest Hills and the Loss of Shade Tree Canopy."

We trust these documents will prove of assistance to the Commission, but if additional information is desired, please advise and we shall be glad to provide it.

Respectfully submitted,

FOREST HILLS CITIZENS
ASSOCIATION

By Barbara M. Simons
Barbara M. Simons
President

BZA
Case No. 02-19
Exhibit No. 173

Enclosures

EFFECTS OF FUTURE SUBDIVISION ON R-1-A AREA OF FOREST HILLS

A quarter of the R-1-A properties in Forest Hills are large enough to subdivide under current regulations which specify a 7,500 sq. ft. minimum lot size. If maximum subdivision were to occur, the number of lots would more than double, increasing from 618 (579 occupied & 39 vacant) to 1,402 after accounting for new roads and utility rights-of-way as shown in the attached table and graph. Looking at these numbers, it is evident that the R-1-A portion of Forest Hills is less than half developed at the present time.

If a 12,000 sq. ft. minimum lot size were adopted, fewer properties could be subdivided, but development possibilities would not be totally eliminated, since there would still be 69 properties eligible for subdivision (the total number of lots after maximum subdivision would decrease by only 25% - to 1,030).

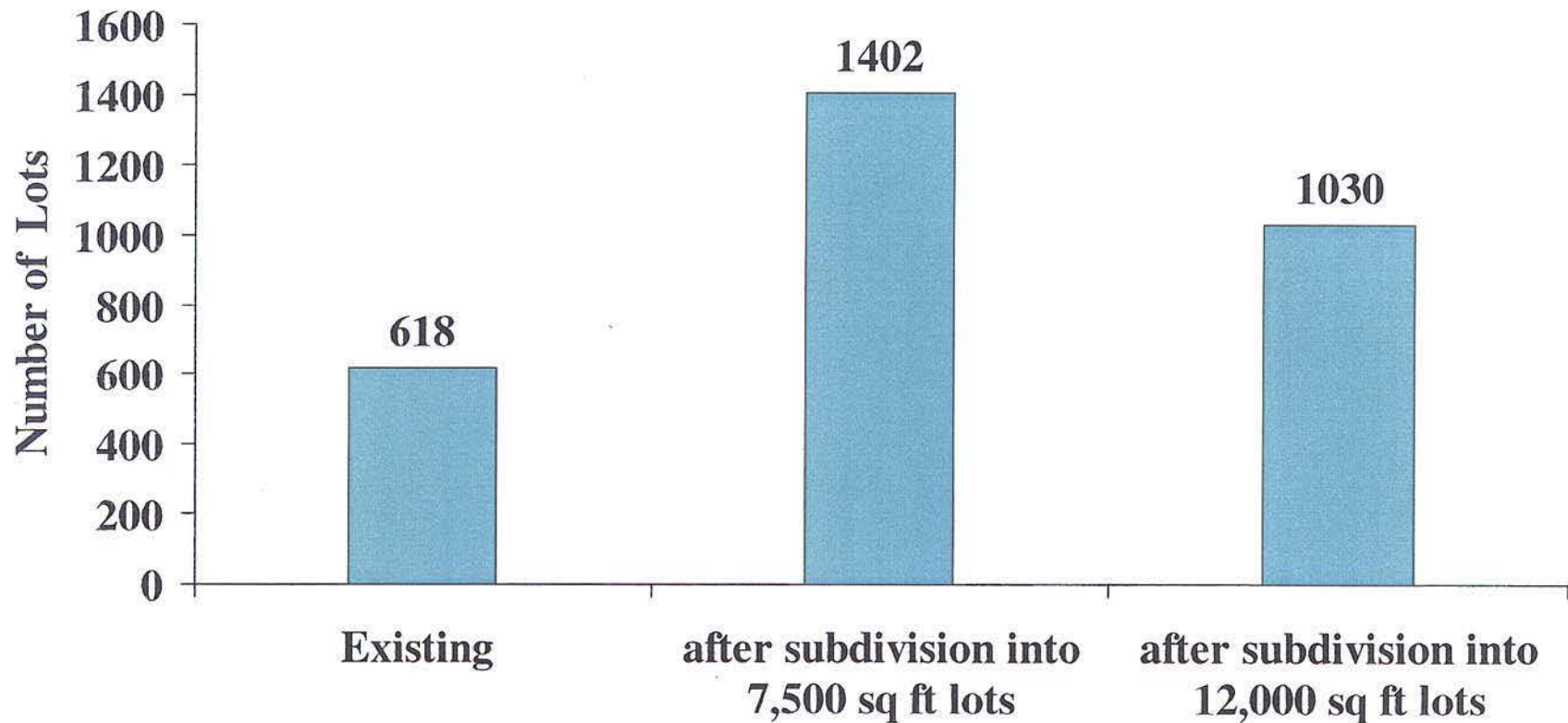
Furthermore, with larger lots, it is easier to build around and thus avoid existing large trees and sloped areas. Consequently, the larger minimum lot size is environmentally beneficial by enabling the protection of trees during development and thereby contributing to the health of the community.

LOTS YIELDED BY SUBDIVISION OF R-1-A PROPERTIES¹

Minimum Lot Size	No. of Lots				
	Not Subdividable	Subdividable	Yielded by Simple Subdivision ²	Yielded after accounting for roads & utilities ³	Total Lots after Subdivision ⁴
7,500 sq. ft.	460	158	1,149	942	1,402
12,000 sq. ft.	549	69	587	481	1,030

1. Includes 617 occupied and vacant R-1-A properties greater than 3,000 sq. ft. plus 1 large residence zoned R-5-D.
2. Simple subdivision = lot square feet divided by minimum lot size rounded to the lowest whole number.
3. No. of lots after roads & utilities = total after simple subdivision X 0.82.
4. Total after subdivision = no. of lots not subdividable + no. of lots yielded by subdivision after accounting for roads & utilities.

