



January 13, 2023

Marco Fuster, Planner III  
Montgomery County Planning Department  
2425 Reddie Drive, Floor 13,  
Wheaton, MD 20902

Re: Corso Chevy Chase  
Preliminary Forest Conservation Plan – Specimen Tree Variance Request Revision

Dear Mr. Fuster,

On behalf of Corso DC, LLC (Applicant), we are requesting a variance for the critical root zone (CRZ) impact to twenty-seven (27) specimen trees 30 inches or greater in DBH, as required under Section 22A-21 of Montgomery County's Forest Conservation Law; and additionally pursuant to recent revisions to the State Forest Conservation Law enacted by State Bill 666, where it notes that the variance pertains to "trees having a diameter measured at 4.5 feet above the ground of 30 inches diameter or 75% of the diameter of the current state champion tree of that species as designated by the department".

The Applicant is proposing development and associated site improvements for a Residential Care Facility (Over 16 Persons), including Independent Living, Assisted Living and Memory Care, on the subject property located at 7100 Connecticut Ave, Chevy Chase, MD (the "Property").

#### **I. BACKGROUND/APPLICANT'S PROPOSAL**

The Property is prominently located along Connecticut Avenue, in the southwest corner of the intersection of Connecticut Avenue and Thornapple Street. The Property is currently improved with five large institutional buildings and associated parking lots, most recently used for the National 4-H Conference Center. The Property has a net lot area of approximately 12.29 acres and is currently zoned R-60. The Applicant is seeking Local Map Amendment approval to rezone the Property to the CRNF-1.5, C-0.25, R-1.25, H-70' zone.

This Applicant proposes demolishing the developed area in the central part of the Property and providing buildings for a senior living community which includes a theatre, clubhouse, and underground parking. The project provides large wooded buffers along the north, west, and south perimeters of the Property that range from 45 to 145 feet wide. The project will be constructed o two phases.

The project requires the removal of twelve (12) specimen trees and critical root zone ("CRZ") impacts to fourteen (14) specimen trees, subject to the variance provision of the Forest Conservation Law.

## II. EXPLANATION FOR NEED TO REMOVE THE TREES THAT IS IDENTIFIED IN STATE LAW FOR PROTECTION

A Natural Resource Inventory-Forest Stand Delineation NRI-FSD (#420222220) for this project was approved on 9/28/2022. The specimen trees which will be impacted by the project, subject of this variance request, are shown on the Preliminary Forest Conservation Plan submitted concurrently with this request.

The impact to these specimen trees results from the demolition of existing buildings and proposes the new building and associated site improvements. These existing trees are within the proposed limits of disturbance ("LOD") and will be removed or impacted due to conflicts with grading and demolition of existing buildings and on-site structures.

For reasons described in Section III and IV below, the Applicant respectfully requests the approval for removal of the variance trees listed, in order to utilize the required functional land area available in providing a senior living facility to serve the local and greater communities.

## III. GENERAL DESCRIPTION AND JUSTIFICATION FOR TREES FOR WHICH A VARIANCE IS REQUESTED

This Forest Conservation Plan variance request is for the removal of ten (10) on-site specimen trees, two (2) off-site specimen trees, and CRZ impacts to fourteen (14) specimen trees, resulting from the construction and demolition activities. The trees identified in this variance request for removal or CRZ impacts are shown on the Forest Conservation Plan. The trees to be removed are either wholly located within the LOD, or the LOD impacts to their CRZs are too large to expect tree survival.

### Trees for Removal

The specimen trees proposed for removal are either directly within areas that will be graded to accommodate the development or within the LOD to provide the necessary facilities and infrastructure needed for the functionality of this development.

The trees that are subject to this variance request that are being removed due to direct impact from development, road and access alignment, and facilities includes: **Tree #54** (30" London Plane Tree) in Fair condition, **Tree #426** (30" London Plane Tree) in Fair condition, **Tree #434** (30" Ornamental Cherry) in Poor condition, **Tree #435** (31" Pin Oak) in Fair condition, **Tree #436** (32" Sycamore) in Poor condition, **Tree #437** (40" Sycamore) in Poor condition, **Tree #440** (30" Tulip Poplar) in Poor condition, and **Tree #441** (37" Southern Red Oak) in Fair condition.

