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26 August 2004

Mr. Alberto P. Bastida, AICP
 Secretary
 Zoning Commission of the District of Columbia
 441 4th Street, N.W. -- Suite 210
 Washington, D.C. 20001

Re: Forest Hills Tree and Slope Overlay District – ZC 02-19

Dear Mr. Bastida:

Our colleague, Commissioner Robert V. Maudlin, wrote to you on August 23, 2004, to call attention to “serious factual errors” in the ANC’s letter of August 18, 2004, regarding “Problems with OP’s canopy estimates for Forest Hills.” A few points in that letter are correct; most are not. Appreciating our colleague’s diligence and agreeing that “it is important that the Zoning Commission have correct and accurate information” we summarize these points below.

The ANC letter addressed one Square and portions of the two largest Lots in a different Square, concluding that OP’s analyst had estimated too low. After adjusting for our colleague’s points, it still emerges that OP’s estimate of canopy over these three areas appears to be radically different from -- and less extensive than -- reality on the ground.

The first page of the ANC letter referred to Square “2777” once and to the correct number, 2277, twice. The table attached to the ANC letter -- showing OP’s calculation of 6.3% canopy for Square 2277 -- also had the correct number (at line 61).

Square 2277 in fact consists not of one lot but of two lots, numbered 3 and 8, as our colleague’s letter points out (3201 and 3107 Fessenden Street, respectively).

Lot 3 has an area of 14,299 square feet according to the D.C. Tax & Revenue data base. Lot 8 (which FHCA witness Jim Urban told the ZC he had landscaped with a 23% initial canopy) has an area of 35,240 square feet -- or 71.14% of the entire Square 2277.

If one assumes, contrary to Mr. Urban’s testimony, that the landscaped canopy has not expanded over the years, to more than 23%, and if one assumes, contrary to eyewitness observations, that Lot 3 has no trees and no canopy (in fact, on August 24, 2004, we saw large trees on that lot), then the canopy of Square 2277 would be 16.4% -- *radically different* from OP’s estimate of 6.4%.

So, it still seems that “the OP report did ... shrink” this canopy, making the ANC letter factually correct.

ZONING COMMISSION
 District of Columbia
 Case 02-19
 Exhibit 385

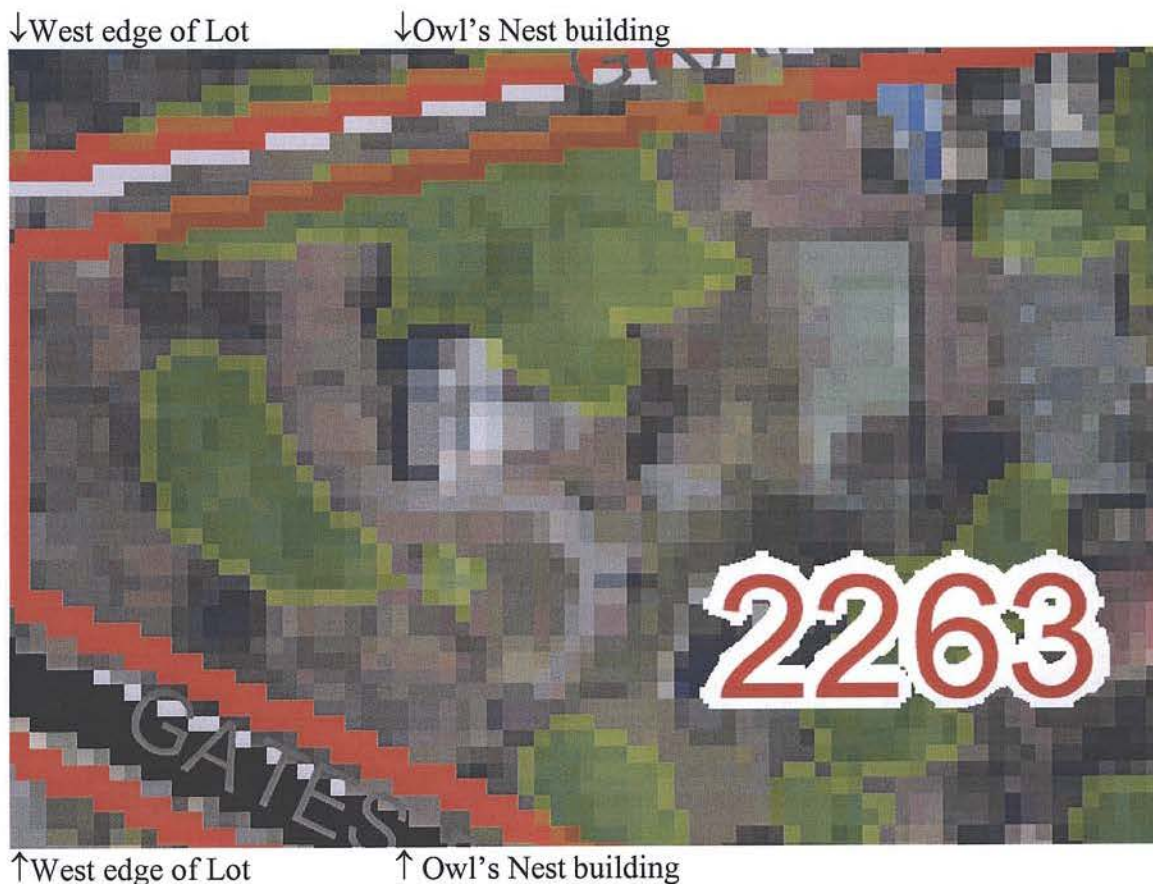
Incidentally, both OP and NPS's "Green Map" identify as *District* (not NPS)-owned the park land mentioned in our colleague's letter as being adjacent to Square 2277. It is part of Square 2030 (line 15 of the table attached to the ANC letter).

