



Brandywine Senior Living, Conditional Use and Preliminary Forest Conservation Plan, CU 16-01

BCB Benjamin Berbert, Planner Coordinator Area 3, Benjamin.berbert@montgomeryplanning.org, 301-495-4644



Katherine Nelson, Planner Coordinator Area 3, Katherine.Nelson@montgomeryplanning.org, 301-495-4622



Richard Weaver, Supervisor, Area 3, Richard.Weaver@montgomeryplanning.org



Kipling Reynolds, Chief Area 3

Completed: 10/02/15

Description

Brandywine Senior Living, Conditional Use and Preliminary Forest Conservation Plan, CU 16-01

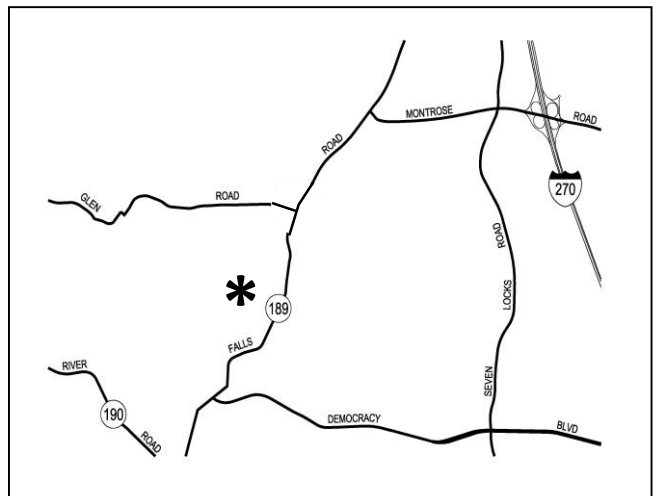
B. Preliminary Forest Conservation Plan for CU201601; located at the end of Potomac Tennis Lane (10800 Potomac Tennis Lane), approximately 600 feet north of the intersection with MD189 Falls Road; 4.02 acres; RE-2 Zone; 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with conditions

Submittal Date: July 9, 2015

Applicant: Brandywine Senior Living at Potomac, LLC

Review Basis: Chapters 22A



Action needed for Hearing Examiner on November 6, 2015

Summary

The Applicant, Brandywine Senior Living at Potomac, LLC, is requesting approval of a Preliminary Forest Conservation Plan as part of a Conditional Use application for a 120 suite, (140 bed) Residential Care Facility for seniors. Staff finds the application satisfies all of the requirements for approval set forth in Chapter 22A, Forest Conservation. The Preliminary Forest Conservation Plan proposes 0.3 acres of on-site stream valley plantings which will be protected with a Category 1 Easement. There is also a tree variance request included for the impacts of 6 variance trees located on adjacent properties.

Preliminary Forest Conservation Plan CU2016-01, Brandywine Senior Living

A. STAFF RECOMMENDATION

Staff recommends approval of the Preliminary Forest Conservation Plan No. CU201601, subject to the following conditions:

- 1) The Applicant must obtain Staff approval of a Final Forest Conservation Plan consistent with the Preliminary Forest Conservation Plan and Planning Board recommendations prior to any land disturbing activities.
- 2) The ultimate method of afforestation credit needed in excess of the onsite planting will be determined at the time of the Final Forest Conservation Plan and may include landscaping credits or off-site plantings.
- 3) The Applicant must place a Category I conservation easement over areas of forest retention as shown on the Preliminary Forest Conservation plan that is approved by the Planning Board. The easement must be approved by the M-NCPPC Office of General Counsel and recorded by deed in the Montgomery County Land Records prior to any land disturbing activities.

B. PROJECT DESCRIPTION

Introduction

On July 9, 2015, Brandywine Senior Living at Potomac, LLC (“Applicant”), submitted a Conditional Use Application CU201601, Brandywine Senior Living, requesting to develop a Residential Care Facility with up to 140 beds for seniors needing assisted living and memory care (“Application”). The Application will redevelop the site from its existing use as a private tennis club with tennis bubble to the proposed Residential Care Facility. The redeveloped site will use the existing public street and existing public utility service. With the Application was a Preliminary Forest Conservation Plan (“PFCP”)(Attachment 01) which has also been reviewed by Staff and is analyzed below.

