



Forest Hills Citizens Association

Dedicated to the enhancement, maintenance, protection, and promotion of
a positive community spirit in the Forest Hills neighborhood.

D.C. OFFICE OF ZONING
2002 JUL -2 PM 3:20

July 1, 2002

Mr. Alberto P. Bastida, AICP
Secretary of the Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

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

Dear Mr. Bastida:

Enclosed please find six documents that were either mailed or hand-delivered to residents of the proposed Forest Hills Tree and Slope Overlay District during the period April-June, 2002. These documents were to have been appended to, but were inadvertently omitted from, my letter of June 20, 2002.

Also enclosed is a four-page petition containing the names of 55 persons who support the Forest Hills Tree and Slope Overlay that was signed at the ANC meeting of June 17, 2002.

Respectfully submitted,

FOREST HILLS CITIZENS
ASSOCIATION

By Barbara M. Simons
Barbara M. Simons
President

Enclosures

ZONING COMMISSION
District of Columbia
Case 02-19
Exhibit 144



Forest Hills Citizens Association

COMMUNITY MEETING

**To Discuss Proposal for Tree and Slope
Overlay District in Forest Hills**

**Tuesday, April 16, 7:30 – 9:30 pm
Netherlands Embassy
4200 Linnean Avenue**

*

For security reasons, Embassy requires
advance list of attendees and photo Ids
at door. To attend, please notify either
George Clark (gclark@ReedSmith.com)
or David Bardin (857-6089) by April 14.

COMMUNITY MEETING



Sponsored by
FOREST HILLS CITIZENS ASSOCIATION
BUT OPEN TO ALL

To Discuss Proposal for **TREE AND SLOPE OVERLAY**

Tuesday, April 16, 7:30 - 9:30 pm
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4200 Linnean Avenue

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To attend, please **notify** either **George Clark** [gclark@ReedSmith.com]
or **David J. Bardin** [202-857-6089] **by April 14.**

Questions and Answers

What is an Overlay?

An Overlay is a special-purpose zoning regulation *in addition to* the more general zoning regulations that govern construction all over DC. An Overlay applies to a specific area in DC (such as Forest Hills, or part of Forest Hills). Overlays are adopted by the District of Columbia Zoning Commission (ZC) after public hearing.

A Tree & Slope Protection Overlay discourages destructive development in order to protect neighborhood park lands and stream valleys and many of the neighborhood's larger trees.

What would be the purpose of a Forest Hills Overlay?

This Overlay would aim to protect Forest Hills' park-like character.

To what area would the proposed Overlay apply?

The ZC will set the final boundaries. See accompanying map for the current proposal.

I can't make it to the April 16 community meeting. How can I get further information?

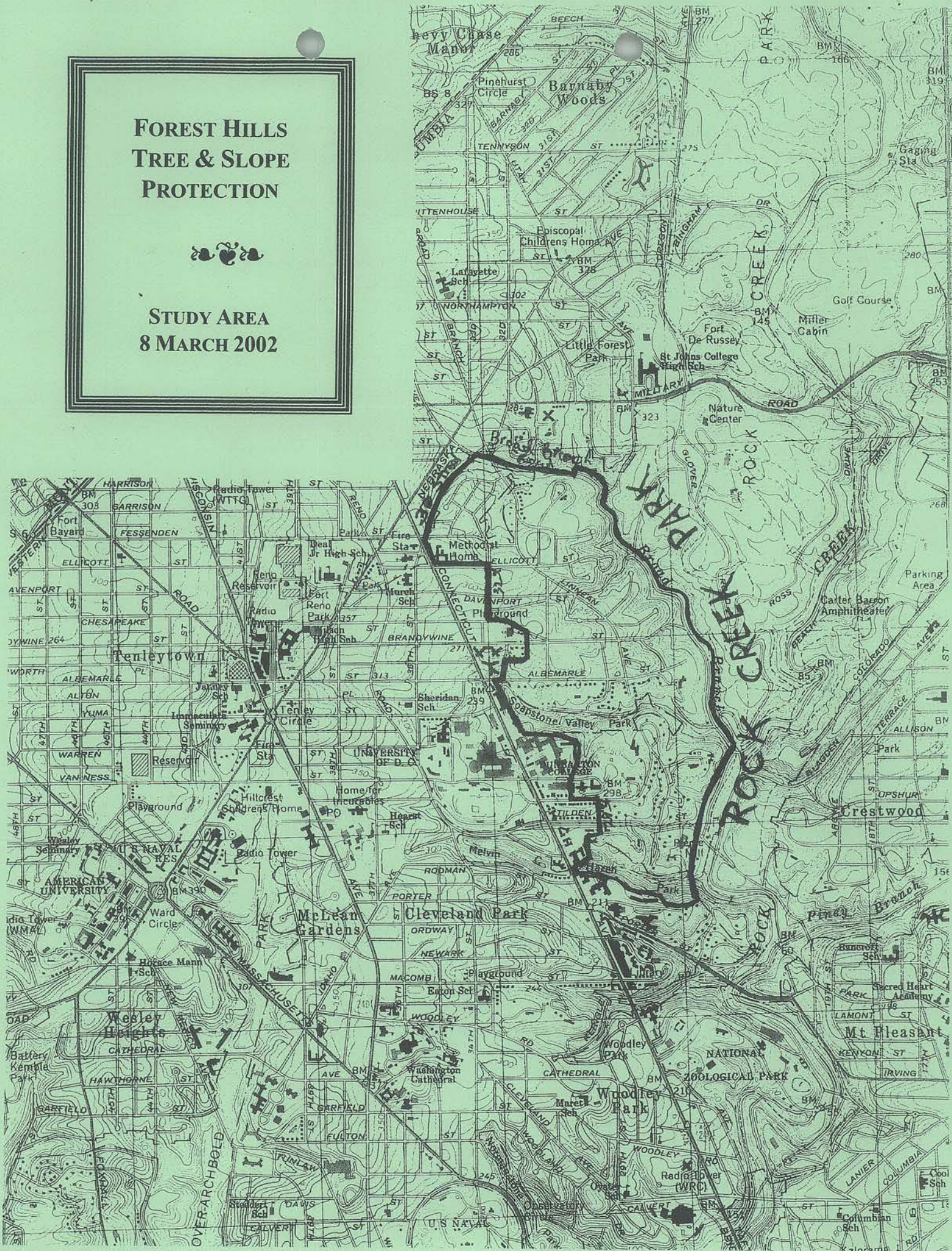
E-mail George Clark [gclark@ReedSmith.com] or phone David J. Bardin [202-857-6089].

