



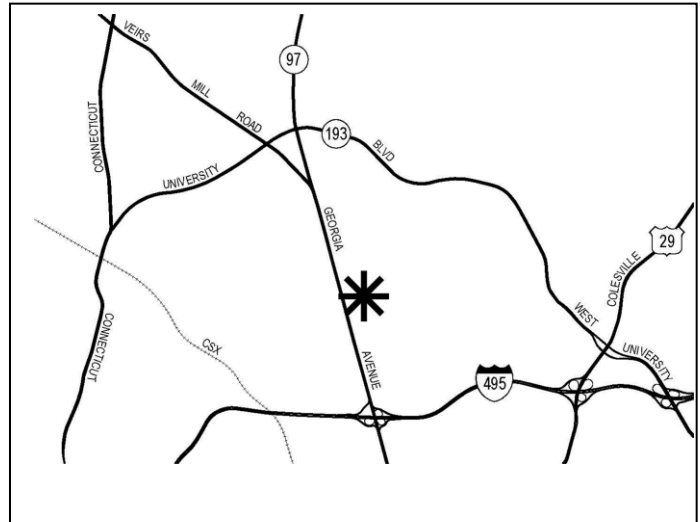
Dennis Avenue Health Center, Forest Conservation Plan, MR2013001

- Amy Lindsey, Senior Planner, Area 2 Planning Division, amy.lindsey@montgomeryplanning.org, 301.495.2189
- Khalid Afzal, Planner Supervisor, Area 2 Planning Division, khalid.afzal@montgomeryplanning.org, 301.495.4650
- Glenn Kreger, Chief, Area 2 Planning Division, glenn.kreger@montgomeryplanning.org, 301.495.4653

Completed: 09-21-12

Description

- Preliminary Forest Conservation Plan for MR2013001, Dennis Avenue Health Center
- 2000 Dennis Avenue, Silver Spring, MD
- 6.96 acres, R-60 Zone
- 1989 *Master Plan for the Communities of Kensington-Wheaton*
- Applicant: Montgomery County Department of General Services
- Filing date: July 26, 2012



Summary

- Staff recommends **approval with conditions**.
- 0.39 acres of forest removed.
- Forest conservation requirements to be met off-site.
- Variance request for removal of three specimen trees and impacts to one specimen tree.
- The proposed project does not have any proposed activities within any streams, wetlands, or environmental buffers and is in compliance with the *Environmental Guidelines*.

Condition

1. Final Forest Conservation Plan must include details on trees planted for mitigation of removal of three specimen trees.

Pursuant to Chapter 22A of the County Code, the Board's actions on Forest Conservation Plans, are regulatory and binding.

Project Description

The 6.96-acre property is owned by Montgomery County and located at 2000 Dennis Avenue, Silver Spring, within the 1989 *Master Plan for the Communities of Kensington-Wheaton* and in the R-60 Zone. The Montgomery County Department of General Services (DGS) is proposing to replace the existing Dennis Avenue Health Facility. The project will include the construction of a two-story health center and associated parking. Due



to the nature of the services provided, the current facility will be kept fully operational while the new facility is being constructed on a different part of the site. The health center is surrounded by medical office uses to the south and west, townhouses to the east, and single-family detached houses to the north, across Dennis Avenue.

Analysis

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420120810) for the Subject Property on 1/23/2012. The 6.96-acre site is developed with the existing Dennis Avenue Health Center, informal athletic field, and associated facilities. There is 0.39 acres of existing moderate-priority forest on the west side of the site. The site slopes down from the southwest to northeast corner of the property, with two flat areas for the health center and the play field. The site has no streams, wetlands, or environmental buffers. The property is within the Sligo Creek watershed – a Use I watershed.

Forest Conservation

This property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and a Preliminary Forest Conservation Plan has been submitted for Planning Board approval (Attachment 1). The proposed development plan will require the clearing of all 0.39 acres of forest for the proposed upper parking lot and will generate a 1.44-acre planting requirement. The planting requirement will be met off-site.

Forest Conservation Variance

Section 22A-12(b) (3) of County code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County code. The code requires no impact to trees that:

- a. measure 30 inches or greater diameter at breast height (DBH);
- b. part of a historic site or designated with a historic structure; or
- c. designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species, or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