Site Description

The property is located at 10800 Potomac Tennis Lane, which is a 4.02 acre triangular shaped platted parcel zoned RE-2 and located at the end of Potomac Tennis Lane (“Subject Property” or “Site”). The Subject Property is already improved with a private tennis club including a clubhouse, tennis courts enclosed in a large white bubble and parking (Attachment 03). The highest elevation is at the Site’s entrance with a terraced elevation drop of about six feet in the middle of the Site and a more substantial elevation drop including an area of up to 25% slopes along the northern edge of the Subject Property. There are no streams or wetlands present, however there is an off-site stream on the property to the north and the associated stream valley buffer extends onto the Subject Property. There are no observed rare, threatened or endangered species on the Site. The Subject Property is located within the Kilgore Branch subwatershed of Watts Branch, a Use I stream. A Natural Resources Inventory/Forest Stand Delineation No. 420151830 (“NRI”) (Attachment 02) was approved for the Site on May 29, 2015 which confirms the existing environmental Site conditions.

The Subject Property is located in the Kilgore Branch subwatershed of Watts Branch, a Use I stream. A tributary to Kilgore Branch flows parallel to the northern Site boundary. A Category I Conservation easement protects the stream buffer on the north side of the Subject Property and there are a few low, wet areas near the western point of the Site. It appears that significant fill took place when the current use was constructed, creating steep slopes along the northwest Site boundary and stream corridor. There are no forests or specimen trees on the Site. However a forest is located just north of the Subject Property and six specimen trees are located just outside the Site with critical root zones that extend onto the Site as identified by the NRI. The Subject Property is underline with Jackland soils. These soils tend to have a high water table and a strong shrink-swell potential. The 1995 Montgomery County Soil survey shows this soil as having severe limitations for shallow excavations and buildings. The presences of shallower than normal groundwater may require specialized construction techniques which will be determined at the time of building permit.



C. ENVIRONMENTAL GUIDELINES

The PFCP total tract area is 4.12 acres, which generates an afforestation requirement of 0.82 acres. The PFCP proposed to meet the 0.86-acre forest mitigation requirement by reforesting 0.3 acres of the stream valley buffer. The remaining 0.56 acres of afforestation credit will be met with a combination of on-site landscaping credit and off-site plantings, to be ultimately determined at the time of the Final Forest Conservation Plan. There is no forest to protect on Site, but forest adjacent to the Subject Property to the southwest should be protected during construction.

The approved NRI/FSD shows a 125-foot stream buffer on the tributary to Kilgore Branch. This buffer is wider than the minimum 100 buffer for a Use I stream because steep slopes within the buffer area cause the required buffer to be increased. The Preliminary Forest Conservation Plan No. CU2016-01 (PFCP) proposes to permanently protect a buffer that ranges from 110 to 125 feet in width with a Category 1 Easement. Because Staff believes these steep slopes are man-made and the Application will be slightly reducing the grade, Staff supports protecting less than the 125 foot buffer in certain places. The buffer will be entirely reforested with native canopy trees which will help quickly establish the environmental benefit.

Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, DBH (“Protected Tree”); are part of a historic site or designated with an historic structure; are 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. Any impact to a Protected Tree, including removal or disturbance within the Protected 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 Forest Conservation Law. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. no disturbance to a Protected Tree, would result in an unwarranted hardship as part of the development of a property.

Unwarranted Hardship

The Subject Property has no forest or specimen trees on Site. However, six protected trees grow outside the Site boundaries with critical root zones extending onto the Subject Property. It is not possible to de-construct the existing facility without impacting trees on the adjacent property, and reconstructing the proposed facility and stabilizing the stream buffer area will also create impacts.

Variance Request

On August 17, 2015, the Applicant requested a variance for impact to 6 Protected Trees (Attachment 04). These trees are shown on the table below.