Total Existing R-1-A Lots and Total Lots After Maximum Subdivision



Lot Size Statistics for Forest Hills Overlay			
Category	Description	No. of properties	Average (sq ft)
All properties	All developed & vacant in all zones; no vacant lots <3,000 sq ft No government owned	692	20,223
All developed	All developed lots in all zones	652	19,542
All R-1-A lots	All developed R-1-A lots. All vacant lots >3,000 sq ft No government owned.	617	21,720
R-1-A developed	Developed lots zoned R-1-A	578	21,023
R-1-A Residences	Includes Polish R-5-D residence. Excludes institutions: Hilwood, Howard, Levine School of Music, Adventist Church, Methodist Home, and Netherlands Chancery. Also excludes R-5-D Hungarian Chancery and all R-1-B & R-2 developed properties.	573	17,275
R-1-A Residences <125,000 sq. ft.	Includes Polish R-5-D residence. Excludes institutions above plus Indonesian, Czech, Peruvian and Italian Residences. Natural break in data – next property is more than twice as large at ~285,000 sq ft. Also largest private homeowner has ~115,000 sq ft	569	14,044
R-1-A Residences <35,000 sq. ft.	All R-1-A Residences with lots smaller than 35,000 sq ft.	549	12,218
Vacant Lots	Vacant lots > 3,000 sq ft. No government owned. Includes 1 R-1-B lot.	40	24,261

**SUBDIVISION OF LOTS IN FOREST HILLS
AND LOSS OF SHADE TREE CANOPY**

Map and Photographic Frontispieces

Map of subdivisions discussed [marked on Exhibit 129, showing trees & slopes]	i
Map showing Squares and lot sizes [submitted by OP]	ii
Construction in progress, July 28, 2002, on steep slopes in Square 2258	iii

Text

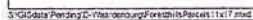
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OP 1989 photos of sites in Square 2250, a year after redevelopment	A1
• OP cover, lot subdivision map, locator map	
• Interior lots, where large trees did not survive	
• Other lots, where large trees were preserved	
Square 2250: Color aerial photo showing houses, trees, lot lines	A7
Square 2246: Color aerial photo showing houses, trees, lot lines	A8

LOCATOR MAP OF SUBDIVISIONS DISCUSSED
(marked on reduced reproduction of Exhibit 129, showing trees and slopes)





**DEVELOPMENT IN PROGRESS, JULY 28, 2002,
ON STEEP SLOPES IN SQUARE 2258 (SOUTH SIDE OF DAVENPORT STREET)**



SUBDIVISION OF LOTS IN FOREST HILLS AND LOSS OF SHADE TREE CANOPY

A. The Issue

Evidence presented by the Casey Trees Foundation shows how much tree canopy Washington, DC, has lost from 1973 - 1997, ward by ward. [Exhibit 132]

- In Ward 3, privately owned land with better than 50% tree canopy has declined by 62 percent – from 2,714 acres to 1,027 acres (out of a total of 3,712 privately owned acres).
- Part of that canopy loss has happened in Forest Hills.
- Sub-divisions played a significant role in past canopy destruction – and threaten to do more in the future, especially in the Overlay district. (Over the same years, publicly owned land in Ward 3 with better than 50% tree canopy declined by less than 39 percent – from 1,919 to 1,175 acres, out of a total of 2,717 publicly owned acres.)
- DC's great challenge will be to sustain privately owned tree canopy – learning from the past to plan for the future.

B. Background of Early Subdivisions

Forest Hills Citizens Association (“FHCA”) serves both sides of Connecticut Avenue, between Rock Creek Park, Tilden Street, Reno Road, Nebraska Avenue, and Broad Branch Road. FHCA was founded in 1929, as farmland began to develop near the trolley line to Chevy Chase.

-- West of Connecticut Avenue developed on a grid pattern, with continuous east-west streets.

-- East of Connecticut Avenue developed on a different pattern, with curving streets, more spacious lots, on (or avoiding) steeper slopes, and preserving more forested areas.

Development of Forest Hills began in the late 19th Century when the Chevy Chase Land Company acquired hundreds of acres of farmland on either side of the Connecticut Avenue trolley line. The Pierce Shoemaker holdings also accounted for hundreds of acres.

"Subdivided" lots overlooking the valley of Rock Creek (east of Connecticut Avenue) were quite large.

Early subdivision of very large lots left plenty of trees, unlike more recent subdivisions which have often had a different cast.

Square 2263

“Subdivisions” a century ago produced “suburban” properties on the scale of the Owl’s Nest, built in 1897 on one of the three or four highest points in Forest Hills. (Lot 872 today, at 3031 Gates Road.) That property, carved out of the Pierce Shoemaker holdings, is some 105,970 square feet (more than two acres). The relatively modest building (a registered landmark) occupies less than a tenth of the lot and its driveway also leaves the great bulk of the lot undisturbed. Not surprisingly, this lot is home to a stand of grand trees, on high ground and along a steep slope north of the house down to Grant Road (formerly Military Road), with some white oaks pre-dating the Civil War.

Square 2245

Hillwood, the estate now owned by The Marjorie Merriweather Post Foundation of D.C., consists of over one million square feet at 4155 Linnean Avenue (Lot 1). A mansion by any reckoning, the original building rose in 1925 on a forested lot carved out of the Pierce Shoemaker holdings. Recent development, involving the current occupant (the Hillwood Museum and Gardens), has taken place without further subdivision.