There will be at least one additional public meeting before Advisory Neighborhood Commission 3F. E-mail TSP@anc3f.org to get on the ANC's e-mailing list for that meeting.

FOREST HILLS TREE & SLOPE PROTECTION



STUDY AREA
8 MARCH 2002





Forest Hills Citizens Association

Dedicated to the enhancement, maintenance, protection, and promotion of
a positive community spirit in the Forest Hills neighborhood.

Date: April 29, 2002

To: Forest Hills Residents

On April 19, 2002, the D.C. Zoning Commission voted unanimously (5-0) to set down for public hearing the Overlay which the Forest Hills Citizens Association proposed in order to protect the character of our park-like neighborhood from future destructive development. At least one developer has opposed the ZC action, and others may join the fight. Before the ZC took action, the FHCA limited its proposal so that only new residential buildings would be required to have larger side yards (now 8 feet) and front setbacks (a new provision). We believe that these changes addressed the concerns most expressed at our April 16 meeting at the Netherlands Embassy, while retaining the features that generally won praise.

We have scheduled a second public meeting in the neighborhood to facilitate further discussion, questions, and suggestions regarding other possible changes. This meeting will take place on Monday, May 13, at 7:30 pm at Capital Memorial Church, 3150 Chesapeake Street, NW.

We do not yet know when the Zoning Commission will hold its public hearing; it may be late in June. (Zoning Commission hearings usually begin at 6:30 pm on Thursday evenings.)

Enclosed is the Overlay proposal as set down for public hearing. If you have questions, comments, or suggestions, please contact

George Clark (gclark@ReedSmith.com) or
David Bardin (BardinD@ArentFox.com or 202/857-6089).

ANC 3F's web site (www.anc3f.org) posts the current proposal as set down for public hearing and may provide additional information from time to time. (Please note, for example, that numbering of Overlay sections and sub-sections will change.) If you want to be added to ANC 3F's list to serve, please send your e-mail address to TSPList@anc3f.org.

On April 19, 2002, the Zoning Commission (ZC) granted the petition of the Forest Hills Citizens Association (FHCA) by setting down Case No. 02-19 for public hearing on the following Overlay Regulation. At the request of the FHCA the ZC added the limiting word "new" before building in the sections dealing with side yards and front yards. The ZC also added Squares around Appleton Street and the Forest Hills Recreation Center because the Office of Planning reported that at the April 16 FHCA Community Meeting residents had requested that their Square be added. These changes are shown below. In addition, the ZC will renumber the section numbers (with 1511 probably becoming 1516, and so forth).