Variance Tree Table

Tree #	Botanical Name	Condition	D.B.H. (in.)*	CRZ SF	CRZ Impact SF	CRZ Impact %	Disposition
2	Quercus rubra	Good	36	9,161	1,616	17.64	SAVE
4	Quercus rubra	Fair	32	7,238	1,527	21.10	SAVE
6	Quercus alba	Good	32	7,238	1,030	14.23	SAVE
7	Quercus alba	Good	31	6,793	1,901	27.99	SAVE
12	Ulmus rubra	Good	32	7,238	1,916	26.47	SAVE
13	Platanus occidentalis	Good	33	7,698	103	1.34	SAVE

Based on the following justifications, the Applicant has met all criteria required to grant the variance for impact to the trees subject to the variance provision.

Variance Findings

The Planning Board must make findings that the Application has met all requirements of section 22A-21 of the County Code before granting the variance. Staff has made the following determination on the required findings for granting the variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants;*

Granting the variance is not unique to this Applicant. Putting developed properties to new use, including demolishing existing improvements and constructing new improvements, is typical. Moreover, the proposed improvements will have a reduced impact on environmental resources than the existing use of the Site. Granting the variance will not confer on the Applicant a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant;*

The variance is not based on conditions or circumstances which are the result of the action by the Applicant. The imperviousness associated with the proposed development will be less extensive than the existing imperviousness on the Site. The variance is necessary to remove existing imperviousness, which will ultimately lead to reduced impacts to environmental resources. There are no feasible options to deconstruct the current use and construct the proposed use that completely avoid impacting the Protected Trees.

3. *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 not related in any way to a condition on an adjacent, neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality;*

No trees will be removed as part of this development. In fact sections of the stream valley buffer will be restored to a natural condition, thus improving water quality. This impact to the tree root zones will not violate State water quality standards.

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 for a recommendation prior to acting on the request. As of the publishing of this report, Staff has not received a recommendation from the County Arborist, but is expecting one prior to the Planning Board Hearing. Staff will enter the letter into the record at the Board Hearing and will be prepared to respond to its contents at that time.

Mitigation

There are no variance trees proposed for removal. There is disturbance within the critical root zone of the six trees, but they are candidates for safe retention and will receive adequate tree protection measures. No mitigation is recommended, because the variance trees are not proposed for removal, and loss of form or function is not anticipated as a result of the

proposed impact. This is consistent with current Planning Board policy.

Variance Recommendation

Staff recommends that the variance be granted. The submitted FCP meets all applicable requirements of the Chapter 22A of the County Code (Forest Conservation Law).

Attachments

Attachment 01 – Preliminary Forest Conservation Plan

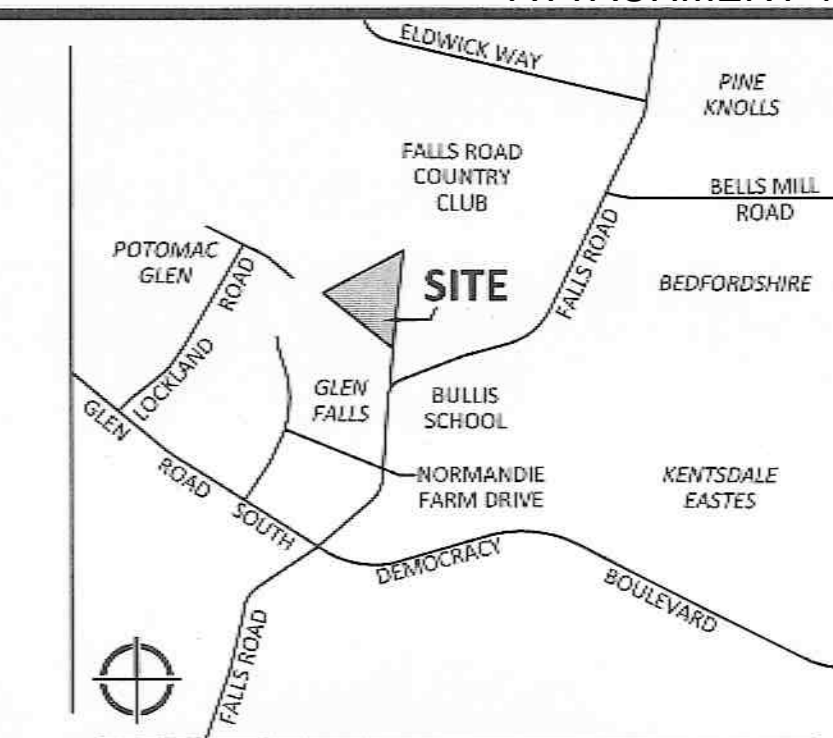
Attachment 02 – NRI/FSD

Attachment 03 – Existing Conditions

Attachment 04 – Tree Variance Request

Attachment 05 – Afforestation Mitigation credit memorandum

PRELIMINARY FOREST CONSERVATION PLAN BRANDYWINE SENIOR LIVING AT POTOMAC



VICINITY MAP
SCALE: 1" = 2000'



