

TESTIMONY NOTES
[OF ARMANDO LOURENCO
on ZC No. # 02-19, on 9/30/02]

Good evening Chairperson Mitten and Members of the
~~Board~~ Zoning Commission.

My name is Armando Lourenco and I am a homeowner residing at 3055 Harrison Street, NW. My property is within the R-1-A zone of the proposed Forest Hills Tree and Slope Overlay District. I am also a private consultant on building and land-use regulatory matters. Immediately prior to my working as a private consultant, I served as the Administrator of Building and Land Regulation Administration, of the Department of Consumer and Regulatory Affairs.

I also served as the Acting Zoning Administrator of the District of Columbia, from July 1998 to August 1999.

Prior to that, from 1990 to 1994, I was the Program Manager of the Permit Processing Division of BLRA and, in that capacity, I interacted almost daily with the Zoning Administrator.

PPD from June '90
to February '94

I am also a member of the Mayor's BCAC, currently serving a third term in that board, where I am the Chair of the Issues and Policy Subcommittee.

Building Code
Advisory
Committee, thru
April 2004

ZONING COMMISSION
District of Columbia
Case 02-19
COMMISSION
District of Columbia
Case NO. 02-19
EXHIBIT NO. 264

Today I am testifying in my double capacity as an interested homeowner affected by the amendments you are considering and as a concerned tax payer of the District of Columbia. Given my past experience and my background as a regulatory officer in land use matters in the District of Columbia, I believe it is my duty to share with you some of the concerns that the proposed regulations raise in my mind.

For the record, I would like to state that I am not currently engaged as a consultant by any property owner or developer on any case within the boundaries of the proposed Forest Hills District. I am not a member of the "Forest Hills Neighbors for Responsible Preservation," even though I am certainly a Forest Hills neighbor for responsible preservation. I have read their published positions on the matter of the overlay district and I support them. In addition, I would like to express a couple of other points for your consideration.

The reduction of allowable lot occupancy from 40% to 30% is, in my view, misguided and has the unwanted effect of affecting disproportionately current owners of smaller lots. It also affects disproportionately elderly homeowners and those with mobility impairments. One of the reasons my wife and I decided to relocate to Harrison Street was to be able to have all the home amenities necessary for the daily enjoyment of our home located on the ground floor.

This is a necessity that is dictated by health reasons and it will become more and more critical as we age in that home. Any meaningful expansion of our home and the full enjoyment of our property in the future will require adding space to the ground floor. Adding space vertically is not as simple an option for aging homeowners or those with disabilities. While my house is far from occupying 40% of the lot, a limit of 30% would basically impose upon us a burden that I oppose, therefore, as discriminatory, a reduction in the lot occupancy rates currently prescribed for R-1-A districts.

is disproportionate in relation to younger, healthier owners of larger lots.

If there is on the part of the Zoning Commission a concern with the possible surge of "MacMansions," I point out that the prescribed 12,000 SF lot would still theoretically allow a 3,600 SF footprint and a 10,800 SF house, much larger than the vast majority of the homes in Forest Hills. Prescribing larger size lots is opening the door to the opposite result of what has been declared as the intent of the proponents. It does not necessarily preserve the

character of Forest Hills.

It is also questionable if an amendment that affects disproportionately property of smaller sizes, therefore of lower value, would pass muster. Recently the building code had to abandon threshold criteria that was ultimately based on the value of properties, which was deemed discriminatory by Corporation Counsel.

The tree dimension criteria, where there is no existing survey of all the mature trees in the overlay district, present an almost impossible task for the limited enforcement resources of the District. The criteria for front setback, based on an elusive average of fronts that will evolve every time a homeowner adds on to the front of the house, is a certain recipe for trouble. Typically, these finely defined criteria are difficult to enforce without missing, in a permitting process where a very understaffed unit screens ten thousand building applications and five thousand C of O applications a year. The experience of the Wesley Heights overlay should prompt the Zoning Commission to seek a better solution, not to repeat what has proven to be a difficult enforcement problem. The proposed mechanisms promise to be a source of contention and ^{to} clutter the BZA with unnecessary cases that can be avoided if the enforcement constraints are also taken into account in the inception of new regulatory rules.

In a year of contraction of expenditures, where the options facing the homeowners are an increase in taxes or a reduction in services, as a taxpayer, I urge you to fully consider the fiscal impact of ~~the~~ cumbersome enforcement criteria ^a such as ~~the one~~ ^{those} included in the proposed regulations.

Who measures the trees in my yard? Certainly not my neighbors. How accurate do the measurements need to be? Who is the judge of that? How do I appeal my neighbor's measurement? The District's resources – my tax money and yours – should be better spent in more efficient mechanisms. There has to be a better way to address this issue. The proposed mechanism is flawed beyond repair. I urge you to reject it and start anew.

How does he appeal mine?

IN CONCLUSION, I am in opposition to the proposed overlay district provisions. I have serious doubts that an overlay district is necessary for the preservation of the character ^{of} Forest Hills. Certainly not one with so many sweeping provisions addressing so many different aspects of what were rights of the homeowners of Forest Hills until this matter was set down for hearing.

Preservation of slopes can be accomplished in many different ways, not all of which entail keeping all the existing trees. The mechanisms envisioned in the proposed text make for nice academic exercises but are a recipe for disaster with the enforcement mechanisms that it is reasonable to expect from a fairly well organized jurisdiction. Overall, what seemed like a good idea at the beginning ~~and~~ the execution of the idea, the much amended final product, is probably 15% good and 85% bad.

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Clearly, not all effects of the amendments have been evaluated and it would be premature for the Zoning Commission to bless them into the regulations.

I urge you to reject the proposed overlay regulations and to remand the matter for further study to the Office of Planning, opening a process where the participation of the affected homeowners can be ~~heard~~ and their concerns addressed.

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Thank you again for the opportunity to address this Commission on this matter.

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