

To: Zoning Commission for the District of Columbia

Subject: Comments on Z.C. Case No. 02-19 Notice of Proposed Rulemaking of
May 8, 2006

From: Warren R. Watts
3054 Harrison ST NW
Washington, DC 20015

ZONING COMMISSION
District of Columbia

CASE NO. 02-19
EXHIBIT NO. 405

Date: June 30, 2006

Below are comments in regards to Z.C. Case No. 02-19 and the most recent proposed rulemaking the Zoning Commission has made for that case, dated May 8, 2006. This case has been ongoing for essentially four years. Over the course of those four years, the Zoning Commission, in brief, has:

1. Accepted a petition from the then-President of the Forest Hills Citizens Association (FHCA) with no evidence of the membership of that organization having approved, or even being aware of, the petition's filing. No evidence was provided that the Forest Hills community as a whole had been notified, consulted, or made aware of this filing in advance.
2. Allowed that same individual to testify as President of the FHCA despite her term as President having expired, an act in violation of the FHCA Constitution.
3. Allowed, and apparently gave great weight to, testimony of ANC 3F Commissioners who are proponents of the original petition, despite those Commissioners lack of background, expertise, formal education in, or presentation of factual evidence and supporting documentation and references on the issues at hand to support their position.
4. Allowed one Commissioner to remain on this case despite his having helped author the original Tree and Slope overlay years previously, and who referred to opponents of this overlay as "thirty people making noise" at a public hearing.
5. Discounted or ignored evidence presented at a public hearing on this case indicating that the mathematics necessary to determine compliance with what is now section 1519.2 of the current version of this overlay are beyond the ken of the average (obviously well-to-do) homeowner in Forest Hills.
6. Discounted or ignored submission of a petition signed by several hundred households of the affected area who oppose the overlay due to its onerous and complex provisions, and the undue restrictions on property rights it imposes.
7. Discounted or ignored evidence presented by the DC Office of Planning indicating that existing, similar Tree and Slope Overlays elsewhere in the District of Columbia are ineffective, unenforceable, do not prevent the removal of trees, and do not prevent the construction of housing certain residents of these areas find objectionable.
8. Allowed, and apparently gave great weight to, the testimony of the most recently elected President of the FHCA, despite evidence given questioning the circumstances surrounding his election, including specific members not being

allowed to vote contrary to precedent, and his providing testimony as President of the FHCA after his term in office, as defined in the FHCA Constitution, having expired.

9. Allowed, and apparently gave great weight to, the submission of a biased and statistically flawed survey presented by the President of the FHCA purporting to support this overlay- despite the obvious impartiality of the construction and purpose of that survey, and questions surrounding the funding of this survey.
10. Discounted or ignored an alternative approach proposed by the DC Office of Planning at the Zoning Commission's request, and that involved significant, time-consuming, dedicated, and professional hard work on the part of the Office of Planning. This alternative approach essentially duplicated methodologies proven to be successful in other urban forested areas of the United States facing the same or similar issues as the District of Columbia.
11. Provides for exceptions in this current proposal in section 1520, but provides no time limit for the various District of Columbia agencies involved to respond- creating yet another bureaucratic black hole for residents to endure.

The Zoning Commission insists on utilizing a methodology that is outdated, ineffective, and counter-productive to the goals of maintaining Forest Hills, and the District of Columbia as a whole, as an agreeable place to live. The current overlay will not stop anyone from cutting down trees, nor does it appear to be able to stop the construction of so-called "McMansions" (As an example, please see the "Viewpoint" column in the June 28, 2006 of the "Northwest Current" headlined, "Case is critical for tree protection").

Arriving at a balance between maintaining the niceness of Forest Hills, respecting the property rights of private property owners (one of the principal tenets our country was founded upon), and setting an example for future decisions, is not an easy task.

However, the Zoning Commission, can, and must, do a much better job at your assigned tasks (funded by tax payers) than you have done to date. I, and, I'm sure, many other residents of not only Forest Hills, but the District of Columbia as a whole, expect and demand that you be up to, and meet, this task.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren R. Watts", with a stylized, flowing script.

Warren R. Watts