

02-19

Statement of Leonard A. Zax
Before the Zoning Commission of the District of Columbia
October 7, 2002

My name is Leonard Zax, and my wife and I and our son and daughter live at 4511 28th Street, N.W. and our home is part of the proposed overlay district. I have a Master in City Planning from Harvard University, where I also served as a lecturer and a member of the faculty in the Department of City and Regional Planning.

We have lived in Forest Hills for almost fifteen years. We chose to live in this neighborhood because of the trees that gave the neighborhood its name and the diversity of residential development that gives this urban neighborhood its special character.

Forest Hills is the first residential neighborhood that I came to know in the District of Columbia because my college roommate lived on Linnean Avenue, and his father – an architect who taught at Howard University - was then the president of the Forest Hills Citizens Association. On my early visits to the neighborhood I was awed by that most wonderful experience of entering a residential community in a great city by driving up Rock Creek Park and walking along tree-lined streets.

Since I was attracted to Forest Hills because of the trees, when I initially heard of proposed land use restrictions to preserve trees I assumed I would want to testify in favor of the proposal. But that was before I actually read the proposal, which is fraught with problems and laden with a fatal defects.

I do not want to take the time of Commission members by simply repeating all the details of those who have spoken and filed papers in opposition to this proposal. I would only emphasize the following points:

- (1) The process by which this proposal was developed was fundamentally flawed.
- (2) The reason why city planners emphasize the importance of process is because improving the process of citizen participation and collaboration with government officials and experts, increases the likelihood of better substantive results. What we have here is just the opposite: A fundamentally flawed process produced a fundamentally flawed proposal.

ZONING COMMISSION
District of Columbia
Case 02-19
Exhibit 278

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CASE NO.02-19
EXHIBIT NO.278

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(3) As a result, we now have regulations - whose stated purpose is preserving the character of the neighborhood - but which causes more than three-quarters of the applicable properties to be “nonconforming” lots or “nonconforming” structures.

(4) We now have regulations - whose stated purpose is preserving trees – but which will force many residents to cut down young trees planted in recent years in order to avoid the Draconian effects of the regulations when the trees grow larger.

This is not a proposal that can or should be saved by minor adjustments, technical amendments, or a little fine tuning. Indeed, part of the problem we now have is that there have been so many amendments that a number of my friends and neighbors who tell me they support the proposal honestly do not know what the proposal says. If they did, they would not be quietly supporting the proposal; they would be actively opposing it.

What we need to do now is to establish a careful, professional and deliberative process to bring citizens together with the Office of Planning to craft an entirely new proposal. There is a heightened sense of awareness that more should be done. We need stronger enforcement of existing zoning laws as a start, and where the existing regulatory tools are not sufficient only then do we need new regulations carefully tailored to address those deficiencies. I respectfully urge the Commission to do everything within its power in order to cause this professional effort to begin promptly.