PREPARED FOR:
BRANDYWINE SENIOR LIVING
AT POTOMAC
525 FELLOWSHIP ROAD,
SUITE 360
MOUNT LAUREL, NJ 08054
856.813.2000
TOM DECKER

DESIGN CONSULTANTS

ARCHITECTS
NILES BOLTON ASSOCIATES
300 N LEE STREET
SUITE 502
ALEXANDRIA, VA 22314
703.836.0915
STEVE GRESHAM

ATTORNEY
LINOWES AND BLOCHER LLP
7200 WISCONSIN AVENUE
SUITE 800
BETHESDA, MD 20814
301.961.5133
ERIN GIRARD

TRAFFIC ENGINEER
MJ WELLS & ASSOCIATES
SUITE 502
6730 GEORGIA AVENUE
ALEXANDRIA, VA 22314
301.448.1333
NANCY RAMMALL

PLANNING, LANDSCAPE
ARCHITECT & CIVIL ENGINEER
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN MD, 20874
301.916.4100
IAN P. DUKE

DATE	REVISIONS
6/25/15	REVISED PER INTAKE REVIEW
8/24/15	COMMENTS REVISED PER REVIEWER COMMENTS

PROFESSIONAL SEAL

HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A duly LICENSED, REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.
NAME: JOSHUA C. SLOAN, P.L.A.
LICENSE NUMBER: 275
EXPIRATION DATE: JUNE 13, 2016

BRANDYWINE
SENIOR LIVING
AT POTOMAC
CONDITIONAL USE
APPLICATION
PARCEL 'A'
POTOMAC TENNIS CLUB
PLAT NO. 11344
10TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRIDS: 213NW10 & 214NW10
TAX MAP: FQ341

COVER
PRELIMINARY FOREST
CONSERVATION PLAN

DRAWN BY: NRP
DESIGNED BY: JS
DATE ISSUED: JUNE 25, 2015

SHEET NO. PFC-1.00

LANDSCAPE TREES FOR CANOPY CREDIT

LANDSCAPE TREES	KEY	BOTANICAL NAME	COMMON NAME	CALIPER/HT.	ASSUMED 20 YR. CANOPY DIAMETER (FT.)	ASSUMED 20 YR. CANOPY SF PER TREE	NO. OF TREES CREDITED	MAXIMUM 20 YR. CANOPY CREDIT POSSIBLE	FOREST CONSERVATION CANOPY CREDIT (ON-SITE; MINUS OVERLAP)
AR	Acer rubrum	Red Maple	3-3.5"	48	1,808.64	12	21,704	19,619	
CC	Cercis canadensis 'Forest Pansy'	Eastern Redbud	2-2.5"	12	113.04	2	226	226	
CFR	Cornus florida 'Rubra'	Flowering Dogwood	2-2.5"	16	200.96	4	804	804	
CM	Cornus mas	Cornelian Cherry Dogwood	2-2.5"	16	200.96	1	201	201	
CV	Chionanthus virginicus	White Fringe Tree	2-2.5"	7	38.47	5	192	192	
CVWK	Crataegus viridis 'Winter King'	Green Hawthorn	2-2.5"	16	200.96	3	603	603	
GB	Ginkgo biloba	Maidenhair Tree	3-3.5"	17	226.87	7	1,588	1,588	
GT	Gleditsia triacanthos	Honeylocust	3-3.5"	26	530.66	1	531	531	
HC	Halesia carolina	Carolina Silverbell	8-10'	10	78.50	2	157	157	
IN	Ilex 'Nellie R. Stevens'	Nellie Stevens Holly	3-3.5"	12	113.04	6	678	622	
MA'	Magnolia virginiana	Sweetbay Magnolia	2-2.5"	12	113.04	6	678	678	
NS	Nyssa sylvatica	Sour Gum	3-3.5"	26	530.66	11	5,837	2,168	
TEG	Taxus occidentalis 'Emerald Green'	Emerald Green Arborvitae	8-10'	10	78.50	5	393	393	
					TOTAL TREES	65			
					TOTAL LANDSCAPE CREDIT SF		33,592	27,782	
					TOTAL LANDSCAPE CREDIT AC		0.77	0.64	
					APPLIED TO AFFORESTATION REQUIREMENT		0.77	0.64	