The trees that are subject to this variance request that are being removed due to unavoidable and essential master plan road and utility disturbance includes: **Tree #48** (31" Red Oak), **Tree #49** (35" London Plane Tree, **Tree #457** (31" Tulip Popular) in Poor condition, **Tree #462** (33" White Oak) in Fair condition, and **Tree #489** (31" Tulip Popular) in Fair condition.

<i>Variance Tree Removal</i>										
<i>No.</i>	<i>Forest</i>	<i>Offsite</i>	<i>Common Name</i>	<i>Scientific Name</i>	<i>DBH (inches)</i>	<i>CRZ Area</i>	<i>CRZ Impact</i>	<i>% Impacted</i>	<i>Condition</i>	<i>Remove / Save</i>
48	No	Yes	Red Oak	<i>Quercus rubra</i>	31	6792	6792	100	Poor	Remove
49	No	Yes	London Place Tree	<i>Platanus acerifolia</i>	35	8659	8659	100	Good	Remove
54	No	No	London Plane Tree	<i>Platanus acerifolia</i>	30	6359	6359	100%	Fair	Remove
426	No	No	London Plane Tree	<i>Platanus acerifolia</i>	30	6359	5297	83%	Fair	Remove
434	No	No	Ornamental Cherry	<i>Prunus avium</i>	30	6359	6359	100%	Poor	Remove
435	No	No	Pin Oak	<i>Quercus palustris</i>	31	6789	6789	100%	Fair	Remove
436	No	No	American Sycamore	<i>Platanus occidentalis</i>	32	7235	7235	100%	Poor	Remove

437	No	No	American Sycamore	<i>Platanus occidentalis</i>	40	11304	11304	100%	Poor	Remove
440	No	No	Tulip Poplar	<i>Liriodendron tulipifera</i>	30	6359	4556	72%	Poor	Remove
441			Southern Red Oak	<i>Quercus falcata</i>	37	9672	7125	74%	Fair	Remove
457	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	31	6789	2175	32%	Poor	Remove
462	X		White Oak	<i>Quercus alba</i>	33	7694	2359	31%	Fair	Remove
489	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	31	6789	2289	34%	Fair	Remove

### Critical Root Zone (CRZ) impacts

There are fourteen (14) variance trees, including two (2) off-site trees that will be impacted by the limit of disturbance. The chart below shows the potential impacts to the Critical Root Zones of these trees, ranging from 2% to 95%. These CRZ impacts are the result of the grading and development on the Property. Tree protection measures will be adopted to protect them from being damaged during and after construction.

<b>Variance Tree Impact</b>										
No.	Forest	Offsite	Common Name	Scientific Name	DBH (inches)	CRZ Area	CRZ Impact	% Impacted	Condition	Remove / Save
43	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	35	8659	4015	46%	Fair	Save
50		X	Willow Oak	<i>Quercus phellos</i>	36	9156	8698	95%	Fair	Save if possible
51		X	Willow Oak	<i>Quercus phellos</i>	35	8655	8222	95%	Fair	Save if possible
443	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	41	11876	3342	28%	Fair	Save
445	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	34	8167	58	1%	Fair	Save
448	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	35	8655	1663	19%	Good	Save
449	X		White Oak	<i>Quercus alba</i>	34	8167	185	2%	Good	Save
453	X		White Oak	<i>Quercus alba</i>	31	6789	2240	33%	Fair	Save
454	X		White Oak	<i>Quercus alba</i>	32	7235	773	11%	Poor	Save
464	X		Southern Red Oak	<i>Quercus falcata</i>	31	6789	1043	15%	Poor	Save
476	X		White Oak	<i>Quercus alba</i>	31	6789	330	5%	Poor	Save
488	x		Tulip Poplar	<i>Liriodendron tulipifera</i>	38	10202	3507	34%	Good	Save
491	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	33	7694	2554	33%	Good	Save
493	X		Tulip Poplar	<i>Liriodendron tulipifera</i>	30	6359	1219	19%	Fair	Save

