



## Forest Hills Citizens Association

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

August 26, 2002

### VIA HAND DELIVERY

Mr. Alberto P. Bastida, AICP  
Secretary to the Zoning Commission  
Office of Zoning  
Suite 210  
441 4<sup>th</sup> Street, N.W.  
Washington, DC 20001

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

Dear Mr. Bastida:

This letter is in response to the letter dated July 30, 2002, from ANC3F Commissioners Phil Kogan and Robert Maudlin in which they ask for additional time to present the views, apparently, of an organization which is previously unidentified in this proceeding known as the Forest Hills Neighbors for Responsible Preservation (FHNRP), as well as to change the order of proceedings. As the petitioner in this proceeding, the Forest Hills Citizens Association (FHCA) opposes these requests.

At the outset, we must note that the entire premise of the July 30 letter is incorrect. The Forest Hills community is overwhelmingly in favor of the overlay. The community meetings that have been held prove this.

Additional time for "FHNRP." Although the authors of the letter request time for a previously unknown organization, apparently that "organization" has not seen fit to request this time itself. Therefore the request should be denied on this basis alone. As things presently stand, no one knows the identity of any member of "FHNRP," or even whether it actually exists. Nevertheless, the letter asks for additional time for this organization to speak, even though it has not given anyone any inkling of its standing, membership or its views.

**ZONING COMMISSION**  
**District of Columbia**  
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Exhibit 195

The Petitioner has represented the Forest Hills neighborhood since 1929, and has over 900 members. One of the other organizations which has requested to speak on behalf of the overlay, the Forest Hills Neighborhood Alliance (with over 400 members), has not requested any time beyond the five minutes provided under the rules. "FHNRP" should be treated no differently.

If the letter is also to be construed as a request for an unspecified amount of additional time for the two dissenting ANC Commissioners, those Commissioners have already filed a dissenting report with the Zoning Commission, which sets forth their views at length. A fair summary of their views, as expressed in that report, is that: (a) none of the standard tree and slope overlay provisions as previously found appropriate by this Commission is justifiable; and (b) that the process has moved too rapidly (see also preliminary motion of Commissioner Kogan at the June 27, 2002, hearing).

With respect to the first point, their views are adequately expressed in writing and lengthy elaboration in person will add nothing. With respect to the second point, the Commission has already rejected a motion to postpone this hearing based on that theory. We emphasize that it is a "theory," because this process has been ongoing in the community for more than one year. In addition, at the ANC meeting of June 16, 2002, at which proponents and opponents of the overlay spoke before a packed house, one of these same Commissioners (Commissioner Kogan) insisted that presentations be very limited in time (30 minutes total). It is somewhat remarkable that they now plead for more time.

If the Commission grants additional time for dissenting ANC Commissioners to testify, it should also grant an equal amount of additional time to other ANC3F Commissioners who voted for the overlay who would otherwise be limited to three minutes.

The order of proceedings should not be changed. The proponents should be allowed to finish their case first. At least a dozen individuals and groups were prepared to speak on behalf of the overlay at the June 27 hearing, but could not because of the constraints of time. These speakers should not be placed at the end of the line and possibly again face not having the opportunity to state their views. The letter requests this unusual change in the order of proceedings because of a promise that they will present "substantive and detailed information" and a "coherent" presentation, without giving the slightest hint as to what that is. From what has been filed and stated previously, we can expect that we will hear a plea for more delay and the inappropriateness of the standard tree and slope overlay provisions. Surely that does not justify changing the order of proceedings.

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The FHCA respectfully requests that the changes in the time for testimony and the order of proceedings sought by ANC Commissioners Kogan and Maudlin be denied.

Respectfully submitted,

FOREST HILLS CITIZENS  
ASSOCIATION

By Barbara M. Simons  
Barbara M. Simons  
President