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VIA FACSIMILE
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July 12, 2004

Mr. Alberto Bastida
District of Columbia Zoning Commission

Re: Case No. 02-19, Forest Hills Overlay

Dear Mr. Bastida:

Attached please find a copy of a letter mailed last Friday in support of the Office of Planning's canopy proposal and in opposition to the tree and slope overlay, as currently drafted.

Thank you very much for your assistance.

Sincerely,



Robert B. Shanks

Attachment

ZONING COMMISSION
District of Columbia

CASE NO.

02-19

EXHIBIT NO.

343

ZONING COMMISSION
District of Columbia
CASE NO.02-19
EXHIBIT NO.343

July 7, 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 Member of the Commission:

As residents of Forest Hills for the past 12 years, we are writing to express our opposition to the Forest Hills Tree and Slope Overlay (TSO) as currently drafted and our support for the Office of Planning's proposed canopy regulations (canopy proposal).

The TSO was proposed as an emergency measure in the name of protecting trees and the park-like character of the Forest Hills neighborhood. In reality, however, many of the new restrictions under the TSO are designed to impose new and far more restrictive zoning regulations for Forest Hills than exist anywhere else in the City. While the TSO's supporters claim that the TSO is similar in scope to other tree and slope protections in other Washington, DC neighborhoods, in fact these other neighborhoods have not adopted the very restrictive zoning changes—including major changes in front and side yard setbacks, lot size and building coverage restrictions—contained in the Forest Hills TSO. The Forest Hills TSO is therefore unique in its effort to create a new zoning classification for a single DC neighborhood. In fact, the current TSO would render a very large portion of the current residences in the neighborhood non-compliant and would impose substantial new restrictions on residents, particularly those with smaller lots, seeking to obtain building permits to modernize or expand their current residences.

Forest Hills is an eclectic neighborhood, with houses on lots ranging from 7500 square feet to more than an acre. A few of the grand old residences from the original subdivision remain, but the majority of the residences are newer dwellings built on smaller subdivided lots. The age of the houses varies from the early 1900's to very new houses. Many of the older houses, including those built in the 1950's and 1960's, are now undergoing needed renovation and expansion to include features such as larger kitchens, family rooms, garages, patios and outdoor living spaces, desired by today's homeowners. It would be a grave mistake to adopt a set of building restrictions that would restrict the ability of current residents to update their houses in this manner. Such heavy-handed interference with individual home owner's rights and normal market forces would send the wrong message and would be contrary to the efforts of the Williams Administration to attract more families to the City and to stem the outflow of families to the suburbs. Making it difficult for City residents to modify their residences, consistent with existing zoning requirements, would only encourage current residents to leave Forest Hills when their houses can no longer satisfy their needs, and would discourage potential new

residents from moving here and improving older residences. The current regulations—already the most restrictive under the City’s zoning classification system—are sufficient to protect the character of the neighborhood from unrestrained development.

To the extent that the TSO’s supporters claim that the TSO is primarily intended to protect trees, the Office of Planning’s canopy proposal would do this more directly and effectively. The canopy proposal focuses on trees, not zoning. Reasonable building that does not adversely affect trees and canopy coverage would be permitted, consistent with existing zoning regulations. Standards for tree coverage would be set and enforced through the building permit process. It is also important to remember that the Urban Forest Protection Act already provides stringent restrictions on the cutting of large trees.

In our view, the combination of the canopy proposal and the Urban Forest Protection Act will provide substantial protection for the trees and character of Forest Hills, while respecting the rights of homeowners to modernize and improve their homes consistent with existing zoning regulations. The TSO fails to achieve this balance and goes too far in restricting the legitimate rights of existing and future homeowners. If permanently adopted, the TSO will hinder the natural process of renovation and upgrading that many DC neighborhoods are experiencing and, over time, will harm, rather than protect, the character of Forest Hills.

Thank you for this opportunity to comment on the TSO and the Office of Planning’s proposed canopy regulations. We look forward to meeting with you at the hearing on July 22nd.

Sincerely,

A handwritten signature in black ink, reading "Bob Shanks / Margie Shanks" with a stylized flourish at the end.

Bob and Margie Shanks
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202-537-4848

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FAX COVER SHEET

Date	July 12, 2004	Classification
To	Mr. Alberto Bastida District of Columbia Zoning Commission	Fax: 202.727.6072
From	Robert Shanks	Cover +3
