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M-NCPPC
Marco Fuster & Tsaiquan Gatling
Planner II, Down County Planning
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Preston Place and Lake Apartments, 120220130
Variance Request for Specimen Tree Removal/Impact

Dear Mr. Fuster & Mr. Gatling:

Introduction

The project associated with this variance request is Applicant's redevelopment of Preston Place and Lake Apartments located at 3728, 3722, 3712, 3710, and 3700 Manor Road in Chevy Chase (the "Property"), which consists of approximately 12.61 acres of currently improved 67 townhomes and 66 garden apartment residential rental properties. The site is located along the southern side of Manor Road, southwest of the intersection with Jones Bridge Road. The project proposes redevelopment of the Property with 147 transit-oriented townhomes to include recreation areas, outdoor space, and improved stormwater management. The stream valley buffer on the east of the site will include a Forest Conservation area with a master-planned ADA-compliant shared-use trail that will connect existing community sidewalks and paths to the nearby Capital Crescent Trail, proposed Purple Line Station, local restaurants and shops, and other amenities.

As part of the proposed Project, Applicant seeks a variance for impacts to the Critical Root Zone ("CRZ") of specimen trees on the Property as described below. This variance request complies with M-NCPPC and Maryland state law, which require Applicant to file for a variance from these laws to remove or impact any specimen tree (tree 30" or greater in Diameter at Breast Height [DBH] or tree with a DBH equal to or greater than 75% of the current State Champion of its species as designated by MDNR); trees that are part of an historic site or associated with an historic structure; any tree designated by the State or County as a national, State, or County champion tree; or any tree, shrub or plant identified on the Rare,



Threatened, or Endangered (RTE) species list provided by the U.S. Fish and Wildlife Service or the Maryland Department of Natural Resources.

The following tables list the specimen trees for which Applicant seeks a variance to remove or impact the CRZs. These are broken down into two categories:

1. Significant tree impacts that are minimal and which will be saved
2. Significant tree removals, including those within cleared forest and those counted as removed, with intent to save.

Trees Impacted to be Saved					
TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	RECOMMENDATION
53	<i>Liriodendron tulipifera</i>	Tuliptree	34	Fair	SAVE: 28% CRZ IMPACT
55	<i>Liriodendron tulipifera</i>	Tuliptree	31	Good	SAVE: 2% CRZ IMPACT
60	<i>Liriodendron tulipifera</i>	Tuliptree	36	Good	SAVE: 28% IMPACT
62	<i>Liriodendron tulipifera</i>	Tuliptree	34	Fair	SAVE: 40% CRZ IMPACT
65	<i>Liriodendron tulipifera</i>	Tuliptree	54	Good	SAVE: 46% CRZ IMPACT
66	<i>Liriodendron tulipifera</i>	Tuliptree	44	Good	SAVE: 6% CRZ IMPACT
72	<i>Quercus palustris</i>	Pin oak	35.5	Fair	SAVE 7% CRZ IMPACT
73	<i>Quercus palustris</i>	Pin oak	32.5	Fair	SAVE: 15% CRZ IMPACT
74	<i>Quercus palustris</i>	Pin oak	30.5	Fair	SAVE: 11% CRZ IMPACT
75	<i>Quercus rubra</i>	Northern red oak	38	Poor	SAVE: 16% CRZ IMPACT
76	<i>Quercus palustris</i>	Pin oak	33.6	Fair	SAVE: 12% CRZ IMPACT

Trees Removed or Counted as Removed with Intent to Save					
TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	RECOMMENDATION
2	<i>Acer rubrum</i>	Red maple	34	Fair	REMOVE: 100% CRZ IMPACT
4	<i>Liquidambar styraciflua</i>	Sweetgum	32	Good	REMOVE: 100% CRZ IMPACT
7	<i>Liriodendron tulipifera</i>	Tuliptree	44	Good	REMOVE: 100% CRZ IMPACT
8	<i>Acer rubrum</i>	Red maple	30	Good	REMOVE: 100% CRZ IMPACT
9	<i>Acer rubrum</i>	Red maple	34	Good	REMOVE: 100% CRZ IMPACT
13	<i>Acer rubrum</i>	Red maple	33	Fair	REMOVE: 100% CRZ IMPACT
18	<i>Quercus rubra</i>	Northern red oak	43	Good	REMOVE: 100% CRZ IMPACT
19	<i>Liquidambar styraciflua</i>	Sweetgum	31	Good	REMOVE: 100% CRZ IMPACT
20	<i>Quercus palustris</i>	Pin oak	32	Fair	REMOVE: 100% CRZ IMPACT
21	<i>Quercus palustris</i>	Pin oak	36	Fair/Poor	REMOVE: 100% CRZ IMPACT
22	<i>Quercus palustris</i>	Pin oak	35	Fair	REMOVE: 97% IMPACT*



TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	RECOMMENDATION
23	<i>Quercus rubra</i>	Northern red oak	30	Fair/Poor	REMOVE: 100% CRZ IMPACT
24	<i>Quercus rubra</i>	Northern red oak	45	Fair	REMOVE: 98% IMPACT*
26	<i>Quercus rubra</i>	Northern red oak	40	Fair	REMOVE: 98% IMPACT*
27	<i>Acer rubrum</i>	Red maple	40	Fair/Good	REMOVE: 100% CRZ IMPACT
29	<i>Acer rubrum</i>	Red maple	42	Poor	REMOVE: 100% CRZ IMPACT
32	<i>Quercus palustris</i>	Pin oak	50	Good	REMOVE: 100% CRZ IMPACT
35	<i>Acer rubrum</i>	Red maple	39	Good	REMOVE: 100% CRZ IMPACT
37	<i>Quercus rubra</i>	Northern red oak	43	Fair	REMOVE: 100% CRZ IMPACT
38	<i>Quercus palustris</i>	Pin oak	33	Fair/Good	REMOVE: 97% IMPACT*
39	<i>Quercus palustris</i>	Pin oak	46	Fair	REMOVE: 100% CRZ IMPACT
40	<i>Quercus montana</i>	Chestnut oak	41	Fair	REMOVE: 98% CRZ IMPACT*
41	<i>Quercus palustris</i>	Pin oak	41	Fair/Poor	REMOVE: 100% CRZ IMPACT
42	<i>Platanus occidentalis</i>	American sycamore	36	Fair	REMOVE: 100% CRZ IMPACT
44	<i>Liquidambar styraciflua</i>	Sweetgum	35	Fair/Good	REMOVE: 44% CRZ IMPACT*
45	<i>Pinus strobus</i>	Eastern white pine	42	Fair	REMOVE: 39% IMPACT*
46	<i>Acer rubrum</i>	Red maple	32	Fair/Poor	REMOVE: 100% CRZ IMPACT**
48	<i>Pinus strobus</i>	Eastern white pine	34	Fair	REMOVE: 100% CRZ IMPACT**
50	<i>Pinus strobus</i>	Eastern white pine	46	Fair	REMOVE: 52% CRZ IMPACT
54	<i>Quercus rubra</i>	Northern red oak	32	Fair	REMOVE: 51% IMPACT*
68	<i>Liriodendron tulipifera</i>	Tuliptree	41	Good	REMOVE 36% CRZ IMPACT*
69	<i>Liriodendron tulipifera</i>	Tuliptree	37	Fair	REMOVE 41% CRZ IMPACT*
70	<i>Liriodendron tulipifera</i>	Tuliptree	37	Good	REMOVE 59% CRZ IMPACT*
77	<i>Liriodendron tulipefera</i>	Tuliptree	40	Good/Fair	REMOVE: 100% IMPACT

*Removed with Intent to Save

** Removed from Cleared Forest

Justification of Variance

Section 22A-21 of the County Ordinance authorizes the County to approve variances to the Forest Conservation Law allowing disturbances to certain trees, including specimen trees. An applicant seeking a variance must present a request in writing and the applicable approving authority must make certain findings and descriptions prior to approval. Applicant’s variance request satisfies the required findings as follows:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;



The proposed construction is for the purpose of redeveloping a currently improved property occupied by buildings constructed in the 1940s and 1950s. The buildings are becoming obsolete under contemporary market trends and do not meet current building or environmental codes. With the pending Purple Line and significant development on adjacent properties, these buildings have declining value and do not provide as much transit-oriented density as desired.

Because of its age, much of the site is currently inaccessible under ADA standards and a master-planned bikeway cannot be built without significant impacts to a stream valley buffer and interior area of a forest stand. There are also no stormwater management facilities on site to clean, cool, and slow runoff to the Coquelin Run. Further, there are no restricted affordable units on site, which redevelopment will allow. Any economically feasible redevelopment of the site requires the tear-down of the existing buildings and resulting regrading and infrastructure reconstruction to current standards. Given these constraints, the Project has been intentionally designed to minimize stream buffer impacts, preserve forest, and limit redevelopment to the previously improved areas. But removal of existing improvements alone would cause impacts to the specimen trees. Once the buildings are removed, the creation of a viable redevelopment project and implementation of master plan recommendations, stormwater regulations, and regulatory standards entails the removal or impact to the specimen trees as described herein.

