

ANC 3F



Advisory Neighborhood Commission 3F NORTH CLEVELAND PARK / FOREST HILLS

3F01 - Phil Kogan
3F02 - Karen L. Perry
3F03 - Robert V. Maudlin
3F04 - David J. Bardin
3F05 - Doug Mitchell
3F06 - Cathy Wiss
3F07 - Todd Strauss

18 June 2002

D.C. OFFICE OF ZONING
2002 JUN 18 AM 11:30

Zoning Commissioners
441 4th Street, N.W. – Suite 200
Washington, D.C. 20001
ATTN: Mr. Alberto P. Bastida, AICP, Secretary

RE: Case No. 02-19 [Forest Hills Tree & Slope Overlay District]

Dear Zoning Commissioners:

Enclosed please find ANC 3F's Resolution 02-27 which references the Report dated June 3, 2002, of the ANC's Ad Hoc Committee on Tree and Slope Overlay Protections:

NOW, THEREFORE, this Commission recommends that the Zoning Commission adopt the changes in the pending Overlay which are recommended by the Ad Hoc Committee Report, carefully weigh additional amendments that may be proposed, and complete its proceedings on the Overlay as expeditiously as feasible; and

FURTHER, this Commission designates Commissioners Bardin, Perry and Strauss to represent it before the ZC.

I do not enclose a copy of the 19-page Ad Hoc Committee Report because it is already in the record of this Case.

Faithfully,

David J. Bardin
Secretary

Enclosure

ZONING COMMISSION
District of Columbia
Case 02-19
Exhibit 81

ANC 3F, P.O. Box 39290, Washington, DC 20016-9290
email: anc3f@juno.com

web site: www.anc3f.org
Phone: 202.362.6120 • Fax: 202.686.7237

ZONING COMMISSION
District of Columbia
CASE NO.02-19
EXHIBIT NO.81

**RESOLUTION OF ANC 3F RECOMMENDING ZONING COMMISSION ACTION
ON FOREST HILLS TREE & SLOPE PROTECTION OVERLAY (ZC Case No. 02-19)**

Advisory Neighborhood Commission 3F
North Cleveland Park & Forest Hills
P. O. Box 39290, Washington, D.C. 20016-9290
Phone: 202/362-6120; Fax: 202/686-7237; web site: www.ANC3F.org

WHEREAS, the District of Columbia Zoning Commission (ZC) established a generic "Tree and Slope Protection Overlay District" in 1992 (by its Order No. 713) on the initiative of the Woodland Normanstone Neighborhood Association (supported by ANCs 3C, 3F and 4A) and made that Overlay District effective in the Massachusetts Heights area: and

WHEREAS, the Ward 3 Element of the Comprehensive Plan for the District of Columbia

- calls for establishment of a Tree and Slope Overlay for Forest Hills (§ 1409.4);
- stresses protection and enhancement of the total environment as essential goals "for improving the environmental quality of an already-built ward" with a low population density (§ 1403.2);
- encourages use of permeable surfaces (§ 1403.4);
- seeks mapping the Tree & Slope Protection overlay in hilly areas throughout the ward in addition to Woodland-Normanstone (§ 1403.4);
- urges an aggressive policy to replace trees (including private as well as public trees) to address water quality/runoff (§ 1403.3), air quality (§ 14.03.5) and energy conservation (§ 1403.9) issues (as well as for aesthetic reasons);
- identifies transportation as "a critical factor in the review of development plans" in this ward (§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);
- 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); and

WHEREAS, land use goals and directions of the Comprehensive Plan do not translate into action of themselves, unless the ZC acts – as by adopting a zoning overlay; and

WHEREAS, the Forest Hills Citizens Association (FHCA) filed a Petition with the ZC that it adopt a Tree and Slope Protection Overlay for Forest Hills and the ZC on April 19, 2002, set for public hearing an amended version of that Overlay, with the result that such amended version is effective today (pending the outcome of the ZC proceeding); and

WHEREAS, this Overlay changes the potential for maximum subdivision of R-1-A zoning district lots

- to as many as 578 lots (of minimum 12,000 s.f. under the Overlay -- with up to 30 percent lot occupancy)
- instead of as many as 1,135 lots (under the R-1-A minimum standard of 7,500 s.f. -- with up to 40 percent of lot occupancy -- in addition to 461 lots that are not dividable under the R-1-A minimum);