FOREST HILLS TREE AND SLOPE OVERLAY REGULATION

1511 FOREST HILLS TREE AND SLOPE PROTECTION OVERLAY DISTRICT

1511.1 The Forest Hills Tree and Slope Protection (FH/TSP) Overlay District is established to preserve and enhance the park-like setting of designated neighborhoods between Connecticut Avenue and Thirty-second Street on the west and Rock Creek Park on the east, south of Fort Circle National Park and Nevada Avenue, N.W., north of Melvin C. Hazen Park, and adjacent to streams and parks, by regulating alteration or disturbance of terrain, destruction of trees, and ground coverage of permitted buildings and other impervious surfaces. It includes Soapstone Valley Park as well as Melvin C. Hazen Park.

1511.2 The purposes of the FH/TSP Overlay District are to:

- (a) Preserve the natural topography and mature trees to the maximum extent feasible in Forest Hills neighborhoods.
- (b) Prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas; and
- (c) Limit permitted ground coverage of new and expanded buildings and other constructions, so as to encourage a general compatibility between the siting of new buildings and the existing neighborhood.

1511.3 The FH/TSP Overlay District has a significant quantity of steep slopes, has stands of mature trees, is located at the edge of stream beds and public open spaces, and has undeveloped lots and parcels subject to potential terrain alteration and tree removal. Few lots are developed on a rectangular grid system, and the existing mature trees are neither limited to yard trees or to street trees.

1512. GENERAL PROVISIONS

1512.1 The FH/TSP Overlay District is mapped in combination with the underlying R-1-A or R-1-B or R-2 or R-5-D residential zone district, and not in lieu of the underlying district.

1512.2 Where there is a conflict between this chapter and the underlying zoning, the more restrictive provisions of this chapter shall govern.

1513 GROUND COVERAGE RESTRICTIONS

1513.1 The principal building and any accessory building on the lot shall not exceed a total lot occupancy of thirty percent (30%).

1513.2 The maximum impervious surface coverage on a lot shall be fifty percent (50%); provided, that the following conditions are met:

- (a) This subsection shall not preclude enlargement of a principal building in existence as of the effective date of this chapter; and
- (b) This subsection shall not create nonconformity of a structure as regulated by chapter 20 of this title.

1514 LIMITATIONS

1514.1 Construction of a building, an accessory building, or an addition to a building, or the creation of any impervious surface area, the subdivision of any unimproved lot, or the subdivision^{of} any improved lot so as to increase the number of principal structures thereupon shall be permitted as a matter of right only if the following tree removal limitations are complied with:

- (a) The restrictions of this section against removing, cutting down, or fatally damaging trees apply only to trees having a circumference of twelve (12) inches or greater at a height of four and one-half feet above ground;
- (b) The prohibitions of this section shall not apply to the removal of any dead or unhealthy tree or a tree that creates an unsafe condition. The need for removal of any such tree shall be certified by an arborist or other tree care professional;
- (c) No tree that has a circumference of seventy-five (75) inches or more at a height of four and one-half feet above ground shall be removed or cut down;
- (d) No more than three (3) trees that each have a circumference of more than thirty-eight (38) inches at a height of four and one-half feet above ground shall be removed, and none of these shall be located within twenty-five (25) feet of any building restriction line or lot line abutting a public street;
- (e) The total circumference inches of all trees removed or cut down on a lot shall not exceed twenty-five percent (25%) of the total circumference inches, provided that this restriction shall not abrogate the right to remove up to three (3) trees as provided in paragraph (d); and
- (f) Where removal or cutting of trees has occurred that would be prohibited by this section if a building permit were contemporaneously applied for, no building permit shall be issued for a period of seven years from such removal or cutting unless a special exception is granted by the Board of Zoning Adjustment pursuant to Section 1515.

1514.2 The minimum lot size for homes within the FH/TSP Overlay District shall be 12,000 s.f. for lots subdivided after the effective date of this provision.

1514.3 All new residential buildings shall have a front yard setback equal to or greater than the average setback of all structures on the same side of the street in the block where the building in question is located. Where the residential building is sited on a corner lot, the residential building shall be set back from each street on which it borders in an amount that is equal to or greater than the average setback of all structures on the same side of the street in the block where the building in question is located. The required setbacks are depicted in the map entitled, "Required Front Yard Setbacks," which is a part of this overlay district and located in the Office of Zoning and in the Zoning Division of the Department of Consumer and Regulatory Affairs.

1514.4 To the extent any residential building within the Overlay requires a side yard, the side yard requirement for all new residential buildings within such district shall be sixteen (16') feet.

1514.5 No person, for the purpose of (i) subdividing any unimproved lot; (ii) constructing any structure on any unimproved lot; (iii) subdividing any improved lot so as to increase the number of principal structures thereon; or (iv) constructing an additional principal structure on a previously subdivided lot, shall alter existing topography, except for placing a foundation for an otherwise permitted structure. If the soil is highly erodible, as determined by the US Geological Survey soils analysis, and the slope anywhere within 20 feet of the footprint of the proposed structure is greater than 25%, then no building or terrain alteration will be permitted.

