



401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20576
tel 202 482-7200
fax 202 482-7272
www.ncpc.gov

IN REPLY REFER TO:
NCPC File No. Z.C. 02-19

FEB 11 2003

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
203 FEB 19 PM 12:00

Members of the Commission:

The National Capital Planning Commission at its meeting on February 6, 2003, approved the enclosed action on the text amendment to add the Forest Hills Tree and Slope Overlay District to the Zoning Regulations of the District of Columbia. Also enclosed, for your information, is a copy of the Staff Recommendation for the project.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

Enclosures

FORWARDED TO
District of Columbia
Case 02-19
Exhibit 323

STAFF RECOMMENDATION

NCPC File No. ZC 02-19



Text Amendment to the District of Columbia Zoning Regulations DCMR § 11 Forest Hills Tree and Slope Overlay District

Submission by the Zoning Commission of the District of Columbia

January 30, 2003

Abstract

The Zoning Commission has taken a proposed action to amend the District of Columbia Zoning Regulations by adding the Forest Hills Tree and Slope Overlay District to the District of Columbia Zoning Regulations. This text amendment will establish an overlay district in Chapter 15 of the regulations that will apply to the Forest Hills neighborhood in Northwest Washington, D.C., which is generally bounded by Connecticut and 32nd Street on the west, Rock Creek Park on the east, Fort Circle Park and Nevada Avenue on the South, and Melvin C. Hazen Park on the north.

Federal Interests

The identified federal interests include Rock Creek Park, Fort Circle Park, Soapstone Valley Park, and Melvin C. Hazen Park, all of which either border or are included in the Forest Hills area as defined in the Forest Hills Tree and Slope Overlay District text.

Commission Action Requested by Applicant

Approval of comments pursuant to Section 8 of the National Capital Planning Act of 1952 (40 U.S.C. § 8724 (a)) and D.C. Code § 2-1006(a).

Executive Director's Recommendation

The Commission concludes that the proposed zoning text amendments would not adversely affect the identified federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