Four specific goals for redevelopment:

- The Sector Plan and Bicycle Master Plan both recommend a shared-use path through the Coquelin Parkway right-of-way. This right-of-way is within a stream buffer and currently forested; thus, to implement the master-planned connection, significant impacts are required. To minimize impacts, the Applicant proposes to locate the path on the subject property rather than within the right-of-way to decrease – to the extent possible – stream and forest impacts. This master-planned element alone is responsible to impacts and removals of several specimen trees.
- Road standards along Manor Road require reconstruction of sidewalks to current 6-foot standards, provision of a new lawn panel, and reconstruction of the curb and infrastructure. These required improvements result in impacts or removals to many specimen trees.
- Contemporary stormwater facilities and utility easements and connections are much different than when the existing development was built. In fact, there no existing stormwater management facilities on site, and several outfalls spew untreated runoff from parking lots and drives directly into the stream valley buffer area, which is causing erosion and siltation and detrimental impacts to water quality. Provision of the necessary infrastructure to serve the development and stormwater facilities to improve water quality impact results in impacts to many specimen trees.
- Grading to current ADA standards to ensure that site elements and community facilities are accessible requires significant earthwork across the site. Currently the Lake Apartments (western) portion of the site has an elevation of change of 32 feet



from corner to corner and the Preston Place (eastern) portion of the site has an elevation change of 24 feet from the northern center to the lower corner. Because of the recommended connections to the Capital Crescent Trail, grading the site for pedestrian and bicyclist connectivity results in impacts to many specimen trees.

There are few properties with such transit proximity and infrastructure connectivity in the area zoned for the proposed use. Given several factors, including the current zoning and subdivision regulations, equitable connectivity standards, Sector Plan recommendations, functional plans, environmental policies, and affordable housing standards, denial of the redevelopment proposal by leaving the specimen trees in an undisturbed state is an unwarranted hardship because it would not allow reasonable and significant use of the property.

Specific details and justification for each impact or removal are listed below.

- Tree 2
Proposed CRZ Impact: Severe at 100%
Condition: Fair
Waiver Request: Approve for removal
Tree 2 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas.
- Tree 4
Proposed CRZ Impact: Severe at 100%
Condition: Good
Waiver Request: Approve for removal
Tree 4 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas.
- Tree 7
Proposed CRZ Impact: Severe at 100%



Condition: Good

Waiver Request: Approve for removal

Tree 7 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas.

- Tree 8

Proposed CRZ Impact: Severe at 100%

Condition: Good

Waiver Request: Approve for removal

Tree 8 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas.

- Tree 9

Proposed CRZ Impact: Severe at 100%

Condition: Good

Waiver Request: Approve for removal

Tree 9 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas.

- Tree 13

Proposed CRZ Impact: Severe at 100%

Condition: Fair

Waiver Request: Approve for removal

Tree 13 is proposed for removal due to its location inside the proposed Limits of Disturbance



(LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas.

- Tree 18

Proposed CRZ Impact: Severe at 100%

Condition: Good

Waiver Request: Approve for removal

Tree 18 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas.

- Tree 19

Proposed CRZ Impact: Severe at 100%

Condition: Good

Waiver Request: Approve for removal

Tree 19 is proposed for removal due to its location on the proposed Shared-Use Trail recommended by the Sector Plan and the Bicycle Master Plan. While envisioned in MNCPPC planning documents to run through the Coquelin Parkway, the Applicant has proposed a shift onto the subject property to minimize disturbance close to the stream and through an interior forest condition. By placing the trail at this location, near the existing edge of the forest, it will have less impact providing a greater buffer to the stream. It is also more visible and, therefore, safer for users who will now be able to connect from points north to the Capital Crescent Trail and the Purple Line. Removal is necessary to implement County policy under area and functional plan goals.

- Tree 20

Proposed CRZ Impact: Severe at 100%

Condition: Fair

Waiver Request: Approve for removal

Tree 20 is proposed for removal due to its location along the proposed right-of-way. This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant



reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas. This tree is also in failing condition with a poor crown and long-term canopy will be better safeguarded by removing and replanting the street tree now.

- Tree 21

Proposed CRZ Impact: Severe at 100%

Condition: Fair/Poor

Waiver Request: Approve for removal

Tree 21 is proposed for removal due to its location along the proposed right-of-way. This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas. This tree is also in failing condition with a poor crown and long-term canopy will be better safeguarded by removing and replanting the street tree now.