C. More Recent Subdivisions

Square 2258

Supreme Court Justice Willis Van Devanter's home at 2801 Chesterfield Place was built in 1929, on a 54,243 s.f. lot overlooking Rock Creek Park, Broad Branch Road, and Davenport Street (originally Lot 64). Subsequent subdivisions reduced that lot to 26,731 s.f. (now Lot 101) and yielded new lots, leading to lot-by-lot development (sometimes controversial), often with significant tree loss (despite limited federal review of some lots by the Commission of Fine Arts, which had thwarted a 1989 attempt to develop five additional lots^{1/}). Development of some of that subdivided land, on steep, forested slopes, is in progress today and quite visible from Davenport Street and other vantage points. (See page iii, above, the Photographic Frontispiece.)

A nearby rectilinear lot, with only 130 feet of street frontage but 200 feet deep, was subdivided into two (Lots 87 and 88, 2806 and 2808 Chesterfield Place, respectively):

- One "L"-shaped lot, with only 51½ feet of street frontage and a long, impervious driveway to the rear part of the lot where the building was constructed, and
- a second lot measuring about 75^{2/} by 120 feet (9,000 s.f.).

Square 2272

Until 1931, the Children's Country Home owned almost 7 acres (303,178 s.f.) at Grant Road (now Davenport Street) overlooking Broad Branch Road.^{3/} That property, subdivided into 22 lots in 1958, had been described by the Washington STAR in 1938 as *"tranquil surroundings, with century-old oaks casting their long shadows across the wide lawns."* The new lots ranged in size

^{1/} CFA has asserted jurisdiction under the Shipstead-Luce Act (40 U.S.C 121), with apparent inconsistencies at times. (There is no map definition of CFA jurisdiction.)

^{2/} 78½ feet in front, 71½ feet in back, for an average of 75 feet.

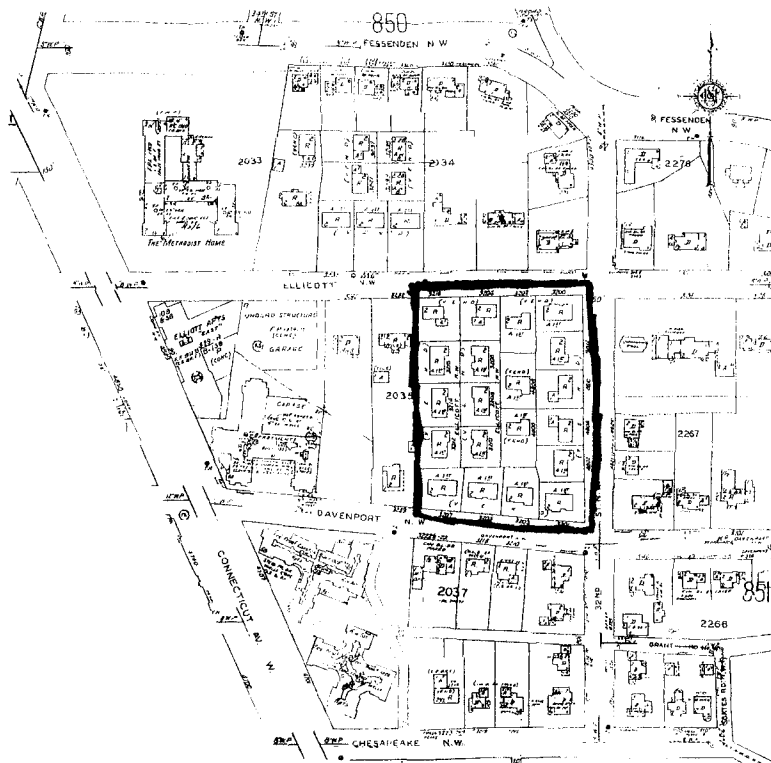
^{3/} Charles C. Glover, President of Riggs Bank and "father of Rock Creek Park," donated the land in 1888 to the Children's Country Home (later Children's Convalescent Hospital and now the Hospital for Sick Children; it served many children each summer at this site, before moving to a year-round home: Bunker Hill Road at 18th Street, NE). From 1931 to 1958, the property, which had one large house and acres of open space, belonged to Mr. and Mrs. Ernest H. Daniel, prominent Washingtonians.

from 6,743 to 14,382 s.f., mostly around a circular extension of Ellicott Street. Neither wide lawns nor century-old oaks of 1938 survived.

Lot	S.F.	Address	Lot	S.F.	Address
31	7,546	2809 Ellicott Street	19	11,298	2820 Ellicott Street
879	7,415	2807 Ellicott Street	22	14,382	2824 Ellicott Street
11	7,891	2811 Ellicott Street	23	10,513	2828 Ellicott Street
12	12,537	2815 Ellicott Street	24	8,250	2832 Ellicott Street
13	13,977	2819 Ellicott Street	25	6,743	2836 Ellicott Street
26	8,419	2804 Ellicott Street	27	7,845	2800 Ellicott Street
874	7,608	2823 Ellicott Street	29	7,900	2805 Ellicott Street
15	9,364	2827 Ellicott Street	28	8,339	2801 Ellicott Street
16	10,130	2831 Ellicott Street	20	11,429	2851 Davenport Street
17	8,901	2810 Ellicott Street	21	12,036	2855 Davenport Street
18	9,047	2816 Ellicott Street	32	9,905	2801 Davenport Street

Square 2035

The Republic of Nicaragua owned 151,343 s.f. (over three acres) at 3200 Ellicott Street (formerly Lot 5, later Lot 800). A subdivider carved out 20 lots (Lots 812-831). Each purchaser acquired (on average) 7,526 s.f. (the lots ranged from 7,500 to 9,353 s.f. including hundreds of square feet of private driveway). Of the 20 lots, 12 had street frontages and the remaining eight "theoretical" lots had frontages only on private driveways. The impact of this subdivision on trees and neighborhood character is reported by former ANC 3F04 Commissioner Sally Gresham: *"Virtually all of the mature trees on the property were cut down. The setbacks from Davenport, Ellicott and 32nd Streets are substantially less than other houses on the street. There are no sidewalks. In short, it is completely out of character with the rest of the immediate neighborhood. As you can see from the enclosed maps, the houses are stacked 4 deep from each of the streets, creating a patchwork quilt of lots and houses."* [Exhibit 106] A referenced Sanborn map, reproduced below, shows how the new lots and driveways were fit in:



