

2605 TILDEN PLACE, NW
WASHINGTON, DC 20008

Alberto P. Bastida, AICP
Secretary of the Zoning Commission
Office of Zoning
411 4th Street NW, Suite 210
Washington, DC 20001

June 10th, 20002

Case No. 02-19
Subject: Forest Hills Tree and Slope Overlay

Dear Mr. Bastida:

I am writing this letter in opposition to subject overlay.

I have lived in Washington and more specifically the Forest Hills area for about two years having moved into a city from suburban Darien, Connecticut. I think it is important that I write to you from this perspective because the drafters of this proposal have forgotten that we live in a city and not the suburbs. Many of their proposals are taken from MONTgomery County regulations. In one case, they even referenced Loudon County. Cities, by their nature, have denser development, and more varied development than the suburbs, and zoning regulations should take this factor into account.

We citizens of this country are blessed with certain hard earned individual freedoms, one of which is the right to private property. A person has the right to do with his property what he likes provided his actions do not injure his neighbours. It is the duty of government (in this case the Zoning Commission) to tread the fine line between harming society and protecting individual rights. This overlay provision is clearly in the category of excessive government interference.

Specifically:

1518 Ground Cover Restrictions

1518.1 The introduction of this overlay proposal in 1516.1 acknowledges that we already live in a "parklike setting". Therefore, the existing building coverage of 40% is working. If we keep the existing formula, we will not have "MacMansions" on stampsize lots and it will allow smaller lot owners more flexibility in designing of their houses. There is a front yard set back stipulation (1519.3) which is entirely reasonable and with the side yard set back, will protect the view of the neighbourhood from the street, which is what most of the people see.

1518.2 To impose this impervious surface coverage is unfair, especially to owners of small lots. The purpose of the provision appears to be to prevent excessive run off during heavy storms. The fairest way to accomplish this is to give people the freedom to landscape their property provided they manage storm water run off. The run off can be reduced in many ways such as: underground cisterns, allowing pervious paving of driveways, laying patio pavings on sand instead of cement and covering garden paths with well spaced stones.

RECEIVED
D.C. ZONING COMMISSION
JUN 11 PM 4:11

ZONING COMMISSION
District of Columbia
ZONING COMMISSION
District of Columbia
Case 02-19
CASE NO. 02-19
EXHIBIT NO. 54
54

2605 TILDEN PLACE, NW
WASHINGTON, DC 20008

Swimming pools should be exempt from the impervious surface classification as they are in many other jurisdictions. They hold water not shed it, and any release of excess water obviously occurs after a storm is over and the drains are no longer full. A sort of flood retardent.

One anomaly of this proposal is that an existing house having 30% building coverage and 50% impervious surface coverage could build an indoor pool, but not one outside.

In short, this paragraph restricts a persons right to landscape his backyard as he sees fit, and I cannot imagine how the greater society can be hurt by backyard landscaping providing there is adequate water run off protection.

The proposers refer to the Chain Bridge restriction. However, there, the Board was in favor of a 60% coverage and agreed to 50% only as a compromise after extreme pressure.

1519.1 Tree Removal

I am not against trees per se. In fact. the many trees in the City give Washington and Forest Hills their unique character. However, there are many times when a large tree is in the wrong place and no matter how one configures his development the tree is in the way. In such circumstances a propoerty owner should have the right to remove it to develop his property.

Furthermore an argument can be made that by imposing such rigorous restrictions, this bill would harm trees by inducing owners to cut down all big trees in case they might want to build or landscape in the future.

The D.C.Council is considering now a tree protection bill which has a reasonable approach. It protects trees of 25 inches and above and has a tree planting provision. The 1519.1 overlay proposal of 12 inches is far too invasive. A 12 inch tree is far too small to be included.

1519.1(C) The outright prevention of felling a tree of 75 inches even if it prevents devlopment of property smacks of a "taking".

(D) Many streets have Building Restriction Lines (BRL) which were imposed as a setback restriction not as a right of way line as the proposers imply. In such cases, the tree restrictions cover up to 40 or 50 feet from the street. A more reasonable proposal is to have the tree restriction cover "the greater of 25 feet from the edge of the street OR the BRL"

(E) Again, the 25% limit should be dropped.

(F) The seven year period from tree removal to building is far too long and it's enforcement too questionable. It forces a developer to clear cut any land he may own so he will be unrestricted when he builds. At the same time, you are hamstringing others. The urban reforestation bill has a one year moratorium which is much more reasonable. Imagine, a new buyer of an existing property will be prohibited from any tree work, landscaping under this section if the previous owner had cut down the maximum 25% of the trees.

2605 TILDEN PLACE, NW
WASHINGTON, DC 20008

An arrangement for planting new trees such as that in the urban reforestation bill is a good compromise of keeping trees in the city and allowing home owners to develop their properties.

1519.5 To say that " no person.... shall alter existing topography..." is clearly and intrusion on the right of private property. Why are proposers so frightened of landscaping?

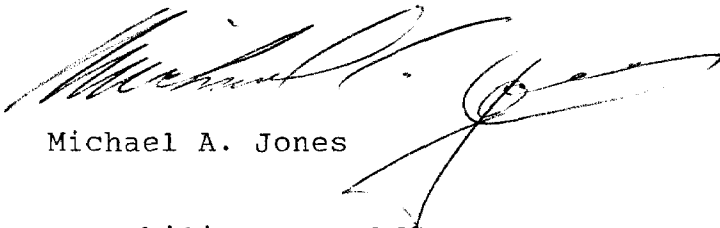
To put a slope limit of 25% is also too intrusive. 25% is not steep. A sled could not move on such a slope in normal snowy conditions! If we talk about 50% or so, then one can worry about soil erosion and so forth, but not 25%.

It is common place to landscape and stabilize terrain with far steeper grade than 25%. There is a beautiful garden on Newark Street which has been accoladed in garden magazines. It preserves large trees, has "structures" within 20 feet of a steep slope and is an attractive addition to the City. It is located across the street from #3145.

In short, although well intentioned, this proposal, if passed is far too restrictive and would trample a person's right to developing his personal property without substantially improving the lot of society. It will only add to the workload of the Zoning Board through an avalanche of exception~~a~~ requests.

In the hopes that the Zoning Commission will vote against the reforestation overlay, I am

Yours,

A handwritten signature in dark ink, appearing to read 'Michael A. Jones', with a long, sweeping horizontal stroke extending to the right.

Michael A. Jones

c.c.Philip Kogan ANC