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June 6, 2002

Alberto P. Bastida
AICP, Secretary of the Zoning Commission
Office of Zoning
441 4th Street, NW
Suite 210
Washington, DC 20001

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Reference: Case No. 02-19 (Text Amendment-Forest Hills Tree and Slope Overlay District)

Dear Mr. Bastida:

The undersigned is the owner of a home and adjacent vacant lot in the Overlay District referred to above. On April 5, 2002, a Petition (hereinafter "Petition") was filed in the name of the Forest Hills Citizens Association proposing the referenced Overlay. **This letter expresses the strongest possible OPPOSITION to the proposals of the Petition and to the procedures which produced it filing.**

I. The Procedures Leading to the Petition.

The Petition, while using the name, Forest Hills Citizens Association, was apparently conceived and filed by a handful of persons, unknown to the writer. **IT WAS NOT PRESENTED TO THE MEMBERSHIP OF FOREST HILLS CITIZENS ASSOCIATION (OF WHICH THE UNDERSIGNED IS A MEMBER) BEFORE ITS FILING. NO PUBLIC MEETING WAS HELD ON THE PROPOSAL BEFORE ITS FILING.** As filed, on April 5, it cannot be said to represent the views of the Association because they were never sought and the Zoning Commission should not find that it does.

After the Petition was filed, two public meetings were held, on April 16 and May 13, both attended by the undersigned. Considerable objections were made to particular proposals and absolutely no consensus emerged. Those voicing objections were advised, repeatedly at the May 13 meeting, that if you don't like it, file for a Special Exception, an onerous and expensive process which shifts the burden to the property owner to overcome a rule, promulgated by a handful and ill-considered in the first place.

I ask the Zoning Commission to return this Petition without further action and advise the petitioner whoever, in fact, it may prove to be to give the citizens of the affected area a fair chance to participate in the development of Overlay standards, as needed.

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ZONING COMMISSION
District of Columbia
CASE NO.02-19
EXHIBIT NO.46

II. The Petition Contains Significant Factual Errors

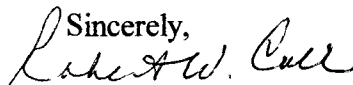
At the first public meeting (April 16), the undersigned asked the basis for the following statement (Petition, p. 5): "There are many undeveloped parcels, including approximately 240 lots which are larger than 12,000 sf, many of which are 20,000 sf or more. There are at least sixteen parcels of 60,000 sf or above." My request has been repeated several times, but never has the basis for this statement been given. In fact, the statement (which forms an important premise for Petitioner's arguments in favor of the Overlay) is **pure fiction, not even close to the facts**. But it remains, so far as I am aware, uncorrected before the ZC along with several other statements of doubtful accuracy and relevance.

III. The Reduction of Home Ground Coverage from 40% to 30% is Senseless

Perhaps, the most nonsensical proposal is that to reduce a home's permissible lot coverage from 40% to 30%. When combined with the proposed impervious surface limit of 50%, this reduction becomes absolutely senseless and could not conceivably be related to trees, slopes, or preservation of the character of the neighborhood. **If you are going to allow an owner the right to have 50% impervious surfaces, then why should Big Brother care (to say nothing of a tree caring) if that is achieved by a larger home in contrast to driveways, walkways, a swimming pool, tennis court or the like?** The effect on tree preservation or tree additions is identical whether the impervious surface is a home or a tennis court, but this proposal makes the Government come down four square in favor of tennis courts and swimming pools, driveways and walkways, as opposed to homes and **yanks from the property owner the right to make the choice**. Nor can it be said that this is necessary to preserve the character of the neighborhood: **this neighborhood developed into the Eden-like paradise described by Petitioner using a 40% home foot, not 30%. It is the Petitioner who would radically change the neighborhood.**

The impervious surface limit at least arguably helps tree preservation and tree additions. I have no problem with that. But to adopt that **and** reduce home size makes no sense at all.

I ask the Zoning Commission to take no favorable action on the Petition as it now stands and to return that Petition to allow the citizens of the affected area to develop a proper Overlay, through a process which is inclusive, not exclusive..

Sincerely,


cc: ANC, 3F, Philip Kogan, Robert V. Maudlin, Forest Hills Neighbors for Responsible Preservation.