

THE JEWISH PRIMARY DAY SCHOOL

OF THE NATION'S CAPITAL

June 21, 2002

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The Honorable
Joseph Lieberman

Saul Stern

To: Carol Mitten, Chair, and Member of the District of Columbia Zoning Commission

ATTN: Mr. Alberto P. Bastida, AICP, Secretary

Ellen McCarthy, Office of Planning

David Bardin and George Clark, ANC3F Ad Hoc Tree and Slope Committee

cc: Robert Maudlin, Todd Strauss, and Karen Perry, Commissioners, ANC3F
Karen Thomas (Office of Planning)

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

The Jewish Primary Day School of the Nation's Capital, owner of property at 3031 Gates Road, (Lot #2263) wishes to reiterate our opposition to the proposed Forest Hills Tree and Slope Overlay, as set down before the Zoning Commission for Public Hearing on June 27, 2002. We refer you to the objections raised in our letter to you of April 18, 2002 (attached). We strongly request that the overlay not be adopted, but that if it is, our property be removed.

Representatives of the school worked diligently as members of the ANC 3F Ad Hoc Overlay Committee to help develop a plan that would protect trees and slopes in close proximity to adjacent parklands. We have unfortunately seen the Overlay become an assemblage of restrictions, reaching so far beyond the Rock Creek basin that it is instead no more than an anti-development tool, drastically affecting many existing property owners for limited or no public benefit.

The Overlay was adopted by only four members of the seven member ANC. It had been referred to the Zoning Commission before a first open public meeting in the community, is being promoted in Forest Hills as a catch-all anti-development tool, and gives no real guidance (and only hastily added reference) to tree management and replacement as a protection and enhancement tool for property owners. The excessive burdens on property owners from this prematurely submitted scheme have pitted neighbor against neighbor in Forest Hills, and will place a costly additional burden on government agencies and citizen's groups struggling to enforce its patchwork of provisions.

We respectfully request you reject this overlay, as set down.

Sincerely,


Margaret Hahn-Stern
President, Board of Directors

ZONING COMMISSION
District of Columbia
Case 02-19
Block 107

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JPDS-NC is a beneficiary agency of The Jewish Federation of Greater Washington.

ZONING COMMISSION
District of Columbia
CASE NO. 02-19
EXHIBIT NO. 107

#8231

April 18, 2002

To:

Carol Mitten, Chair, and Members of the District of Columbia Zoning Commission
Ellen McCarthy, Office of Planning
David Bardin and George Clark, Co-Chairs, ANC3F Ad Hoc Tree and Slope Committee

*Subject: Proposed Forest Hills Tree and Slope Overlay Regulation,
Zoning Commission Case No. 02-19*

The Jewish Primary Day School of the Nation's Capital owns a 2.4 acre lot at 3031 Gates Road and is developing plans to construct an elementary school there, necessitating going through a special exception process for approval by the Board of Zoning Adjustment. The property has received historic landmark designation which centers on a 1897-constructed main house and its relationship to the tree-canopied front yard. To meet its stewardship responsibilities in terms of this landmark status and the civil engineering requirements for construction, the school will need to develop a rigorous tree management plan to ensure that its building plans comport with historic preservation needs and leads to development compatible with legitimate community concerns.

School representatives have been active participants in the Ad Hoc Tree and Slope Overlay Committee of ANC3F. Our site planning Chair, Stephen Stern participated in the formation of the committee and JPDS parent Ron Slotkin has served as our active representative on the committee-- offering his time and expertise as a landscape architect and urban planner to the process. We felt that the rationale for such overlays -- additional protections that prevent destructive development adversely impacting adjacent open space, parkland, and stream beds in heavily sloped areas -- was a worthy one, and that we could both contribute expertise and learn (for our own tree management requirements) from the issues developed in the overlay process.

Unfortunately, the current proposal being forwarded to the Zoning Commission with request that it be "setdown" for public hearing, goes far beyond the tree and slope protection focus that we anticipated -- and yet offers virtually nothing in terms of proactive tree management possibilities. For the following reasons we request that the property at 3031 Gates Road in Square 2263, be removed from the overlay proposal and map that is being considered:

- the core values for tree and slope protection that were being developed by the committee for achievable tree and slope protection results originally focused correctly on areas predominantly to the east of Linnean Avenue, sloping down to large forested park areas along Broad Branch Road.

- expansion of this area to abut Connecticut Avenue commercial and apartment zones to the west (less than a block from our property) are far beyond the purview of a rational tree and slope protection regime, enforceable by DCRA with local group vigilance and assistance.

- even within this expanded (and in our view inappropriate focus) for a tree and slope overlay, our property is on the very periphery of the map. We are far from all of open space parkland areas of prime focus -- even on this expanded map which goes beyond Broad Branch to include Soapstone Valley Park and Hazen Park to the South and park areas at the extreme north of the map.

- the request for "setdown" for public hearing and temporary application of the protections in the mapped area was forwarded to Zoning Commission before the first full public meeting on this proposal and or public/community comment period were even held in the community.

- we find in the proposed City Council tree bill, with its provisions for tree valuation and tree replacement, an approach much more applicable to the actual conditions of our property -- and one that gives incentives for development and enforcement of a successful tree management plan. We are already constrained by the special exception process in our planning to build a school -- going through the ANC, HPRB, and public comment and participation processes for our physical plans, which will encompass tree management and all its related benefits.

We will be pleased to continue our constructive work with the tree and slope committee and the public processes that are going forward concerning the scope of the overlay. We will take the time to participate in more detailed studies of its impact. We do ask at this time that the 3031 Gates Road property be removed from the overlay proposal and map.

Respectfully submitted,

Margaret Hahn-Stern
President, Board of Directors
Jewish Primary Day School of the Nation's Capital

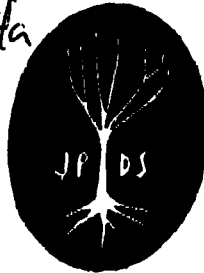
THE JEWISH PRIMARY DAY SCHOOL
OF THE NATION'S CAPITAL

DATE: June 21, 2002

ATTN: To: Zoning Commission
Alberdo Bastida
FAX: 727-6312

PHONE: 727-6311

RE: Case 02-19



FROM: Stephen Stern

PHONE: 202-425-4996

PAGES: 4

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THE JEWISH PRIMARY DAY SCHOOL OF THE NATION'S CAPITAL, AN INDEPENDENT COMMUNITY DAY SCHOOL OFFERING ACADEMIC EXCELLENCE, IS A BENEFICIARY AGENCY OF THE JEWISH FEDERATION OF GREATER WASHINGTON.