

Forest Hills Neighbors for Responsible Preservation

c/o 4835 Linnean Ave., NW, Washington, DC 20008, 202-966-7734

July 9, 2004

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

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

Dear Members of the Commission:

As you will likely recall, one of our fundamental objections to the Forest Hills Tree and Slope Overlay now in effect (TSO) is the process by which it was set down. We have noted that the Forest Hills Citizens Association (FHCA, the applicant) stated that the request for the set down was being made on behalf of its members, and we pointed out that at no time did the FHCA survey its membership to ascertain its support for or opposition to the overlay they advocated.

More than two years after the fact, FHCA has now conducted a survey. However, not only did FHCA leadership design the questionnaire without consulting the membership, they also framed the questions in such a way as any results of the survey will be worthless to the Commission in ascertaining community opinions about the TSO compared to the Office of Planning's proposed canopy coverage alternative. We understand that the results of the survey are to be presented by the FHCA at your upcoming meeting on this matter on July 22, and we thought it was important for you to see a copy of the survey it sent out (attached). This survey was clearly designed to create a misleading sense of consensus in favor of the TSO and opposition to the canopy proposal.

As you will see, the questions are biased, offer false choices, and are replete with factual errors that will misguide respondents. Many of the questions offer only two alternatives – for example, that the respondent is either in favor of the TSO or against trees, or that if the respondent is “in favor of” trees, he/she also supports strong protections of any kind to protect those trees (an especially egregious example is Question 11). The survey does not disclose that it was designed and distributed by supporters of the TSO (see FHCA cover letter). In addition, some of the questions are factually incorrect, such as suggesting that current zoning regulations contain no restrictions on building size or lot coverage, that current law contains no protections for trees, that the National Park Service has endorsed the TSO as important for the protection

ZONING COMMISSION
District of Columbia

CASE NO. 337
EXHIBIT NO. 02-19

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FOREST HILLS CITIZENS ASSOCIATION

DEDICATED TO THE ENHANCEMENT, MAINTENANCE, PROTECTION AND PROMOTION OF
A POSITIVE COMMUNITY SPIRIT IN THE FOREST HILLS NEIGHBORHOOD

GEORGE R. CLARK
PRESIDENT
PRESIDENT@FORESTHILLSDC.ORG

June 12, 2004

Dear Forest Hills Neighbor:

Enclosed is a questionnaire concerning the Tree and Slope Overlay in Forest Hills. You have received this survey because you live within the boundaries of that overlay. It is important that you complete and return this survey so that we will have an accurate picture of what local residents think. This is a chance for you to help shape the future of the neighborhood.

Please return your survey no later than **JULY 7** in the enclosed postage paid envelope. If you have any questions about the survey, please contact Maeve Hebert, 202-489-1095 (a cell phone, so you may have to leave a message) or maevehebert@msn.com. Ms. Hebert is a professional pollster, and has been responsible for writing this survey. She will also tabulate and analyze the results, which is why you are returning the completed surveys to her.

Your individual opinions and responses will never be revealed unless you expressly give your permission. In order to avoid duplicates, each household has been assigned a random number. This number will identify your responses to Ms. Hebert, but not to FHCA. Surveys with duplicate identification numbers will be discarded. Do not remove the label with the number on the first page of the survey.

On the reverse side of this page you will find a timeline of events relating to the Tree and Slope Overlay in Forest Hills.

Once again, please complete and return the survey in the enclosed postage-paid envelope by **JULY 7!** Have a great summer!

Sincerely yours,

George R. Clark
President

Forest Hills Tree and Slope Overlay Timeline of Events

July 2001	ANC3F establishes an open committee to study the possibility of an overlay that meets regularly through June 2002, and reports on its progress at ANC meetings. The City's Comprehensive Plan for Ward 3 calls for an overlay in Forest Hills.
April 2002	The Forest Hills Citizens Association files for an Overlay. Pursuant to Zoning Commission procedures, the Overlay goes into effect pending hearings.
April – June 2002	Community meetings, hand deliveries, mailings, and ANC3F meeting about overlay.
June- Sept. 2002	Zoning Commission holds 3 evenings of hearings.
October 2002	Zoning Commission adopts modified overlay.
March 2003	Zoning Commission asks Office of Planning to study enforcement in other tree and slope overlays.
March 2004	ANC3F holds single member meeting about Overlay (notice mailed by FHCA).
July 22, 2004	Zoning Commission to conduct further hearings.