- Tree 22

Proposed CRZ Impact: Severe at 97%

Condition: Fair

Waiver Request: Approve for removal with intent to save

Tree 22 is a street tree targeted for retention. Because of required streetscape, including expansion of the sidewalk width, this tree has a significant impact. To retain the tree, however, numerous steps will be implemented in coordination with an arborist to minimize damage to the root structure beyond the tree protection fencing established outside the root flare. While many of the details will be determined during the construction document and design phase in spring when more information can be gathered on tree health, we intend to use several techniques to minimize and mitigate impacts to this tree:

- Tree protection fencing
- Aeration and root pruning
- Reduced soil compaction
- Maintaining post-construction grade elevation
- Hand demolition of hardscape elements
- Selective canopy reduction
- Fertilization and irrigation



- Tree 23

Proposed CRZ Impact: Severe at 100%

Condition: Fair/Poor

Waiver Request: Approve for removal

Tree 23 is proposed for removal due to its location along the proposed right-of-way. This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas. This tree is also in failing condition with a poor crown and long-term canopy will be better safeguarded by removing and replanting the street tree now.

- Tree 24

Proposed CRZ Impact: Severe at 98%

Condition: Fair

Waiver Request: Approve for removal with intent to save

Tree 22 is a street tree targeted for retention. Because of required streetscape, including expansion of the sidewalk width, this tree has a significant impact. To retain the tree, however, numerous steps will be implemented in coordination with an arborist to minimize damage to the root structure beyond the tree protection fencing established outside the root flare. While many of the details will be determined during the construction document and design phase in spring when more information can be gathered on tree health, we intend to use several techniques to minimize and mitigate impacts to this tree:

- Tree protection fencing
- Aeration and root pruning
- Reduced soil compaction
- Maintaining post-construction grade elevation
- Hand demolition of hardscape elements
- Selective canopy reduction
- Fertilization and irrigation

- Tree 26

Proposed CRZ Impact: Severe at 98%

Condition: Fair

Waiver Request: Approve for removal with intent to save

Tree 26 is a street tree targeted for retention. Because of required streetscape, including expansion of the sidewalk width, this tree has a significant impact. To retain the tree, however, numerous steps will be implemented in coordination with an arborist to minimize damage to the root structure beyond the tree protection fencing established outside the root flare. While many



of the details will be determined during the construction document and design phase in spring when more information can be gathered on tree health, we intend to use several techniques to minimize and mitigate impacts to this tree:

- Tree protection fencing
 - Aeration and root pruning
 - Reduced soil compaction
 - Maintaining post-construction grade elevation
 - Hand demolition of hardscape elements
 - Selective canopy reduction
 - Fertilization and irrigation
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- Tree 27
Proposed CRZ Impact: Severe at 100%
Condition: Fair/Good
Waiver Request: Approve for removal
Tree 27 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, and an additional recommended pedestrian connection between Manor Road and the Purple Line right-of-way.

 - Tree 29
Proposed CRZ Impact: Severe at 100%
Conditions: Poor
Waiver Request: Approve for removal
Tree 29 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, and an additional recommended pedestrian connection between Manor Road and the Purple Line right-of-way.

 - Tree 32
Proposed CRZ Impact: Severe at 100%
Condition: Good



Waiver Request: Approve for removal

Tree 32 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, and an additional recommended pedestrian connection between Manor Road and the Purple Line right-of-way.

- Tree 35

Proposed CRZ Impact: Severe at 100%

Condition: Good

Waiver Request: Approve for removal

Tree 35 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, and an additional recommended pedestrian connection between Manor Road and the Purple Line right-of-way.

- Tree 37

Proposed CRZ Impact: Severe at 100%

Condition: Fair

Waiver Request: Approve for removal

Tree 37 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, and an additional recommended pedestrian connection between Manor Road and the Purple Line right-of-way.

- Tree 38

Proposed CRZ Impact: Severe at 97%

Condition: Fair/Good



Waiver Request: Approve for removal with intent to save

Tree 38 is a street tree targeted for retention. Because of required streetscape, including expansion of the sidewalk width, this tree has a significant impact. To retain the tree, however, numerous steps will be implemented in coordination with an arborist to minimize damage to the root structure beyond the tree protection fencing established outside the root flare. While many of the details will be determined during the construction document and design phase in spring when more information can be gathered on tree health, we intend to use several techniques to minimize and mitigate impacts to this tree:

- Tree protection fencing
 - Aeration and root pruning
 - Reduced soil compaction
 - Maintaining post-construction grade elevation
 - Hand demolition of hardscape elements
 - Selective canopy reduction
 - Fertilization and irrigation
- Tree 39

Proposed CRZ Impact: Severe at 100%

Condition: Fair

Waiver Request: Approve for removal

Tree 39 is proposed for removal due to its location along the proposed right-of-way. This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas. This tree is also at the location of the new community entrance that is aligned with the confronting street to improve pedestrian and vehicular safety.

