

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application for Variance Relief
For Variance Relief
#19614

ANC 1D

STATEMENT OF ADJACENT PROPERTY OWNERS
IN OPPOSITION TO REQUESTED VARIANCE

I. Introduction

This Statement is submitted by Keenan R. Keller and Donna M. Murphy, owners of 1850 Monroe Street, NW, (Adjacent Property Owners) to the Board of Zoning Adjustment (Board) in opposition to the Application for Variance Relief submitted by B Monroe Ventures, LLC (Applicant). We have a direct interest in this matter as our house at 1850 Monroe Street, NW, is located immediately adjacent to the property at 1842-44 Monroe Street, NW.

The Applicant is proposing to construct two (2) twenty-five-foot-wide buildings at 1842 Monroe and 1844 Monroe Street, N.W. The Applicant proposes to build this structure right up to the lot line of our property at 1850 Monroe, which would result in a 30 foot brick wall towering over our side yard.

As discussed below, Applicant's Statement in Support of Variance Relief and submitted Exhibits do not support granting the requested variance. The Applicant has failed to establish that there is any unique physical aspect, or other extraordinary or exceptional situation or condition, regarding the 25 foot wide property at 1844 Monroe that would result in a practical difficulty from the application of the 2016 Zoning Code side yard requirement. To the contrary, the Applicant's proposed in-fill construction of an end-unit rowhouse -- on a 25 foot wide lot that formerly held a semi-detached house, in a historic district, and next door to a historic detached house -- presents precisely the type of situation to which the side yard requirement should be

strictly applied. Moreover, there are no public-good considerations that would favor a variance from application of the 2016 Zoning Code side yard requirement. Because Applicant has not met its burden of proving a variance is warranted, the Application should be denied.

II. Background

The property at 1842-44 Monroe Street sits in the heart of the Mount Pleasant Historic District. A late Victorian duplex of two semi-detached single family homes was built on this property in the early part of the 20th century. While no known photograph of those houses exists, the original plat and remaining portions of the foundation provide clear evidence of this structure. *See* Attachment A (1905 plat showing the 36 foot wide footprint of 1842-44) and Attachment B (photos showing the still-existing aspects of the foundation). Based on the recollection of neighbors who have owned and occupied the neighboring rowhouses for more than 30 years, the semi-detached houses at 1842-1844 were similar in size and appearance to the duplex homes about 1/2 block away at 3305-3307 18th Street, NW. *See* Attachment C (photo of 3305-3307 18th Street) and Attachment D (HPRB staff report describing historic use of 50 foot wide lot at 1842-44 Monroe Street as double house under shared roof).

Contrary to the representation in Applicant's Statement, the house located immediately adjacent to 1844 at 1850 Monroe Street is a fully detached single family home, not semi-detached. It is one of six houses built as detached single family homes, along with about a dozen 2½ story row houses in the stretch of Monroe Street on the South side of the street between 18th Street and the intersection of the alley between Monroe Street and Park Road. The houses on the other side of that alley (facing Park Road) were all built as single family homes, many with carriage houses on the alley. On the North side of Monroe Street (across the street), the houses are primarily rowhouses. The common theme of these historic houses in and around the 1800

block of Monroe Street is the presence of architectural features that create interest and differentiation in the facades of the building with porches, window bays, dormers and similar features.

Applicant purchased the lots at 1842-44 Monroe in April 2015. Contrary to Applicant's representation, the fact that it is now more than three years later and Applicant has not received any final approvals or permits for buildings on these lots is due primarily to their failure to engage with the ANC, which opposes this variance, with Historic Mount Pleasant, which opposed HPRB approval at two different hearings, or with the adjoining property owners or any of the neighbors who are strongly invested in having high-quality, historically appropriate and legally compliant housing built on the 1842-44 Monroe Street lots. The Applicant's stated efforts at "planning and design of these row structures, including seeking and receiving HPRB approval" have not included any substantial efforts to meet or discuss the planning and building issues with the interested parties in the neighborhood.

Instead of working with the ANC, HMP and the neighbors to develop appropriate plans for this historic property, the Applicant has presented a series of similar plans, with the most minimal changes possible to the Monroe Street exposure to address concerns raised by HPRB. In each set of plans, the new buildings look from the back and sides like a three-story suburban-style apartment building. Contrary to the implication in the Applicant's Statement that the two proposed buildings are similar to the existing rowhouses on the street, the proposed buildings at 1842-44 are substantially out of scale with the other rowhouses on the 1800 block Monroe Street. While the vast majority of these rowhouses are about 17 feet wide, the proposed buildings, at 25 feet wide, are half again as wide as most of the rowhouses on the block. This width is possible because the lots for 1842 and 1844 are wider than the other rowhouse lots; however, the lots

presumably were set out this way in order to allow for the construction of the prior semi-detached houses that had side yards.

The proposed buildings also tower over the neighboring rowhouses to the east, because the plans provide for three full, above-ground stories -- rather than the 2½ stories typical for the block (as shown most clearly on the east elevation drawing). The buildings also extend well past the neighboring rowhouses into the backyard, and, as the southern elevation of the permit drawings demonstrates, the height, width and shape of the proposed buildings overwhelm their neighbors visually. *See* Attachment E-1, E-2 (excerpts from Applicant's permit drawings).

Most relevant to the requested variance, each set of plans for the proposed buildings has the 30 foot high west wall of the structures built directly on the lot line with our property at 1850 Monroe Street. This stark façade is incompatible with the historic character of the neighborhood where the exposed walls of end units generally have interesting architectural features such as bay windows and dormers, have side yards, or border an alley on that side. Also, the revised plan for the three-story wall adjoining our property shows 12 windows, unlike the typical end unit rowhouses built up to alley lot lines, which tend to have few or no windows. With no side yard, these windows would stare straight into our yard, our porch and the windows of our house, very much out of character with the surrounding and nearby historic properties. The clear privacy implications of this proposed arrangement have been recognized by the Office of Planning (Exhibit 39), which recommends denying the requested Variance and notes that even if the Variance is granted, Appellants should not be permitted to build a structure with windows staring straight into our yard and house. Those west-facing windows also appear on the plans to be of different sizes and placements, resulting in an asymmetrical, ugly pattern, which is also

nonsensical, as it includes several windows on the first floor would open directly into our existing 7 foot fence between 1844 and 1850. *See* Attachment E-3.