RESOURCE DATA TABLE

Tract	Number of Acres	
	Remaining in Agricultural Use	Tract
Remaining in Agricultural Use	0.00	4.12
Road & Utility ROWs ²	0.00	
Total Existing Forest	0.00	
Forest Retention	0.00	
Forest Cleared	0.00	

Land Use & Thresholds ³	Land Use Category	
	MDR	ARA, MDR, IDA, HDR, MDP, or CIA.
Conservation Threshold	20%	percent
Afforestation Threshold	25%	percent

Stream(s)	Total Channel Length (ft.)		Average Buffer Width (ft.) ³	
	Length (ft.)	Width (ft.) ³	Length (ft.)	Width (ft.) ³
	+/- 291'	125'		

Acres of Forest in	Retained			Cleared			Planted		
	Wetlands	100-Year Floodplain	Stream Buffers	Priority Areas	Wetlands	100-Year Floodplain	Stream Buffers	Priority Areas	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.28	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.28	

¹ Only Road or Utility ROWs not to be improved as part of development application.
² Information from FC Land Use Categories & Thresholds document.
³ Measured from stream edge to buffer edge.

AFFORESTATION CREDIT TABLE

DESCRIPTION	AC
AFFORESTATION REQUIRED	0.82
AFFORESTATION PLANTING AREA (CATEGORY I EASEMENT)	0.30
TREE CANOPY LANDSCAPE CREDIT	0.64
TOTAL CREDITS	0.94
REMAINING REQUIREMENT	-0.12

SOILS TABLE

SYMBOL	SOIL	CHARACTERISTICS				
		PRIME AGRICULTURE	ERODIBLE	SERPENTINE	HYDRIC GROUP	K FACTOR
1C	GAILA SILT LOAM 8-15% SLOPES	NO	MODERATE	NO	B	0.43
2B	GLENELG SILT LOAM 3-8% SLOPES	YES*	SLIGHT	NO	B	0.43
29B	JACKLAND SILT LOAM 3-8% SLOPES	NO	SLIGHT	YES	D	0.37
65B	WHEATON SILT LOAM 0-8% SLOPES	NO	SLIGHT	NO	B	0.43

* (Urban or built-up areas of the prime agricultural soils are not considered prime farmland per the Soil Survey Montgomery County, Maryland Page 140; Table 5)

SIGNIFICANT & SPECIMEN TREE TABLE:

TREE NO.	VARIANCE	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	NOTES	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
1		Quercus rubra	Red Oak	24	Fair	Some canopy dieback. Fused/Split trunk; off-site	3,198	0	0.00	SAVE
2	✓	Quercus rubra	Red Oak	36	Good	Some canopy dieback. Crown damage; off-site	9,161	1,616	17.64	SAVE
3		Gleditsia triacanthos	Honey Locust	24	Good	on-site	4,072	4,072	100.01	REMOVE
4	✓	Quercus rubra	Red Oak	32	Fair	Trunk damage. Signs of bore damage; off-site	7,238	1,527	21.10	SAVE
5		Ulmus rubra	Slippery Elm	24	Good	Canopy dieback; off-site	4,072	0	0.00	SAVE
6	✓	Quercus alba	White Oak	32	Good	off-site	7,238	1,030	14.23	SAVE
7	✓	Quercus alba	White Oak	31	Good	off-site	6,793	1,901	27.99	SAVE
8		Liriodendron tulipifera	Tulip Poplar	24	Good	off-site	4,072	0	0.00	SAVE
9		Quercus alba	White Oak	34	Good	off-site	8,171	0	0.00	SAVE
10		Liriodendron tulipifera	Tulip Poplar	34	Fair	Trunk damage. Signs of bore damage; off-site	8,171	0	0.00	SAVE
11		Quercus rubra	Red Oak	33	Poor	Canopy dieback. Signs of root rot. Several climbing vines; off-site	7,698	0	0.00	SAVE
12	✓	Ulmus rubra	Slippery Elm	32	Good	off-site	7,238	1,916	26.47	SAVE
13	✓	Platanus occidentalis	American Sycamore	33	Good	off-site	7,698	103	1.33	SAVE
14		Liriodendron tulipifera	Tulip Poplar	24	Good	off-site	4,072	0	0.00	SAVE
15		Juglans nigra	Eastern Black Walnut	27	Fair	Minor bark damage; off-site	5,153	1,084	21.04	SAVE