- Tree 40

Proposed CRZ Impact: Severe at 98%

Condition: Fair

Waiver Request: Approve for removal with intent to save

Tree 40 is a street tree targeted for retention. Because of required streetscape, including expansion of the sidewalk width, this tree has a significant impact. To retain the tree, however, numerous steps will be implemented in coordination with an arborist to minimize damage to the root structure beyond the tree protection fencing established outside the root flare. While many of the details will be determined during the construction document and design phase in spring when more information can be gathered on tree health, we intend to use several techniques to minimize and mitigate impacts to this tree:



- Tree protection fencing
- Aeration and root pruning
- Reduced soil compaction
- Maintaining post-construction grade elevation
- Hand demolition of hardscape elements
- Selective canopy reduction
- Fertilization and irrigation

- Tree 41

Proposed CRZ Impact: Severe at 100%

Condition: Fair/Poor

Waiver Request: Approve for removal

Tree 41 is proposed for removal due to its location along the proposed right-of-way. This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas. This tree is also in failing condition with a poor crown and long-term canopy will be better safeguarded by removing and replanting the street tree now.

- Tree 42

Proposed CRZ Impact: Severe at 100%

Condition: Fair

Waiver Request: Approve for removal

Tree 42 is proposed for removal due to its location along the proposed right-of-way. This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, a Sector-Planned shared-use path, and forest conservation areas. This tree is also in failing condition with a poor crown and long-term canopy will be better safeguarded by removing and replanting the street tree now.

- Tree 44

Proposed CRZ Impact: Severe at 44%

Condition: Fair/Good

Waiver Request: Approve for removal with intent to save



Tree 44 has a severe impact but is on a slope and may be retained. The impact is due to its location on the proposed Shared-Use Trail recommended by the Sector Plan and the Bicycle Master Plan. While envisioned in MNCPPC planning documents to run through the Coquelin Parkway, the Applicant has proposed a shift onto the subject property to minimize disturbance close to the stream and through an interior forest condition. By placing the trail at this location, near the existing edge of the forest, it will have less impact providing a greater buffer to the stream. It is also more visible and, therefore, safer for users who will now be able to connect from points north to the Capital Crescent Trail and the Purple Line. Impact is necessary to implement County policy under area and functional plan goals.

- Tree 45
Proposed CRZ Impact: Severe at 39%
Condition: Fair
Waiver request: Approve for removal with intent to save
Tree 45 has a severe impact but is on a slope and may be retained. The impact is due to its location on the proposed Shared-Use Trail recommended by the Sector Plan and the Bicycle Master Plan. While envisioned in MNCPPC planning documents to run through the Coquelin Parkway, the Applicant has proposed a shift onto the subject property to minimize disturbance close to the stream and through an interior forest condition. By placing the trail at this location, near the existing edge of the forest, it will have less impact providing a greater buffer to the stream. It is also more visible and, therefore, safer for users who will now be able to connect from points north to the Capital Crescent Trail and the Purple Line. Impact is necessary to implement County policy under area and functional plan goals.
- Tree 46
Proposed CRZ Impact: Severe at 100%
Condition: Fair/Poor
Waiver Request: Approve for removal
Tree 46 is proposed for removal due to its location on the proposed Shared-Use Trail recommended by the Sector Plan and the Bicycle Master Plan. While envisioned in MNCPPC planning documents to run through the Coquelin Parkway, the Applicant has proposed a shift onto the subject property to minimize disturbance close to the stream and through an interior forest condition. By placing the trail at this location, near the existing edge of the forest, it will have less impact providing a greater buffer to the stream. It is also more visible and, therefore, safer for users who will now be able to connect from points north to the Capital Crescent Trail and the Purple Line. Removal is necessary to implement County policy under area and functional plan goals.
- Tree 48
Proposed CRZ Impact: Severe at 100%
Condition: Fair
Waiver Request: Approve for removal



Tree 48 is proposed for removal due to its location on the proposed Shared-Use Trail recommended by the Sector Plan and the Bicycle Master Plan. While envisioned in MNCPPC planning documents to run through the Coquelin Parkway, the Applicant has proposed a shift onto the subject property to minimize disturbance close to the stream and through an interior forest condition. By placing the trail at this location, near the existing edge of the forest, it will have less impact providing a greater buffer to the stream. It is also more visible and, therefore, safer for users who will now be able to connect from points north to the Capital Crescent Trail and the Purple Line. Removal is necessary to implement County policy under area and functional plan goals.