Forest Hills Citizens Association Survey

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This is a completely confidential survey among residents of Forest Hills who live within the Forest Hills Tree and Slope Overlay District. The purpose of this research is to give citizens a chance to have their opinions heard and to provide citizens with a chance to speak freely. Your survey can be conducted on or off the record. If you choose to remain anonymous, your individual opinions will be kept in the strictest of confidence. In either case, this research is to learn about your opinions only, and will not be used for fundraising or any other solicitation. We appreciate how valuable your time is, and very much appreciate that you are participating.

As you go through the survey, please mark the box that corresponds with your answer. In cases where no specific answers are provided, please feel free to write as much or as little as you wish.

When you have completed the survey, please return all pages in the enclosed postage paid envelope by **July 7**.

Your identification number for this survey is below. This number is used to replace your name if you choose to remain anonymous. **DO NOT REMOVE THE LABEL.** Again, we appreciate your help.

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1000
N.W.
Washington, DC 20008

1. To begin with, would you like your answers to remain confidential, or be on the record?

- ☐ Remain confidential
☐ On the record

2. Below are a few issues facing Forest Hills. For each one, please mark whether you are very concerned about the issue, fairly concerned, just somewhat concerned, or not at all concerned about the issue.

	<u>Very Concerned</u>	<u>Fairly Concerned</u>	<u>Somewhat Concerned</u>	<u>Not at all Concerned</u>	<u>Not Sure</u>
Problems with lead in the water.....	☐	☐	☐	☐	☐
Challenges involved with preserving trees in the neighborhood.....	☐	☐	☐	☐	☐
Crime.....	☐	☐	☐	☐	☐
Lack of available pre-K programs.....	☐	☐	☐	☐	☐
Adequacy of Connecticut Ave shopping	☐	☐	☐	☐	☐
Development in Forest Hills.....	☐	☐	☐	☐	☐
Mid-week closing of Beach Drive.....	☐	☐	☐	☐	☐

3. How familiar are you with the Tree and Slope Overlay regulations that apply to Forest Hills?

- ☐ Very familiar
☐ Fairly familiar
☐ Just somewhat familiar
☐ Not familiar
☐ Not sure/Refused

Forest Hills Citizens Association Survey

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4. The Tree and Slope Overlay regulations that apply to Forest Hills were adopted by the Zoning Commission in October 2002. The original regulations have three stated purposes. They are listed below. These are copied exactly from the Zoning Commission regulations. For each one, please mark the box indicating how important you think each goal is for Forest Hills.

	Very Important Goal	Fairly Important Goal	Somewhat Important Goal	Not an Important Goal	Not Sure
Preserve the natural topography and mature trees to the maximum extent feasible in the Forest Hills neighborhoods	☐	☐	☐	☐	☐
Prevent significant adverse impact on adjacent open space, parkland, streambed, or other environmentally sensitive areas.....	☐	☐	☐	☐	☐
Limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood.....	☐	☐	☐	☐	☐

5. The National Park Service has said that the Tree and Slope Overlay helps to preserve and protect Rock Creek Park, Soapstone Valley Park, Fort Circle Park, and Melvin C. Hazen Park (all of which are National Parks in Forest Hills), as well as Rock Creek, Broad Branch and other streams. How important do you think this goal is?

- ☐ Very important
- ☐ Fairly important
- ☐ Somewhat important
- ☐ Not important
- ☐ Not sure/Refused

6. Would you be willing to take additional steps to obtain a building permit to make improvements on your property (such as build an addition, a patio or pool) to help meet these goals?

- ☐ Definitely
- ☐ Probably
- ☐ Probably not
- ☐ Definitely not
- ☐ Not sure/Refused

Forest Hills Citizens Association Survey

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7. Here are some specific elements of the Overlay regulations in Forest Hills. For each one, please mark whether you favor, oppose, or have no opinion about the specific regulation.