Applicant's failure to consult with adjoining property owners and other neighbors means that they have yet to acknowledge that constructing the buildings on the 1850 property line would require considerable incursion onto our property and would necessarily cause substantial damage to our existing fence and landscaping.¹ Moreover, the Applicant's plans are incomplete and inaccurate, because they do not account for the need to protect the historic ash tree located just on the 1850 side of the lot line. This tree is located right next to the lot line in front of our detached garage and is more than 90" in circumference. This makes it a "special tree", close to the size of a "heritage tree" under the Urban Forest Preservation Act, as amended by the Tree Canopy Protection Amendments Act of 2016 (DC. Code 8-651.04). As such it must be protected during construction through the establishment of a root protection zone that cannot be disturbed. In this case, the "critical root zone" does not allow for building up to the property line. *See* Attachment F (tree protection report). Although this issue has been raised several times with the Applicant and architects, the proposed plans do not make any provision for complying with DC law to protect this tree, and indeed, the site plan does not even reflect the existence of this tree adjacent to the property line, even though the plans do show our garage, which is located just next to the tree. *See* Attachment E-4.

All of these issues are substantial and should be considered by the BZA as context for the current appeal seeking a Variance from the 2016 Zoning Code minimum side yard requirement

¹ Expert witness Jeff Kozero will testify to this point in the hearing.

III. Burden of Proof and Legal Standard

Subtitle E § 307.1 of the 2016 Zoning Code, which requires a 5 foot side yard on the west side of the 1844 building, and from which Applicant seeks a variance states:

When a new dwelling or flat is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.

Applicant acknowledges that they must demonstrate three elements to obtain a variance. As stated by Applicant, they must prove: (1) unique physical aspect or other extraordinary or exceptional situation or condition of the property; (2) practical difficulty from strict application of the Zoning Regulations; and (3) no harm to the public good or the zone plan. (citing *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990)). As set forth below, the Applicant fails to meet this test for the requested variance from the side yard requirement.

IV. Applicant Cannot Meet the Standard for a Side Yard Variance

A. There is No Unique Physical Aspect or Other Exceptional Situation/Condition

As stated by the Applicant:

In order to prove an extraordinary or exceptional condition, or uniqueness, the Applicant must show that the property has a peculiar physical aspect or other extraordinary situation or condition. *Monaco v. D.C. Board of Zoning Adjustment*, 407 A.25 1091, 1096 (D.C. 1979).

Contrary to Applicant's argument, however, the fact that 1844 Monroe is located next to a detached home with a side yard is not unique. Indeed, it is the very situation contemplated by the provision of the Zoning Code that addresses the requirement for a side yard "on each free standing side" when a new building will not be able to share a common division wall with an existing structure.

In addition, we agree with the conclusion of the Office of Planning in its November 17, 2017 report (Exhibit 39):

The exceptional situation cited by the applicant is the Zoning Administrator's interpretation of what constitutes an attached structure and what constitutes a semi-detached structure. Because the Zoning Administrator is the official interpreter of the zoning regulations, the applicant is, in effect, stating that the zoning regulations themselves are the exceptional condition.

Clearly, as found by the Office of Planning, the Zoning Administrator's interpretation of the Zoning Code cannot constitute an exceptional circumstance that would justify a variance.

B. There is No Practical Difficulty

The Applicant argues that complying with the side yard requirement of the Zoning Code would result in a practical difficulty because it would be unnecessarily burdensome. The burden cited by the Applicant is that "in order to comply with the regulations, the Applicant would have to build a twenty-foot semi-detached dwelling." The Applicant also asserts that, "HPRB would likely not approve a dwelling that does not match the proposed building at 1842 Monroe Street [, and a] side yard would require a substantial change in the proportions at 1844 and weaken the rowhouse repetition." In addition, Applicant asserts that "[t]wo twenty-foot (20 ft.) wide semi-detached dwellings, or one twenty-five-foot wide (25 ft.) flat next to a twenty-foot (20 ft.) wide semi-detached dwelling would be a completely unique design that is rarely—if ever—seen in the district."

As recognized by the Office of Planning, this assertion by the Applicant is contradicted by the HPRB staff report (Attachment D), which would support construction of at least two historically appropriate alternatives on the 1842-44 lots. Either of these approaches could be compliant with the existing 5 foot side yard requirement: (1) rebuilding similar to the historic footprint and design of the double house that stood in this location historically with side yards on both the east and west; or (2) re-subdividing the two lots at 1842 and 1844 in a manner that

would allow construction of two 20 foot rowhouses of a height and top floor design similar to the existing town houses, with a compliant side yard on the west.

The Applicant also makes unsupported assertions regarding the lack of impact of the side yard on our property at 1850 Monroe Street, stating:

The additional five feet (5 ft.) will not have much impact—if any at all—on the adjacent property at 1850 Monroe. The neighboring semi-detached residence has an existing side yard on its property, which would alleviate any concerns about light and air.

This statement is simply untrue. The only evidence presented by the Applicant that could possibly support this statement is the “Shadow Study” submitted as Exhibit 29 in this case. However, that “study” is patently flawed and, therefore, cannot constitute reliable evidence in this case. Specifically, the renderings in Exhibit 29 of the Southeast views of our property and the proposed buildings at 1842-44 Monroe for 9 am on both March 21 (labeled page 22) and December 21 (labeled page 25) show the entire Southern exposure of the buildings as shrouded in darkness. This is simply wrong, as the sun shines directly from the South onto the back of our house (and would similarly do so onto any new buildings that are constructed) at 9 am on winter mornings.² See Attachment G (photo of rear of 1850 Monroe St.).

