

ISSUES RE: OP's ALTERNATIVE PROPOSAL of July 12, 2004 in ZC Docket No. 02-19

1) **Should the ZC approve any Tree [or Tree & Slope] Overlay for Forest Hills?** ANC: Yes. The OP proposal, like the FHTSPO set for hearing and now in effect, would add extra provisions in the FH neighborhood which do not now apply city-wide.

- Should ZC instead leave city-wide "Urban Forest Act" provisions as the sole features?
- Should ZC adopt a FH Overlay to test features ZC hopes later to adopt city-wide? ANC: No.

2) **If the ZC approves an Overlay, what should be its stated goal[s]?** [ANC Memo page 9] Goals of the FH Tree & Slope Protection Overlay, as set for hearing, follow ZC's Template:

- Preserve natural topography and mature trees to the maximum extent feasible in FH?
- Prevent significant adverse impact on adjacent open space, parkland, streambed, or other environmentally sensitive areas?
- Limit permitted ground cover of new and expanded buildings and other construction (to encourage general compatibility between siting of new buildings or construction and existing neighborhood).

In contrast, OP's proposed FH/Tree Protection Overlay stresses "urban context" and "replanting" – goals more appropriate to other neighborhoods: "Preserve the tree canopy of FH, preserve wooded areas in FH, promote conservation practices appropriate within an urban context, and encourage replanting of trees." ANC: OP's substitute is less desirable.

So-called "Trees" Provisions; As of Right [ANC Memo pages 3-6, 7-8, 10]

3) **Should a FH Overlay focus on tree preservation or tree planting or both?**

- The ZC Template is limited to preservation and does *not* require planting.
- The OP alternative sets canopy goals, to be achieved by preservation *or* planting. ANC stresses preservation; prefers planting as a special exception mitigation measure. ANC supports OP's tree protection plan proposals in any event.

4) **Should a FH Overlay focus on protecting large, mature trees at all?** ANC: Yes.

- Template focuses on trees that are large in fact (75 inches or more in circumference; 38-75 inches; 12-38 inches). [Some species cannot grow to largest sizes.]
- OP focuses on overall canopy as expanded by 10 years' of anticipated growth, without regard to present or future size of individual trees.

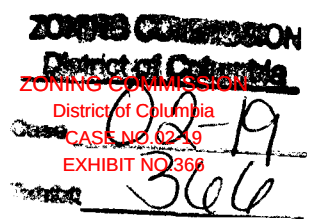
5) **How May "Canopy" Be Used in an FH Overlay?**

- As a mechanism, to avoid measuring circumferences of each of many trees (e.g., large lots).
- As a uniform, standard minimum – for as-of-right permits on every lot – of "X%" canopy within 10 years.
- As a characteristic of each particular lot (e.g., 70% canopy) to be preserved as much as possible but which may be reduced by a certain proportion as of right. ANC recommends.

6) **Should permits be allowed for building on a lot after removing Template-protected trees or clear cutting?**

- ZC Template: Landowner must wait 7 years before applying for a building permit.
- OP: Landowner may seek immediate building permit provided application includes a plan for new plantings afterwards.

ZC Template provision is stronger than OP's Alternative Proposal.



- 7) To the extent a FH Overlay incorporates a tree-by-tree approach, related to tree circumference and numbers of trees, should it require a special exception to cut --
- Any tree of 75 inches or greater? ANC: Yes; high priority
 - More than three trees of 38-75 inches in the entire lot?
 - Any tree of 38-75 inches in the front-most portion of a lot? ANC: Lowest priority.
 - More than 25% of the circumference-inches of all trees greater than 12 inches?

So-called "Non-Trees" Provisions; As of Right [ANC Memo pages 8-9, 10]

- 8) Should a FH Overlay limit how much of a lot impervious surface may cover?
- Template sets a 50% limit. ANC strongly supports.
 - OP sets no limit (thereby allowing up to 100% on all lots).
- 9) Should a FH Overlay limit how much of a lot buildings area may cover?
- Template sets a 30% limit.
 - Chain Bridge Road Overlay sets a sliding scale of 30, 35, or 40% depending on lot size.
 - OP sets no limit (thereby allowing up to 40% on all lots).
- 10) Should a FH Overlay address minimum size of lots? If so, what provisions?
- OP and Template do not address.
 - FH TSPO and Chain Bridge Road Overlay set 9,500 square feet (instead of 7,500 in R-1-A).
 - Should any larger lot size apply directly to actions by Office of Surveyor in DCRA?
- ANC supports 9,500 sq. ft. using most direct mechanism (and avoiding "non-conformity" label).
- 11) Should a FH Overlay widen minimum side yards? ANC: Low priority.
- OP and Template and Chain Bridge Road do not change 8-foot standard.
 - FH TSPO also sets extra minimum of 24 feet for sum of two yards for certain lots .
- 12) Should a FH Overlay address front yard set backs? ANC: Yes.
- OP and Template and Chain Bridge Road do not address.
 - FH TSPO requires set back at least to average on the same side of the street for the block.

Steep Slopes [ANC Memo pages 6, 10]

- 13) Should a FH Overlay require professional certification that plans for alteration of and/or construction upon lots with steep slopes (exceeding 25%) will follow best geotechnical, structural engineering, and arboreal practices or should the issue be addressed in Special Exception provisions, instead? [ANC flexible.]

Special Exceptions [ANC Memo pages 6, 10]

- 14) What should be the standard for special exceptions to a FH Overlay?

Transparency of Procedures before Zoning Administrator in DCRA [ANC Memo page 4]

- 15) Should ZC prescribe transparent ZC procedures? ANC: Yes.

Three Lots Zoned, in Whole or in Part, as R-5-D [ANC Memo page 9]

- 16) Appropriate protections for two R-5-D lots and one hybrid R-1-A/R-5-D lot.