

Robert V. Maudlin
Commissioner - 3F03
Advisory Neighborhood Commission
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July 24, 2003

Zoning Commissioners
441 4th Street, N.W. Suite 210
Washington, D.C. 20001
Attn: Mr. Alberto P. Bastida, AICP, Secretary

Re: Office of Planning Third Addendum (July 21, 2003)
Case No. ZC 02-19 Forest Hills Tree Protection Overlay District

Dear Commissioners:

Reference is made to the Third Addendum to the recommendations of the Office of Planning, dated July 21, 2003, in Case No. ZC 02-19, Forest Hills Tree Protection Overlay District (FHTPOD).

I support the recommendations and conclusions of the report with minor modifications as described below.

My SMD (ANC single member district) includes almost all of the Forest Hills Tree Protection Overlay District (FHTPOD) north of Soapstone Valley Park and is a major portion of the total area and population of the FHTPOD.

There should be no question that the residents of Forest Hills want to preserve and improve the existing trees and tree canopy in Forest Hills. However, the FHTPOD as set down in April 2002 and revised in December 2002 was not well crafted and took the regulations into areas that were beyond tree or tree canopy protection. The Third Addendum of the Office of Planning report acknowledges this in their recommendation to remove the bulk and area regulations from the proposed FHTPOD. I agree with the recommendation of the Office of Planning that the bulk and area regulations, if needed, should be provided for in a new zoning district.

The Office of Planning recommendation to add a mechanism to ensure the replacement of trees is an important addition to the FHTPOD that was missing from the overlay as set down.

A new factor since this proceeding commenced in 2002 is the enactment of the Urban Forest Preservation Act of 2002 by the District Council in January 2003. This city wide legislation controls the removal of trees 55 inches in circumference or greater. It also provides for the replacement of trees by replanting or payment into the Tree Fund which was established on July 2, 2003.

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Exhibit 329

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The Office of Planning in their Third Addendum is proposing a regulation based on a percentage of the tree canopy of a lot. Certainly protection of tree canopy is the objective of the regulation. However, there may be problems in the measurement of tree canopy. It may be difficult to accurately measure the tree canopy for a lot and the question of how to deal with the canopy of a tree on an adjacent lot that extends over the lot being studied.

I respectfully recommend that the regulations be based on tree by tree removal and tree replacement and not a percentage of tree canopy. Inasmuch as trees with a circumference of 55 inches or greater are regulated by the Urban Forest Preservation Act of 2002 I recommend that the FHTPOD supplement the Forest Preservation Act and apply only to trees with a circumference of 24 to 55 inches.

The provisions in the Office of Planning Third Addendum for tree replacement in proposed sections 1517.3, 1517.8, 1517.9 and 1517.10 are appropriate.

I also recommend that the area of the FHTPOD be expanded to include all of Forest Hills by moving the west boundary to Reno Road.

Very sincerely yours,


Robert V. Maudlin

cc: Hon. Cathy Patterson
Office of Planning
Forest Hills Citizens Association
Forest Hills Neighbors for Responsible Preservation
ANC3F Commissioners