In addition, the Applicant’s assertion that the absence of a 5 foot side yard would “not have much impact – if any at all” on our property at 1850 Monroe Street is untrue. Our expert witness Jeffery B. Kozero, a licensed architect and engineer, as well as an experienced developer of historic properties, will testify that the proposed building up to our property line could not be constructed without substantial incursion onto our property, which would cause significant damage. We would suffer immediate economic harm, and loss of enjoyment of our property due to the need to repair or replace likely damage to our existing fences, buildings, plants and trees,

² Upon request, we can provide photographs from December 2017 illustrating this sunny, southern exposure.

including, but not limited to, the protected ash tree described above. The long term economic value of our property also would be decreased if the Applicant is allowed to bypass the side yard requirement and are permitted to build the proposed three story building, with no historically appropriate architectural features on its western façade, right up to the property line of our home, which is listed on the National Register of Historic Places. In contrast, the 5 foot side yard would provide a minimally necessary buffer to allow construction of the building at 1842 Monroe without necessitating substantial incursion onto our property and the inevitable destruction of our property that would result. Moreover, the required 5 foot side yard also would be consistent with the important tree protection plan and critical root zone that are required to protect the historic ash tree located on our property under DC law.

Finally, the Applicant asserts that, because “the Property has remained idle while almost every other property on this block has been developed”, the “otherwise usable land” at 1844 Monroe “likely” would “remain[] idle” if the variance is denied. This statement is also untrue. If the Applicant cannot or will not build legally compliant and historically appropriate houses on 1842 and 1844 Monroe Street upon denial of the variance, we know of several other developers, including several neighborhood residents, who would be willing to purchase and develop the property in a manner that is consistent with the neighboring houses. The only reason this has not happened over the past two decades is that the previous owner refused to sell the property until 2015.

C. A Variance Would Cause Detriment to the Public Good and the Zoning Code

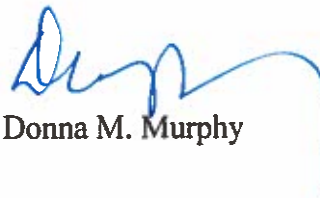
Granting the Applicant’s requested variance would not serve the public good. Applicant is not a non-profit organization that is seeking additional square footage in order to provide more affordable housing, or to serve some other public purpose. Rather, the variance from the

minimal 5 foot side yard requirement sought by the Applicant would make the proposed buildings even less compatible with the neighboring historic homes and would reward Applicant's failure to engage in good faith discussions with the ANC, HMP, adjacent property owners or other nearby neighbors regarding the concerns related to the proposed design. Moreover, granting the requested variance would impair the application of the side yard provisions of the Zoning Code, by negating that requirement for end unit row houses next to detached or semi-detached existing homes.

V. Conclusion

For all these reasons, the appeal should be denied and the Zoning Administrator's ruling that a side yard is required for the building at 1844 Monroe Street should be upheld.

Respectfully submitted,



Donna M. Murphy



Keenan R. Keller

ATTACHMENT A

Form No. 8, D. C. 1904, 1905.

N. 724

67^E

1732
MAR 14 1905

Surveyor's Office,
DISTRICT OF COLUMBIA.

Washington, March 10th, 1905

Plat, for Building Permit, of lots 38 and 39 (out of the North 124 ft. of lot 20), Block 1
Ingleside (Brown's sub.) Recorded in Book County 19 page 114

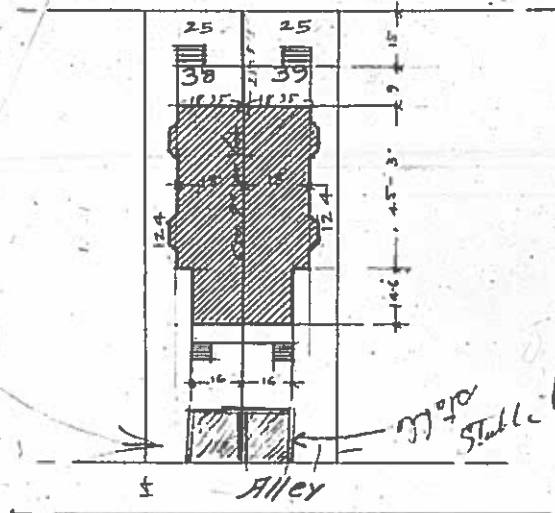
JUL 25 1905

212
213

JUL 25 1905

1842 to 1844 Milwaukee Street

"The owner of applicant shall show upon such plat or survey, drawn to same scale as the plat or survey, all buildings or additions, located and to be located thereon, and the buildings or additions must be located and erected as shown upon said plat or survey." Title Reg's, Paragraph No. 38.



No further restorery necessary
M. P. Richards
Surveyor DC

Oct 5, 1905.

Scale: 1 in. = 30 ft.

I hereby certify, That the foregoing plat is correct in accordance with Law and Record. Furnished to
Charles C. and Edward E. Murray owner, in accordance with Sec. 26, Building Regulations.

Delivered to Charles C. Murray

S.O. Order 216 - 0

M. P. Richards
Surveyor, District of Columbia.

ATTACHMENT B:

Extant Foundation 1842 -1844 Monroe Street, NW



ATTACHMENT B:

Extant Foundation 1842 -1844 Monroe Street, NW



ATTACHMENT C

3305-3307 18th Street, NW



ATTACHMENT D

HPRB Staff Report on 1842-44 Monroe Street (November 3, 2016)

**HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION**

Landmark/District:	Mount Pleasant Historic District	(x) Agenda
Address:	1842-1844 Monroe Street NW	() Consent
Meeting Date:	November 3, 2016	(x) New construction
Case Number:	16-617	(x) Alterations
		(x) Subdivision
Staff Reviewer:	Tim Dennée	(x) Concept

Property owner Barret Evans, with plans prepared by Cunningham Quill Architects, requests the Board's review of a concept to construct two three-story two-unit rowhouses, along with a subdivision to permit the construction and site work.