Square 2255

A 42,394-square-foot property on Albemarle Street (formerly Lot 816, about 155 by 273 feet) was subdivided into five lots ranging in size from 7,501 s.f. to 11,381 s.f. in order to build five houses in 1988. Lot 816 itself had been subdivided earlier into three lots carved out of a 106,000-square-foot lot (Lot 11):

Lot 815	21,198 s.f.	2939 Albemarle Street
Lot 816	42,394 s.f.	2951 Albemarle Street
Lot 817	42,394 s.f.	2955 Albemarle Street

Lots 815 and 817 remain forested, as shown on the tree and slope map in this record. [Exhibit 129] That map shows seven privately owned trees on all five new lots subdivided out of former Lot 816. However, only one of those new houses fronts on a public street (four fronting on a private driveway – technically, a "covenanted route of ingress and egress").

Lot 845	11,381 s.f.	2943 Albemarle Street [true street frontage]
Lot 846	7,502 s.f.	2945 "Albemarle Street"
Lot 847	7,502 s.f.	2947 "Albemarle Street"
Lot 848	7,501 s.f.	2949 "Albemarle Street"
Lot 849	8,509 s.f.	2951 "Albemarle Street"

Mel Elfin, who lives around the corner, writes: *"For instances of egregious destruction of trees and overbuilding in our neighborhood, you might refer the Zoning Commission to the relatively narrow lot on the middle of the block between 29th and 30th Streets on Albemarle Street which runs from the street to the alley. When we moved here in 1984, that lot contained one house and countless old trees. But then, ... it became subject to a zoning -- or lack of zoning -- gimmick known as 'virtual' lots. Now, where there was once one house, there are now five, four of which have no street frontage. Moreover, instead of the woods-like cluster of trees that surrounded the original house, there are now only a handful of new growth trees. Clearly, that lot is a monument to why we need the proposed overlay to protect Forest Hills from such zoning disasters."* Moreover, a neighbor tells Mr. Elfin that *"when they pushed the driveway through from Albemarle"* so that the houses without frontage could have street access, *"the developers so severely damaged the roots of the trees on her property that she sadly lost a number of them. And when she complained, the builders told her, in effect, 'tough luck, lady.'"* Average size of all five lots is 8,479 s.f. (including the private driveway land); and average size of the four "theoretical" lots is 7,753 s.f.

Square 2250

Square 2250 offers two illustrations: A 60,000 s.f. property in the heart of Square 2250 (between 28th Street, Brandywine, Broad Branch Road, and Albemarle) was subdivided into seven lots, one fronting on 28th Street and six "theoretical" lots with no true street frontage (averaging 7,001 s.f.), as shown below:

Lot 815	18,796 s.f.	4525 28th Street
Lot 817	7,098 s.f.	4538 "Broad Branch Road"
Lot 819	7,030 s.f.	4540 "Broad Branch Road"
Lot 820	7,299 s.f.	4534 "Broad Branch Road"
Lot 821	5,931 s.f.	4530 "Broad Branch Road"
Lot 822	7,504 s.f.	4532 "Broad Branch Road"
Lot 823	7,142 s.f.	4536 "Broad Branch Road"

In addition, a dozen lots *larger than 10,000 s.f.* were also subdivided, at other times elsewhere in the Square. Comparisons of the small "Broad Branch Road" interior theoretical lots with the larger lots are illuminating: The little, "infill" lots lack tree canopy. Moreover, the largest numbers of canopy trees preserved correlate with lot size. See Office of Planning photos from 1989 (pages A3-A6, below) and a more recent aerial photograph of the entire Square (page A7, below).

Squares 2043 and 1974

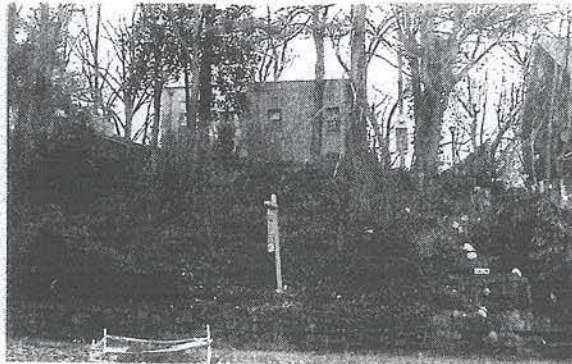
Earlier this year, 2900 Albemarle Street (Lot 9), originally 20,801 s.f., was subdivided into two lots of 10,942 and 9,558 s.f. Even before receiving building permits, the subdivider/developer removed a number of large canopy trees.

In 1998 the same developer, after creating an "L"-shaped lot, removed an urban woods at 3609 Albemarle Street, tore down a house and a pre-Civil War stable (believed to have hidden fugitive slaves in its stone cellar), and bull-dozed a steep, 17-foot-wide driveway from Albemarle Street in order to build two new houses near the crest of Soapstone Hill. (Previously, cars had reached the property from an old country road in back and steep stairs led up to the house from Albemarle Street.^{4/} (See "before" photographs, below.)

