

Bardin, Sara Jo (DCOZ)

From: mbaughman@skbarch.com
Sent: Wednesday, April 17, 2002 4:33 PM
To: sara.bardin@dcoz.dcgov.org
Subject: Talk to the Director

This email was sent from the Office of Zoning Talk to the Director page.

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Subject: Services_ZC
Specify:
Comments: Dear Director Kress,

I am a resident of Forest Hills and I attended last night's meeting of the the Forest Hills Citizens Association regarding a proposed tree overlay ammendment that I understand will be considered by your Comission this week. I know trees and parks in the District is an important issue to you and I applaud your efforts in this arena.

I would like you to know that I am a resident who lives in an old single family house in this area (a 1929 Tudor house on Linnean Ave. that I have no plans to expand) and I strongly oppose the Zoning Amendment presented last evening.

I am opposed to this primarily because this amendment is onerous, far-reaching, un-democratic, unfair and does not squarely deal with the tree and slope issues. The people who have organized this have out of ignorance or malice misrepresented themselves, their goals and the true implications of this act. Beyond that, they have not adequately identified the problem and provided a direct, effective solution.

The Forest Hills neighborhood is mostly zone R1A and is mostly built to that specification. I did not hear cries that the old neighborhood was overcrowded or poorly developed. That indicates to me that the R1A zone has indeed been an effective zoning law and has provided us with a beautiful neighborhood. Changing the R1A zone fixes a density problem that doesn't exist. What exists are property owners who have benefited from views and resources that their neighbors have provided them by refraining from building until now. These property owners do not have a right to these views. Obviously,

when their houses were built, their predecessors took away something from those who lived there.

The amendment addresses trees in some vague ways that could quite easily prohibit development of most sites in the neighborhood. It does this by indicating that if a large tree could be harmed, one cannot tear it down without proving it was unhealthy or a public hazard. You probably know that the root structure extends to and beyond the drip line of a tree, so one could rightly argue that if one was to build under or near shade, the tree could be harmed and therefore construction is not permitted. Who will be the arbiter of this? What if 2 experts of equal standing disagree? Do we have to bring a lawsuit?

The amendment mentions unstable soil but does not recognize the fact that there are numerous site engineering techniques, some of which have been in use for centuries, that can deal with unstable slopes and soils. The fact that an unstable soil may exist does not mean that building on that site will be to the detriment of those downstream/downslope.

The amendment places new limitations on impervious area but does not recognize that there are many techniques to manage storm water on a site that would achieve the goal of decreasing runoff. These techniques are commonly used all around the country; many are inexpensive.

The amendment discusses trees in many general and specific ways. I did not see the concept of prescriptive buffer zones or codifying the front yard setback that exists in practice throughout the neighborhood, both of which would provide direct, effective relief from "clear cutting" that is alleged to have happened (I have not witnessed).

The amendment essentially downzones the properties by placing new side yard and coverage restrictions that exceed the zoning regulations that created the neighborhood we seem to be so fond of. I believe that some of the organizers of last night's program deliberately shaded the truth about the restrictions they would place on all of us.

The vast majority of the property in the neighborhood has been developed. The representative from the National Park Service spoke in general terms about the

problems created by adjacent development. I listened very carefully, and perhaps not clearly enough, but I did not hear him cite one cause and effect fact regarding how the existing Soapstone Tributary area has been harmed by the Forest Hills neighborhood. He made a great effort to describe his scientific history in the area so I would have expected to hear about how the fish population has dropped from X to Y, how the average temperature has risen from A to B, how the silt level has gone from C to D, and so forth. Citing no facts, I can only take his input as interesting but not relevant to the discussion at hand. Given the fact that the development is very nearly complete, it is hard to imagine how the last remaining sites, when properly developed under current laws and codes, would suddenly threaten his land.

During the introductions at the meeting last night the head of the FHCA pointed out the large window of the Netherlands Embassy, across a large field to a forest. I expected her to point at how the Embassy had torn down hundreds of trees to build this building (hence the large field), but instead she glowed about how beautiful the forest a hundred yards away was. To me her gesture precisely defeated her argument: working with our current codes a great variety of building can happen without necessarily destroying the neighborhood and there is no reason to change this through this kind of micromanagement. This amendment is clearly an attempt for some fortunate landowners in the neighborhood to prevent their neighbors from building the size of house that they did, or to force others to bear the burden of maintaining resources they have no right to. I found it incredulous and insulting that the organizers of this effort chose only to mention trees in the information distributed through the neighborhood and chose not to mention changes to setbacks, coverage and other main features of their proposal.

I hope you and the rest of the Zoning Commission can resist the temptation to put such severe and unwarranted restraints on our neighborhood. Thank you for your serious consideration.

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