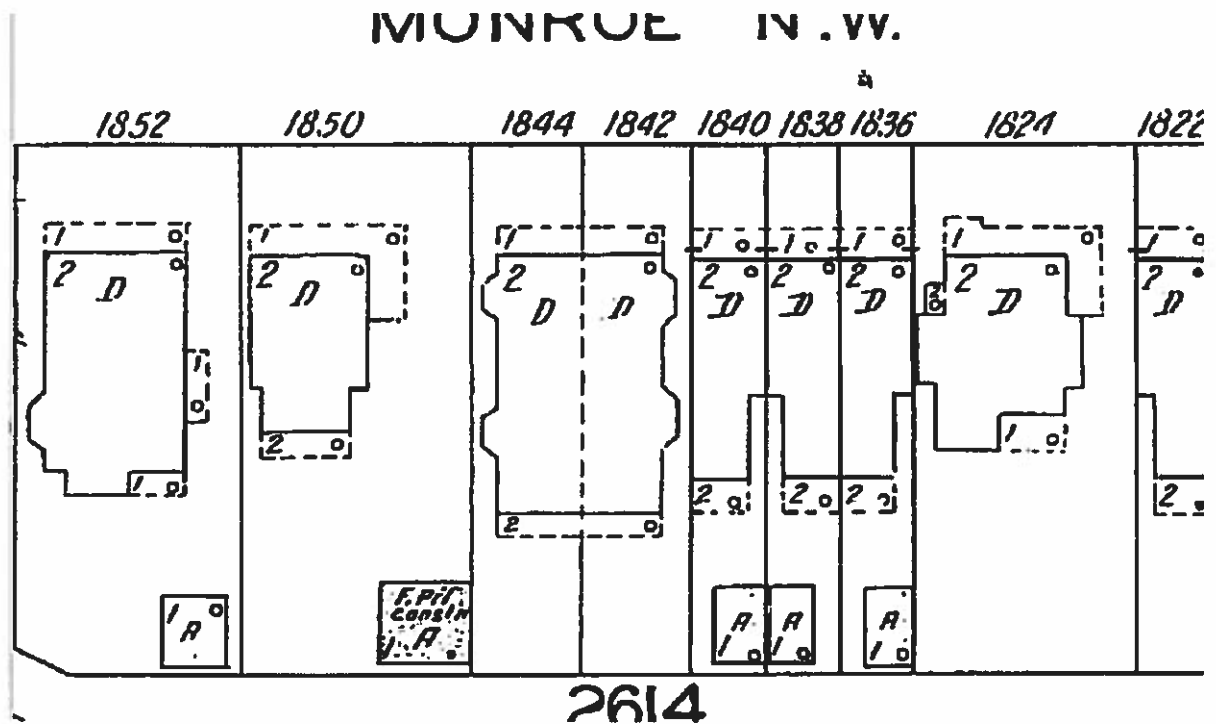
Subdivision

The applicant proposes to subdivide the present 50-foot-wide assessment and taxation (A & T) lot into two 25-foot-wide lots of record. From a strictly legal point of view, the subdivision is probably unnecessary, as there is no evidence to suggest that the underlying record lots 38 and 39 have been erased. The overlay of an A & T lot is for convenience in paying property taxes only, although the law allows A & T lots to be sold. Still, it seems that the Office of the Surveyor requires a re-platting of even old lots, in order to trigger their being taxed again as separate lots of record.

Lots 38 and 39 were created out of Lot 20 of Block 1 of the Ingleside subdivision in 1905. This was in preparation for the construction of semidetached houses, the former 1842 and 1844 Monroe, a double house under a shared, presumably hipped roof designed by Harding & Upman for developers Charles C. and Edward E. Murray (see map detail, next page).¹ It is said that the building was burned, after having been condemned as insanitary in 1968.

There is nothing incompatible about restoring—or rather, merely recognizing—the 1905 lots of record. Considering the variety of lot widths on the street, compatible new construction could surely occur on the more-than-century-old 25-foot-wide lots. While other 50-foot-wide lots were developed with single-family detached houses, others were subdivided into two, and some three, as was the one immediately to the east of the subject property, at 1836, 1838 and 1840 Monroe. The zoning-prescribed minimum lot widths would prevent a tripartite division today, so the alternatives are a single lot or two, although two lots would not necessarily have to be of equal widths.

¹ In 1907, each of the homes was advertised as a holding two apartments or flats, suggesting that they had been internally divided originally or very early. They were each described as holding a total six rooms (later counted as nine), bath and attic. From 1918 to 1937, the resident owners of 1842 rented out a couple of rooms. Portions of 1844 were let until the late 1960s.



A 1927 Sanborn map detail depicting 1842-1844 Monroe Street and its immediate neighbors.

New construction

The present proposal was in some sense inspired by the design and even historic use of the former building on the lots, with the same front-yard setback and approximate depth. But it is both taller and wider and expressed not as a double house, but as a pair of flat-roofed three-story rowhouses stretching lot line to lot line.

At a full three stories, the buildings are imposing relative to their neighbors. A grade slightly depressed relative to its neighbors' and a lower first-floor height mitigates the height somewhat, but the standardization of the ceiling heights at over nine feet pushes the total higher. A lack of hierarchy and differentiation contribute to the impression of a big building. Other buildings are lower or seem so by decreasing the ceiling heights with each story and expressing a third level as an attic story, with the cornice or eave height dropped below.

It is not the height per se, or at least the height alone, that is the issue—there are, after all, three-story rowhouses across the street and others elsewhere in the district—but it is the height taken together with the width and depth of each building that make the new construction stand out relative to its immediate neighbors. At 25 feet, these are near the maximum width of D.C. rowhouses. The historic rowhouses on Monroe Street are generally around seventeen feet wide, although there are some at 20 and 23 feet, but with more pronounced bay projections. The remaining twenty-five-foot-wide lots on Park Road hold semidetached homes. The proposed houses are comparable only to the broadest rowhouses within the historic district, down on Lamont and Kilbourne near 17th Street.

So, the proposed widths are not unheard of in the historic district, but in this spot, one cannot help but compare the dimensions and proportions of each of the proposed buildings with those of the not especially modest, detached house at 1850 Monroe. In the pattern of this street, and of most streets, it is the detached houses are the larger, or at least the wider, homes. Going somewhat higher than 1850 is not itself a problem, but that house does seem somewhat overwhelmed by the proximity of such a large block. It would be well to revise the massing of the project to sculpt and modulate it, to give it more internal hierarchy and a better relationship to the neighbors. In short, approaching this project more like the double house that once stood there would be more compatible, although it would have the problem of conforming with side-yard zoning requirements.

