

2900 ELLICOTT TERRACE NW
WASHINGTON DC 20008

June 19, 2002

Honorable Carol J. Mitten, Chairperson
DC Zoning Commission
Suite 210 South
441 Fourth Street NW
Washington DC 20001

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

Dear Ms. Mitten:

I have reviewed at length the proposed Forest Hills Tree and Slope Overlay, as well as a variety of materials relating to this proposal, both pro and con.

I conclude that this overlay proposal is a complex, detailed, and bureaucratic response to a vaguely stated problem, which will introduce countless obstacles to the free use of Forest Hills property. The proposal may have originated with a well-meaning attempt to deter development or preserve mature trees, but it has been so encumbered with unrelated provisions only a lawyer could love that I believe it is irredeemable.

A few specific points will help to illustrate the degree to which this proposal misses the mark (if, indeed, there was a defined mark in the first instance):

1. Every one of the current residents of Forest Hills moved to the area because he or she thought it a good place to live, *without* the benefit of the proposed regulations. Hundreds of homeowners, each making individual decisions, have created one of the finest neighborhoods in Washington. Why should it suddenly be necessary to call their collective good judgment into question, and replace it with a cumbersome bureaucratic scheme?
2. The same logic applies to trees, mature or not. In over twenty years as a resident of Forest Hills I have not seen a single example of a homeowner regarding the trees on his property as a liability, rather than as an asset to be preserved if at all possible. Most of us have gone to great lengths to preserve trees endangered by blight or weather—at our home we have struggled to defend our favorite tree for a decade or more. When on occasion a tree is downed by wind or must be cut to make room for a structure, most of us plant new ones to take their place. Once again, why should it suddenly be necessary to call our collective good judgment into question, and replace it with a cumbersome bureaucratic scheme?
3. Regarding the issue of impervious surface, the proposal seems even sillier. Most homes are already built, and most occupy less than the specified limit of coverage. One would have to assume that virtually every new home in Forest Hills would cover 80 percent or so of its lot with impervious surface before a serious erosion problem would develop in the area. Yet not a single specific example of an erosion or water runoff problem has been cited to support the proposed new rules.

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Exhibit 93

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EXHIBIT NO.93

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4. What about the suggested increase of minimum lot size to 12,000 square feet? Are those residents with lots in the 7,500 square foot range to be considered a blight on the Forest Hills community? The implication is clear, even if the proposal doesn't force them to tear down their homes. Once again, most of those homes have been in existence for decades, yet the proponents of the new rules moved here (and/or stayed here) anyway.

It appears, when one cuts through the chaff of this proposal, that there is an underlying concern about developers clear cutting undeveloped land. That is a fair point, which could be addressed by placing reasonable limits on large tracts of land not yet subdivided—for example, new tracts yielding four or more new building lots could be required to use larger lot sizes. I will leave it to the developers to argue this narrower issue, but of course an existing owner of a large lot might see it as unfair to have the rules of development changed after he has already purchased the property.

Even in this narrow case the proposal falls short. It is entirely possible that a would-be developer would respond to these new rules by clear cutting in advance of construction plans, and then simply waiting seven years. I have even heard existing residents, against their own best instincts, talk in frustration of cutting trees before they reach maturity and become subject to the new restrictions. The law of unintended consequences follows its own logic.

Both you on the Zoning Commission and most of us in Forest Hills have too much to do to waste our time with endless iterations of this unnecessary and intrusive proposal. I urge you and your colleagues simply to reject the proposal outright and let us all go on with our lives.

Thank you very much.

Sincerely,



H. W. Radin

Copy to: Hon. Anthony Hood, Vice Chairman
Hon. James Hannaham, Commissioner
Hon. Peter May, Commissioner
Hon. John Parsons, Commissioner