### Mitigation

Out of the twelve (12) trees that are being removed, nine (9) of them are outside of forest stand areas. The remaining three (3) are being removed within the forest stand for various reasons including storm drain outfall pipe and sewer connection. Together, all twelve (12) trees to be removed equate to a conglomerated DBH of 419 inches. This results in a mitigation requirement of 104.75 inches (calculated at a rate of 1" caliper replacement for every 4" DBH removed). This yields approximately nineteen (35) trees at 3" caliper each. All of these replacement trees will be provided on-site.

### IV. SATISFACTION OF THE CRITERIA LISTED IN SECTION 22A-21(b) OF THE MONTGOMERY COUNTY CODE

Section 22A-21(b) lists the application requirements for tree variance requests. The following narrative demonstrates how the requested variance is justified under these criteria. This Forest Conservation Plan variance request is for eleven (11) on-site specimen trees being removed and sixteen (16) specimen trees being impacted, but not requiring removal.

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

The Property is a very large site that has long-since been used as an institutional use. The Property is surrounded by single-family residential homes on all four sides. The Applicant proposes to redevelop the dilapidated existing institutional use with a compatible, residential-scaled, senior housing community.

Specifically, the Town of Chevy Chase has formally identified environmental priorities for preserving existing forest and tree canopy. More specifically, preservation of the forest stand within the 81' setback from Thornapple Drive to the north, and the forest stand along the western and southern portions of the site. To ensure compatibility, and satisfy the requests of the Town of Chevy Chase, the project has been strategically designed to retain the existing tree canopy along the northern, southern and western Property Boundaries, which will continue to provide both a physical and visual buffer from the surrounding homes. The project accomplishes this by utilizing only the existing entrances off Connecticut Avenue and confining the development area to that portion of the Property previously occupied with buildings and parking.

As part of the functional needs of the senior living facility, amenity spaces are required in close proximity to all residential units, to provide easy access for the use and enjoyment of the senior residents. These spaces are provided by a series of courtyards between each wing of the building. In order to preserve the forest standard and tree canopy around the perimeter of the Property, parking for the project will be located entirely below grade. To provide for efficient circulation and access to each of the buildings, a single-slab below-grade structured parking is required. This continuous parking structure will ensure safe and efficient access to each of the eight elevator cores, which are necessary to provide essential services for the residents of the facility. As previously mentioned, the building, parking, and utilities have been oriented toward the center of the Property and along the Connecticut Avenue frontage, to preserve and respect the existing forest stands on the northern, southern and western property boundaries, and to avoid specimen trees contained therein. The tree removals and CRZ impacts proposed are necessary to accommodate the demolition of the dilapidated existing buildings and construction of the project.

Eight specimen trees that are located between the existing buildings are proposed to be removed due to the configuration of the project and presence of a continuous below-grade parking structure. There are also impacts to specimen street trees along Connecticut Avenue. Those trees with careful preservation and treatment, are proposed to be impacted but saved. The remaining tree impacts to Tree 489, Tree 462 and Tree 457 are impacted due to utility impacts related to the proposed development, necessary to convey storm drainage safely off the Property at the low point of the site.

The existing dilapidated institutional buildings on the Property that must be demolished to accommodate this more compatible, residential-style project, as well as the presence of existing forest stand and tree canopies around three sides of the Property that the Applicant seeks to preserve, are special conditions that are peculiar to this Property that would result in an unwarranted hardship to the Applicant if the request for removal for eleven (11) specimen trees an impacts to sixteen (16) specimen trees is not granted.

Two off-site trees will be removed and another two off-site specimen trees in the right-of-way will be impacted because of a proposed shared use path and updated curb per MCDOT requirements to upgrade the sidewalk and curb along Connecticut Avenue. The curb and shared use path impacts all sides of the roots. One tree is in very poor condition and another tree is directly in line with the path. The other two trees are proposed to be saved with effort to minimize impact to the root structure.

