

BY HAND DELIVERY

June 30, 2006

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning
441 Fourth Street, NW, Suite 200-S
Washington, DC 20001

Re: Forest Hills Tree and Slope Overlay District, Case No. 02-19

Dear Ms Schellin:

This responds to the third notice of proposed rulemaking, dated June 2, 2006.

My family and I have lived at 4205 Lenore Lane, NW since 1984 and have also owned an adjacent unbuilt lot since 2000. We have engaged in extensive planting of trees that contribute to the Forest Hills canopy.

We continue to find this rule wholly inappropriate as a response to the perceived problems of the northern part of Forest Hills. Indeed, the Overlay now proposed will impose its main burdens on a smaller part of Forest Hills, including our square, 2046. As now proposed, the Overlay will have only a mild effect on most of the proponents and a severe effect on most of the opponents, who have included nearly everyone in square 2046. Our unbuilt lot has a tree larger than 75 inches in circumference in the center of any reasonable building site on the lot and, no doubt, more than three trees that have a circumference of more than 38 inches, as very likely do most other unbuilt lots. These are aging tulip trees at risk in every major storm and unlikely to provide canopy in Forest Hills ten or twenty years from now. The Overlay relegates us to an expensive BZA process.

What the homeowners and citizens of the District do not need is a system of command and control regulation that makes every building permit an exception--requiring comment from multiple understaffed agencies and discretionary approvals by a Board of Zoning Adjustment already stretched to its limits on matters of broader concern. We live in a City with a lot of government systems that have failed or frustrated the District's citizens. The tendency has been for Congress or others to superimpose new systems, mandates, staffing, affidavits, and penalties rather than fix what we have, further complicating the process of being a citizen of the District of Columbia or a civil servant and further tarnishing our reputation for self-government.

This Overlay does just that, in the face of a much better option developed by the Office of Planning at significant time and expense. The OP survey of best practices showed that we could have a modern approach.

**ZONING COMMISSION
District of Columbia**

CASE NO. 02-19

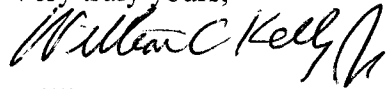
District of Columbia

CASE NO. 02-19

EXHIBIT NO. 403

In common with the worst of the District's other regulatory regimes, the Overlay easily lays burdens on citizens, but imposes no deadlines on the multiple government agencies that must be consulted in the inevitable and expensive Board of Zoning Adjustment process.

Very truly yours,

A handwritten signature in black ink, appearing to read "William C. Kelly, Jr.", with a stylized flourish at the end.

William C. Kelly, Jr.