Trees and pre-Civil War stable, seen from west



Trees, steep slope from south (stable to left, stairs to right)



Writes Martha Hamilton, who lives in the original farm house next door (to the west) and who tried to save the site: *"They leveled the property, grading it to the lower, east side. In doing so, they scraped off every living thing except a tree on my fence line and a few stalks of bamboo against the east fence."* Tree casualties included a large pine in front, a large magnolia to the west of it, and a large cherry in back. Earlier, another developer had subdivided property to the

^{4/} This property, west of Connecticut (in the R-1-B zone, Square 1974), was once part of 12 acres owned by Colonel George A. Armes, who served under General Ulysses S. Grant at Fort Reno and subsequently was involved in the Chevy Chase Land Company. The cellar, about 15 feet deep with large blocks of granite and quartz, and reached only by rough wooden ladders, was part of the Underground Railroad according to a former owner, sculptor Pietro Lazzari.

west of Ms. Hamilton's home, tore down a house, built two large new houses, and caused damage and ultimate death to an oak tree canopy.

Square 2246

Square 2246 illustrates two kinds of tree impacts following upon subdivision:

- The "inner loop" of Lenore Lane (and Linnean Avenue) has seven lots of 7,704 to 9,107 s.f. each, with a 15-foot front yard building restriction line. Development of these lots (subdivided first) has left little tree canopy.
- The "outer loop," mostly subdivided many years later, has 11 larger lots ranging from 11,770 to 21,185 s.f., and a 25-foot building restriction line. Trees were preserved on several of these lots, especially the larger lots, with some lot owners going to great lengths to protect their trees. However, the smallest of these lots, nestled by the Soapstone Valley Park, seems a classic example of enjoying publicly owned trees in the national park next door while building on a large footprint and using area reserved by the 25-foot building restriction line for a large driveway.

The **attached aerial photograph** (page A8, below) illustrates these points.

INNER LOOP

Lot	S.F.	Address
10	8,707	4209 Linnean Avenue
11	9,038	4218 Lenore Lane
12	8,100	4216 Lenore Lane [vacant]
13	9,107	4214 Lenore Lane
14	8,788	4201 Linnean Avenue
15	7,705	4205 Linnean Avenue
16	7,704	4207 Linnean Avenue

OUTER LOOP

Lot	S.F.	Address
18	11,770	4237 Lenore Lane
19	12,725	4231 Lenore Lane
20	12,798	4229 Lenore Lane
21	15,126	4225 Lenore Lane
22	16,755	4221 Lenore Lane
23	16,890	4217 Lenore Lane
24	21,165	4213 Lenore Lane
25	16,875	4207 Lenore Lane
26	16,076	4205 Lenore Lane [vacant]
27	18,280	4201 Lenore Lane
28	18,774	4243 Lenore Lane

Square 2239

A 175,000 s.f. property on Linnean Avenue (former Lot 18) was subdivided into eight lots, ranging in size from 7,500 to 12,125 s.f., with three houses fronting on the public street and five on a private driveway.

Lot 804	9,790 s.f.	4024 Linnean Avenue
Lot 806	7,765 s.f.	4022 Linnean Avenue
Lot 808	12,125 s.f.	4018 "Linnean Avenue"
Lot 810	7,500 s.f.	4016 "Linnean Avenue"
Lot 812	10,745 s.f.	4012 "Linnean Avenue"
Lot 814	8,312 s.f.	4014 "Linnean Avenue"
Lot 815	11,218 s.f.	4010 "Linnean Avenue"
Lot 26	8,656 s.f.	4020 Linnean Avenue

These infill lots leave little permeable surface or room for trees to flourish after construction of the houses, private driveway, and parking spaces.

D. Potential Subdivisions

Two kinds of subdivisions continue to confront Forest Hills – with adverse impacts on tree canopy in both cases – subdivisions with street frontage (like Square 2043) and subdivisions without street frontage (like the interior lots in Square 2250) . Several large lots are on the market, including property in Square 2238 which could potentially illustrate both cases.

Square 2238

Again this year, a 106,000 s.f. property with steep slopes and trees at 2800 Upton Street went on the market. The configuration of this property (Lots 808 and 15) invites hypothetical lot subdivision and development. (Irregular borders measure roughly 500 feet from Upton to Tilden Street and 300 feet at the widest point, but street frontage is only about 176 feet on Upton Street.)

E. Conclusion

For subdivision of both small lots and large lots, a larger minimum lot size for future subdivisions will result, predictably, in more shade trees preserved and more room in which canopy trees may flourish.