	<u>Strongly Favor</u>	<u>Somewhat Favor</u>	<u>Somewhat Oppose</u>	<u>Strongly Oppose</u>	<u>No Opinion</u>
No more than 50% of a lot may be covered with impervious surface (paving); principal buildings in existence as of April 19, 2002 may be enlarged regardless of the limit. Without the overlay, 100% of a lot may be paved.....	☐	☐	☐	☐	☐
No more than 30% of a lot may be covered by buildings.....	☐	☐	☐	☐	☐
No more than 3 trees between 38 and 75 inches in circumference (medium to large trees) can be removed without a special exception.....	☐	☐	☐	☐	☐
Healthy trees larger than 75 inches in circumference (very large trees) may not be removed without a special exception.....	☐	☐	☐	☐	☐
The minimum lot size is increased from 7,500 to 9,500 sq. ft.....	☐	☐	☐	☐	☐
Owners or builders in Forest Hills can apply for special exceptions to any of the Overlay regulations.....	☐	☐	☐	☐	☐
All buildings must have a front yard setback equal to or greater than the average setback on the same side of the street in that block.....	☐	☐	☐	☐	☐
The normal minimum side yard requirement is increased from 8 feet on each side to 24 feet total, with a minimum of 8 feet on each side.....	☐	☐	☐	☐	☐

8. Do you support or oppose the Tree and Slope Overlay regulations overall as they are written right now?

- ☐ Strongly support
- ☐ Somewhat support
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Not sure/Refused

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9. As you may know, two other neighborhoods in Washington, D.C., have Tree and Slope Overlay regulations that are very similar to the one in effect in Forest Hills. Those neighborhoods are Massachusetts Avenue Heights (Woodland/Normanstone) and Chain Bridge Road/University Terrace. Does knowing this make you feel more positive toward the Forest Hills Overlay, less positive, or does it not really affect how you feel about the Forest Hills Overlay?
- ☐ More positive
 - ☐ Less positive
 - ☐ Does not affect either way
 - ☐ Not sure/Refused
10. In your opinion, are strict tree protection regulations good for property values, bad for property values, or do you not really think that strict tree protection regulations affect property values?
- ☐ Good for property values
 - ☐ Bad for property values
 - ☐ Don't really affect property values
 - ☐ Not sure/Refused
11. Studies also show that large mature trees are more beneficial at cooling the air, shading paved surfaces, improving air and water quality, preventing soil runoff and erosion and enhancing residential real estate values, than even several small trees. In your opinion, are these good reasons to protect mature trees?
- ☐ Yes
 - ☐ No
 - ☐ Not sure/Refused
12. How familiar are you with the city's Urban Forest Preservation Act of 2002?
- ☐ Very familiar
 - ☐ Fairly familiar
 - ☐ Just somewhat familiar
 - ☐ Not familiar
 - ☐ Not sure/Refused

As you may know, the Urban Forest Preservation Act was passed by the City Council in 2002. The Act prohibits the removal of any healthy tree greater than fifty-five inches in circumference without a permit. A hazardous tree may be removed as long as a permit is obtained within fifteen days of removal. With a properly issued permit, a healthy tree of any circumference greater than 55 inches may be removed, as long as payment equal to \$35.00 per circumference inch of the tree is paid into the tree fund, or trees equaling the circumference of the removed tree are planted on the same property. If you follow the regulations and pay the required fees, the City cannot deny a permit to remove any tree.

13. Do you support or oppose the city's Urban Forest Preservation Act as it was just described?
- ☐ Strongly support
 - ☐ Somewhat support
 - ☐ Somewhat oppose
 - ☐ Strongly oppose
 - ☐ Not sure/Refused

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14. Do you think that the Urban Forest Preservation Act is enough to prevent the loss of mature trees in Forest Hills by itself, or do you think that more should be done?
- ☐ Enough by itself
 - ☐ More should be done
 - ☐ Not sure/Refused
15. How much have you heard about the Office of Planning's proposal to revise the Tree and Slope Overlay regulations that apply to Forest Hills?
- ☐ A great deal
 - ☐ A fair amount
 - ☐ Just some
 - ☐ Very little
 - ☐ Not sure/Refused

The Office of Planning's proposed changes to the Tree and Slope Overlay would eliminate all of the current Overlay's regulations, and replace them with a different approach. The new proposed regulation is based on a "canopy" approach. Under the Proposed Canopy Regulation, any tree may be removed in Forest Hills on any lot, as long as enough small trees (at least two inches in diameter) are planted to meet a projected canopy within ten years. For lots under 9,500 square feet, the canopy requirement is 20% of the lot; for lots between 9,500 and 20,000 square feet, the requirement is 25% of the lot; and for lots larger than 20,000 square feet, the canopy requirement is 40% of the lot. The Office of Planning estimates the canopy in Forest Hills at 52% (not counting street trees). The National Park Service estimates the canopy (counting street trees) as 70-75%.