– this larger potential numbers of lots without the Overlay would mean more trees and tree canopy removed, open space covered up, automobile traffic multiplied, and heat and chemical pollution raised than in the case of growth under the Overlay; and

WHEREAS, residential growth in the Forest Hills neighborhood has traditionally respected the natural beauty of the land and its forest canopy which are intrinsic to the character of the neighborhood and to its very name -- big reasons why people want to live here; but

WHEREAS, some development has diminished quality of life, infringed on neighborhood character, clear-cut stately trees, and sealed up permeable ground formerly open to infiltration by rainwater and oxygen that could nourish trees -- leading many residents to believe themselves to be virtually defenseless in seeking a more reasonable balance; and

WHEREAS, *with* an Overlay the neighborhood will at least get a hearing if a developer seems to be heading too far in removing or harming trees, but *absent* an Overlay the burden of resisting unbalanced growth falls entirely upon citizens in the neighborhood, who may not even be able to get a public hearing, as witness, in just three of the recent examples:

In the matter of 4512 28th Street, NW, neighbors bore the entire burden, after a developer had already cut down stately trees, to appeal to the Board of Zoning Adjustment (BZA), to enlist ANC support, to present at a public hearing, and then to secure belated relief limited to building height only (and that after construction), when an Overlay would have allowed for timely airing of all the issues as to this R-1-A lot before any construction or tree cutting began; and

In the matter of 3883 Connecticut Avenue, the entire burden fell upon the neighbors also, and even though they enlisted ANC support neither neighbors nor ANC could secure any hearing before any agency – much less prevent that developer from clear-cutting all the trees on both the R-2 and R-5-D lots and filling most of the land with an apartment house and other impervious surface, when an Overlay would have also allowed for timely airing of all the issues; and

In the matter of 2944 Chesapeake Street, NW, a number of large and healthy trees were removed for the construction of what the BZA later determined was an illegally high house (Appeal No. 16764, Order issued May 22, 2002), the entire burden fell upon the neighbors

to investigate and pursue the facts, when construction proceeded, while an Overlay would have provided for the airing of issues no later than the permitting process for this R-1-A lot; and

WHEREAS, after a Community Meeting sponsored by the FHCA and a Town Hall Meeting sponsored by the FHCA and co-sponsored by this ANC, the Ad Hoc Committee on Tree and Slope Overlay Protections established in July 2001 reported to this ANC (see Report dated June 3, 2002), recommending further amendment of the Overlay:

- a) making three substantive changes in limitations of what a property owner may develop as of right, so as to achieve Overlay objectives *and* allow for more flexible compliance *and* reduce intrusion of the Overlay into private property rights, i.e., (i) to ease the side yard provisions, (ii) to eliminate the rigid control map for front yards, and (iii) to eliminate steep slopes with highly erodible soil as an independent trigger for Special Exception review;
- b) adding five provisions guiding decisions on any Special Exception applications where development should not proceed as of right, and offering landowners choices of mitigation measures without imposing rigid, one-size-fits-all "cookie cutter" standards; and
- c) defining or clarifying key terms and allowing landowners to use permeable surfacing; and

WHEREAS, this ANC has heard community comments, pro and con, at its June 17 meeting and commissioners have received and read communications pro and con; and

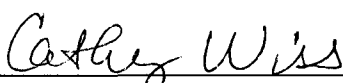
WHEREAS, this ANC has reviewed the Ad Hoc Committee's recommended changes in the pending Overlay and concludes they would serve the best interests of the neighborhood and the District of Columbia as a whole; and

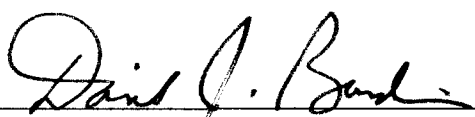
WHEREAS, members of the community and others may well propose additional amendments before the ZC;

NOW, THEREFORE, this Commission recommends that the Zoning Commission adopt the changes in the pending Overlay which are recommended by the Ad Hoc Committee Report, carefully weigh additional amendments that may be proposed, and complete its proceedings on the Overlay as expeditiously as feasible; and

FURTHER, this Commission designates Commissioners Bardin, Perry and Strauss to represent it before the ZC.

Adopted June 17, 2002, at a duly noticed public meeting with a quorum present by a vote of 4-2-1.


Cathy Wiss, Chair


David J. Bardin, Secretary