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December 13, 2002

Ms. Carol Mitten, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20004

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D.C. OFFICE OF ZONING
2002 DEC 16 AM 8:49

Re: Forest Hills Tree and Slope Overlay

Dear Ms. Mitten,

As a Licensed Professional Engineer working in the District of Columbia, I feel compelled to write to you regarding the above referenced legislation. While I have many clients in Forest Hills (builders and homeowners alike), I have not been retained to lobby for or against this new legislation. My concerns are professional in nature, and primarily involve the practicality of administering these new rules. I hope this is a concern of yours as well, since the building permit process is already rather lengthy and cumbersome and the District's staff is already overburdened by the volume of applications. There are several items that I would like for you to consider:

1. The new rules include requirements to use "best management practices" when building on steep slopes. However, "best management practices" is not defined, thus creating an arbitrary standard. Further, this language is unnecessary, since the District's sediment control regulations already require complete stabilization of all disturbed areas and include specific methods and measures for accomplishing this. My concern is that this portion of the legislation needlessly burdens the zoning staff with another review process, and perhaps one that is not within their area of expertise.
2. The new legislation provides for an average front yard setback. Having dealt with this rule in Montgomery County, I can attest to the problems it creates. One or two older homes set well back from the street can distort the average on a square of 6-8 lots. This can force a new home to be built well behind the house it is replacing while not necessarily maintaining the true character of the street. Consider an example where two very old homes set back at 50-feet on larger lots, while two newer (1950's era) houses are set at a minimum of 0-feet on smaller lots. The average will be 25-feet, possibly forcing new construction back onto a steeper portion of the lot, and actually allowing for less flexibility in situating the house to save existing trees. My concern is that the average front setback rule will have a negative impact on our ability to save trees, which I believe to be the primary intent of this legislation. This example is exacerbated on streets where pie-shaped and pan-handle lots exist, artificially distorting the average setback.
3. The restrictions on tree removal, as in all of the District's TSP Overlay Zones, allow for little flexibility. They also make no allowances for different species of trees. There are many examples where this can create undesirable consequences. Since trees over 75

Case 02-19
District of Columbia
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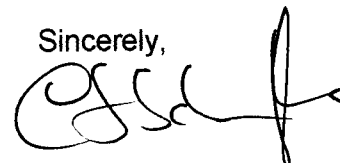
inches in circumference are not permitted to be removed, there will be cases where slightly smaller and more desirable trees (say 72-inch oaks) will be sacrificed, while mulberries, silver maples, white pines, or other less desirable but larger trees will be saved. In other cases, a homeowner may be able to preserve the large majority of mature trees on his land (say eight oaks that exceed 75-inches), but desire to remove one 75-inch tree to allow for a small building addition. This homeowner will be required to apply for a variance with the BZA, which seems an extreme burden to him, as well as an unnecessary increase to the workload of an agency that is already well extended.

4. The inclusion of all trees greater than 12-inches in circumference is burdensome and excessive. Keep in mind that a 12-inch circumference tree is less than 4-inches in diameter. Many lots contain dozens of such trees, many of which are non-native ornamental species. The benefits of including these in the review process are not justified by the costs associated with administering the rules. Furthermore, in many cases, the homeowner who paid for, planted, and cared for such trees will be penalized when he attempts to build an addition, pool, play set, shed, or new home.
5. While the lot coverage restrictions are typical of other TSP overlay zones, they really serve no purpose that is not already served by other parts of the ordinance or other laws. Tree preservation is already addressed by this legislation. Stormwater management is required by other legislation for all new homes. Therefore, the purpose of the lot coverage restrictions is unclear. Furthermore, it is extremely restrictive on smaller lots. If you have a small lot, with a reasonably sized house and driveway, the lot coverage restrictions will leave little or no room for a rear patio or deck. In addition, these restrictions often preclude the use of detached garages, which many homeowners desire in order to maintain the architectural integrity of the house and corresponding streetscape.

In conclusion, I understand and appreciate the intent of this new legislation, but feel that many details need to be worked out. My personal experience working on projects in the other TSP Overlay Zones supports this viewpoint. We have often been forced into poor site design by the vague and generic language in the ordinance. Specifically by the lack of flexibility regarding tree sizes and species. I have personally designed sites to save rather unsightly black cherries and mulberry trees, while removing beautiful and stately magnolias and oaks. In Montgomery County, where the average front setback rule has been in effect for many years, we are often forced to remove more trees in the rear yards because a new house is forced further back on the lot than the original house.

I truly hope that you consider the points I have raised in this letter. I will be more than happy to discuss specifics with you by phone, or in person. Please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Schreffler', with a stylized flourish at the end.

Curt A. Schreffler, PE
President