The second page of the ANC letter twice referred to Square "2063" when the correct numbering is Square 2263 (as shown at line 55 of the table attached to the ANC letter). But contrary to our colleague's reading, the ANC letter did not address canopy over the entirety of that Square, it focused on portions of the two largest Lots (which are well known to the ANC):

First, the ANC focused on the western part of a very large property (Lot 872, 3031 Gates Road) and concluded that

- whereas OP's summary map of the results of its analyst's "heads up digitizing" shows only a minority of the area to the west of the historic landmark Owl's Nest building (which stands in the middle) to be canopy covered (see Figure 1, below);
- in fact, almost all of that area is canopy-covered (an observed fact which we reconfirmed on revisiting the site on August 24, 2004).

Fig. 1: Lot 872 showing canopy "polygons" [bright green] spotted by OP's analyst
[red lines represent boundaries between private lots and streets]



Second, the ANC focused on the southern part of Lot 836 (3150 Chesapeake Street) and concluded that OP's analyst omitted the tree canopy along that side of the property, including trees growing "at the top and middle" of a steep bank belonging to the private property owner. Our colleague writes that the *bottom* of this

steep sloping area includes public space adjacent to the roadway of Brandywine Street which “could very well include part of the slope.” After going to the Surveyor’s Office on August 23 to identify landmarks and returning to the site on August 24, 2004, we confirmed that the tall trees at the top and middle of the bank, which OP omitted, (as well as some near the bottom) seem certainly on the private side of the property line. Indeed, we found signs toward the bottom of the slope marked “PRIVATE PROPERTY – We Care - Please Do Not Litter.” See Fig. 2 consisting of four photos of this slope and its tree canopy (which OP omitted), next two pages.

So, it appears that the ANC letter was factually correct.

In order to understand OP’s methodologies better, we have asked OP for a hands-on demonstration to which each of our commissioners would be invited. We continue to believe that ground-truthing would give OP’s analyst an opportunity to achieve more accurate results. We are concerned about OP’s exclusive reliance on computer-screen examination of digitized aerial photographs, without any ground verification.

Criticizing failure “to apply a favored practice of verifying photo interpretation of typing with on the ground verification,” the Court of Claims has observed that “ground verification” is good practice when it comes to using “the results of photo interpretation” to reach conclusions about tree size, canopy closure, or both combined. *Wetsel-Oviatt Lumber Co. v. United States*, 40 Fed.Cl. 557, 566 (1998).

Sincerely,


/s/ Karen Lee Perry

Karen Lee Perry, Chair, ANC 3F

Fig. 2: Lot 836 – four up slope photos taken from Brandywine Street



Fig. 2 [continued]

