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D.C. Zoning Commission
441 – 4th Street, N.W., Suite 210
Washington, D.C. 20001

ZONING COMMISSION
District of Columbia
Case 02-19
Exhibit 194

02-19
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Re: Zoning Case No. 02-19, Forest Hills Tree and Slope Protection Overlay
Proposed Minimum Lot Size

Dear Chairman Mitten and Members of the Zoning Commission:

As a commissioner and the chair of ANC 3F, as well as a member and former co-chair of the Ad Hoc Tree and Slope Protection Committee, I have been involved for the past year in the process of considering a tree and slope protection overlay for Forest Hills. I would like to share with you some research I have conducted after listening to the June 27, 2002, hearing before this Commission. This research shows that not only is the proposed 12,000 square-foot minimum lot size quite reasonable for a city, it also is consistent with zoning for environmental protection.

At the June 27 hearing, David Murphy of the National Park Service testified that the larger minimum lot size would contribute to greater tree canopy and health of trees because more space would be available for large trees to grow. I also found persuasive architect Steve Gresham's presentation showing that Washington's suburban jurisdictions have zoning districts with minimum lot sizes far greater than the 7,500 square feet of the R-1A Zone and even greater than the proposed 12,000 square feet for this overlay. Indeed, in Zoning Order No. 863 (June 14, 1999), this Commission did approve an increase in minimum lot size to 9,500 square feet for R-1B and R-1A properties in the Chain Bridge Road/ University Terrace Tree and Slope Protection Overlay. Nevertheless, the Office of Planning recommended no change in the minimum lot size for Forest Hills. This led me to wonder how Washington's zone districts compare to those of other cities and whether there is some standard for minimum lot sizes in urban areas.

To answer this question, I looked first at the zoning codes of Baltimore and Richmond because they are the closest cities to Washington and have developed in much the same way. Like Washington, Baltimore and Richmond are large mid-Atlantic urban centers encircled by suburbs. All three cities were founded in colonial times as ports on tributaries of the Chesapeake and have developed with a dense central core around the water source and with outlying neighborhoods of very large lots like Forest Hills. The outer neighborhoods of Baltimore, like Forest Hills, were once part of the central city's surrounding county.

Even though Baltimore and Richmond are “cities”, they both have districts for single-family detached housing with minimum lot sizes two and almost three times as large as Washington’s R-1A Zone and far greater than 12,000 square feet. Richmond requires minimum lot sizes of 15,000 and 20,000 square feet for its least dense zone districts. Baltimore has low-density districts with a minimum of 14,520 square feet (one-third acre) in some areas and a generous 21,780 square feet (one-half acre) in others. One such neighborhood with half-acre lots, Ten Hills in southwest Baltimore, is described on its website as comprised of “large single family dwellings on large, usually shaded lots situated on winding streets.” Residences in another neighborhood, Roland Park in north Baltimore, are “settled within a rolling landscape of Maryland piedmont forest.”

I then looked at New York City, as the benchmark for a very dense urban area. I expected to find that this city of over 8 million people would have districts with very small minimum lot sizes. Instead, I was surprised to learn that New York’s minimum lot sizes for single-family detached housing exceed Washington’s! In fact, in New York’s “R1-1” Zone, lots must be at least 9,500 square feet.

Moreover, New York has a “Natural Area” zoning overlay, which has a minimum lot size of 12,500 square feet. Four Natural Areas have been mapped in the Bronx, Queens, and Staten Island. The 12,000 square-foot minimum lot size proposed for the Forest Hills overlay is very much in line with this overlay that New York has already established for environmental protection. I should note that although Baltimore and Richmond have not chosen to increase their already large minimum lot sizes for environmental protection, both cities have overlays severely restricting development near tributaries of the Chesapeake, in accordance with state laws to implement the Chesapeake Bay Agreement. (The District of Columbia also has signed this Agreement.) Where development is allowed, it must preserve indigenous vegetation, minimize impervious surface coverage, and limit land disturbance. Both cities require additional levels of review for subdivision and development in these areas.

My findings can be summarized as follows:

JURISDICTION		MINIMUM LOT SIZE IN SQUARE FEET				
Baltimore ¹	5,000	7,300	---	---	14,520	21,780
Richmond ²	6,000	7,500	10,000	---	15,000	20,000
New York ³	5,700	---	9,500	12,500 (Nat. Area)	---	---
Washington ⁴	5,000	7,500	9,500 (CB/UT TSPO)	12,000 (Proposed FH TSPO)	---	---

¹ Baltimore City Zoning Code §§ 4-206; 4-306; 4-406; 4-606.

² Code of the City of Richmond, Virginia §§ 32-402.4; 32-404.4; 32-406.4; 32-408.4; 32-410.4.

³ Zoning Resolution, The City of New York §§ 23-32; 105-50.

⁴ 11 DCMR §§ 401.3; 1568.4.

This table shows that if there is a standard for lot sizes in urban areas, Washington's minimum lot sizes are well below the norm. It is interesting to compare this table with the color-coded map of lot sizes in Forest Hills prepared by the Office of Planning and the chart of lot size statistics submitted by the Forest Hills Citizens' Association on July 29, 2002. These documents show that historically, development patterns in Forest Hills have been similar to the neighborhoods with larger lots in Baltimore and Richmond. For instance, the average of all developed R-1A residential properties in Forest Hills, not including the large institutions and foreign residences, is 14,044 square feet, almost one-third of an acre and very similar to Baltimore's zone district requiring lots of 14,520 square feet. The average lot size of all R-1A lots, including these institutions, foreign residences, and vacant lots, is 21,720 square feet, a few feet shy of half an acre and almost identical to Baltimore's least dense zone district. In fact, vacant lots, which do not include the very large institutional and embassy holdings, average even more, 24,261 square feet. As a result, Forest Hills is graced with trees, while other areas of Washington have lost theirs. I would submit that the proposed increase in minimum lot size to 12,000 square feet for new subdivisions in Forest Hills is a shade too low in view of this evidence.

Thank you for this opportunity to share my thoughts with you.

Sincerely,


Cathy Wiss

Cc: Forest Hills Citizens' Association
ANC 3F Commissioners
Andrew Altman, Director, Office of Planning
Kathy Patterson, D.C. Councilmember for Ward 3
Phil Mendelson, D.C. Councilmember-at-Large