1515 SPECIAL EXCEPTIONS

Any exception from the requirements of this chapter, as distinct from the requirements of the underlying zoning district, shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, in accordance with the conditions specified in Section 3108 of this title, and subject to the following requirements:

- (a) Tree removal, grading, and topographical change shall be limited to the maximum extent consistent with construction of a building permitted by the standards of this chapter;
- (b) The applicant shall demonstrate that there are specific physical characteristics of the lot that justify the exception;
- (c) The excepted building and overall site plan of the lot shall be generally consistent with the purposes of the TSP Overlay District and not adversely affect neighboring property; and
- (d) The Board may impose requirements as to design, appearance, tree protection practices during construction, buffering, and other requirements as it shall deem necessary to achieve the purposes of this chapter, and may vary side and rear yard requirements in order to achieve the purposes of this chapter.

1515.2 Before taking final action on an application, the Board shall submit the application to the following agencies for review and written reports:

- (a) The Office of Planning;

- (b) The Department of Transportation; Tree Maintenance Division;
- (c) The Department of Recreation and Parks;
- (d) The Department of Health, Soil Erosion Branch; and
- (e) The National Park Service, U.S. Department of Interior.

1515.3 An applicant for an exception shall submit at least the following materials:

- (a) A site plan for development, including computation and illustration of total lot occupancy and impervious surface ratio, and regulated trees proposed to be removed; and
- (b) A plan and statement indicating how trees to be preserved on the lot will be protected during the construction period, including reference to proposed procedures to guard against long-term damage by such factors as soil compaction.

1515.4 Forms and applications pertaining to the FH/TSP Overlay District which are filed with the BZA, the Building and Land Regulation Administration in DCRA or the Zoning Administrator in DCRA shall state that the applicant and the signer will be subject to criminal penalties for false statements and any approval granted on review of a document that fails to include such statement shall be null and void.

1515.5 Refer to the following definitions in 11 DCMR 199.9:

Impervious Surface Coverage - The percentage of the land area of a lot that is covered by impervious surfaces, which percentage shall be determined by dividing the gross impervious surface area of a lot by the total area of the lot

Impervious Surface - An area that impedes the percolation of water into the subsoil and impedes plant growth.

Impervious surfaces include the footprints of principal and accessory buildings, footprints of patios, driveways, other paved areas, tennis courts, and swimming pools, and any path or walkway that is covered by impervious material.

1515.6 Amend the zoning map by including the following squares in the tree and slope protection overlay district:

Squares 2030 through 2033, 2040, 2041 through 2043, 2046, 2049 except for Lots 804 (Van Ness North), 805 (Van Ness Center), 806 (Van Ness South), Square 2231, 2232, 2238, 2239, 2241 through 2251, 2254 through 2256, 2258, 2262 through 2270, 2272, 2274 through 2277, and 2282. *[2041 and 2263 were also added by the ZC. But they seem to have already been in the foregoing list of square numbers, although, apparently, not on the map we distributed.]*

TREE AND SLOPE PROTECTION OVERLAY FOR FOREST HILLS

What is an Overlay?

An Overlay is a special-purpose zoning regulation *in addition to* the more general zoning regulations that govern construction all over DC. An Overlay applies to a specific area (such as Forest Hills, or part of Forest Hills).

- The District of Columbia Zoning Commission (ZC) adopts overlays after public hearing.
- A Tree & Slope Overlay discourages destructive development in order to protect neighborhood park lands and stream valleys and many of the neighborhood's larger trees.

How will the ZC decide on Overlay terms and boundaries?

The ZC will seek guidance from the Mayor's Office of Planning as well as public comments from landowners and other interested persons and Advisory Neighborhood Commission (ANC) 3F.

What would be the purpose of the proposed Forest Hills Overlay?

This Overlay would aim to protect Forest Hills' park-like character by enhancing zoning provisions for construction and subdivision development in this residential neighborhood.

How does this Tree and Slope Protection Overlay generally work?