ZONING COMMISSION CASE NO. 89-12

THEORETICAL BUILDING SITES

EXAMPLES

JUN 15 1989

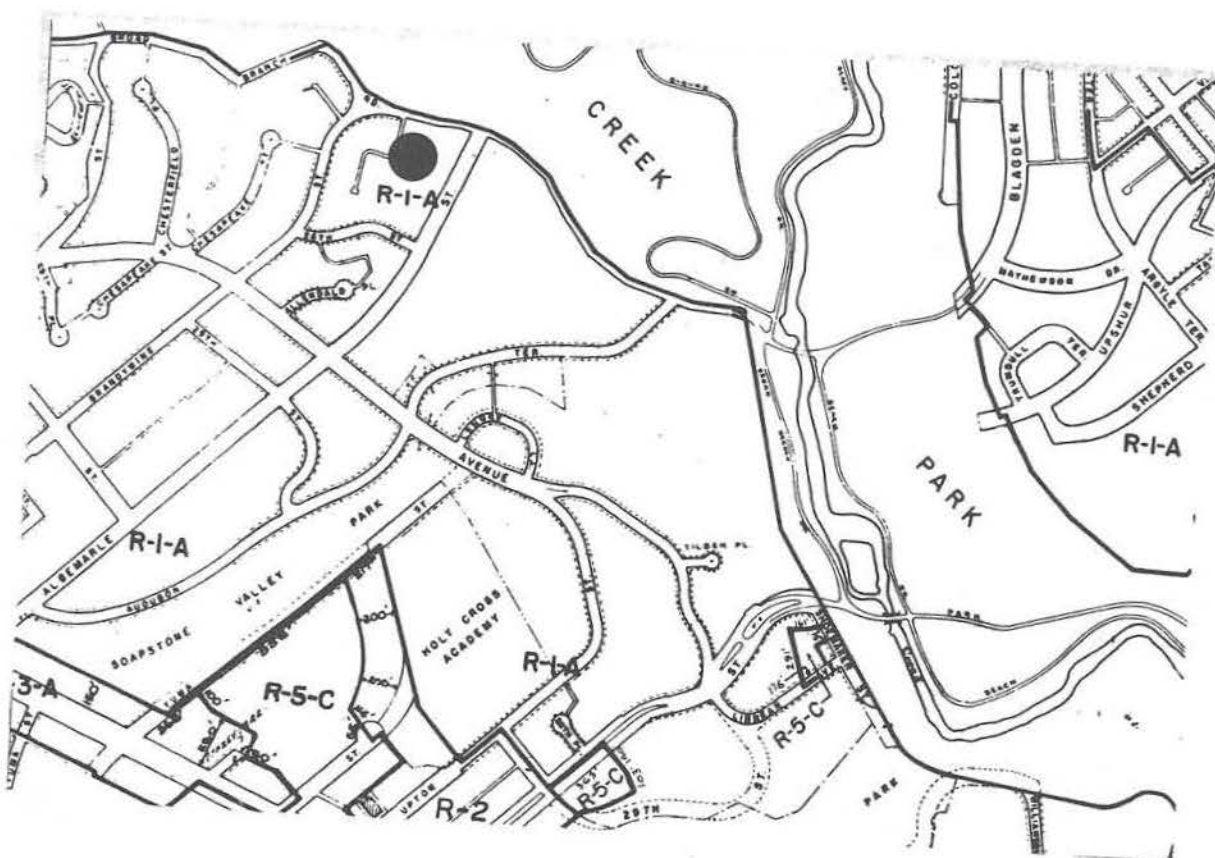
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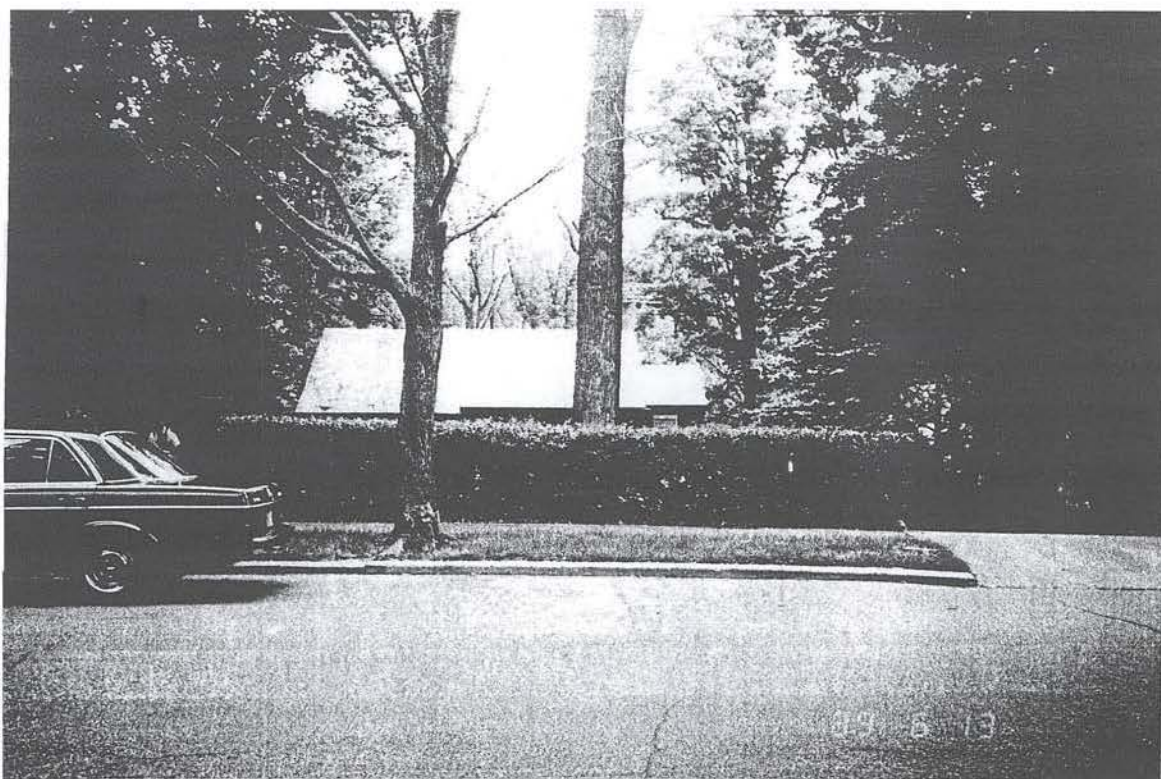
CASE No. 89-12