If one were to stick with the present approach, however, more can be done to distinguish the two houses—without using the forced device of using different colors of brick, which seems inappropriate for mirror-twin houses sharing a cornice. Smaller devices, such as reveals in the brick at the corners of each house and further separating the porch roofs might distinguish them further. The two-foot bay projections should be deeper, and the double-ganged windows over the front entrances should be narrowed to a single large window each, both to avoid a relentless fenestration pattern across the façade and to give more solidity to the main mass as distinct from the bays.

Site work

The lead walks and steps would be reconstructed in matching concrete. The failing front retaining wall would be demolished, with the original sloping berm restored, similar to the slope in front of 1836-1840 Monroe.

The applicant proposes a total of four parking spaces at rear on (permeable?) pavers. This would first require the re-grading of the rear of the lots down to the alley level. Enclosing the parking area from the alley is probably preferable, but such an approach would run into practical problems. Other garages and fences in the vicinity have been set inboard from the alley line in order to facilitate turns from the alley. The limited rear-yard space does not allow for gates to be set in (and an earlier iteration suggested roll-up gates, which may be problematic in this context). Under the circumstances, an open parking area can be compatible, especially using an attractive pavement.

Unanticipated items

The drawings do not depict the locations of utility meters; the cabinets for multiple electric meters are large and certainly conspicuous if placed in front of a house. The Historic Preservation Office requires that meters be concealed, and not by something as ephemeral as plantings. Lacking basements and side yards, it is unclear where utility meters would be located.

The present plan maxes out the lots' zoning envelope, and the limited outdoor space suggests that we can expect requests for roof decks soon after the units sell.

Recommendation

HPO recommends that the Board approve the subdivision in concept and support the concept of two "flats" buildings, but that it request revisions to address the issues raised above.

ATTACHMENT E-1 (Excerpt from permit drawings – Monroe Street frontage)

02A REVIEW

RENDERING OF PROPOSED NORTH ELEVATION 1843 44 MONROE STREET, NW | WASHINGTON, DC



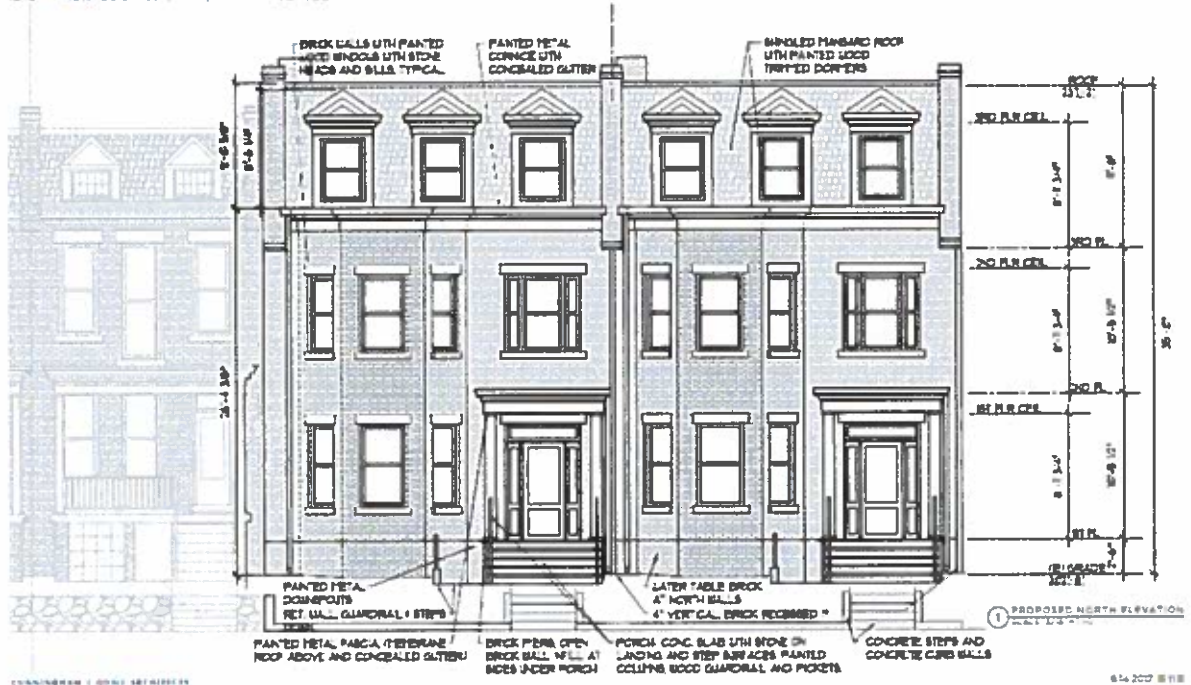
1 PROPOSED NORTH ELEVATION

CUNNINGHAM | O'NEIL ARCHITECTS

8/4/2017 11:12 AM

02A REVIEW

PROPOSED NORTH ELEVATION 1843 44 MONROE STREET, NW | WASHINGTON, DC



CUNNINGHAM | O'NEIL ARCHITECTS

8/4/2017 11:18 AM

ATTACHMENT E-2
 (southern view and eastern view showing outline of neighboring rowhouses)