* Diameter at breast height in inches
** Estimate of general tree health

BOLD indicates trees that are specimens (greater than or equal to 30" DBH)

As per the Council of Tree and Landscape Appraisers "Guide for Plant Appraisal" figure 4.4 & 4.5:

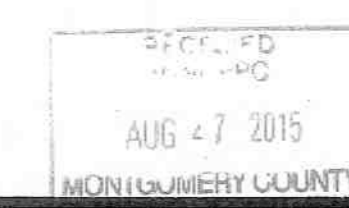
Twin Trunk Tree DBH determined by determining the sum of the cross sectional areas of the stems, then averaging that figure with the smallest cross sectional area below the split;

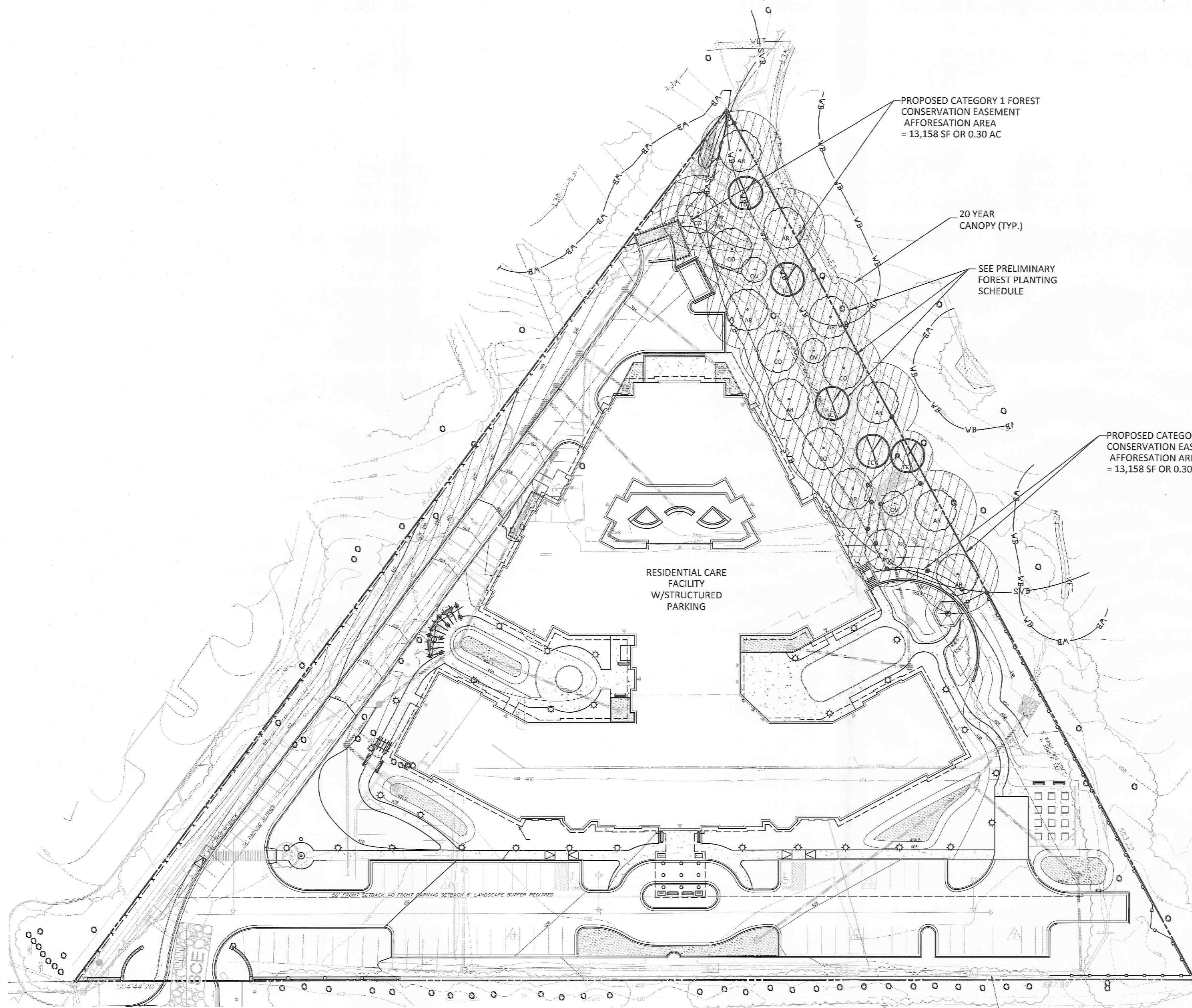
Multi-trunk tree DBH determined by adding the sum of the cross-sectional area of each branch, modified by approximating the contribution of each stem to the canopy.

