

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



August 5, 2011

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W. - Suite 100
Washington, DC 20006

Re: Forest Hills Tree and Slope Protection Overlay District and Tree Removal Provisions

Dear Mr. Sher:

This is to confirm the substance of our discussion on Thursday, July 7, 2011, with James and Thomas Wilner, concerning the tree removal provisions of §1519 of the Zoning Regulations (11 DCMR), specifically as applicable to lots 111, 112, 113, 114 and 115 of Square 2258. Those lots are located between the cul-de-sac at the end of Chesapeake Street and Broad Branch Road, N.W. Lot 111 is improved with an existing single family dwelling; the other four lots are not improved. The property is zoned FH/TSP/R-1-A, which represent the Forest Hills and Tree and Slope Protection Overlay zones.

Based on our review of §1519 of the Regulations, I concluded the following:

- If an arborist certified by the International Society of Arboriculture provides the Office of the Zoning Administrator with information demonstrating that a tree which is covered by the specifications of §1519.2(a) is dead, unhealthy or creates an unsafe condition, then the ZA's office will approve the issuance of appropriate permits for the construction which leads to the removal of such a tree. I gave to you a copy of the form used by the ZA's office for reviewing this information. A separate form will be required for each lot.
- We reviewed a tree survey prepared by you engineer and draft computations and analysis prepared by a certified arborist, showing the location of all trees and designating which trees have been determined by the arborist to be dead, unhealthy or unsafe. That analysis will be reviewed in more detail but, in general, it contains the kind of information contemplated by the form.
- Your analysis of existing trees indicated that there are three trees, one on each of lots 112, 114 and 115, that have a circumference greater than 75 inches at the specified height. Pursuant to §1519.2(c), such trees may not be removed regardless of the other provisions of §1519 unless you obtain the approval of the Board of Zoning Adjustment pursuant to §1520.

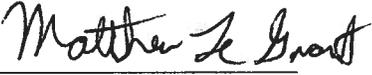
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- Your tree survey indicated that there are 3 designated trees on each of lots 112, 113, 114 and 115 that have a circumference of more than 38 inches but less than 75 inches. Those trees may be removed in accordance with §1519.2(d), provided that they are not within 25 feet of any building restriction line or lot line abutting a public street.
- The computations provided show that the total circumference of trees to be removed on lots 112, 113 and 115 is less than 25% of the total circumference of all trees having a circumference of 12 inches or greater on a lot by lot basis. Those lots meet the requirement of §1519.2(e).
- The total circumference of all trees on Lot 114 is 297 inches and the total of trees to be removed is 156.6 inches, or 52.7% of the total. The 3 trees to be removed are all between 38 and 75 inches in circumference. The provision of §1519.2(e) indicates that the 25% limitation "does not abrogate the right to remove or cut down up to three (3) trees as provided in paragraph (d) of this subsection." Accordingly, you may remove those 3 trees even though the percentage of trees removed is more than 25% of the total of all trees.

My conclusions apply to the specified section of the Zoning Regulations. I note, and you indicated that you are aware, that the District has adopted rules under the Urban Forest Preservation Act of 2002 regarding permits required for removal of a tree designated as a Special Tree. You will have to satisfy those requirements separate from any determination made under the Zoning Regulations. The construction of any buildings will be subject to all other zoning requirements set forth for the subject R-1-A district, as well as the Forest Hills and the Tree and Slope Protection Overlay zones.

Please let me know if I may be of further assistance.

Sincerely, 
Matthew Le Grant
Zoning Administrator