

J. Brendan Herron Jr.
2901 Albemarle Street NW
Washington, DC 20008
(202) 248 – 9837
Bherron@ifstrat.com

Via Federal Express

October 3, 2002

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

2:47

Re: Support of the Tree and Slope Overlay (Case No. 02-19 - Text Amendment Forest Hills)

Dear Commissioners:

I have attended all the hearings on the case and request the ability to respond to information presented by the opponents of the Overlay as allowed under Section 3024.4 of the DC Zoning Regulations. I believe that their presentation did not make clear certain points that need to be addressed

- **A vote to reject the Overlay means we will go at least one more year without any zoning protection for Forest Hills or Rock Creek Park.**

Under Section 3029.4 of the Zoning code, a petition that is denied following a hearing cannot be refiled for one year. Any momentum from the work to date will be lost as the opponents will have no incentive to make constructive proposals in the short term and can use the same delaying tactics when and if an overlay is filed in a year. In the meantime, developers and others will take advantage of the delay to continue to remove trees. For example, on the 2800 block of Chesterfield place, there are plans to increase the density of the block by 37.5% (6 new houses). This kind of development will result in the loss of many mature (75+ year old trees) and in one case; the lot has already been clear-cut. The neighbors do have not any ability under the current zoning to have any input. The burden should be on the people changing the neighborhood and not on the neighbors who have to live with it. This Overlay gives the neighbors some protection.

- **The bulk of the testimony opposing the plan were from people who would oppose any plan or from people opposing items taken directly from the existing Tree and Slope Provision in the Zoning Code which are in use in the other Tree and Slope Overlays.**

Of the first group, Commissioner Kogan admitted that many of those opposed would not be happy with any changes. The second group seemed to mostly object to language, such as the number and types of trees to be preserved which is taken from the Tree and Slope Overlay template adopted in 1992. This language has served the other tree and slope neighborhoods in some cases, for 10 years without undue hardship. It should also be noted that none of the testimony included any suggestions for proposed changes despite the fact that many of the opponents had backgrounds as architects or urban planners. You would think that they could have made positive suggestions if they were truly interested in an Overlay.

ZONING COMMISSION
District of Columbia

Case 02-19
Exhibit 274

ZONING COMMISSION
District of Columbia
CASE NO.02-19
EXHIBIT NO.274

- **The Overlay is not a new concept and was included in the comprehensive plan in 1999 and in the Mayor's budget and has the support of the Office of Planning and the ANC.**

It is my understanding that the overlay has been discussed for approximately 15 years. It is in the Comprehensive Plan and the Ward 3 plan. The City's comprehensive plan for Ward 3, adopted in 1999, states: "Several areas in the ward, because of their existing low density and "park-like" setting, require land use controls in addition to the requirements of R-1 zoning ... This Tree & Slope Protection overlay should be considered and adapted for other park-like, hilly areas such as the Potomac palisades and the portions of the Forest Hills and Barnaby Woods neighborhoods adjacent to Rock Creek Park and its tributary valleys;" Despite the clear intent of the plan, the zoning laws have yet to be changed. Based on the history, it is hard to argue that the plan was rushed.

- **ANC Commissioners Kogan and Maudlin's opinions do not represent the opinion of the neighborhood.**

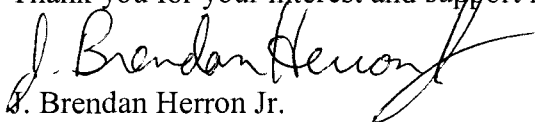
Neither commissioner did any type of study or opinion poll of their district. We surveyed our neighbors in the heart of the overlay district and found over 70 people supporting the overlay with only one person indicated an objection. It should also be noted that Commissioner Kogan does not live in the Overlay area and his ANC seat will not represent any portion of the Overlay area beginning in 2003.

- **The vast majority of Residents (approximately 90%) either support or have no opinion on the Overlay and the bulk of the opposition is concentrated in one or two geographic areas on the outskirts of the Overlay**

By the opponent's count published in a newsletter they distributed in the neighborhood, less than 10% (150 of over 1700 residents) have registered opposition. The remaining people must either support or not object to the overlay. The bulk of the opposition is in the southern portion in Lenore Lane (who could easily be taken out of the overlay) or in the northern most corner.

I would urge the Zoning Commission to support the Forest Hills Overlay. While many of us desire for a city wide or more comprehensive solutions, we must act to protect Forest Hills and the Rock Creek watershed that is down slope from Forest Hills. We can't wait another year or based on the past, 15 years. As Kathy Patterson indicated, we should put the Overlay in place and if needed, it can always be modified. Despite the objections, to date, I do not believe that any opponent has claimed any immediate financial hardship from the Overlay. If the Commission feels additional hearings or community input is needed, I encourage you to preserve the momentum by reopen the record (under Section 3024.5) and ask for additional input from the community rather than rejecting the application.

Thank you for your interest and support in this matter.


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