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ANC 3F04

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11 February 2003

Zoning Commission of the District of Columbia
441 4th Street, NW – Suite 200
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB 11 PM 3:05

Re: ZC Case No. 02-19
Forest Hills Tree and Slope Protection Overlay

Dear Zoning Commissioners:

During the ANC meeting last night, a motion to recommend exclusion of "all" the squares south of Soapstone Creek failed for lack of a second. That would be a bad idea.

- These squares adjoin three national parks: Soapstone Valley Park, Rock Creek Park, Melvin C. Hazen Park, as well as the National Park Service held median strip of Tilden Street, site of the historic Pierce Spring House.
- These squares include some of the richest tree canopy and steep slopes in the area, as the attached aerial photo (provided by the Office of Zoning) shows with regard to squares 2245, 2246, 2239, 2244, 2231.
- Square 2245, owned by the foundation that operates the Hillwood Museum and Gardens, comprises a single lot of more than one million square feet – the largest in the overlay area. It snuggles against two national parks. Unnamed tributaries of Soapstone Creek and Rock Creek flow from this property and a walk around the perimeter fence will demonstrate lack of erosion control and questionable environmental stewardship. This is the very last square in the overlay area to consider for exclusion.

In addition, Square 2049, adjoining Soapstone Valley Park (discussed in the ANC's report filed today) has important trees, slopes, creek beds, and open space. The portions of Square 2049 in the overlay area (i.e., the parts zoned R-1-A and R-2) belong to three institutions (Howard University, Levine School of Music, the Government of the Netherlands) and to the owners of 434 condominiums in Van Ness East.

According to the 2000 Census, 2853 people (mostly residing in apartment buildings outside the overlay area) lived south of Soapstone Creek and north of Tilden Street. They include 457 people who live in Square 2243 that was included by error in the overlay. They also include an uncertain number of people who live in the 434 Van Ness East condominiums. (And more people live south of Tilden Street.)

Two ANC 3F commissioners represent the squares south of Soapstone Creek. They both voted for the ANC's resolution last night. The sole dissenting commissioner (who does not represent any of the residents south of Soapstone Creek) made his motion last night to exclude *all* of these squares in asserted reliance on a statement by a constituent of our ANC, Ms. Karen Foreit (who lives at 4140 Linnean Avenue) that "77 percent" of the residents of those "nine squares" had signed a petition to the Zoning Commission requesting exemption from the Overlay.

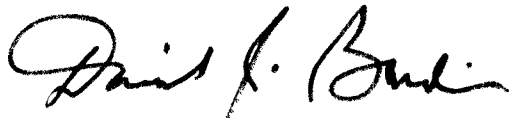
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EXHIBIT NO.313

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speaker has not provided a copy of the petition to the ANC and declined to identify the "nine squares" until later. As of this writing, we are uncertain exactly what the petition said, what the signers knew or did not know, where the signers live and/or own property. We believe that Ms. Foreit intended to count property owners, rather than residents, but did not count owners of the 434 Van Ness East condominiums as property owners. But we have no inkling how she dealt with multiple owners of a single property or whether she weighted her counts by numbers of lots only or by area of lots (i.e., square feet) or in some other way.

Commissioners Perry (3F02) and Dennis (3F07), who represent all of the ANC 3F constituents south of Soapstone Creek, authorize me to state that they join in this letter.

Faithfully,

A handwritten signature in black ink, appearing to read "David J. Bardin". The signature is fluid and cursive, with the first name "David" being more prominent.

David J. Bardin, ANC 3F04

c: Other commissioners ANC 3F

Attachment



Squares 2245 (Hillwood Museum), 2246, 2239, 2244, 2231
and portions of Soapstone Valley Park, Rock Creek Park, Melvin C. Hazen Park