PLAN REVIEW

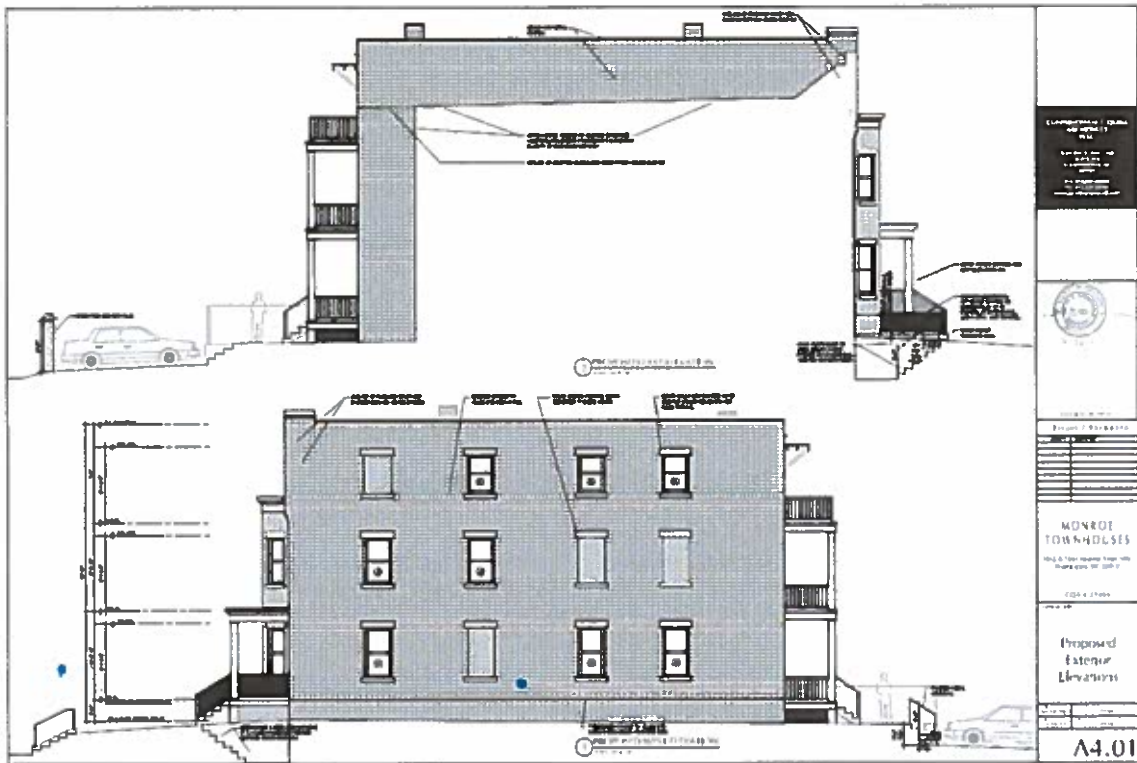
RENDERING OF PROPOSED SOUTH ELEVATION
 1847 44 MONROE STREET, NW | WASHINGTON, DC



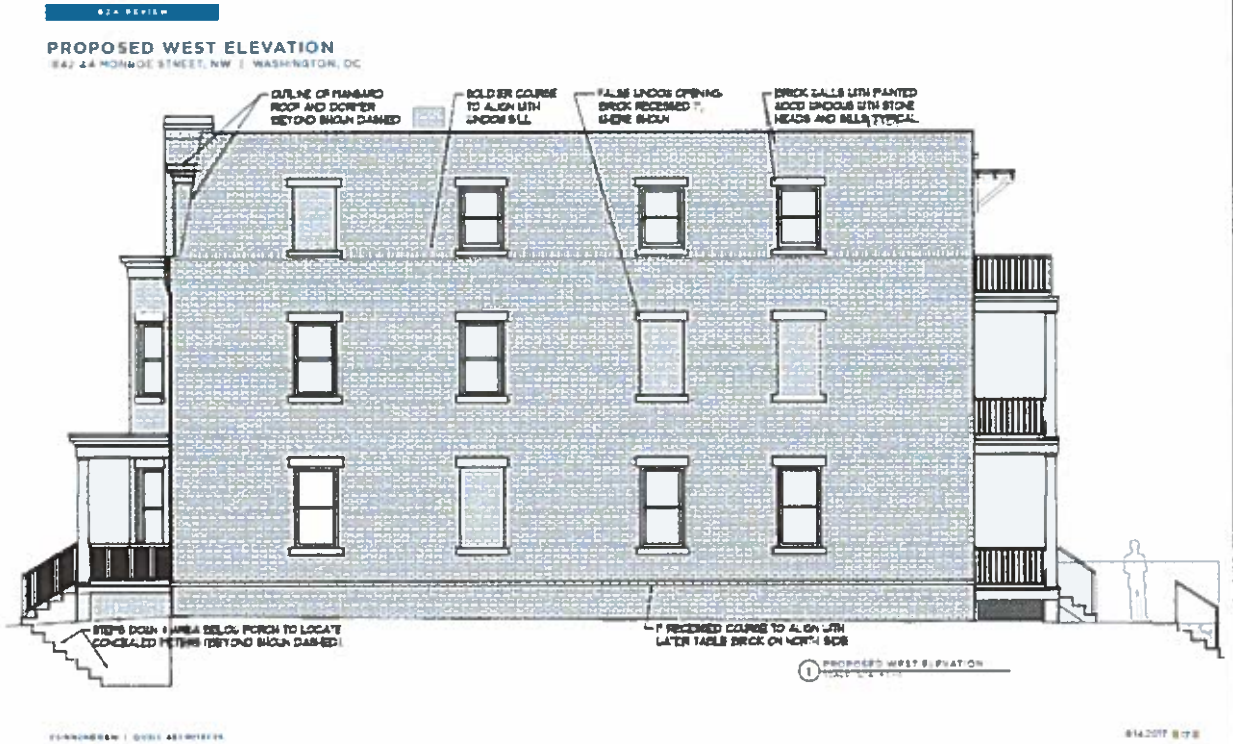
1 PROPOSED SOUTH ELEVATION

CUNNINGHAM | QUINN ARCHITECTS

8.14.2017 @ 1:58



ATTACHMENT E-3 (Excerpt from permit drawings – West-facing wall)



ATTACHMENT F

(Tree assessment and protection plan for Ash Tree at 1850 Monroe Street NW)



BRANCHES TREE EXPERTS

9629 Elrod Road
Kensington Maryland, 20895
301-589-6181

Donna Murphy
Keenan Keller
1850 Monroe Street NW
Washington DC

April 20, 2018

Re: Tree Assessment and Protection Plan for Ash Tree at 1850 Monroe Street NW

Dear Donna and Keenan,



I inspected the Ash tree, along with an Arborist from the Urban Forestry Division that borders the vacant lot next door.