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

Without the allowance of variance tree removals and CRZ impacts, redevelopment of this Property with this project would not be feasible. The Applicant would not be able achieve an economy of scale to support and sustain this desirable senior living community, including the necessary site amenities and services that are essential to this more compatible residential use. More than 90% of the proposed development is proposed on top of land already occupied by infrastructure of buildings, parking, and utilities. The 0.57 acres of forest removed is almost entirely being removed solely to support utility connections to existing utilities and infrastructure off-site and removal of existing infrastructure on-site. It would also deprive the Applicant of opportunities reasonably enjoyed by others with similarly situated properties. Any redevelopment of the Property would require similar levels of disturbance. As such, the ability to develop the Property for a use allowed in the zone would be eliminated with further encumbrances to utility connections.

Without the granting of the variance, many of the environmental benefits conferred by the proposed development would be lost. The majority of existing forest is proposed to be protected in a Category I Forest Conservation Easement and the Applicant is also proposing clean-up to remove invasive species and debris, and provide needed open space and protected forest. In addition, the Property is to be graded to provide water quality on-site and structured parking which will help slow runoff in forested areas and provide cleaner water on and off-site.

Finally without allowance of variance tree removals and impacts to the off-site trees along Connecticut Avenue, the shared use path and new curb would not be feasible to construct.

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

The Property is located in the Lower Rock Creek Watershed. The existing site condition is mostly impervious surfaces on concrete and asphalt in the center of the Property, with forest on the northern, southern, and western perimeters of the Property. There are no streams, or associated stream valley buffers, on the Property. As such, the tree removals and CRZ impacts requested will not result in any measurable degradation in water quality. Additionally, the proposed project exceeds the forest conservation worksheet requirement by 0.43 acres by reducing the amount of forest removal on-site. The remaining forest will be placed inside of a Category I Forest Conservation Easement and remove any non-native invasive plants to provide a more natural environment.

In addition, a proposed stormwater management design will meet the latest State and local stormwater management standards, where none exists today. These standards will minimize the outfall flow and reduce the possibility of erosion. The Applicant is confident that the stormwater facilities installed in concurrence with the new development will not just protect the current water quality, but enhance it. As such, the granting of this variance will not violate State water quality standards.

The granting of this variance request will not violate State water quality standards or cause measurable degradation in State water quality standards.

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

The Applicant believes the information set forth above is adequate to justify the requested variance to remove the specimen trees on the Property. However, it is important to also emphasize the mitigation efforts that the Applicant is proposing, as follows:

- **Mitigation tree plantings -- While the proposed development necessitates the impact to 26 specimen trees, it will mitigate all of them on-site.**
- Exceeding the Forest Conservation Easement requirements – The Property is retaining 2.99 acres of forest on-site which is 0.39 acres above the forest retention threshold for mitigation.
- Additional plantings – The Applicant is proposing to remove the bamboo and other invasive species and debris on-site, and supplement with natural plantings and buffering trees to restore the forest area to more native and natural state.
- Reduction in grading - In order to respect the priority forest, the Applicant proposes the use of a retaining wall system, thus minimizing disturbance of specimen trees within the priority forest areas. The location of buildings was purposefully located to limit disturbance and construction impacts on the larger variance trees in good and excellent condition and trees within the priority forest areas.

Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant. As discussed above, the removal of the trees is necessary to support a viable project and facilitate the replacement of the dilapidated institutional use with a more compatible senior living community. As also discussed above, the Variance will prevent the deprivation of rights to the Applicant that have been enjoyed by others similarly situated.
2. The variance is not based on conditions or circumstances which result from the actions by the Applicant. As discussed above, the location and configuration of the existing physical features of the Property necessitate the removal of the identified specimen trees in order to accommodate the proposed facilities.
3. The requested variance is not related in any way to a condition relating to land or building use on an adjacent, neighboring property.

Thank you for your consideration of this Tree Variance Request. We believe that the supporting information provided with this letter clearly demonstrates that the grant of the Variance pursuant to Section 22A-21(b) of the Code is appropriate. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,  
SOLTESZ



Keely D. Lauretti