

Charles L. Gellert
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Washington, DC 20008

June 26, 2002

Alberto Bastida, AICP
Secretary of the DC Zoning Commission
Office of Zoning
441 4th St NW, Suite 210
Washington DC 20001

Re: Case No. 02-19 (Text Amendment – Forest Hills Tree and Slope Overlay District)

As a resident of Forest Hills and someone whose house falls within the proposed boundaries of the Forest Hills Tree and Slope Overlay District, I wanted to register my strong support for the Overlay proposal.

While I understand the hesitation of some of my neighbors to see their properties placed under these kinds of restrictions, I think that overall the Overlay would be a great benefit to the character of the neighborhood and to all of us who live here.

The Forest Hills neighborhood is a desirable place to live precisely because of the large and well forested lots, unique to the city. However it also is continually at risk of slowly loosing its character. Every year we see at least a few more lots subdivided or being more intensely developed. The current zoning is inadequate to prevent this process. Frequently a consequence of these changes is the ongoing destruction of the tree cover in the neighborhood. Developers will often tell you they're only cutting down one tree, and promise to replace it with five new ones. Of course, only in the small print do we learn that they're replacing one mature hundred-foot tree with five saplings. That is why I think we need the tree protections as well as the lot size limits.

You will probably be presented with a number of requests to exempt properties from this Overlay district. They will argue hardship, which typically only means they can't sell their property to the highest bidder for intense development. As I'm sure you know, the basic principal of all zoning is that there are higher principles than the maximum profit for each landowner. Therefore I would recommend that you turn down these requests for exclusion, because any shrinkage of the Overlay district will inevitably make it less effective at preserving an ecological and aesthetic whole. Let us depend upon the zoning exception process to be able to iron out any unreasonably burdensome side effects due to the unusual configuration of any individual lots, rather than torpedoing the whole proposal, or making the district into a piece of Swiss cheese in order to satisfy those unique individual opponents.

ZONING COMMISSION
District of Columbia
Case 02-19
EXHIBIT 140

ZONING COMMISSION
District of Columbia
CASE NO.02-19
EXHIBIT NO.140

I also urge you to turn down proposals to return the proposal for further study. It has become clear during the local hearings that proponents of that idea are simply hoping to bury the proposal in further delay. Some may even be planning to use the interim period to implement development proposals which would be prohibited by the Overlay.

Finally I wish to urge you to particularly make sure to include in the Overlay district the property immediately to the East of my house, the Owl's Nest (3031 and 3017 Gates Road). It is at risk right now, being unoccupied, a large lot, and proposed for a number of development schemes. While it has received Historic Landmark designation, it is unclear to what extent that will also protect the large number of mature trees or rolling hills. The landscape, as much as the house, is a city treasure that needs your protection. Again, I do not believe it should be exempted from the Overlay district simply to maximize the profit of its current owners, no matter how virtuous a project they may hope to fund with those profits.

I know you will give this Overlay proposal your careful consideration, and bring to bear on it your extensive experience. I also urge you to reflect on the widespread neighborhood support for this proposal, as was shown in the ANC hearings on this subject.

Thank you,

A handwritten signature in black ink, appearing to read "Charles L. Gellert", with a long, sweeping horizontal line extending to the right.

Charles L. Gellert