

Eight Recommended Tree Protections in DC Zoning Regulations  
Submitted by Restore Mass Ave  
In Zoning Regulation Review Case 06-08A  
September 15, 2014

## I. RECOMMENDATIONS

To make the District of Columbia's Zoning Regulations support the broad city goal of preserving and expanding urban tree canopy, Restore Mass Ave recommends that these eight Tree Protection Provisions be integrated into the regulations.

1. **Definitions** – Zoning Regulations should require a uniform set of definitions approved by the Urban Forestry Administration (UFA); such definitions should apply to residential, diplomatic, institutional, commercial and government new construction projects and throughout the permitting process.
2. **Applications for new construction** – Zoning Regulations should require plans to depict accurately all trees at risk from construction activity, prior to permit review and approval. Plans should show accurately trees' size and Critical Root Zones according to the uniform definitions.
3. **Trees on adjacent land** – Zoning Regulations should require that plans for new construction show trees on all adjacent private and public land whose Critical Root Zones and/or crowns would be impacted by construction activity and the completed projects.
4. **Tree protection process** -
  - The UFA should be required to review final plans before the Zoning Administrator approves them.
  - Tree Protection Plans (TPPs) submitted with plans for new construction should be completed by an International Society of Arboriculture-certified arborist. They should include plans for maintaining the trees for a period of time as determined by the UFA to ensure the trees' long-term health.
  - A new "Miss Roots" service should be required to paint outlines of the Critical Root Zones of trees likely to be affected by a project in advance of permit review and approval. "Miss Roots" could be modeled on "Miss Utility," the service required for marking underground lines.

5. **UFA Expertise** - The Zoning Administrator should rely on the expertise of the UFA in interpreting regulations, as they apply to residential, commercial, institutional, diplomatic and government construction projects, to ensure timely protection of endangered trees.
6. **Modifications to plans** – The UFA should be required to review any modifications to plans after initial approval.
7. **Penalties** - The period for delay for granting a permit for new construction, following the removal or cutting of trees that would have been prohibited by the regulations, should remain seven (7) years as an incentive to abide by the regulations.
8. **Regulations** for protecting trees should be located in a Tree Protection Chapter of the Zoning Regulations rather than being scattered throughout, as they are currently.

## II. BACKGROUND

Restore Mass Ave is a local nonprofit which has worked since 2006 to regrow the canopy of major trees that made the part of Massachusetts Avenue Northwest now known as Embassy Row a world attraction a century ago.<sup>a</sup> To regrow the continuous tree rows of the historic grand avenue and landscape, our group has arranged more than 320 new trees to date.<sup>b</sup>

A large part of our work is protecting and caring for existing and new trees on private and public land. We monitor construction projects to try to assure that trees are protected, because only healthy trees that are growing well can return to our city the benefits we count on in terms of air and water quality, neighborhood value and improved quality of life.

The Office of Planning (OP) has initiated a Zoning Regulations Review (ZRR), the first comprehensive revision of the city's zoning regulations since 1958. A draft revised text of the Zoning Regulations (ZR) is published on the OP web site for public comment.<sup>c</sup> Because Restore Mass Ave is concerned with preserving and expanding tree canopy locally and throughout the city, our Board of Directors studied how the proposed ZR would impact trees. We find that the proposed ZR is little better than the present Zoning Regulations that have governed new construction in Washington for more than five decades.

Both the present and proposed ZR allow needless loss of trees due to unclear definitions and procedures. Aside from outright removal of some trees, and disputes, which would be avoided with clearer rules, many trees now left standing can falter and die afterward, because construction has damaged their critical roots and branches. The proposed ZR would continue to allow fatal harm to trees on adjacent land that may be damaged by new construction projects and are now outside the scope of present rules.

As to whether the ZR in effect since 1958 adequately protected the tree canopy of the nation's capital, we note that these rules were in force during the decades of tragic loss of 60 per cent of the city's major tree canopy in the late 20<sup>th</sup> century, documented by American Forests .<sup>d</sup>

We believe that all environmentally conscious resident, business and city officials need new Zoning Regulations that preserve Washington's stock of trees.

Preserving and expanding the city's urban tree canopy is an official and widely shared goal. Under Mayor Adrian Fenty, city government promoted the goal of expanding canopy area to 40 per cent of city land by 2035. <sup>e</sup> In 2012 Mayor Vincent C. Gray announced the goal of having tree canopy cover 40 per cent of city land by 2032; this goal is embodied in the Sustainable DC Plan which applies across city agencies. <sup>f</sup>

The Zoning Regulations Review process offers an historic opportunity to make construction regulations support the broader goal of "re-greening" the nation's capital. All eight Tree Protection Provisions proposed here are needed for our city to become, in the Mayor's phrase, "the healthiest, greenest, and most livable city in the USA."

