

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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May 6, 2004

By Facsimile

Ms. Carol Mitten
Chair
D.C. Zoning Commission
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: Case No. 02-19 Forest Hills Tree and Slope Overlay District Notice of Proposed Rulemaking

Dear Chairperson Mitten and members of the Commission:

We have reviewed the proposed amendments to the Forest Hills Tree and Slope Overlay (the "Overlay") set forth in the Notice of Proposed Rulemaking published in the D.C. Register on December 13, 2002 at 50 DCR 50. We support the Office of Planning's recommendations and urge the Zoning Commission to adopt the proposed regulations without delay.

The modifications proposed by the Office of Planning will allow residents to protect trees in their neighborhood without effectively changing the zoning of the area. They also provide homeowners much needed flexibility in the improvement of their homes by giving them the option to either preserve existing trees, or, if not feasible, to plant new trees.

This case was set down on April 19, 2002. Under the setdown rule (11 DCMR § 3202.5), property owners in the affected area have been required for two years to abide by the regulations as originally proposed. The zoning requirements currently in effect under the proposed Overlay are much more onerous than the underlying zoning district, affecting, among other things, permitted lot occupancy, ground coverage, front yard setbacks, and side yards. The uncertainty caused by the protracted consideration of this Overlay has caused consternation among both homeowners and professionals. Accordingly, we urge the Commission to adopt the Overlay, as modified by the Office of Planning, as soon as possible.

Sincerely,


John T. Epting

**ZONING COMMISSION
District of Columbia**

CASE NO.

02-19

EXHIBIT NO.

333

ZONING COMMISSION
Washington, DC
District of Columbia
Northern Virginia
New York
Los Angeles
London

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DATE: May 6, 2004

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