- Tree 50

Proposed CRZ Impact: Severe at 52%

Condition: Fair

Waiver request: Approve for removal

Tree 50 is proposed for removal due to its location directly at the proposed Shared-Use Trail recommended by the Sector Plan and the Bicycle Master Plan and Manor Road, which is required to provide an expanded 6-foot sidewalk. While the trail is envisioned in MNCPPC planning documents to run through the Coquelin Parkway, the Applicant has proposed a shift onto the subject property to minimize disturbance close to the stream and through an interior forest condition. By placing the trail at this location, near the existing edge of the forest, it will have less impact providing a greater buffer to the stream. It is also more visible and, therefore, safer for users who will now be able to connect from points north to the Capital Crescent Trail and the Purple Line. Removal is necessary to implement County policy under area and functional plan goals.

- Tree 53

Proposed CRZ Impact: Moderate at 28%

Condition: Fair

Waiver request: Approve impact

Tree 53 is impacted by the master-planned Shared Use Trail and the Manor Road improvements. While the trail is envisioned in MNCPPC planning documents to run through the Coquelin Parkway, the Applicant has proposed a shift onto the subject property to minimize disturbance close to the stream and through an interior forest condition. By placing the trail at this location, near the existing edge of the forest, it will have less impact providing a greater buffer to the stream. It is also more visible and, therefore, safer for users who will now be able to connect from points north to the Capital Crescent Trail and the Purple Line. Impact is necessary to implement County policy under area and functional plan goals.

- Tree 54

Proposed CRZ Impact: Severe at 51%

Condition: Fair

Waiver Request: Approve for removal with intent to save



Tree 54 is a street tree targeted for retention. Because of required streetscape, including expansion of the sidewalk width, this tree has a significant impact. To retain the tree, however, numerous steps will be implemented in coordination with an arborist to minimize damage to the root structure beyond the tree protection fencing established outside the root flare. While many of the details will be determined during the construction document and design phase in spring when more information can be gathered on tree health, we intend to use several techniques to minimize and mitigate impacts to this tree:

- Tree protection fencing
 - Aeration and root pruning
 - Reduced soil compaction
 - Maintaining post-construction grade elevation
 - Hand demolition of hardscape elements
 - Selective canopy reduction
 - Fertilization and irrigation
-
- Tree 55
Proposed CRZ Impacts: Minor at 2%
Condition: Good
Waiver request: Approve impact
Tree 55 is impacted by Manor Road improvements. Impact is minimal but necessary to implement County policy under area and functional plan goals.
-
- Tree 60
Proposed CRZ Impact: Moderate at 28%
Condition: Good
Waiver Request: Approve impact
Tree 60 has a moderate impact and may be retained. The impact is due to its location along the proposed Shared-Use Trail recommended by the Sector Plan and the Bicycle Master Plan and sewer line connection. While the trail is envisioned in MNCPPC planning documents to run through the Coquelin Parkway, the Applicant has proposed a shift onto the subject property to minimize disturbance close to the stream and through an interior forest condition. By placing the trail at this location, near the existing edge of the forest, it will have less impact providing a greater buffer to the stream. It is also more visible and, therefore, safer for users who will now be able to connect from points north to the Capital Crescent Trail and the Purple Line. The sewer only runs along the stream valley and no alternative location is available at this elevation. Impact is necessary to implement County policy under area and functional plan goals.
-
- Tree 62
Proposed CRZ Impact: Severe at 40%
Condition: Fair
Waiver request: Approve impact
Tree 62 has a significant impact but may be retained. It is located within a forest stand and the



impacts are isolated to the perimeter of the critical root zone. Impacts are due to a sewer line and the master-planned Shared Use Trail. The existing sewer is in the stream valley, as is typical throughout the County, and the location of the connection was chosen to impact as few trees as possible. The impact from the trail is necessary to implement County Policy under area and functional plan goals.

- Tree 65

Proposed CRZ Impact: Severe at 46%

Condition: Good

Waiver request: Approve impact

Tree 62 has a significant impact but may be retained. It is located within a forest stand and the impacts are isolated to the perimeter of the critical root zone. Impacts are due to a stream restoration project creating step pools from a proposed storm drain outlet, as well as reducing steep stream banks. The impact from the trail is necessary to implement County Policy under area and functional plan goals.