*

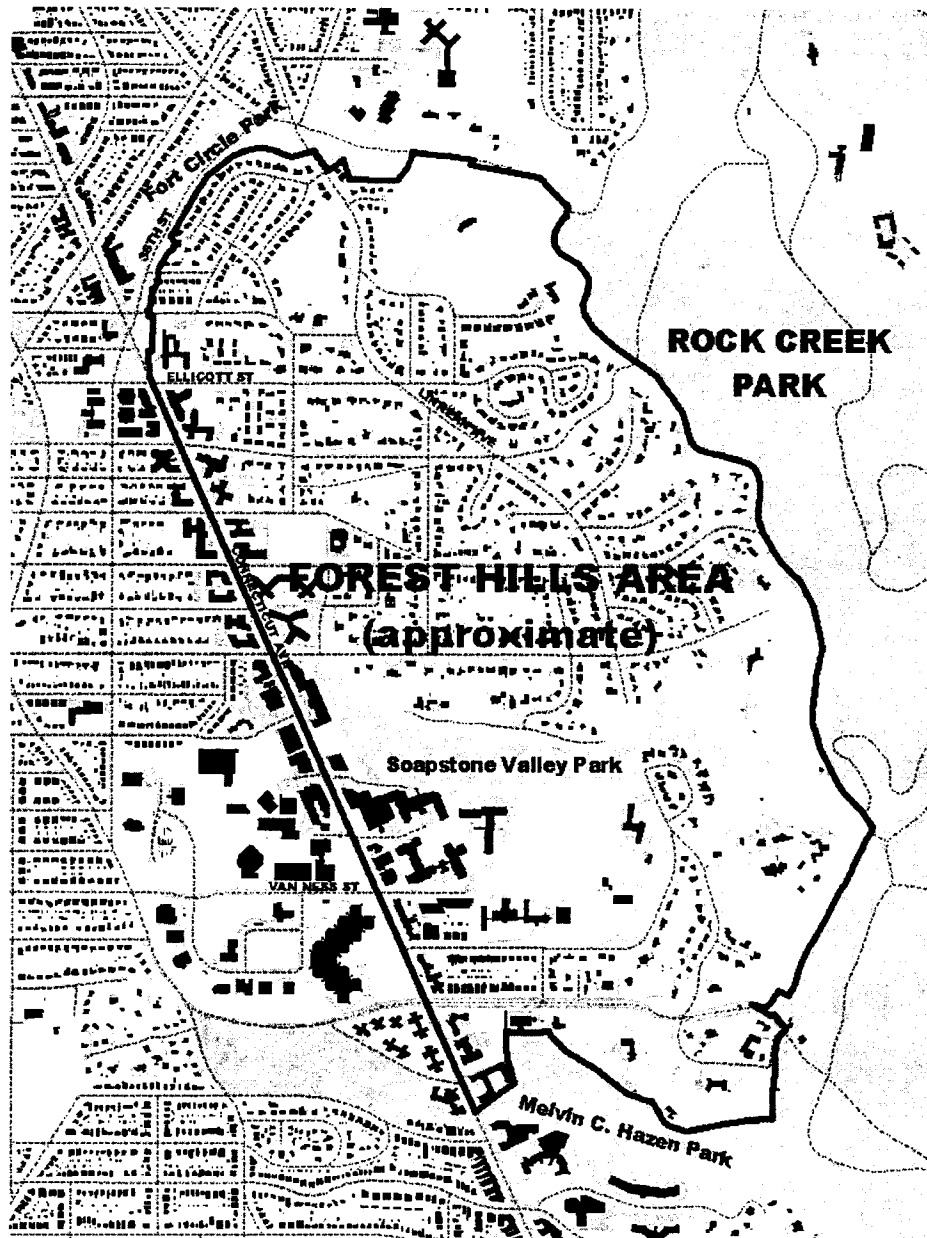
*

*

BACKGROUND AND STAFF EVALUATION

DESCRIPTION OF THE PROPOSAL

This text amendment was initiated by the Forest Hills Citizen's Association, a group comprised of Forest Hills neighborhood residents, in consultation with the District of Columbia Office of Planning (DCOP). The proposed text amendment will amend Chapter 15 of the District of Columbia Zoning Regulations so as to codify the Forest Hills Tree and Slope Overlay District. The intent of these regulations is to protect mature trees and sensitive steep slopes in the Forest Hills neighborhood in Northwest Washington, D.C. The text also establishes standards for the character of future development and outlines a special exception process for property owners seeking relief from the regulations. The overlay will be applied to properties zoned with the R-1-A, R-1-B, and R-2 residential classifications. The area affected by these regulations is defined by Connecticut Avenue and 32nd Street on the west, Rock Creek Park on the east, Fort Circle National Park on the north, and Melvin C. Hazen Park on the south. The following map illustrates this approximate area:



The Forest Hills Tree and Slope Overlay will act as a set of regulations additional to the underlying zoning designation of the properties. These additional rules will deal with the damage to, or removal of, mature trees; the protection of steep slopes; and the preservation of the residential character of the Forest Hills neighborhood. In short, the regulations will implement the following standards:

Tree Protection

- No tree that has a circumference of 75 inches or more at a height of four and one-half feet above ground shall be removed or cut down.

- No more than 3 trees that each have a circumference of 38 inches at a height of 4 1/2 feet above ground shall be removed. None of these trees can be removed if they are located within 25 feet of any building restriction line or lot line abutting a public street.
- The total circumference of all trees removed on a lot shall not exceed 25 percent of the total circumference of all trees on that lot.
- If a tree has been removed or cut in violation of these regulations, no building permit shall be issued for a period of seven years unless the Board of Zoning Adjustment has granted a special exception.

Slope Protection

- Any building terrain alteration for which a permit is applied for and will occur on a lot with a slope steeper than 25 percent or with “highly erodible soil” as defined by the Natural Resource Conservation Service of the U.S. Department of Agriculture, must supply to the Zoning Administrator a professional certification that the plans for alteration and/or construction will follow the best geo-technical, structural engineering and arboreal practices.

Development Character

- Any buildings upon a lot within the overlay shall not exceed total lot occupancy of 30 percent.
- The maximum impervious surface coverage on a lot shall be 50 percent.
- If the underlying zoning requires a minimum side yard, that side yard shall be a minimum of eight feet.
- All residential buildings, accessory buildings, or additions shall have a front yard setback equal to or greater than the average setback of all structures on the same side of the street and on the same block.
- The minimum lot size of any new lots created within the overlay shall be a minimum of 9,500 square feet.