16. Based upon what you know now, do you support or oppose replacing the current Tree and Slope Overlay regulations with the proposed Canopy Regulation as it was just described?
- ☐ Strongly support
 - ☐ Somewhat support
 - ☐ Somewhat oppose
 - ☐ Strongly oppose
 - ☐ Not sure/Refused
17. As the proposed Canopy Regulations are written now, owners and developers of lots in Forest Hills would be allowed to remove all of the trees on their property, as long as they replaced them with enough small trees to create the required canopy within ten years. Do you think that residents of Forest Hills should be allowed to remove all of their trees as a matter of right, or do you think that there should be a requirement that some mature trees be preserved?
- ☐ Should be allowed to remove all of their trees
 - ☐ Should be a requirement that some mature trees be preserved
 - ☐ Not sure/Refused

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18. As the proposed Canopy Regulations are written now, they do not include any restrictions regarding the kinds of trees that can be planted as replacements. It would be permissible to cut down a mature oak tree and replace it with several small dogwood trees or shrubs. Do you think that there should be restrictions regarding the kinds of trees that can be planted as replacements, or do you not think that there should be such restrictions?
- ☐ Should be restrictions about the kinds of trees that can be planted as replacements
 - ☐ Should not be restrictions about the kinds of trees that can be planted as replacements
 - ☐ Not sure/Refused
19. As the proposed Canopy Regulations are written now, owners and developers of lots in Forest Hills may remove mature trees and replace them with new, smaller trees. If the replacement trees die after three years, there is no requirement to replace them. Do you think there should be a requirement to make sure that replacement trees actually meet the projected canopy, or do you think that as long as owners make an effort to meet the projected canopy requirement there should be no additional regulations?
- ☐ Requirement to make sure that replacement trees meet the projected canopy
 - ☐ No additional regulations as long as residents make an effort to meet the projected canopy
 - ☐ Not sure/Refused
20. Forest Hills has several parcels of land that are large enough to subdivide and currently are mostly covered with trees. As the proposed Canopy Regulations are written now, owners and developers of lots in Forest Hills could subdivide their lots to make two or more smaller lots and reduce the required projected canopy for each one. Do you think that there should be a requirement prohibiting landowners from subdividing their lots to avoid canopy requirements, or do you think that there should be no additional requirements as long as landowners meet the canopy requirement for each of the new smaller lots?
- ☐ Prohibit subdividing to avoid canopy requirements
 - ☐ Should be no additional requirements
 - ☐ Not sure/Refused
21. How important is it to you that the proposed Canopy Regulations include some restrictions for protecting mature trees during construction?
- ☐ Very important
 - ☐ Fairly important
 - ☐ Just somewhat important
 - ☐ Not important
 - ☐ Not sure/Refused
22. The United States Park Service estimates that the current tree canopy in Forest Hills is 70-75%. Would it be acceptable or unacceptable to you if the proposed Canopy Regulations result in reducing that canopy to:

	<u>Acceptable</u>	<u>Unacceptable</u>	<u>Not Sure/ Refused</u>
A 40% canopy in Forest Hills?	☐	☐	☐
A 30% canopy in Forest Hills?	☐	☐	☐
A 25% canopy in Forest Hills?	☐	☐	☐

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23. There is currently a debate among some people about whether the current Overlay regulations are more complicated or the proposed Canopy regulations are more complicated.

Some people say that the Proposed Canopy Regulations are more complicated and burdensome because they require property owners to hire specially trained arborists to measure the amount of tree canopy.

Some people say that the current Tree and Slope Overlay regulations are more complicated and burdensome because there are several parts and some require you to count the number of trees and measure their circumference.

Which do you agree with more?

- ☐ Current Overlay regulations are more complicated
- ☐ Proposed Canopy regulations are more complicated
- ☐ Not sure/Refused

24. The Office of Planning says that the proposed Canopy Regulations for Forest Hills are an experiment, and that if they work over the next five years, they will be applied to the rest of the City. Given what you have heard about the proposed Canopy Regulations so far, so you think that the potential benefits of the experiment outweigh the risks to trees in Forest Hills, or do you think that the risks are not worth the potential benefits?

- ☐ Potential benefits outweigh the risks
- ☐ Risks are not worth the potential benefits
- ☐ Not sure/Refused

25. The current tree canopy in Forest Hills is far greater than in the rest of Washington, D.C. as a whole. Do you think that Forest Hills is an appropriate area for an experiment testing whether the canopy approach works better than the existing Tree and Slope Overlay to protect against tree loss and stream degradation, or do you think that it would be more appropriate to experiment in a part of the city with less tree canopy?