- Forest Hills' predominant R-1-A zoning today allows development to occupy no more than 40 percent of a lot with buildings, and does not otherwise restrict impervious surfaces. The Overlay would limit building occupancy not to exceed 30 percent of lot area and total impervious surfaces to 50 percent of a lot.
- Minimum lot size in our R-1-A zoning district is 7,500 square feet. That means a developer who purchases a much larger lot may subdivide it today into lots of 7,500 square feet and build a house on each of those subdivided lots, as a matter of right. That has happened, and will happen again absent an overlay. Under the proposed Overlay, minimum lot size would go up to 12,000 square feet for future subdivisions.
- Our predominant current zoning provides for eight-foot minimum side yards, which the proposed Overlay would increase to 16 feet.
- Our current zoning has no minimum provision for maintaining the character of deep, front-yard setbacks (although some lots may have building restriction lines). The proposed Overlay (drawing on the ZC's Woodley Park Overlay as a model) would establish each block's average front-yard setback as a minimum for future construction on any lot in that block and for both street sides in the case of corner lots.
- Our current zoning does not restrict construction on steep slopes. The proposed Overlay would prohibit construction where the slope is 25% or more within 20 feet of a proposed building's footprint. This proposal follows Montgomery County, Maryland, standards.

The Overlay would *not* protect trees smaller than 12 inches in circumference from construction activities. But it would protect most healthy trees that are larger than that. In contrast, current zoning regulations allow cutting down all trees on a heavily wooded lot (as recently happened at 3883 Connecticut Avenue, 2945 and 2807 Chesterfield Place, and 3901 Albemarle Street).

The proposed Overlay would prohibit development that cuts down

- any tree with a circumference greater than 75 inches – wherever located;
- any tree with a circumference greater than 38 inches and up to 75 inches that is less than 25 feet from the street or street-facing property line or building line;
- more than three trees on any lot with circumferences greater than 38 inches and up to 75 inches that are 25 feet or more from the street or street-facing property line or building line; and
- trees that account for more than one-quarter of the total circumference-inches of all trees larger than 12 inches in circumference on any lot.

May a homeowner cut down a tree he or she owns?

Yes. If there will be *no development* afterwards (and no need for building permits), the Overlay leaves cutting of any tree, no matter how large, up to the landowner. But *development* must wait for at least seven years after cutting down protected large, healthy, non-hazardous trees.

Does the proposed Overlay prohibit tree trimming?

No. The Overlay addresses development that *kills* a living tree - not trimming or pruning a living tree (or removing a dead one).

How are the tree protections of an Overlay enforced?

The Overlay regulations (a) bar issuance of building permits [or subdivision of lots] where protected trees would have to be cut down and (b) postpone any development for seven years if trees are destroyed in violation of the Overlay.

Are there exceptions to tree protection and lot dimension provisions of an Overlay?

Yes.

First, sickly or hazardous trees may be cut down based on professional advice without affecting development.

Second, a developer or owner may go to the Board of Zoning Adjustment (BZA) to seek a "Special Exception" from Overlay restrictions. Specific physical characteristics of a lot might justify a special exception that comports generally with the purposes of the Overlay. (In rarer cases of severe economic hardship property owners could ask the BZA for a variance.) The five-member BZA rules after notice to the community and a public hearing.

Third, the ZC may authorize a unique "planned unit development" - considering the Overlay, the underlying zoning and other factors - in the case of large properties.

Who serves on the BZA?

The Mayor selects three of the BZA members, and one each is drawn from the ZC and from the members or staff of the National Capital Planning Commission.

Who serves on the ZC?

The ZC has five members: the Architect of the Capitol and Director of the National Park Service (or their designees) and three members selected by the Mayor.

COMPARATIVE RESIDENTIAL LOT DIMENSIONS (FOR "AS-OF-RIGHT" DEVELOPMENT)					
	R-1-A	R-1-B	R-2	R-5-D	FHCA proposal
Maximum lot occupancy [as % of lot area]					
building only	40%	40%	40%	75%	30%
all impervious areas	no limit	no limit	no limit	no limit	50% but may enlarge principal building
Minimum sizes [in square feet (s.f.) or feet]					
buildable lot (s.f.)	7,500	5,000	3,000	none	12,000
side yard (feet)	8'	8'	8'	depends	16'
front yard	none	none	none	none	average depth for block
corner side	none	none	none	none	average depth for block
rear yard (feet)	25'	25'	20'	15' or +	no changes
lot width (feet)	75'	50'	30'	none	no changes
steep slope building restriction? (Y or N)	no	no	no	no	yes

How will the ZC proceed to decide on the Overlay terms and boundaries?

First, the ZC will decide whether to schedule a public hearing on initiating the Overlay proposal. Second, after a public, rule-making hearing at which the ZC members hear oral statements and see maps and charts (and after receiving a report from the Office of Planning and written comments by mail from the public) the ZC will resolve the final outcome.

Has the ZC adopted tree and slope protection Overlays before?

Yes. The ZC has adopted a standard, "template" Overlay (first developed for Normanstone Terrace), which includes the lot occupancy and tree protection provisions described above. A more recent Overlay (developed for Chain Bridge Road/University Terrace) also enlarges minimum lot size.

What effect would the Overlay have on property values?