Exceptions

The proposed overlay does provide for a special exception process in the event a property owner wishes to receive relief or a waiver from the regulations. This process entails a public hearing and approval from the Board of Zoning Adjustments (BZA) in accordance with Section §3104 of the Zoning Regulations. The regulations also provide for a set of standards that the BZA must use in evaluating the application for the special exception. These standards include a physical

justification for the exception, the absence of negative impacts if the exception is granted, as well as the consideration of comments from various review agencies.

DC OFFICE OF PLANNING REPORT

The District of Columbia Office of Planning (DCOP) has issued several reports on this text amendment as it has proceeded through the public hearing process. In its original report dated June 17, 2002, DCOP recommended that the Zoning Commission adopt the proposed regulations with various modifications. The final report issued on the proposed action is dated October 7, 2002. In that report, DCOP recommend that the minimum lot size be 9,500 square feet and that the proposed overlay cover a single contiguous area to maintain its integrity in the Forest Hills neighborhood. The Zoning Commission incorporated these suggestions in their proposed order.

PUBLIC PARTICIPATION

Public hearings were held by the Zoning Commission regarding this proposed text amendment on September 5, 2002 and September 30, 2002. Several residents and groups have submitted testimony and commented on this proposed action, including the Urban Land Institute, the National Resource Defense Council, the Forest Hills Neighborhood Alliance, the Forest Hills Citizens Association, and members of the District of Columbia City Council. The local Advisory Neighborhood Commission (ANC-3F) has voted to support the regulations and provided the Zoning Commission with various comments and recommendations during the public hearing process.

EVALUATION

The federal interests related to this proposed action are Rock Creek Park, Fort Circle Park, Soapstone Valley Park, and Melvin C. Hazen Park, which are all National Park Service facilities located in or directly adjacent to the Forest Hills Tree and Slope Overlay area. Rock Creek Park borders the district to the east, Fort Circle borders it to the north, and Melvin C. Hazen is located at its southern extreme. Situated between Windom Place and Audubon Terrace, Soapstone Valley Park is located in the heart of the Forest Hills Tree and Slope Overlay.

Although the overlay's regulations deal with privately held residential property, the character of those properties within the overlay will have a direct impact on the setting of the surrounding federal parks. The intent of the regulations is to preserve the existing tree canopy, sensitive sloping areas, and to promote a more park-like character for the neighborhood. As such, it is staff's position that these regulations will not have a negative impact on the local federal parks as it will preserve and enhance the natural setting of the neighborhood and surrounding context in which they exist.

It is staff's conclusion that these proposed regulations are consistent with the Parks, Open Space and Natural Features Element of the Comprehensive Plan, and particularly the policies established in the Objectives for the National Capital Open Space System located therein. These objectives call for policies that:

Protect and restore the ecological values of environmentally sensitive areas such as shorelines, forested ridgelines and steep slopes, flood plain streams and their buffers, stream valleys, areas of natural beauty, and habitats of threatened or endangered species, which are under federal control or have been acquired with funding from the Capper-Cramton Act.

Although this objective specifically applies to federal properties and projects, it is important that those areas directly adjacent to the federal open space and park system be of a character that compliments that system. The intent of the Forest Hills Tree and Slope Overlay District will meet that aim in preserving the natural character and park-like setting of a neighborhood directly adjacent to several prominent National Park Service parks.

COMMISSION ACTION

NCPC File No. Z.C. 02-19



**Text Amendment to the District of Columbia Zoning Regulations DCMR § 11
Forest Hills Tree and Slope Overlay District**

Submission by the Zoning Commission of the District of Columbia

February 6, 2003

Commission Action Requested by Applicant

Approval of comments pursuant to Section 8 of the National Capital Planning Act of 1952 (40 U.S.C. § 8724 (a)) and D.C. Code § 2-1006(a).

Commission Action

The Commission concludes that the proposed amendment to add the Forest Hills Tree and Slope Overlay District to the District of Columbia Zoning Regulations would not adversely affect the identified federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

Deborah B. Young
Secretary to the National Capital Planning Commission