- Tree 66

Proposed CRZ Impact: Minor at 6%

Condition: Good

Waiver request: Approve impact

Tree 66 has a minor impact and may be retained. The impact is due to its location along the proposed Shared-Use Trail recommended by the Sector Plan and the Bicycle Master Plan. While the trail is envisioned in MNCPPC planning documents to run through the Coquelin Parkway, the Applicant has proposed a shift onto the subject property to minimize disturbance close to the stream and through an interior forest condition. By placing the trail at this location, near the existing edge of the forest, it will have less impact providing a greater buffer to the stream. It is also more visible and, therefore, safer for users who will now be able to connect from points north to the Capital Crescent Trail and the Purple Line. Impact is necessary to implement County policy under area and functional plan goals.

- Tree 68

Proposed CRZ Impact: Moderate/Severe at 36%

Condition: Good

Waiver request: Approve for removal with intent to save

Tree 68 has a moderate/severe impact but may be retained. The impact is due to outfall restoration work, primarily fill of an eroded channel and replanting. Impact is necessary to implement County policy under area and functional plan goals.

While many of the details will be determined during the construction document and design phase in spring when more information can be gathered on tree health, we intend to use several techniques to minimize and mitigate impacts to this tree:

- Tree protection fencing



- Aeration and root pruning
 - Reduced soil compaction
 - Maintaining post-construction grade elevation
 - Selective canopy reduction
- Tree 69
Proposed CRZ Impact: Severe at 41%
Condition: Fair
Waiver request: Approve for removal with intent to save
Tree 69 has a severe impact but may be retained. The impact is due to outfall restoration work, primarily fill of an eroded channel and replanting. Impact is necessary to implement County policy under area and functional plan goals.

While many of the details will be determined during the construction document and design phase in spring when more information can be gathered on tree health, we intend to use several techniques to minimize and mitigate impacts to this tree:

- Tree protection fencing
 - Aeration and root pruning
 - Reduced soil compaction
 - Maintaining post-construction grade elevation
 - Selective canopy reduction
- Tree 70
Proposed CRZ Impact: Severe at 59%
Condition: Good
Waiver request: Approve for removal with intent to save
Tree 70 has a severe impact but may be retained. The impact is due to outfall restoration work, primarily fill of an eroded channel and replanting. Impact is necessary to implement County policy under area and functional plan goals.

While many of the details will be determined during the construction document and design phase in spring when more information can be gathered on tree health, we intend to use several techniques to minimize and mitigate impacts to this tree:

- Tree protection fencing
 - Aeration and root pruning
 - Reduced soil compaction
 - Maintaining post-construction grade elevation
 - Selective canopy reduction
- Tree 72
Proposed CRZ Impacts: Minor at 7%



Condition: Fair

Waiver request: Approve impact

Tree 72 is a street tree located on the north side of Manor Road, across from the subject Property. The CRZ is not likely to be actually impacted the proposed development on the south side of Manor Road. Therefore, this tree is proposed to be saved.

- Tree 73

Proposed CRZ Impacts: Minor at 14%

Condition: Fair

Waiver request: Approve impact

Tree 73 is a street tree located on the north side of Manor Road, across from the subject Property. The CRZ is not likely to be actually impacted the proposed development on the south side of Manor Road. Therefore, this tree is proposed to be saved.

- Tree 74

Proposed CRZ Impacts: Minor at 11%

Tree Conditions: Fair to Poor

Waiver request: Approve impact

Tree 74 is a street tree located on the north side of Manor Road, across from the subject Property. The CRZ is not likely to be actually impacted the proposed development on the south side of Manor Road. Therefore, this tree is proposed to be saved.

- Tree 75

Proposed CRZ Impacts: Minor at 16%

Tree Conditions: Poor

Waiver request: Approve impact

Tree 75 is a street tree located on the north side of Manor Road, across from the subject Property. The CRZ is not likely to be actually impacted the proposed development on the south side of Manor Road. Therefore, this tree is proposed to be saved.

- Tree 76

Proposed CRZ Impacts: Minor at 11%

Tree Conditions: Fair

Waiver request: Approve impact

Tree 76 is a street tree located on the north side of Manor Road, across from the subject Property. The CRZ is not likely to be actually impacted the proposed development on the south side of Manor Road. Therefore, this tree is proposed to be saved.

