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REPLACEMENT
SECOND SUBMISSION

Honorable Carol J. Mitten, Chairperson
D.C. Zoning Commission
Suite 210 South
441 Fourth St., N.W.
Washington, D.C. 20001
FAX 727-6072

RE: Case No. 02-19 Forest Hills Tree & Slope Overlay Proposal.

Dear Ms. Mitten;

Laws are needed in a civilized society to maintain good order and fairness, as long as they emanate from the people, for the people, and are approved by the people. Zoning laws clearly fall into the same mix. Zoning is essential for good land planing and its use in our city, provided it is fair and universally applied.

What we have here, Ms. Mitten, is anything but that. It would appear, that a small number of people came together to foist an agenda on people that would not hurt the initiators but would impact their neighbors East of Connecticut Ave. They would be able to promote this package through an Advisory Neighborhood Commission (ANC).

I have attached a map of the area showing the Tree & Slope Overlay (TSO) and the districts of the various commissioners. As you can easily see the TSO was only applied to property East of Connecticut Ave., and not over all the Districts that come under the ANC. HOW'S THAT, FOR FAIRNESS??????

Could it be that there are no trees on private properties West of Conn. Ave.? NO

Could it be that there are no slopes West of Conn. Ave. ? NO.

Could it be that there is no development possible West of Conn. Ave.? NO.

Could it be that the chairperson of the ANC, Cathy Wiss (3 FO6) lives West of Conn. Ave, as do all the people she represents ?? NOOO - YOU THINK??.

Could it be that a man by the name of George Clark saw some trees cut down in his neighborhood one day, and it REALLY got him mad? Quite Possibly.

ZONING COMMISSION
District of Columbia

Case 02-19

Exhibit 120

ZONING COMMISSION
District of Columbia
CASE NO.02-19
EXHIBIT NO.120

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Could it be David Bardin was the one that decided to form an Ad Hoc Committee to lay out the agenda?? Absolutely. (Talk about the fox guarding the chicken coop.)

Did David Bardin exclude his district, that should have come under these onerous restrictions? Most Definitely.

(They'll never know Davie, by the time they realize what we did it'll all be over and cast in bronze.)

The enclosed map will show you just how people with less than 2% representation in such a large and wealthy district as Forest Hills can impose such Anti Development, and Anti Improvement restrictions. Just how did they accomplish this Herculean task you ask.

(FIRST, Davie, don't upset the chairperson, leave her and her people out of the TSO- we'll get an ally.)

(How about the people George, what are they going to say about all these Zoning changes? Easy, Dave, don't use the term Zoning in the title. They'll think this whole thing is about trees, and use terms like "Clear Cutting, and Developers, and Park Like, and stream beds. They'll love it.)

(Suppose someone asks about REPRESENTATION ? Easy, Davie, Cathy Wiss (Chairperson) will tell them ALL THE COMMISSIONERS HAVE REPRESENTATION IN THE AREA, BUT ONE.) (Remember Davie, the minutes of the meeting won't be published until after the hearing, and besides, who's going to know any different before the Hearing.)

The real representatives of the Area, Robert Maudlin and Philip Kogan, representing more than 96% of the residents effected by the TSO, both voted NO.

(Don't let it bother you Davie, remember WE HAVE THE VOTE.)

Commissioner Bardin would have been the 3rd largest representative of people in the TSO, but he, using his position as chairman of the Ad Hoc Committee to map out the TSO, excluded his district, 3 FO4. HOW'S THAT FOR FAIRNESS????
(Wouldn't you folks, if you had the chance, consider the friends I could have lost:)

Now these people, that have been able to beat the system so far, are on your doorstep to have you pass and enforce these ridiculous restrictions. Will you permit the tail of this dog to wag you around too?

(The Park Service will love it. They get to blame someone else for their failures. And, besides a man from the Park Service already came up here to tell us that it will take 100 years to replace some of the trees cut down.) What he failed to mention was that the EPA found that young growth trees soak up more pollution in the air, and give off more oxygen than the older trees. Anybody care to guess how that vote will go??

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(Oh, by the way Davie, I've been told that as the Park Service goes, so goes the Architect for the Capital. How bout that Davie, two birds with one stone).

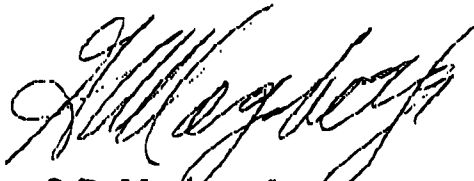
While we face the burden of stagnant or lower property values, if this proposal passes, you are being asked to increase your already strained resources and manpower to review; litigate; enforce; interpret; handle Special Exceptions; show up at more hearings; and change perfectly good zoning laws. Not to mention the almost certain drop in tax revenue.

People like this, should not be allowed to use our system of government as wrongfully as this, and get away with it. There are two striking situations that come to mind. The people and representatives in Nevada screaming about Congress wanting to dump Nuclear waste in their state. Nobody is listening Nevada, because, CONGRESS HAS THE VOTE. The second is the District's screeeeeeeeaming to be represented in Congress. Nobody's listening Elanore, because, CONGRESS HAS THE VOTE.

As a parting thought, Ms. Mitten, consider this. The vote of the ANC, as reported, was 4 in favor, 2 opposed, and 1 abstention. In reality though, didn't Mr. Bardin really vote against the proposal when he penciled his constituency out of the TSO? This, then, would change the vote to, 3 for, 3 opposed, and 1 abstention. And, again, the commissioners, representing 98% of the people effected by the TSO, all voting NO.

