

July 3, 2006

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning
Room 200-S
441 4th Street, N.W.
Washington, D.C. 20001

ZONING COMMISSION
District of Columbia

CASE NO. 02-19
EXHIBIT NO. 404

Re: Forest Hills Tree and Slope Protection Overlay District/Zoning
Commission Case No. 02-19 (May 8, 2006)

Dear Ms. Schellin:

Thank you for the opportunity to submit comments on the above-referenced overlay.

While the new version of the overlay is much improved for those squares subject to Section 1518, we continue to believe that it will prove unworkable for those squares subject to Section 1519, for all of the reasons previously detailed to the Commission in submissions, both oral and written, by the Forest Hills Neighbors for Responsible Preservation.

If the Commission insists on proceeding with the current Overlay, the following changes are necessary (*italics are new words to be inserted*):

Section 1516.2(c): Limit permitted ground coverage of new and expanded buildings and other ~~construction~~ *improvements*, so as to encourage a general compatibility between the siting of new buildings or ~~construction~~ *improvements* and with the existing neighborhood.

Section 1518.3: To the extent that any residential district within the overlay requires a side yard, the side yard requirement for all *new* buildings, accessory buildings, or an addition to *existing* buildings shall be a minimum of eight (8) feet *in total* and a ~~minimum~~ *maximum* of twenty-four (24) feet ~~in the aggregate~~ *in total from the boundary line*.

Section 1520.2: Before taking final action on an application, the Board shall submit the application *within one business day of receipt of the application* to the following agencies for review and written reports: ...

ADD Section 1520.4: All agencies in Section 1520.2 must submit their written report to the Board within fourteen (14) calendar days of receipt of the application from the Board. Failure of an agency to respond within fourteen calendar (14) days will constitute approval of the application by the agency.

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The greatest cause of tree canopy loss in the Forest Hills neighborhood is not development, but Mother Nature: storms and disease. When a canopy tree is lost to a storm or disease in Forest Hills, it is rare that the homeowner plants a new canopy tree in its place. The latest Overlay provides no incentives for new tree canopy.

We remain disappointed that the Commission rashly accepted – and put into immediate effect – four long years ago a badly drafted tree and slope overlay for Forest Hills proffered by the Forest Hills Citizens Association (FHCA) under the questionable pretense of preserving trees, touching off an acrimonious neighborhood fight, and then letting that fight drag on until one side or another ran out of steam. The reality is that the FHCA overlay (which remains virtually intact in Section 1519 of the latest Overlay version) was not truly meant to save trees (we have demonstrated how ineffective it is at this), but to prevent someone from building a house someone else didn't like. It was proposed by individuals whose own homes, were they to build them today, would not conform to the rules they would now impose on others.

We asked that the Commission assign the problem to the Office of Planning who we felt could be an "honest broker" and has the technical capacity to find a mutually acceptable way to deal with the issue of preserving the tree canopy in our beautiful neighborhood. When OP made its recommendation, we supported it. The fact that the Commission rejected this product of serious research might make a reasonable person conclude that the Commission is not interested in preserving trees either, but simply downzoning some properties.

Sadly, the Commission's latest "solution" will not do the trick and will prove to be a bad model for this and other parts of the city. It is really just an architectural review board in the disguise of a tree and slope protection plan. We have seen first hand the angry, vindictive and shrill self-appointed "leaders" in our neighborhood who claim to represent us all, and we fear that this latest draft will not end the dispute quietly. The Zoning Commission missed a great opportunity in rejecting OP's recommendations.

Sincerely,



For:
Mark and Laura Baughman
4835 Linnean Ave., NW
Square 2270

For:
Jim and Karen Foreit
4140 Linnean Ave., NW
Square 2239