

BY HAND DELIVERY

February 11, 2003

District of Columbia Zoning Commission
Room 210
441 4th Street, N.W.
Washington, D.C. 20001
Alberto Bastida

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB 11 PM 2:17

Re: **Forest Hills Tree and Slope Protection Overlay District/Zoning Commission Case No. 02-19**

Dear Mr. Bastida:

At last night's meeting of ANC3F, Forest Hills Citizen Association (FHCA) President George Clark announced that he would be sending a letter to the Zoning Commission affirming the FHCA position, which – among other things – would request raising minimum lot size of R-1A zoned lots to 12,000 square feet, as originally requested.

When several FHCA members present at the meeting requested an advance copy of the letter, Mr. Clark refused, saying that he was not required to share such communications, that he would not, and that that was “not the way neighborhood associations operate”.

We deplore Mr. Clark's continuing disregard for principles of democratic participation and common courtesy. Nobody knows how many of the FHCA's 312 members¹ would support Mr. Clark's views. In light of Mr. Clark's refusal to communicate within the organization or to take a vote on the matter, we, the undersigned members in good standing of the Forest Hills Citizen's Association, respectfully request the Zoning Commission to note that any views expressed by Mr. Clark during the comment period for Case No. 02-19 do not, and indeed cannot, be said to express the informed position of the FHCA membership.



James R. and Karen Gail Foreit
4140 Linnean Avenue NW
Washington, DC 20008

Jane Halpern and Warren Watts
Eugene and Karin Gurenko
Clarice and Howard Feldman
James Riley

Cindy Kelly
Robert V. Maudlin
Phil Kogan
Stuart C. Sloame
Laura and Mark Baughman
Andrew Stevenson
Armando and Mariana Lourenco

attachments

¹ According to David Swanson, FHCA Treasurer, based on paid dues and membership slips, there are currently 312 members in good standing, as opposed to earlier assertions made to the Zoning Commission by former acting president Ms. Barbara Simons

ZONING COMMISSION
District of Columbia
Case 02-19
Exhibit 312

ZONING COMMISSION
District of Columbia
CASE NO.02-19
EXHIBIT NO.312

From: Laura Baughman <baughman@tradepartnership.com>
Date: Mon, 03 Feb 2003 15:07:42 -0500
To: Mark Baughman <mbaughman@skbarch.com>, Warren Watts <wrw@att.net>, Karen Foreit <K.FOREIT@TFGI.COM>
Subject: What I sent to George Clark

In response to his request for input on the TSO:

Dear Mr. Clark:

I wanted to offer my two cents regarding the tree provisions of the TSO. I have huge problems with the other provisions as well, but my biggest concern is the trees.

First, let me emphasize that no one cares more about trees than me. Others may care as much, but no one more. I watered the trees in our tree box all summer, which I notice hardly anyone else in the neighborhood did. Our water bill this summer was enormous! Mark and I have spent thousands of dollars trimming, fertilizing, and cabling the trees on our property to keep them healthy as long as possible.

So if we're going to do this, we need to do it right. I have some questions, and they are not rhetorical, and I hope you can answer them as you must have had something in mind when you wrote this thing in the first place.

1. How did you intend for the tree-cutting TSO provisions to be enforced? If we go to all this trouble to write rules about what people can and cannot cut down, but there's no independent person out there keeping track of what people do and when people violate the rules, what good are they? There's nothing in the TSO that says who will monitor the situation. No surveys that set the bar. What did you intend? I know for myself, that if my neighbor cuts down a tree that I think he/she had no right to cut down, the only way I can verify it is to trespass on his/her property to measure the circumference of the remaining stump. And then to report him/her -- to whom? Who will care? It only matters if the neighbor goes in for a building permit, which he/she may never do! Plus maybe I like these neighbors and am not inclined to start a fight with them over what they did to a tree? For the life of me I cannot come up with an enforcement system that will work. So I cant suggest one. But I presume you had one in mind..... Without a workable enforcement system, why are we doing this? At least the DC tree bill would be enforceable.

2. What happens if I cut down my quota of trees, and then have to move (Mark gets transferred to Bermuda)? Do I have to tell whoever buys my house that the tree cutting quota is filled? What if someone buys a house in the neighborhood and the tree cutting quota is filled on that property, but the seller never told them, and the new owners decide to put an addition on the house and want to cut down one more tree to do it. They wouldn't know they had a problem. The BZA may not know either if no one reported the other three trees. Don't you need a time period that the quota would cover to get past this problem? Like two years?

3. Don't you need deadlines for action by the five agencies that have to sign off on special exceptions? Like 30 days? If nothing comes out of the office within 30 days, the application is presumed approved by that agency? This would seem to be necessary given the delay that could result if we have to wait for DC bureaucrats to do things in a timely manner. And are all those agencies really necessary for signoff in every instance? What does the DC Department of Transportation have to say about what goes on in my back yard?

