

Statement of James M. McHale
In Support of the Proposed Forest Hills Tree and Slope Overlay District,
Case No. 02-19, Text Amendment,
September 5, 2002

Madame Chair and Commissioners:

My name is Jim McHale. My wife, Carol, and I have lived on the 4900 block of 30th Place, N.W. for the past twenty-five years. We have raised our two sons in this house. Our Forest Hills' neighborhood meets the needs of families, as it has in the past, and I believe will in the future. It has a terrific playground, a good ball field, and some uniquely desirable features: it is near public transportation, and because of the tree cover, it has an almost rural feel.

With this background and since our block lies in the heart of the Forest Hills Tree and Slope Overlay, I have given a lot of thought to this proposal, and I have concluded that it should be adopted. Before preparing these comments, I spoke with most of the neighbors who live on our block, and I confirmed that they agree with the following **four** points.

First, beautiful trees not only give Forest Hills its name, but also give it a special character. That quality and the friendliness of neighbors make this a great place to live and raise a family in the District. These same factors assure homeowners in Forest Hills that their houses will appreciate over a lifetime.

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Trees add much to the value and attractiveness of our neighborhood. Preserving neighborhood trees became a pressing issue about fifteen (15) years ago when someone from outside the District attempted to buy the Peruvian Embassy Residence (at the North end of our block) and build a townhouse development there. Peru's former ambassador then described the trees as the "lungs" of Forest Hills. His poetic phrase stuck in my mind and I think it fits the bill perfectly. In the words of my neighbor, Susan Martin, the Overlay will keep the "forest" in Forest Hills. The Overlay will also provide the more general, public benefits that the National Park Service spokesperson so eloquently described at your Commission's June meeting.

Second, the objections of the opponents boil down to one thought: "no more regulation." In the abstract, this argument has some appeal. To try to understand the opponents' point of view, I attended two meetings: An ANC meeting in June and an informal meeting in August, where our ANC arranged for Overlay proponents and opponents to meet and seek common ground. Since I have known some of the opponents for years, I was particularly interested to hear their thoughts. While I respect their strong feelings, I don't accept their reasoning.

Here's some of what I heard. One individual said that he felt no obligation to stay current on neighborhood zoning issues and thus found an Overlay concept surprising and objectionable. Others complained that grade restrictions or set back lines might hurt them personally. Finally, a couple complained that, if the market shot up more, the Overlay might prevent them from tearing down the house that they live in now, building a much larger house in its place, and selling the new house to the highest bidder. Those complaints did not persuade me. In fact, it appeared that none of the opponents had taken the time to review the Overlay language, as the applicant has modified it and as the District's Planning Office had endorsed it in substantial part. While the August meeting ended on a cordial note, no opponent suggested any change to the Overlay that would satisfy their concerns.

Third, the Overlay places minimal limits on current homeowners, and only a few ones on those who propose replacing an existing residence with a new one. Following the Overlay's terms, current homeowners would admittedly need to seek permission to make certain changes that could negatively impact trees or slopes. New construction would face additional, minimal limitations. Under my calculations, an individual can still build a very large, very expensive house. Under the proposed footprint restriction for an R-1A minimum size lot, one can build a house with 5,625-sq. ft. above ground living space. Factoring in

the land cost, the resulting sales price would reach about \$1.5 million, which should satisfy even the hottest market.

[The minimum lot size in the R-1A section of Forest Hills is 7,500 square feet. Using the 30% footprint that the Overlay permits, the footprint of such a house would be 2,250 sq. ft. Multiplying that number by 2.5 (to project a 2 1/2-story house) results in 5,625 sq. ft. of above ground living space. Taking \$200 per square foot as a reasonable cost of construction, such a house would cost \$1.125 million to build. The price of the lot would bring the sales price up to at least \$1.5 million.]

Fourth, and most important, the objectors implicitly argue that the Board of Zoning Adjustment would not act fairly if a homeowner could show the need for relief because of a hardship or another special circumstance. Frankly, I am confident that the BZA will act fairly to accommodate hardships. Since a member of this Commission sits on the BZA, I believe it would act reasonably. Even opponents must concede that the professional way that this Commission conducts its affairs gives the public confidence in the District's Zoning process.

For those reasons, I support the proposed Overlay, and I thank you for giving me the chance to speak.