The Overlay should help preserve trees and the park-like character of the Forest Hills neighborhood. A neighborhood tree canopy - with trees on many private properties - adds aesthetic value, cleaner air, shade, a riparian buffer against stream and bank erosion, and a slow-down of storm water runoff. For many home owners that should enhance value.

To what properties would a Forest Hills Tree & Slope Overlay apply?

The ZC will set final boundaries for an Overlay "district." The current proposal would apply to lots east of Connecticut Avenue and near Rock Creek Park, Melvin C. Hazen Park, Soapstone Valley Park, and park land near the headwaters of Broad Branch and other streams. It would encompass Embassy holdings, Howard University's West Campus, the Levine School of Music, the historic landmark Owl's Nest and many smaller properties. (See accompanying map and following list of streets.)

STREETS AND 100 BLOCKS INCLUDED IN PROPOSED OVERLAY			
Overlay Boundaries May Be Enlarged or Reduced by ZC			
Albemarle Street	2800 - 3100 blocks	Linnean Avenue	4000 - 5200 blocks
Allendale Place	2800 block	Linnean Terrace	5100 block
Appleton Street	3100[+] block	Shoemaker Street	3900 block
Audubon Terrace	2800, 2900, blocks	Spring of Freedom St.	no street address found
Brandywine Street	2700 - 3100 blocks	Tilden Place	2600 block
Broad Branch Road	4500 - 4800 blocks	Tilden Street	2400 - 2900 blocks
Broad Branch Terrace	3200 - 3400 blocks	Upton Street	2500 - 2800 blocks
Chesapeake Street	2700 - 2900 blocks and 3100[-] block	28th Place	4000 block
Chesterfield Place	2800 block	28th Street	4500 block
Connecticut Avenue	4901 only [The Methodist Home]	29th Place	4600 block
Davenport Street	2800 - 3001 blocks	29th Street	4000[-] block and 4400, 4500 blocks
Ellicott Street	2800 - 3100 blocks and 3200[-] block	30th Place	4900 block
Ellicott Terrace	2900 block	30th Street	4500 - 4900 blocks
Fessenden Street	2900 - 3200 blocks	31st Street	4500[-], 4600[-] blocks
Garrison Street	3000 block	32nd Street	4500[-] - 4800[-] blocks, 4900 block
Gates Road	3000, 3100 blocks	33rd Street	5100 block
Grant Road	3000 block	34th Street	5000, 5100 blocks
Harrison Street	3000 block	36th Street	no street addresses
Lenore Lane	4200 block		

Only even numbers now included for blocks marked [+]; only odd numbers for blocks marked [-]

How can I get more information or a speaker to come to a block meeting?

E-mail George Clark [gclark@ReedSmith.com] or phone David J. Bardin [202-857-6089].

There will be at least one public meeting before Advisory Neighborhood Commission 3F after the April 16 Community Meeting. E-mail list@anc3f.org to get on the ANC's mailing list..

May I write directly to the ZC to offer comments now?

Yes. Send your letter to the Zoning Commission, 441 4th Street, N.W., Suite 200, Washington, D.C. 20001. Give your name and address and, if you wish, phone number.

You may ask to have your letter included in the official public record of the ZC's Overlay proceedings - ZC Case No. 02-19.

PROPOSED FOREST HILLS TREE AND SLOPE OVERLAY

FREQUENTLY ASKED QUESTIONS

Update as of June 9, 2002

What has happened since the last community meeting on May 13, 2002?

The Ad Hoc Committee formed by ANC3F issued its Report dated June 3, 2002. The Report endorses an Overlay and recommends that the ANC suggest several changes to the Overlay proposal filed by the Forest Hill's Citizens Association (FHCA). The Report is available at www.anc3f.org or from those listed below.

What will happen next?

On Monday June 17, 2002, the ANC will hold its regular meeting at 7:30 p.m. at the Capital Memorial Church, 3150 Chesapeake St. It will discuss what action to take about the Overlay. The FHCA proposal is scheduled for hearing in front of the Zoning Commission (ZC) at 6:30 PM on June 27, 2002.

What are the purposes of the Overlay?

1. To preserve the natural topography and mature trees to the maximum extent feasible in Forest Hills neighborhoods;
2. To prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally-sensitive natural areas; and
3. To limit permitted ground coverage of new and expanded buildings and other constructions, so as to encourage a general compatibility between the siting of new buildings and the existing neighborhood.

When did the ANC "first announce" consideration of a tree and slope overlay?

Spring of 2001, the ANC first publicly discussed this Overlay, as reported in the Northwest Current. On July 9, 2001, the ANC invited all community residents and landowners to join an open committee. That open committee has met over a dozen times (not counting numerous meetings with City officials and individual property owners). It has also met with residents in the two other overlay districts, several tree preservation organizations, and the National Park Service. It is this Committee that recommends the amendment to and the adoption of the Overlay.

