

March 30, 2012

Mr. Mark Pfefferle  
 Acting Chief  
 Regulatory Coordination & Development Applications Management  
 M-NCPPC  
 8787 Georgia Avenue  
 Silver Spring, MD20910



RE: Forest Conservation Variance Request  
 Mallory Square  
 Final Forest Conservation Plan  
 VIKA #M1667A

Dear Mr. Pfefferle:

On behalf of our client, Woodfield/Meridian Shady Grove, LLC/BNA Washington, Inc. we are submitting this request for a variance from the requirements of the Forest Conservation Law for the State of Maryland. This request is made under the variance provisions of the Montgomery County Forest Conservation Ordinance to comply with Natural Resources, Title 5, §5-1607(2) of the Maryland Code, which requires the Applicant to file a request for a variance to disturb and / or remove trees that are 30" DBH or greater or trees that are 75% the diameter of the county champion for that species if a project did not receive Preliminary Forest Conservation Plan (FCP) Approval prior to October 1, 2009.

Mallory Square is classified in the CR Zone located within the Great Seneca Science Corridor Sector Plan and has received approvals for Sketch Plan #320120010 on February 2, 2012 and Natural Resources Inventory (NRI) #420111560 on April 25, 2012. This variance request is submitted in conjunction with the Final FCP and concurrent Preliminary Plan and Site Plan submissions for the project.

The pending Preliminary and Site Plans include a mixed use development for the site. The trees for which a variance is requested are located within the proposed limits of disturbance and will be significantly impacted by the proposed development activity. The trees are located within the north central portion of the site, and adjacent to the northern property line along Research Boulevard.

Table 1 below lists the trees as they are identified on the Forest Conservation Plan and provides their respective measurements.

Table 1

Variance Tree #	Species	Diameter /DBH (inches)	Condition	Disposition	CRZ Area (sf)	CRZ Impacts (sf)	CRZ Impacts (%)
4v	<i>Quercus palustris</i>	32	Good	Remove	7,238	6,363	88%
10v	<i>Acer rubrum</i>	31	Good	Remove	6,793	6,793	100%
13v	<i>Pinus strobus</i>	30.5	Good	Remove	6,576	6,576	100%