Tree Info as per inspection by UFD Arborist:

29.5" Diameter (at breast height) or 92.7" Circumference

Fraxinus spp. , common name ASH

Crown is vigorous and tree is in overall good health.

Tree is on rear SE corner of property. Critical Root Zone (CRZ) extends to neighboring properties.

Per the *Urban Forest Preservation Act of 2002*, the tree must be protected during construction activities on the adjacent lot. The tree protection must be done in accordance with ANSI A300 Part 5 Standard Practices and the 2013 District Department of Transportation Standard Specifications for Highways and Structures (Gold Book) – Sections 207.03, 608.07 and 608.08, prior to the commencement of construction activity. (See below for details)

The minimum Tree Protection Zone (TPZ) radius to maintain structural integrity is double the trunk diameter. Therefore, at an absolute minimum, there may be no construction closer than 5 feet to the tree. In order to properly protect it, root pruning and a tree protection fence must be installed along a Limit of Disturbance (LOD) between the construction and the TPZ therefore; I recommend an absolute minimum of 6 feet for the TPZ.

The trees roots extend well beyond 6 feet into the vacant lot up to the asphalt and then underneath. The asphalt should be saw cut and removed by hand within the Critical Root Zone (CRZ) and be replaced by 2" of topsoil and 2" of mulch. The ideal placement of the tree protection fence and root pruning is along the line of



where the asphalt ends. If any roots are cut closer to the tree, the structural integrity of the tree will be comprised and it will become hazardous.



Attached is the site plan for 1844 Monroe Street and the Tree Protection Zone (TPZ) is indicated.

Failure to comply with the tree protection plan will result in irreparable damage to the tree rendering it immediately hazardous. Ash trees die quickly once damaged, becoming very brittle and unstable. Once damaged from construction, the Likelihood of Failure and Impact is Imminent and Extreme, respectively. The tree is next to a fence, a small building on 1850 Monroe and within 20 feet of the primary home at 1850 Monroe. The targets are the structures and any individuals enjoying the yard and in the house. The house will offer some measure of protection to inhabitants.

In accordance with industry standards, tree risk ratings are derived from a combination of three factors: the *likelihood of failure*, the *likelihood of the failed tree part impacting a target*, and the *consequences* of the target being struck. The guidelines used to classify each of these factors are presented in the *ISA's BMP for Tree Risk Assessment* and guidelines. These factors are then used to categorize tree risk as *Extreme, High, Moderate or Low*. The factors used to define the risk rating are identified in this report. An explanation of terms used in this report appears in the glossary located in the appendix. The information provided in this report is based on the conditions identified at the time of inspection. Tree conditions do change over time so reassessment is recommended annually and after major storm events.

Table 1, the Likelihood Matrix, defines the Likelihood of Failure and Impact:

Likelihood of Failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Table 2, the Risk Matrix, as a combination of Likelihood and Consequences. Tree Risk Ratings are terms used to communicate the level of risk rating:

Likelihood of Failure and Impact	Consequences of Tree Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

The Ash tree is a beautiful, healthy tree providing aesthetic, heating, cooling, and storm water benefits, creating value to your property. With treatment to prevent Emerald Ash Borer infestation, and maintenance pruning it will continue to thrive and grow into a Heritage Tree in the near future. It must be protected during construction on the adjacent lot. There can be no construction within 6 feet of the tree or it will almost immediately become hazardous and a threat to you, your family and your home.

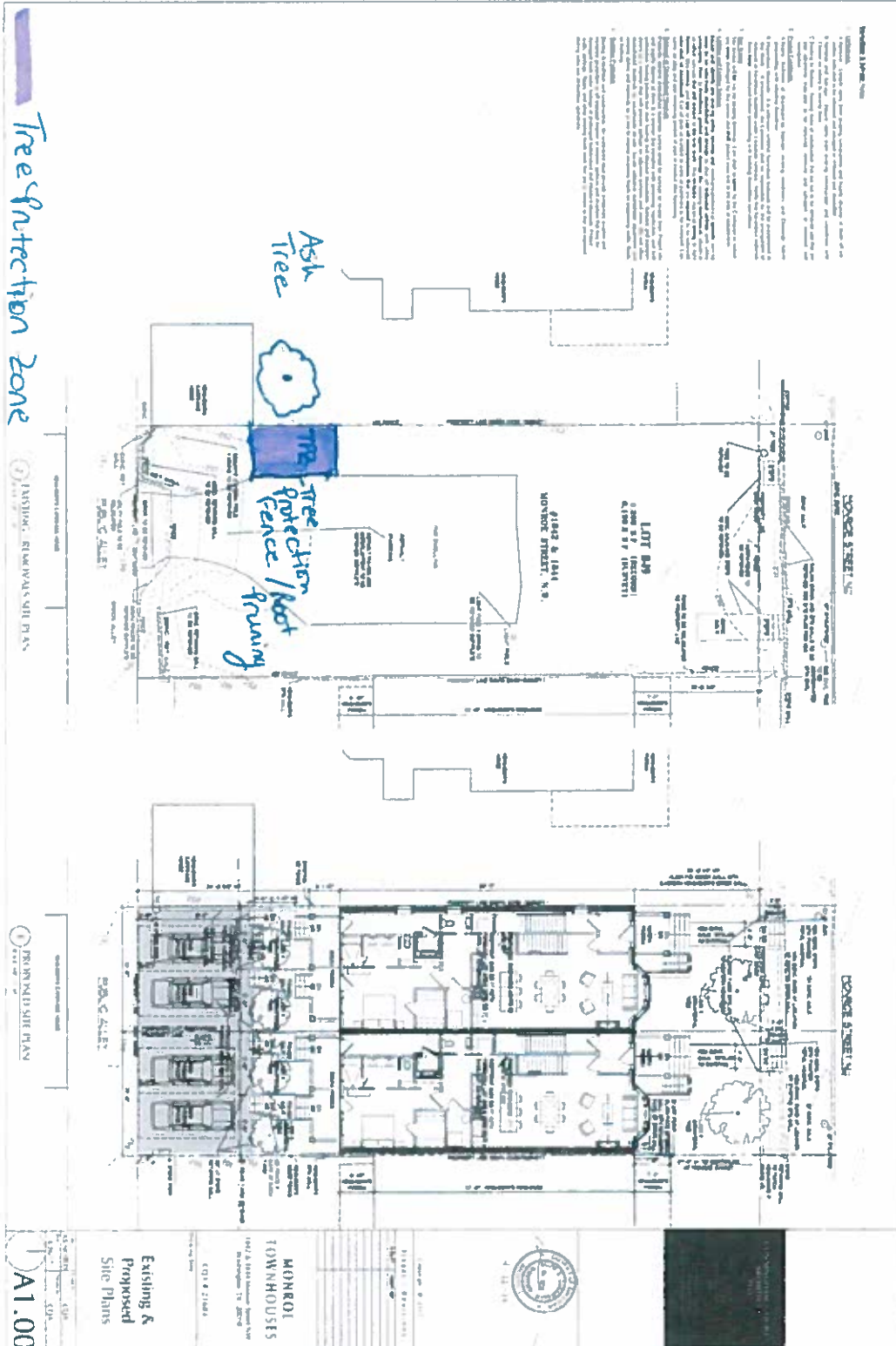
Thank you for choosing Branches Tree Experts for your tree care needs and we look forward to a continued partnership.