Deborah Shapley  
Founder and President, Restore Mass Ave  
For the Board of Directors of Restore Mass Ave

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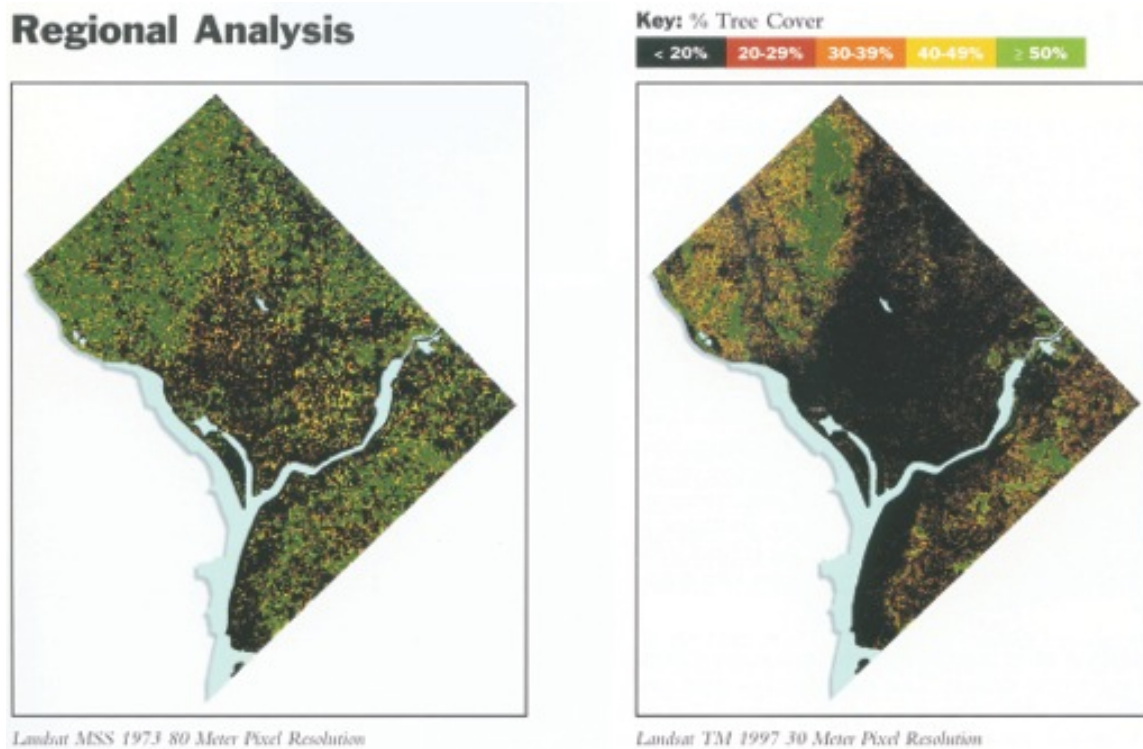
<sup>a</sup> EIN 43-2112744. More information attached as RestoreMassAve\_Flyer\_May2014.pdf.

<sup>b</sup> Of the estimated new 320 trees arranged so far, on and near Embassy Row, 170 are street trees planted by UFA; the other 150 trees are in lawns and yards most were provided by Casey Trees in community plantings. See [www.RestoreMassAve.org](http://www.RestoreMassAve.org).

<sup>c</sup> Zoning Regulations Review at <http://dcoz.dc.gov/zrr/zrr.shtm>. Present regulations are Title 11 at <http://dcoz.dc.gov/resources/regulations.shtm>. The proposed alternate text is at <http://dcoz.dc.gov/zrr/zrr.shtm#altzrrtext>.

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<sup>d</sup> American Forests, “Urban Ecosystem Analysis: The District of Columbia,” published this pair of images below. The 1999 report is in [this compilation](#).



<sup>e</sup> The 40 per cent goal is described in Casey Trees’ “2009 Tree Report Card,” <http://caseytrees.org/resources/publications/treereportcard/>.

<sup>f</sup> For Mayor Gray’s Sustainable DC vision announced April 24, 2012, <http://sustainable.dc.gov/publication/mayors-vision>. The goal of 40 per cent tree canopy by 2032 is throughout the Sustainable DC Plan <http://sustainability.dc.gov/finalplan>.