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Commissioner ANC3F01
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Advisory Neighborhood Commission 3F
North Cleveland Park and Forest Hills
P.O. Box 39290
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July 30, 2002

Honorable Carol J. Mitten, Chairman
D.C. Zoning Commission
Suite 210 South
441 4th Street, N.W.
Washington, D.C. 20001

Re: Case No. 02-19, Text Amendment for a Forest Hills Tree and Slope
Overlay District

Dear Chairman Mitten:

On April 5, 2002, the Forest Hills Citizens Association (FHCA) filed the referenced petition requesting a text amendment that would create a Forest Hills Tree and Slope Overlay District, and on April 19, 2002 the petition was set for hearing on June 27, 2002. A continued hearing on the matter is scheduled for September 5, 2002.

A substantial number of Forest Hills residents oppose an overlay district in their neighborhood. Many of these individuals have communicated their opposition to the Zoning Commission and a sharp division exists within the Forest Hills neighborhood on this matter. Opponents to the overlay have organized themselves as the Forest Hills Neighbors for Responsible Preservation (FHRNP). We know that the Zoning Commission is conducting its review of the FHCA petition with great care and caution to ensure that the views of all residents in the neighborhood who would be affected by an overlay are considered. Given the fundamental changes the overlay would bring, all residents must be provided an equal opportunity to have their views heard by the Zoning Commission.

In this regard, we respectfully request that pursuant to the provisions of Section 3000.8 of the Zoning Regulations, the Zoning Commission waive the Section 3021.5 order of procedure for the September 5 continuation hearing. Such waiver would enable the FHRNP and ANC 3F Commissioners Kogan and Maudlin to provide the Commission with a coherent and meaningful presentation of their views on the proposed overlay. We believe that such a presentation would substantially advance the interest of the Zoning Commission in educating itself on all aspects of this important issue and advance the Commission's ability to make a fully informed decision. We believe this would also reduce the total amount of time needed for the Commission to hear the opponents' case since the opponents would file with the Zoning Commission detailed statements on their opposition to the petition for a Forest Hills Tree and Slope Overlay District prior to the September 5, 2002 hearing.

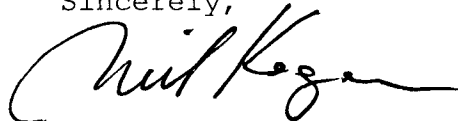
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District of Columbia
Case 02-19
EXHIBIT NO.157
Exhibit 157

FHNRP members are in the process of preparing additional factual information including analyses of the physical characteristics of Forest Hills in order to document the overlay's impact on the neighborhood. The information to be presented is not available from other sources and is critical to the Zoning Commission's complete review of this application. We anticipate questions from the Commission regarding the FHNRP presentation as well as discussion with the presenters. It is important that appropriate time be made available for the presentation of the material and the interchange with Commissioners. Given the amount of substantive and detailed information to be presented as well as the fact that this information is not available from other sources, a waiver of the order of procedure rules is warranted so that the Commission can benefit from a structured presentation of the material.

Absent a waiver, FHNRP would be limited to a brief five minute statements and Commissioners Kogan and Maudlin and other neighbors would be limited to brief three minute statements. Opponents to the overlay would be denied the opportunity to make a coordinated, coherent, and structured presentation of their views for the Commission. Limiting the opposition to a series of brief uncoordinated statements would place this group in an inequitable position relative to the proponents. At the June 27 hearing proponents of the overlay were provided a substantial amount of time to present their case. Four presenters representing FHCA were provided the opportunity to address the Commission and discuss their reasons for supporting the overlay. Two ANC 3F Commissioners and a National Park Service representative were given additional time to present supporting views. The Office of Planning also was given the opportunity to explain its position in support of the overlay.

We respectfully request and urge the Zoning Commission to grant the requested waiver. The views of all residents must be weighed equally in considering zoning changes such as those contemplated in the referenced petition. A waiver of the Section 3021.5 rules is necessary in order to provide an equal opportunity for overlay opponents to be heard by the Commission.

Sincerely,



Phil Kogan
Commissioner
ANC3F01



Robert V. Maudlin
Commissioner
ANC3F03

cc: Honorable Anthony Hood
Honorable James Hannaham
Honorable Peter May
Honorable John Parsons
Ellen McCarthy, Office of Planning
ANC 3F
Barbara M. Simons, FHCA
Mark Baughman, FHNRP