Is there community support for an Overlay?

YES. Support for an Overlay at community meetings has been overwhelming. Residents have asked to have their property added to the Overlay. Many have suggested that protecting trees is long overdue. Despite this, some are complaining that this is moving too quickly. A handful have even written that they oppose the Overlay because "some trees are actually harmful to the micro-environment."

Do I need a permit to take down a sick, hazardous, or diseased tree of any size?

NO.

Do I need a permit if I want to take down a tree even if I just don't like it?

NO. You may take down any tree of any size for any reason, unless you want a building permit within seven years, in which case there are limitations on the number and size of *healthy* trees that can be removed without a special exception. See Report for details.

Aren't these tree cutting provisions unprecedented and inhibiting?

NO. These provisions are identical to those adopted in the first Overlay in Massachusetts Avenue Heights (Woodland/Normanstone) in 1992 and the second in Chain Bridge Road/University Terrace in 1999. There has been no lowering of property values in either of these neighborhoods.

Isn't it true that "almost every lot owner will have to appeal to the BZA" for special exceptions for additions?

NO. The amended provisions in the Report are very flexible and have responded to every question raised by the community. Also, the Office of Planning says that there have been no special exception applications in either of the first two tree and slope overlays.

Does the Overlay make lots unbuildable?

NO. The Committee is not aware of any lot within the Overlay that is unbuildable because of its provisions.

Could "adding a backyard patio" be prohibited as stated in a recent mailing?

NO.

Aren't there new limitations on impervious surface?

The Overlay limits impervious surface to 50% of the lot size, as in the two other existing overlays. Lots with 50% impervious surface coverage are extremely rare in Forest Hills.

What does the Overlay do to minimum lot size?

There is no effect on lots subdivided before April 19, 2002. For lots subdivided on or after that date, the new minimum size is 12,000 sq. ft. Lots smaller than 12,000 sq. ft. are still conforming and are otherwise unaffected by the Overlay lot size provision.

Do the side yard and front yard provisions apply to additions to existing houses?

NO. They apply only to *new* residential buildings.

Did the Committee recommend changes to the Overlay?

Yes. The Committee has three principal recommended changes concerning side yards, steep slopes, and the exception procedure at the Board of Zoning Adjustment (BZA). There are also a number of other smaller changes, definitions, and interpretations. These changes respond to community questions raised on April 16 and May 13, and as a result of further discussion and investigation by the Committee, including with the Office of Planning, individual property owners, and the City's new chief arborist.

Does the Overlay as amended in the Committee Report "force some new houses to be up to an average of 16 feet from the side lot lines?"

NO. The Committee recommends a more liberal procedure for calculating any additional side yard requirement for *new* residential buildings. The existing two 8-ft side yards (totaling 16 ft) would apply to lots up to 80 ft wide (either at the street or the average width). For wider lots, the sum of the 2 side yards would increase gradually up to 32 ft for a lot 144 ft or wider. The minimum side yard on either side is still 8 feet. The side yard provision does not apply to houses existing as of April 19, 2002.

Does the Overlay as amended in the Committee Report "bar new residents of Forest Hills" from building "unique homes with diverse styles into and along slopes?"

NO. The Committee recommends that builders identify steep slopes and erodible soils in applying for permits and certify the use of best management practices in planning, implementing and supervising those projects so as to minimize harm to trees and other environmental features, but not use these factors as a trigger which automatically (and by itself) require special exception review. On the other hand, if the developer seeks a special exception for other reasons, the steepness of slope and erodability of soils are proper subjects for consideration by the BZA. This is what opponents say "would burden all of us and our neighbors."

What kind of changes does the Committee recommend about the special exception procedure?

Many relate to the type of mitigation plan which a landowner may propose. These include a number of different alternatives such as a tree canopy maintenance easement, a preservation and planting plan for replacement trees, and several others.

What will happen if the ZC hearing on June 27, 2002 is delayed?

The temporary overlay provisions in effect will remain in effect unchanged. The changes recommended by the Committee in its Report will not take effect until adopted by the ZC.

What will happen if, as has been suggested in a recent mailing, the Overlay is rejected "to give neighbors time to design a reasoned approach?"

There will be no protections in place against the cutting down of any trees in Forest Hills. It will be up to individual neighbors to go the BZA to try to stop intrusive infill development, most often with no or only limited success, and without the chance for a hearing. The old system of clear cutting lots will again prevail instead of the Overlay's premise of "*think before you cut.*" If the ZC rejects the current proposal outright, the neighborhood risks years of delay before any new, and as yet undisclosed, proposal is acted on.