EXHIBIT No. 160

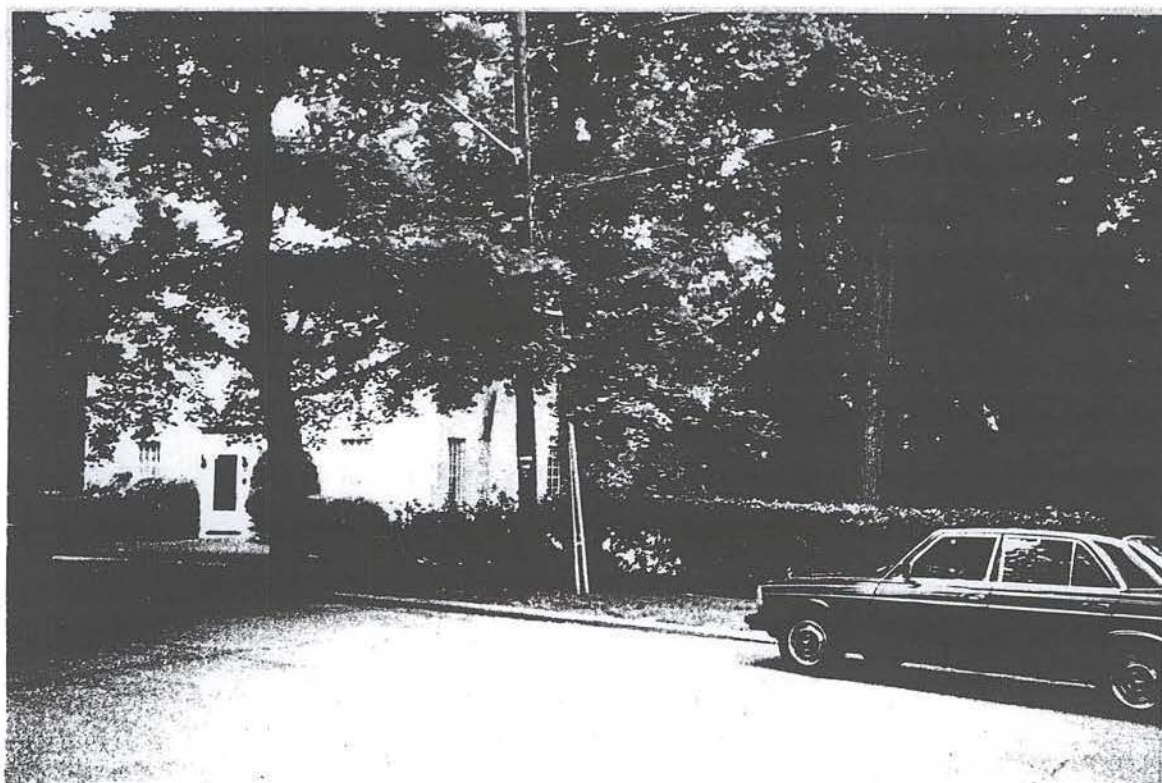
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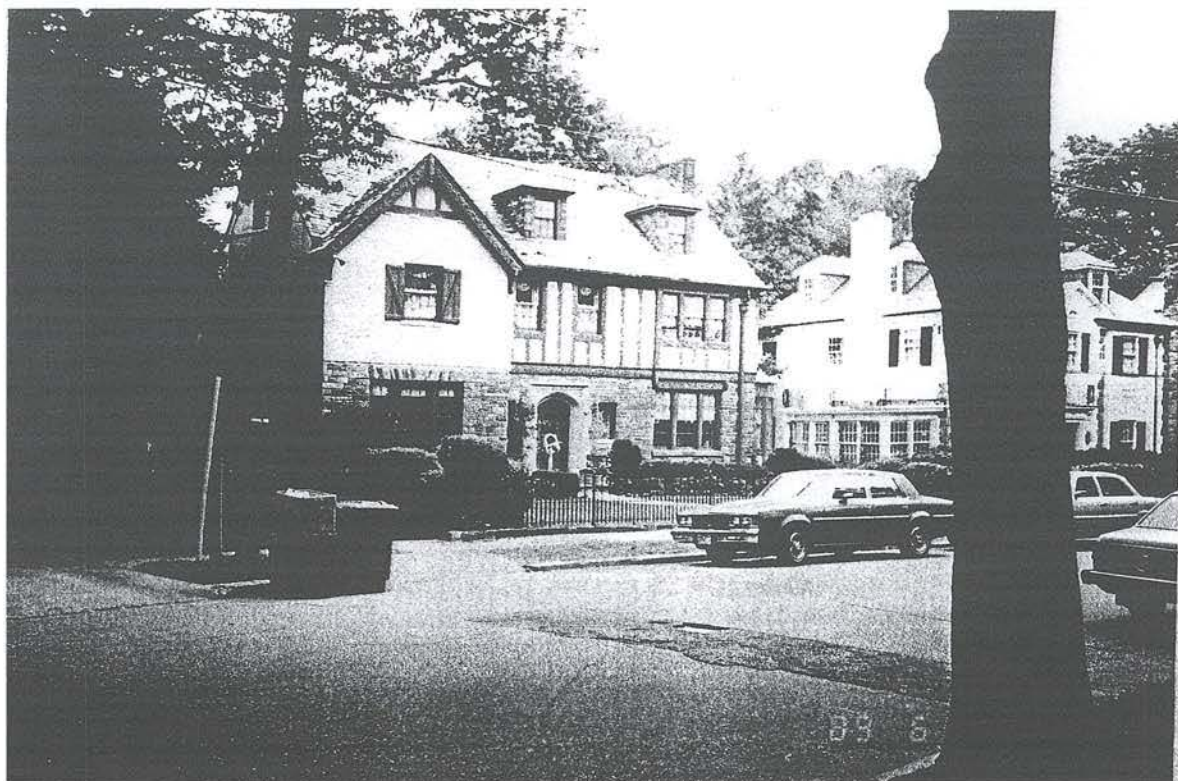