- Tree 77

Proposed CRZ Impact: Severe at 100%

Condition: Good/Fair

Waiver Request: Approve for removal



Tree 77 is proposed for removal due to its location inside the proposed Limits of Disturbance (LOD). This tree is within the redevelopment area described in the general discussion and removal is necessary to implement the project to current standards. An effort to save this tree would require a significant reduction in usable building space to clear the CRZ and would not be allow reasonable and significant use of the property. Specifically, this tree must be removed to remove existing buildings, grade the site, install utility and stormwater infrastructure, build sidewalks and roads to complete streets standards, and implement a compact, transit-oriented design with new open spaces, and an additional recommended pedestrian connection between Manor Road and the Purple Line right-of-way. Further, this tree would need to be removed by pending Purple Line grading within the right-of-way.

- (2) *Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;*

Denial of the variance would also deprive Applicant of rights commonly enjoyed by others in similar areas. Despite the constraints the existing environmental features create for redevelopment of the property, this project establishes compatible relationships between new development and existing neighborhoods through limits on density and uses; the Project includes for-sale townhomes including Moderately Priced dwelling Units (MPDUs) at a similar scale to the currently existing rental garden apartments and townhomes. No commercial uses will be developed on the Property, preserving the residential character of the neighborhood. Development was focused on the areas of the property currently improved, which contain many of the trees subject to the variance. Furthermore, the proposed development achieves the *2013 Approved and Adopted Chevy Chase Lake Sector Plan* (the Sector Plan) recommendation of retaining the current zoning and similar development. Avoiding any impacts to the trees would significantly inhibit any compatible redevelopment. Therefore, strict enforcement of the County Code would unfairly prevent the redevelopment of the Property to the same extent as similarly situated properties along Manor Road.

Approval of the variance will allow Applicant to create a community that is consistent with the existing land uses in the area. Approval will also allow for the creation of master-planned pathways connecting the project to the adjacent communities along restored greenways for intangible yet significant community enjoyment of natural areas. All of these goals are consistent with the rights enjoyed by nearby property owners.

- (3) *Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

The granting of Applicant's variance request will not result in a violation of State water quality standards, nor will a measurable degradation in water quality occur as a result. On the contrary, the Project will implement measures to improve water quality where none currently exist. On-site runoff in the existing condition allows heated and polluted runoff to flow directly through storm drains to nearby streams. This runoff has created areas of significant erosion, which will be remediated by this



project. Further, A significant area within the Stream Valley Buffer (SVB) at the east end of the site will be placed into a Category I Forest Conservation Easement and allow for a perpetual protection of forested area buffering the offsite stream. A hiker/biker path will be installed adjacently to the Category I Forest Conservation easement, allowing low-impact community use and enjoyment of the site's natural areas. The Project also integrates current state-of-the-art stormwater management practices, which will improve upon the Property's previous stormwater management system and enhance water quality. These enhancements include reduced sediment and pollutants, cooler water temperatures, slowed and delayed storm flows, and areas for planting habitat.

(4) *Provide any other information appropriate to support the request.*

In addition to the summary below, please see the revised Statement of Justification and attached narrative on the Sector Plan Environmental Recommendations and the Environmental Guidelines. Approving Applicant's variance request is justified for other reasons as well. The proposed project will advance the County's Sector Plan vision for the Property through the development of an attractive public transit-oriented residential community that contains an open space component. The project also includes attractive landscaped open spaces and amenities while continuing to provide access to the nearby shops, metro, schools, and nature sanctuary. The Project offers recreational and natural habitat preservation near a Metro stop that are consistent with the current character of the surrounding neighborhood.

Additionally, the Project proposes preserving most of the existing forest adjacent to the stream buffer, subject to a Category I Forest Conservation easement. The low-impact path planned for community enjoyment of the natural areas provides access to open spaces and the adjacent communities, which will promote additional pedestrian and cyclist activity in the area. It is envisioned that a significant number of additional plantings will occur throughout the property, including shade trees, evergreen trees, ornamental trees, and planting beds, all of which will serve to improve ecological quality. Focusing redevelopment on existing developed land, increasing Forest Conservation, landscape plantings, and greatly improved stormwater management design all combine to significantly improve water quality protection, wildlife value, carbon sequestration, and reduction in urban heat island effects.

Furthermore, the variance does not arise from a condition related to land or building use, either permitted or nonconforming, on a neighboring property.



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January 30, 2023
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Thank you for your consideration of Applicant's tree variance request. The supporting information provided in this letter establishes that denial of the variance would result in unnecessary hardship or practical difficulty, as well as demonstrates Applicant's extensive efforts to minimize impacts. Please contact me with any questions, or if you require additional information.

Sincerely,

VIKA Maryland, LLC

Joshua Sloan, RLA, ASLA, AICP
Director of Planning and Landscape Architecture / Vice President

