

RESOLUTION

To stop work on the excavation of 7551 17th Street, NW, pending review by Urban Forestry of one Heritage Tree and two Special Tree.

FEBRUARY 2, 2021

RESOLUTION #4A-02-02-21-07

WHEREAS, pursuant to applicable District laws, each Advisory Neighborhood Commission (“Commission”) may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning, streets, recreation, social services programs, education, health, safety, budget, and sanitation which affect that Commission area [D.C. Official Code §§ 1-309.10(a)];

WHEREAS, proposed District government actions include actions of the Council of the District of Columbia, the executive branch, or independent agencies, boards, and commissions. In addition to those notices required in D.C. Official Code §§ 1-309.10(a), each agency board and commission shall, before the award of any grant funds to a citizen organization or Committee, before the transmission to the Council of a proposed revenue bond issuance, or before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, and the opening of any proposed facility systems, provide to each affected Commission notice of the proposed action as required by D.C. Official Code §§ 1-309.10(b);

WHEREAS, the issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the government entity, and great weight requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission’s issues and concerns [D.C. Official Code §§ 1-309.10(c)(3)(A)].

WHEREAS, the Advisory Neighborhood Commissions (“ANCs”) are the bodies of government with the closest ties to the people and they are expected to advise the city on issues, including fees, taxes, zoning, social services programs, health, emergency preparedness, economic development, transportation, and infrastructure issues.

WHEREAS, Single Member District 4A01 has received numerous complaints concerning excavation of the building lot at 7551 17th Street, NW. And damage to the root system of one heritage tree and two special trees.

WHEREAS, District of Columbia properties in established neighborhoods such as 4A01 are being subdivided and there are not adequate mechanisms in place to ensure that the spirit of existing Heritage Tree legislation is respected. The District’s tree canopy provides many environmental and social benefits, including reduced stormwater runoff and carbon footprint, improved air quality, additional wildlife habitat, savings on energy bills, increased property values and enhanced quality of life.

WHEREAS, DC law 8-651.04a Protection of Heritage Trees.

(a) It shall be unlawful for any person or nongovernment entity, without a Heritage Tree removal permit issued by the Mayor, to top, cut down, remove, girdle, break or destroy any Heritage Tree.

(b)(1) The Mayor shall issue a Heritage Tree removal permit under this section where the applicant has:

(A) Shown that the Heritage Tree in question is a Hazardous Tree; or
(B) Shown that the Heritage tree in question is of a species that has been identified, by regulation, as appropriate for removal.

(2) The Mayor may issue a Heritage Tree removal permit under this section where the applicant has averred in the Heritage Tree removal permit application that the applicant will relocate and replant, in compliance with any applicable regulations, the Heritage Tree to an identified new location within the District, without significant harm to the tree, provided, that it shall be a violation of subsection (a) of this section if a Heritage Tree that is relocated and replanted pursuant to this paragraph dies within 3 years of replanting.

© A violation of subsection (a) of this section, or a failure to comply a violation subject to a fine of not less than \$300 per each inch of the circumference of the Heritage Tree in question.

(d) The Mayor may increase the fine described in subsection(c) of this section by regulation

WHEREAS, after an initial visit by Urban Forestry, “ we have presented a list of deficiencies to Mr. Kadida, documenting the areas where his on the ground implementation of agreed upon tree protection measures falls short of the approved plan. We have made multiple requests that he correct these deficiencies but have not yet obtained satisfactory compliance.”

WHEREAS, Urban forestry has the “authority to withhold issuance of any new public space permits until outstanding issues on the property are resolved. Accordingly, we have put currently pending public space applications for this property on hold and will not move forward toward issuance until our concerns are addressed.”

WHEREAS, ANC 4A believes that the ecological, and beauty of our neighborhoods are the majestic Oak ad Tulip trees indigenous to this area are critical to the neighborhood

WHEREAS, ANC 4A acknowledges that District of Columbia Departments and or Urban Forestry have oversight concerning construction and excavation:

1. DDOT,
2. DDOT Urban Forestry Division
3. DCRA

NOW, THEREFORE, BE IT RESOLVED, that, upon considering the foregoing at the meeting, a majority of the duly named Advisory Neighborhood Commission 4A, with a quorum present, by a vote of six ayes, zero nays, and one abstention, voted to recommend that the DCRA stop excavation immediately at the property 7551 17th Street, NW, pending a review and recommendation from DDOT AND Urban Forestry regarding a Heritage Tree on said property.

BE IT FURTHER RESOLVED that Commissioner Phyllis C. Green, ANC 4A01, is hereby authorized to serve as the Commission’s representative in all matters relating to this resolution, Commissioner Stephen Whatley, ANC 4A03, will serve as the alternate.

Respectfully submitted,

 /s/ Patience Singleton
Patience Singleton, Chair
ANC 4A

CC:

Mayor Muriel Bowser
Councilmember Janeese Lewis George
Councilmember Christina Henderson
Councilmember Anita Bonds
Councilmember Elissa Silverman
Councilmember Robert C. White Jr.
DC Council Committee on Transportation and Environment
DC Department of Transportation, Urban Forestry Division