What should I do if I support the Overlay?

You should attend the ANC meeting on June 17. Whether or not you can attend, before that date you should write a brief letter to the ZC supporting the Overlay, with a copy to the ANC. Address your letter to Alberto P. Bastida, AICP, Secretary of the Zoning Commission, Office of Zoning, 441 4th Street NW, Suite 210, Washington D.C. 20001, referring to Case No. 02-19 (Text Amendment-Forest Hills Tree and Slope Overlay District).

For more information please contact Committee co-chairs: George R. Clark [202-414-9215 gclark@ReedSmith.com] or David J. Bardin [202-857-6089; BardinD@arentfox.com].

TO: THE ZONING COMMISSION

RE: CASE NO. 02-19

WE, THE UNDERSIGNED RESIDENTS OF FOREST HILLS,
SUPPORT THE FOREST HILLS TREE AND SLOPE PROTECTIVE OVERLAY

<u>Name</u>	<u>Address</u>
Linda Swanson	4629 30th St NW
Brandon Heron	2900 Albemarle St
Laura Oberdorfer	4630 30th St NW
Susan A. Grudginton	4501 30th St, NW
Egbert Gierke	2820 Brandywine St. N.W.
Renate Gierke	2820 Brandywine St, NW
Joseph McManus	4530 29th St NW
Susan F. Gilbert	3101 Chesapeake St NW.
Stumpal (SUSAN MARTIN)	4933 30TH PLACENW
JOEL SWERDLOW	3045 Albemarle NW
Kathleen A. Flynn	2839 Allendale Pl NW
Joan Rosenthal	3033 Dawsonport St NW
Robert Berendt	4701 32nd St. NW

TO: THE ZONING COMMISSION

RE: CASE NO. 02-19

WE, THE UNDERSIGNED RESIDENTS OF FOREST HILLS,
SUPPORT THE FOREST HILLS TREE AND SLOPE PROTECTIVE OVERLAY.

<u>Name</u>	<u>Address</u>
ANDREW WALWORTH	4420 29 th ST NW WASH DC 20008
Virginia Worthington	2830 Upton St NW Wash DC 20008
David R. Evans	4629 30 th St NW Wash DC 20008
John B. Swartz	2945 Upton St NW Wash DC 20008
Emily Lind	4531 25 th St, NW Wash DC 20008
Gay G. Stens	3180 Chesapeake St. NW. 20008
Dorn & Lee McGrath	2910 Brandywine St., NW Wash, DC 20008
John Baringer / Michaela Penabaz	4516 30 th Street, NW 20008-2125
David Heath	3011 Gates Rd NW 20008
Marjorie B. Rachein	2919 Brandywine 20008
Wayne Curtis	3685 Upton St 20008
Dina Curtis	" "
James M. McHale + 2	4545 30 th Pl., NW 20008
James M. McHale	" " "

TO: THE ZONING COMMISSION

RE: CASE NO. 02-19

WE, THE UNDERSIGNED RESIDENTS OF FOREST HILLS,
SUPPORT THE FOREST HILLS TREE AND SLOPE PROTECTIVE OVERLAY.

Name

Address

Charles Eldman
Estelle Eldman
Kate Huthy
Duke Hathaway
Joan Beresky
M. Brown

2855 Davenport St. NW

"

2831 Elliott St. NW

2831 Elliott

4444 Linnear Ave

4444 LINNEAR Ave

2916 Elliott TR NW

4420 29th St, NW 20008

2811 Albemarle ST NW 20008

4525 28th St NW 20008

5019 Linnear Ave NW 20008

4515 30th St. NW
" " " "

MIRIAM AND
ALEX WALWORTH

Nicholas LARAY

Mary Clark

Florence R. Hart

Margery Elfin

Mel Elfin

TO: THE ZONING COMMISSION

RE: CASE NO. 02-19

WE, THE UNDERSIGNED RESIDENTS OF FOREST HILLS,
SUPPORT THE FOREST HILLS TREE AND SLOPE PROTECTIVE OVERLAY.

Name

Address

Leslie Buhler	4701 32 St. NW
Jim Carroly	2839 Alondale Pl. NW
Keith Ewade	2810 Davenport St. NW
Paul Arendal	3120 Appleton St, NW
Judith McManus	4530 29th St NW
Michael A. McLean	4535 29th St, NW
Darrel Grinstead	2964 Chesapeake NW
Leslie Weinberger	3116 Davenport St NW
Barbara Simons	5025 Lennox Ave, NW
Joel Mulhauser	3052 GARRISON St NW WASH DC
Lynda Mulhauser	3052 GARRISON St. NW
Andrea J. Vrist	3060 Garrison St. NW
Fance P. Spenn	3060 Garrison St., NW