4. Since the tree bill is likely to cover (in a more effective/enforceable way) trees 55 inches and up, seems to me like the TSO needs to be written to cover trees 54 inches and down.

Mr. Clark, these are genuine questions and I hope you will take a minute to send me some answers.

Also, I strongly suggest that the FHCA have at least one, maybe two meetings a year (Spring, Fall) on tree care. Get someone from a tree care company to come and make a presentation about how to take care of your trees. How much should you spend on fertilizing, trimming, etc. What species are best for canopy, what to do when a tree is sick, etc. I think most people think it is too expensive to do this stuff for their trees, so they do nothing and the trees die. Again, look at how few people watered this summer.

Sincerely,

Laura Baughman
4835 Linnean

February 5, 2003

Forest Hills Citizens Association
Attn: George Clark
4301-A Connecticut Av. NW #209
Washington, DC 20008

Dear Mr. Clark,

Thank you for your letter of 1/24/03. Let me say at the outset that my wife and I are relative newcomers to Forest Hills and have recently joined the Citizens Association. The claim that the November election of the Association's Executive Officers was improperly conducted seems to me persuasive. For the sake of harmony and your own effectiveness as an Officer of the Association, I encourage you to take another vote of the members and see if, in fact, you and your fellow Officers have enough votes to legitimately hold office.

The legitimacy of the election aside, does the Association have an agenda of community issues that it intends to pursue? If so, I suggest that the membership be kept closely informed about these issues and the Association's role. As an example, if the Tree and Slope Overlay is adopted by the Zoning Commission, does the FHCA intend to become involved in the review of individual homeowner's or property owner's projects? Will homeowners, who need to obtain a Special Exception, in addition to presenting their projects to the ANC, also have to seek the blessing of the Citizens Association? I am concerned that these issues will adversely create controversy and do not bode well for future neighborhood relations in Forest Hills.

Effective community leaders are not those who shy away from seeking out a diversity of opinion or from aggressively determining just what the majority favors. Current performance with respect to the Tree and Slope Overlay and the recent election of the Citizens Association's Officers indicates that future tensions are regrettably likely.

Sincerely,

Andrew K. Stevenson
2955 Albemarle Street, NW
Washington, D. C. 20008
Tel. (202) 244-1896
FAX (202) 237-2151

7 February 2003

Dear Mr. Clark:

Thank you for your letter dated 24 January 2003, regarding the Forest Hills Citizens Association. I do have a number of questions and concerns regarding the Forest Hills Tree and Slope Overlay Provisions (FH/TSP), Zoning Commission case number 02-19.

To focus on one area of the petition, I have concerns with the provisions pertaining to slopes, the difficulties in interpreting and complying with those provisions, and the increased regulatory and bureaucratic burden and potential costs that would be imposed on homeowners in Forest Hills who may want to improve their property through the construction of a simple retaining wall, kitchen remodeling, or addition of a small sunroom or similar project. These concerns pertain only to those areas of Forest Hills included in the FH/TSP.

1. Do these slope provisions apply to construction requiring a building permit on any private property owner's lot with a slope anywhere on their lot, whether or not that construction is on or into that slope? If a private property owner wants to make an addition to their house, and that addition is not on or into any slope or slopes on their property, do these provisions still apply? If so, why should these provisions apply if the slope or slopes are not affected?
2. Who determines if a slope on someone's private property rises more or less than twenty-five percent? What method or methods would be used to measure the degree of rise?
3. If it is determined that a slope on a privately owned lot has a slope equal to or greater than twenty-five percent, who determines if soil on that slope is "highly erodible?" Would a private property owner need to make arrangements with the United States Department of Agriculture to have their property examined by a qualified USDA employee to determine if a slope consists of soil that is "highly erodible?"
4. The petition does not make clear what type of professional would certify that building plans follow "best geo-technical, structured engineering and arboreal practices." Do you know what type of professional can provide that sort of certification? Do you have any estimate of what the cost to a private property owner would be to obtain such certification?
5. The petition also does not define what "best geo-technical, structured engineering and arboreal practices" are, nor does it provide any information on where to find the definition of these terms, or how they would apply to any sort of construction on a privately owned lot. Do you have any references or information

on these terms? How would my wife and I, as homeowners in Forest Hills, be certain we are complying with these requirements if we don't know who provides this professional certification, or what these requirements are in terms of actual practices?

Finally, your letter states that, "FHCA will file further comments by the 11th." Who are you referring to by "FHCA"? The FHCA seems to consist of anywhere from about 340 to over 900 members or households, depending on the source and definition of a "member." Considering that this FH/TSP, or any tree and slope overlay, has never been an agenda item at any FHCA membership meeting that I'm aware of, and that FHCA members have never been surveyed, polled, or taken part in any formal analysis of their views on this issue, it's not clear to me how the FHCA can file any comments with the Zoning Commission on the FH/TSP, nor how any one or more individual members of the FHCA can claim to speak for all members.

Sincerely,

Warren R. Watts
3054 Harrison ST NW
Washington, DC 20015