- ☐ Forest Hills is an appropriate area
- ☐ Better to experiment in another area
- ☐ Not sure/Refused

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26. Here are some arguments that you may hear from people who **support** the proposed Canopy Regulations. Please mark the appropriate box indicating whether you think each is a very good reason to support the proposed Canopy Regulations, a fairly good reason, or not a good reason to support the proposed changes.

	A Very Good Reason to Support the Proposed Canopy Regulations	A Fairly Good Reason to Support the Proposed Canopy Regulations	Not a Good Reason to Support the Proposed Canopy Regulations	Not Sure
The proposed Canopy Regulations are easier to understand because the tree cutting provisions are fewer in number.....	☐	☐	☐	☐
Under the proposed Canopy Regulations, the Urban Forestry Administration will review the tree plan for properties before any trees are cut down...	☐	☐	☐	☐
The proposed Canopy Regulations allow owners and builders to cut down as many trees as they want as long as their tree plan is approved.....	☐	☐	☐	☐
Replacement trees are required for those that are removed.	☐	☐	☐	☐
Owners and builders can replace large trees with any tree, including ornamental ones, under the proposed Canopy Regulations	☐	☐	☐	☐
The proposed Canopy Regulations impose fewer restrictions on an owner's use of property	☐	☐	☐	☐

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27. Now here are some arguments that you may hear from people who **oppose** the proposed Canopy Regulations. Please mark the appropriate box indicating whether you think each is a very good reason to oppose the proposed Canopy Regulations, a fairly good reason, or not a good reason to oppose the proposed Canopy Regulations.

	A Very Good Reason to Oppose the Proposed Canopy Regulations	A Fairly Good Reason to Oppose the Proposed Canopy Regulations	Not a Good Reason to Oppose the Proposed Canopy Regulations	Not Sure
The proposed Canopy Regulations allow owners and builders to remove as many large, mature trees as they want	☐	☐	☐	☐
Under the proposed Canopy Regulations, owners and builders are required to hire an arborist	☐	☐	☐	☐
The proposed Canopy Regulations do nothing to restrict the amount of impervious surface [paving] that can cover a lot.....	☐	☐	☐	☐
The proposed Canopy Regulations do nothing to restrict the amount of a lot that can be covered with buildings.....	☐	☐	☐	☐
The proposed Canopy Regulations allow owners and builders to avoid restrictions by subdividing their lots.....	☐	☐	☐	☐
The proposed Canopy Regulations allow owners and builders to restrict the amount of space that trees can grow in, then apply for a special exception to the replanting requirement by claiming that there is not enough room to plant new trees	☐	☐	☐	☐

28. Thinking back on everything we've talked about in this questionnaire, would you say that you support or oppose the Office of Planning's proposed Canopy Regulations?

- ☐ Strongly support proposed changes
- ☐ Somewhat support etc
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Not sure/Refused

Just a few final questions—these questions are for statistical purposes only. Again, your individual opinions will not be revealed unless you give your express permission.

29. How long have you lived in Forest Hills?

- ☐ Less than a year
- ☐ One to five years
- ☐ Six to ten years
- ☐ Eleven to fifteen years
- ☐ More than fifteen years
- ☐ Not sure/Refused

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30. Do you live North or South of Soapstone Valley Park?

- ☐ North of Soapstone Valley Park
- ☐ South of Soapstone Valley Park
- ☐ Not sure/Refused

31. Do you belong to any of the following organizations? **(MARK ALL OF THE BOXES THAT APPLY TO YOU.)**

- ☐ Yes, belong to the Forest Hills Citizens Association
- ☐ Yes, belong to the Forest Hills Neighborhood Alliance
- ☐ Yes, belong to the Forest Hills Neighbors for Responsible Preservation
- ☐ No, do not belong to any of the 3 organizations
- ☐ Not sure/Refused

32. About how big is the size of your lot in Forest Hills?

- ☐ Under 9,500 square feet
- ☐ Between 9,500 and 20,000 square feet
- ☐ Larger than 20,000 square feet
- ☐ Not sure/Refused

Finally, please use this space to make any other comments or suggestions that come to mind.

Those are all the questions we have for you. We very much appreciate your time.
Thank you for your cooperation. Please return this survey by JULY 7 in the postage-paid envelope.