

4835 Linnean Ave., NW
Washington, DC 20008

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:

We are writing in strong support of the alternative overlay for Forest Hills proposed by the Office of Planning. We believe it is a huge improvement over the overlay now in effect for the following reasons:

- (1) The OP Proposal is focused on tree preservation, rather than building restrictions.

We very strongly believe that a tree overlay is not the appropriate vehicle to address development issues. The canopy alternative is focused where it needs to be – on trees – and individuals with development concerns can still try to have those concerns addressed by seeking changes in the city-wide zoning regulations. Adopting the canopy proposal does not preclude those individuals from getting the zoning changes they seek. It just forces them to do so through the more appropriate venue: changes to the city-wide zoning codes governing R-1-A development.

- (2) The OP proposal provides incentives to plant new trees.

Commissioner May is right to suggest that any overlay designed to protect trees should include incentives to plant new trees. Forest Hills is characterized by much old growth trees; some of these trees will die in the not too distant future as part of the natural cycle. The current overlay contains nothing that would require homeowners to replace trees that die natural deaths. We have noted a number of mature trees in our neighborhood have come down since the overlay was set down and there is nothing about the current overlay that makes up for this loss – we believe that this is strong evidence that the overlay now in effect does not save trees. With the new canopy-based proposal, the owners of these lots would be more compelled to make up for this loss. We have also noticed many lots in our property that are currently virtually devoid of trees and which, under the canopy overlay, would need to be planted with new trees should the property owners wish to obtain building permits for exterior work to their homes.

ZONING COMMISSION
District of Columbia

CASE NO. 02-19
EXHIBIT NO. 339

ZONING COMMISSION
District of Columbia
CASE NO.02-19
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- (3) The OP proposal is simpler and therefore will be easier to understand, administer and enforce.

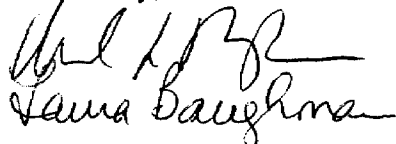
As Commissioner Parsons and likely others are fully aware, the existing overlay is fraught with loopholes, is complicated to understand and therefore is difficult to enforce. As the problematic "template" continues to be applied to various District neighborhoods with additional "bells and whistles" unique to that neighborhood, the overlay language is becoming a hopelessly tangled web of complex and/or conflicting rules. The alternative canopy proposal is much simpler to understand, both by homeowners and by DCRA officials who must enforce it.

These are just a few of the reasons we support the Office of Planning's alternative proposal. Indeed, we think the approach is so much better that we suggest the Commission extend the boundaries of the Overlay subject to the canopy approach to include all of Forest Hills (running, for example, to Reno Road in the west) and including commercial properties and properties with apartment buildings on them. The canopy coverage rates for these properties could be 15 percent, and in lieu of trees property owners could meet their coverage requirements by installing "green roofs" like that on the office building in which the Casey Tree Foundation is located.

We wish to re-emphasize that we believe the TSO was imposed on our neighborhood to solve a problem that doesn't exist (excessive development). After many months of working with the Office of Planning and those of our neighborhood who are genuinely interested in community consensus, we believe OP's canopy proposal is an acceptable compromise between the extreme positions taken by some in this neighborhood debate. After the hurt feelings and name-calling have passed with time, we feel this new approach will receive broad community support.

We strongly encourage the Commission to replace immediately the current overlay with the alternative proposal.

Sincerely,

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

Mark and Laura Baughman