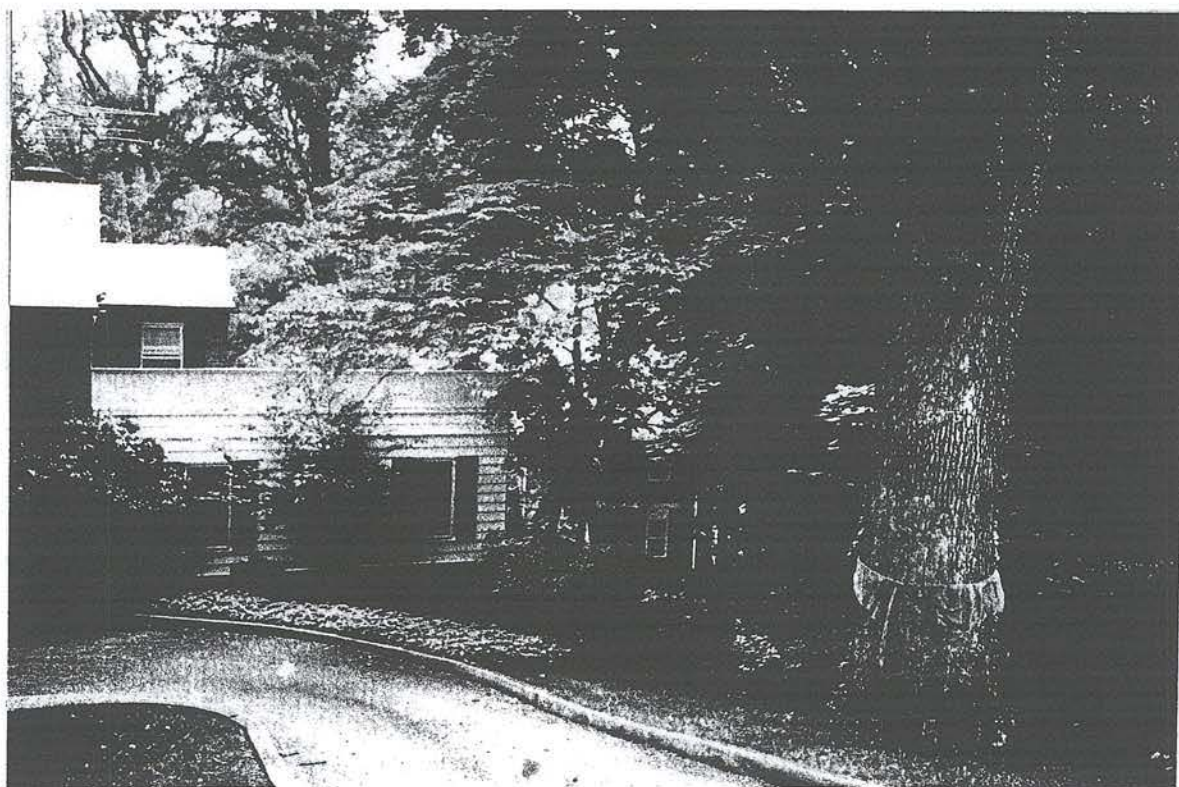
4525 28th,



Adjacent to North



Vicinity of 4525 28th.



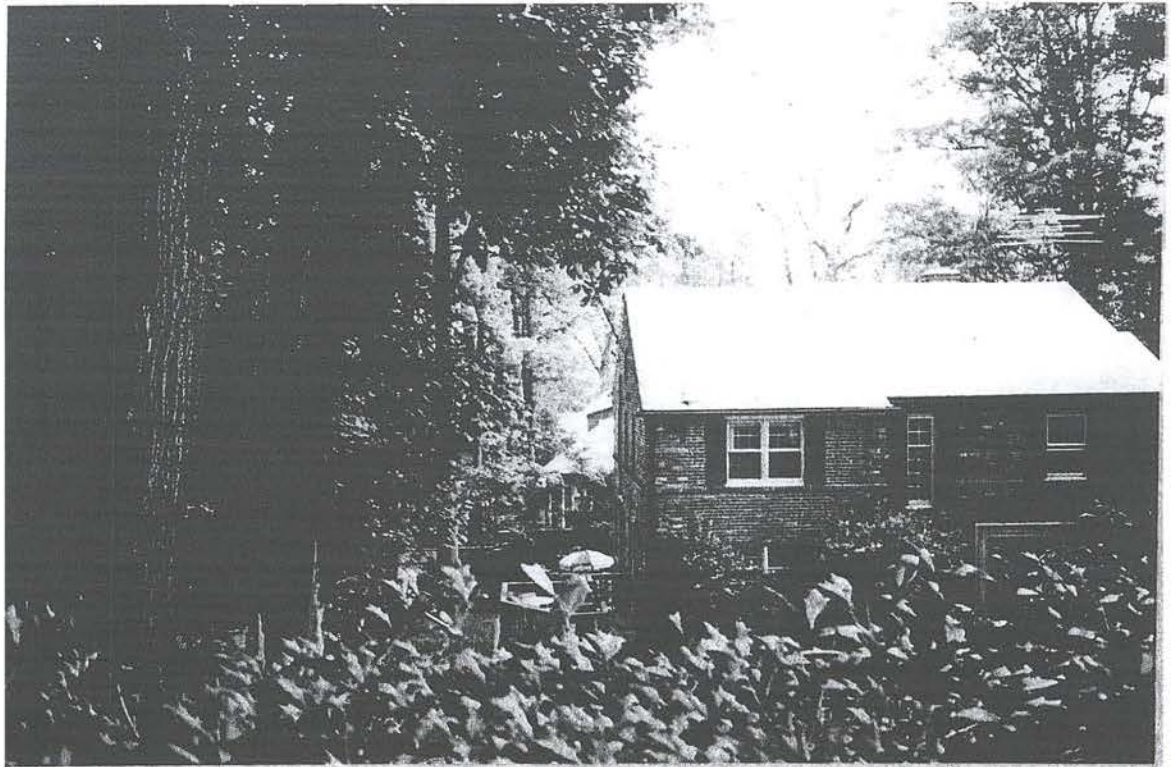
4525 28th.



4525 -Interior



4525-Interior



4525 28th. St.



From Broadbranch Road



