FOREST HILLS CITIZENS ASSOCIATION

Dedicated to the enhancement, maintenance, protection and promotion of a positive community spirit in the Forest Hills neighborhood

George R. Clark
President
president@foresthillsdc.org

April 24, 2003

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VIA HAND DELIVERY

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

Re: Case No. 03-14 Petition from ANC 3F to Amend DCMR, Title 11, Section 3202.5(a) [February 2003 edition]

Dear Mr. Bastida:

The Forest Hills Citizens Association ("FHCA") supports ANC 3F's Petition for an Emergency Text Amendment to correct the recently-released February 2003 edition of Title 11 (Zoning Regulations) with respect to Section 3202.5(a). The new edition, released March 14, 2003, significantly alters the codified text that has appeared for the last 12 years in Title 11 on which citizens and citizens associations and others have relied. FHCA requests that the Zoning Commission act promptly to restore the traditional text.

One permit application filed at the time the Forest Hills Tree and Slope Overlay was awaiting setdown by this Commission demonstrates the point. A developer was purchasing a lot with plans to tear down the existing large ranch house and then subdivide the lot and build 2 large houses. A number of large trees needed to be torn down to make room for the new houses and the Overlay would have affected those plans. When the developer became aware of the possible filing of the overlay, it rushed to file permits before the setdown took place. In so doing, it filed applications that were incomplete, including not paying all the fees in a timely fashion. DCRA nevertheless allowed the developer to change and complete the permit applications at a later date.

ZONING COMMISSION
District of Columbia
Case 03-14
Exhibit 2

ZONING COMMISSION
District of Columbia
CASE NO.03-14
EXHIBIT NO.2

Thus even with the "old" language in 11 DCMR § 3202.5(a), DCRA allowed incomplete applications to proceed in violation of the setdown vesting rule. If the recodified version becomes the version that is used in fact, the vesting rules will become meaningless.

Therefore, FHCA supports the petition in this case.

Respectfully submitted,

George R. Clark
President

/GRC