Please call if you have any questions or require additional information.

Sincerely,

Jennifer Smith Salaj

Jennifer Smith Salaj
ISA Certified Arborist MA-5945A
Branches ETC., Inc.
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Limitations of Tree Risk Assessments

It is important to know and understand that all trees pose some degree of risk from failure or other conditions. The information and recommendations within this report have been derived from the level of tree risk assessment identified in this report, using the information and practices outlined in the *International Society of Arboriculture's Best Management Practices for Tree Risk Assessment*, as well as the information available at the time of the inspection. However, the overall risk rating, the mitigation recommendations, or any other conclusions do not preclude the possibility of failure from undetected conditions, weather events, or other acts of man or nature. Trees can unpredictably fail even if no defects or other conditions are present. Tree failure can cause adjacent trees to fail resulting in a "domino effect" that affects targets outside the foreseeable target zone of this tree. It is the responsibility of the tree owner or manager to schedule repeat or advanced assessments, determine actions, and implement follow up recommendations, monitoring and/or mitigation.

Branches Tree Experts can make no warranty or guarantee whatsoever regarding the safety of any tree, trees, or parts of trees, regardless of the level of tree risk assessment provided, the risk rating, or the residual risk rating after mitigation. The information in this report should not be considered as making safety, legal, architectural, engineering, landscape architectural, and land surveying advice or other professional advice. This information is solely for the use of the tree owner and manager to assist in the decision making process regarding the management of their tree or trees. Tree risk assessments are simply tools which should be used in conjunction with the owner or tree manager's knowledge, other information and observations related to the specific tree or trees discussed, and sound decision making.

Glossary

Tree risk assessment has a unique set of terms with specific meanings. Definitions of all specific terms may be found in the *International Society of Arboriculture's Best Management Practice for Tree Risk Assessment*. Definitions of some of these terms used in this report are as follows:

Conditions: a particular state of being or existence; situation with respect to circumstances.

Crown: Upper part of a tree, measured from the lowest branch, including all the branches and foliage.

Defect: An imperfection, weakness, or lack of something necessary. In trees defects are injuries, growth patterns, decay, or other conditions that reduce the tree's structural strength.

Drip Line: Imaginary line defined by the branch spread or a single plant or group of plants.

Imminent: Pertaining to the likelihood of failure: Failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load. This is a rare occurrence for an assessor to encounter, and may require immediate action to protect people from harm.

Improbable: Pertaining to the likelihood of failure: the tree or branch is not likely to fail during normal weather conditions and may not fail in many severe weather conditions within a specified period.

Likelihood: the chance of an event occurring. In the context of tree failures, the term may be used to specify: 1) the chance of a tree failure occurring; 2) the chance of impacting a specified target; and 3) the combination of the likelihood of a tree failing and the likelihood of impacting a specified target

Targets are people, property, or activities that could be injured, damaged or disrupted by a tree failure.

Live crown ratio: Ratio of the height of the crown containing live foliage to the overall height of the tree.

Root Collar: Flared area at the tree trunk base where roots and trunk come together.

Low: Pertaining to the likelihood of impacting a target: It is not likely that the failed tree or branch will impact the target. *Pertaining to the overall risk rating:* Applies when consequence are negligible and likelihood is unlikely or consequences are minor and likelihood is low

Levels of assessment: 1) Limited visual assessments are conducted to identify obvious defects. 2) Basic assessments are visual inspections done by walking around the tree looking at the site, buttress roots, trunk and branches. It may include the use of simple tools to gain information about the tree or defects. 3) Advanced assessments are performed to provide detailed information about specific tree parts, defects, targets of site conditions. Drilling to detect decay is an advanced assessment technique.

Overall tree risk rating is the highest individual risk identified for the tree.

The *residual risk* is the level of risk the tree should pose after the recommended mitigation.

Arborist Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees, below ground or not clearly visible from the vantage point on the ground. Arborists cannot guarantee that a tree will be healthy, safe or adequately protected under all circumstances or for a specified period. Likewise, remedial, protective and mitigating treatments and recommendations cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

Certificate of Performance

I, *Jennifer Smith Salaj*, Certify:

I personally inspected the tree(s) and/or the property referred to in this report, and stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and Terms of Assignment;

I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved:

The analysis, opinions and conclusions stated herein are my own;

My analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

No one provided significant professional assistance to the consultant, except as indicated within the report.

My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any other subsequent events;

I further certify that I am a Certified Arborist with the International Society of Arboriculture. I have been involved with the practice of Arboriculture and the care and study of trees since 2013.

Jennifer Smith Salaj

Jennifer Smith Salaj
ISA Certified Arborist MA- 5945A

ATTACHMENT G

(photo showing southern exposure of 1850 Monroe Street NW on Jan. 2 at 9:04 am)