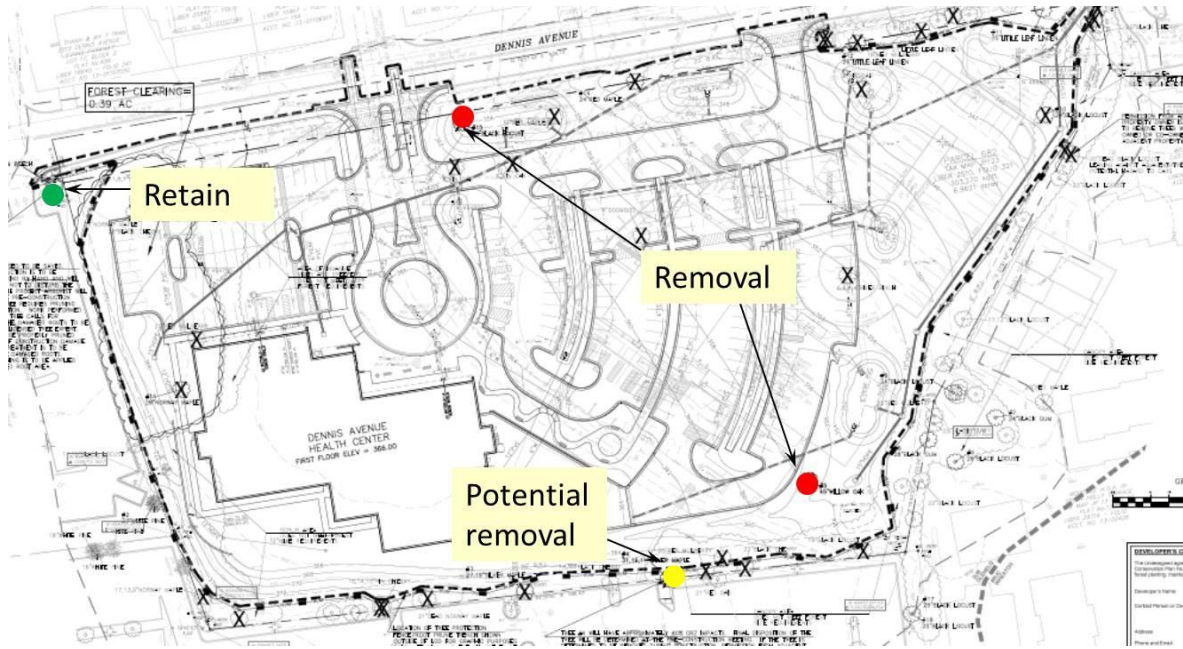
The Applicant submitted a variance request on 7/26/2012 for the impacts to trees with the proposed layout (Attachment 2). The Applicant proposes to remove two trees, potentially remove one other tree, and impact, but not remove, a fourth tree that are considered high priority for retention under Section 22A-12 (b) (3) of the County code. While detailed and specific protection measures are proposed for the "potential removal" tree, the Applicant is requesting a variance to remove this tree if it becomes necessary.

Unwarranted Hardship – As per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship. In this case, the unwarranted hardship is caused by:

- the public need for an updated health center that meets all regulatory requirements; and
- the public need to keep the current health center open while constructing the new center.

The Applicant has responded to the challenges of building a new health center on-site while maintaining operations in the existing center by staging development through the utilization of currently open onsite area for the new building. Once the new building is complete the existing structure will be demolished and new parking area created where the current building exists. The new two-story building and parking will work using existing grades and still comply with all stormwater management requirements. Granting the variance allows the Applicant to keep the current health center open while developing the updated facility, thereby having no reduction in services.

The exhibit below indicates the location of the four specimen trees that are impacted by this development. The one specimen tree that is impacted is located on the adjoining property and this Applicant will implement tree specific protection measures to ensure the tree survives through construction. One specimen tree may or may not be removed. As the Applicant develops the stormwater management and sediment erosion control plans and the tree is specifically located, the disturbance required onsite may necessitate the removal of the tree. The Applicant has requested this tree be included for removals but will take actions necessary so that the tree will not be removed. Other factors may require the tree to be removed. The two trees shown for removal are both within proposed stormwater management facilities.



Variance Findings – Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, staff makes the following findings:

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as disturbance of the specified trees is due to building an updated health center while maintaining current operations. Disturbance has been minimized and tree protection measures have been used to minimize damage. Therefore, staff believes that granting this variance is not a special privilege that would be denied to other applicants.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The requested variance is based on the locations of the trees and the configuration of the Subject Property.

3. *The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed health center on the Subject Property and not a result of land or building use on a neighboring property.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The proposed health center should improve water quality by the addition of modern stormwater management facilities. Additionally, the trees being planted as mitigation for the loss of specimen trees will substantially replace the form and function of the existing tree canopy. Trees protect water quality by reducing runoff through rainfall interception and water uptake. Additionally, trees provide shade for impervious areas and improve soil texture, which also improve water quality.

Mitigation for Trees Subject to the Variance Provisions – The proposed variance for possible impacts to one tree, removal of two trees, and potential removal of one tree is mitigated by additional plantings. Generally, mitigation is not recommended for trees impacted but retained. The Applicant has proposed to plant 12 native canopy trees, with a minimum size of 3” caliper, with details to be provided on the Final Forest Conservation Plan submission.

County Arborist’s Recommendation on the Variance – In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. Staff forwarded the request to the County Arborist on 8/13/2012. The County Arborist has reviewed the variance request and recommended approval (Attachment 3).

Variance Recommendation – Staff recommends the variance be granted.

Conclusion

Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan with the conditions cited in this staff report. The variance approval is assumed into the Planning Board’s approval of the Preliminary Forest Conservation Plan.

AL:ha: N:\Area 2 Division\Lindsey\MR2013001 - FCP Dennis Avenue Health Center Final

Attachments

1. Preliminary Forest Conservation Plan
2. Variance Application
3. Letter from County Arborist