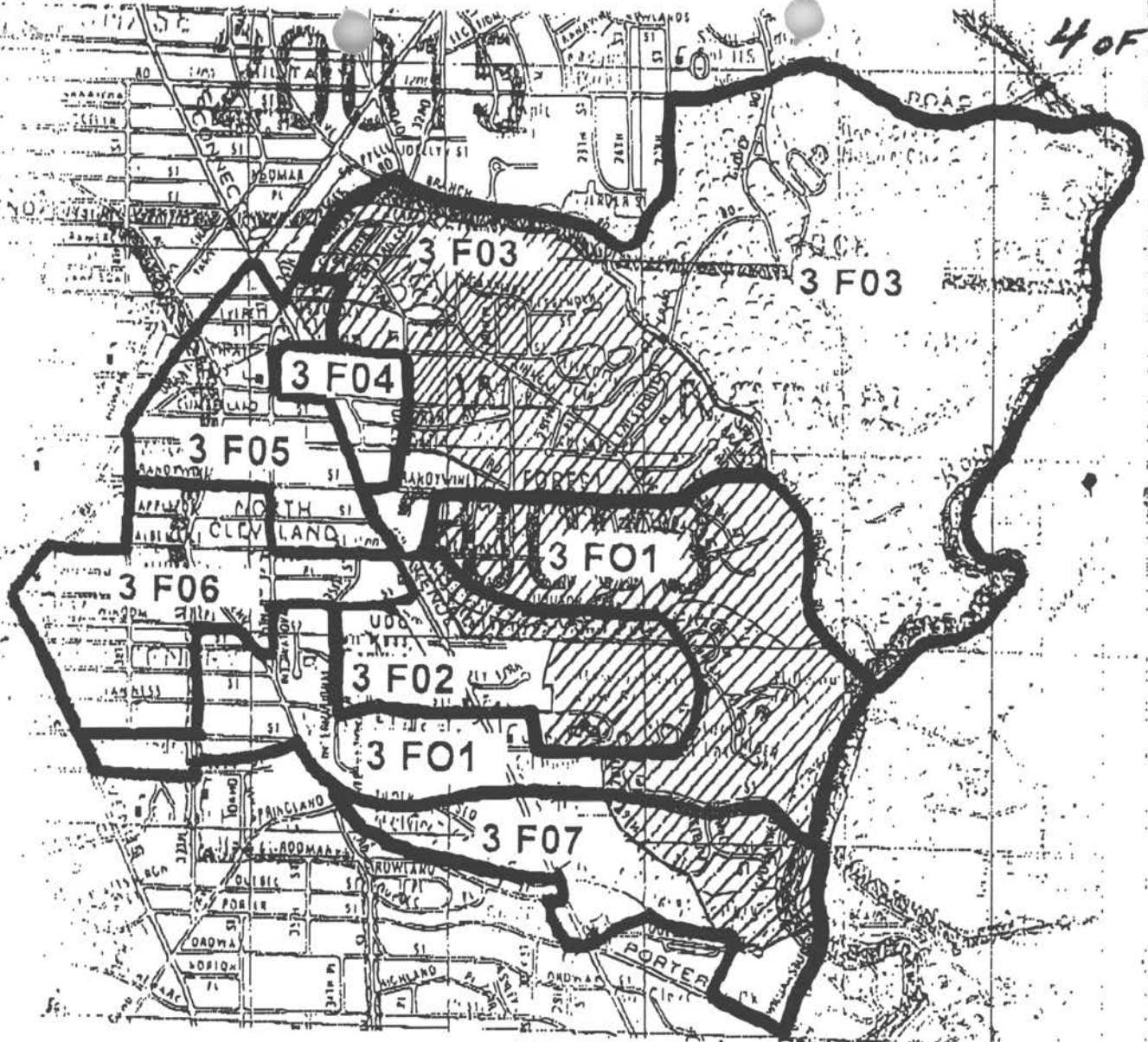
I respectfully submit, and strongly urge, that this proposal be rejected outright due to the scurrilous, and unfair way this entire proposal has been handled and promoted.

Respectfully Submitted



G.R. Magher, Jr

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TREE & SLOPE OVERLAY



COMM.s REPRESENTING		
96%+		
OF PEOPLE IN THE OVERLAY		
Residence in TSO	<u>Rep. Zone</u>	
No Philip Kogan	3 F01	
Yes Robert Maudlin	3 FO3	
VOTED NO		
FOR TREE & SLOPE OVERLAY		

COMM. REPRESENTING 1%+ OF PEOPLE IN THE OVERLAY	
Residence in TSO	<u>Rep. Zone</u>
NO Todd Strauss	3 FO7
ABSTAINED	

COMM.s REPRESENTING 2%- OF PEOPLE IN THE OVERLAY		
Residence in TSO	<u>Rep. Zone</u>	
No Karen Perry	3 FO2	
No David Bardin	3 FO4	
Yes Doug Mitchell	3 FO5	
No Cathy Wiss	3 FO6	
VOTED YES FOR TREE & SLOPE OVERLAY		

David Bardin (ANC Member) & George Clark (non ANC Member) chaired ANC3F's Ad Hoc Committee which established the boundaries for the TSO. Bardin excluded all the R-1A homes (31) in his 3 F04 zone. Had they been included Bardin would have had the 3rd highest representation in the TSO. These houses ranged in value from \$700,000 to \$2,000,000.00 with many trees, several with very oversized lots, and typical of the area in the TSO.