SHEET INDEX

PFC-1.00 COVER

PFC-2.00 DETAILED PRELIMINARY FCP





PROPOSED CATEGORY 1 FOREST CONSERVATION EASEMENT AFFORESTATION AREA = 13,158 SF OR 0.30 AC

20 YEAR CANOPY (TYP.)

SEE PRELIMINARY FOREST PLANTING SCHEDULE

PROPOSED CATEGORY 1 FOREST CONSERVATION EASEMENT AFFORESTATION AREA = 13,158 SF OR 0.30 AC

RESIDENTIAL CARE FACILITY W/STRUCTURED PARKING

**FOREST CONSERVATION EASEMENT
PRELIMINARY FOREST PLANTING SCHEDULE**

BOTANICAL NAME	COMMON NAME	SUBSTITUTIONS		APPROX. %	AREAS AND Area #1	TOTAL
		BOTANICAL NAME	COMMON NAME			
BOTTOMLAND TREES						
AR	Acer rubrum	Red Maple	Carpinus caroliniana	American Hornbeam	30%	9
QB	Quercus bicolor	Swamp White Oak	Quercus rubra	Red Oak	25%	8
CO	Celtis occidentalis	Common Hackberry	Platanus occidentalis	Sycamore	20%	6
TC	Tsuga canadensis	Eastern Hemlock	Pinus virginiana	Virginia Pine	15%	5
OV	Ostrya virginiana	Ironwood	Amelanchier canadensis	Serviceberry	10%	3
				100%	30	30

TREE SIZE: 2.0" - 2.5" CALIPER B&B (or 5 to 7 GAL. CONT.)
 TREE PLANTING RATE: 100 TREES PER ACRE
 TREE SPACING: APPROX. 15' x 15' o.c.

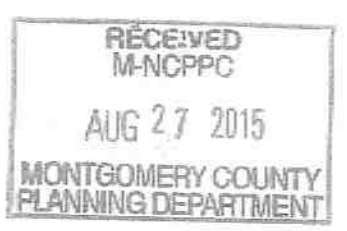
BOTTOMLAND SHRUBS						
Viburnum dentatum	Arrowwood Viburnum	Rhododendron vicosum	Swamp Azalea	33.3%	3	3
Lindera benzoin	Spicebush	Cornus amomum	Silky Dogwood	33.3%	3	3
Clethra alnifolia	Summersweet	Aronia arbutifolia	Red Chokeberry	33.3%	3	3
				100%	10	10

SHRUB SIZE: 1 to 3 GALLON
 SHRUB PLANTING RATE: 33 SHRUBS PER ACRE
 SHRUB SPACING: RANDOM
 FINAL FOREST PLANTING SCHEDULE WILL BE DETERMINED AT FINAL FOREST CONSERVATION PLAN

**FOREST CONSERVATION EASEMENT
FOREST PLANTING EXHIBIT**

**BRANDYWINE
SENIOR LIVING AT POTOMAC**

AUGUST 25, 2015



MONTGOMERY COUNTY

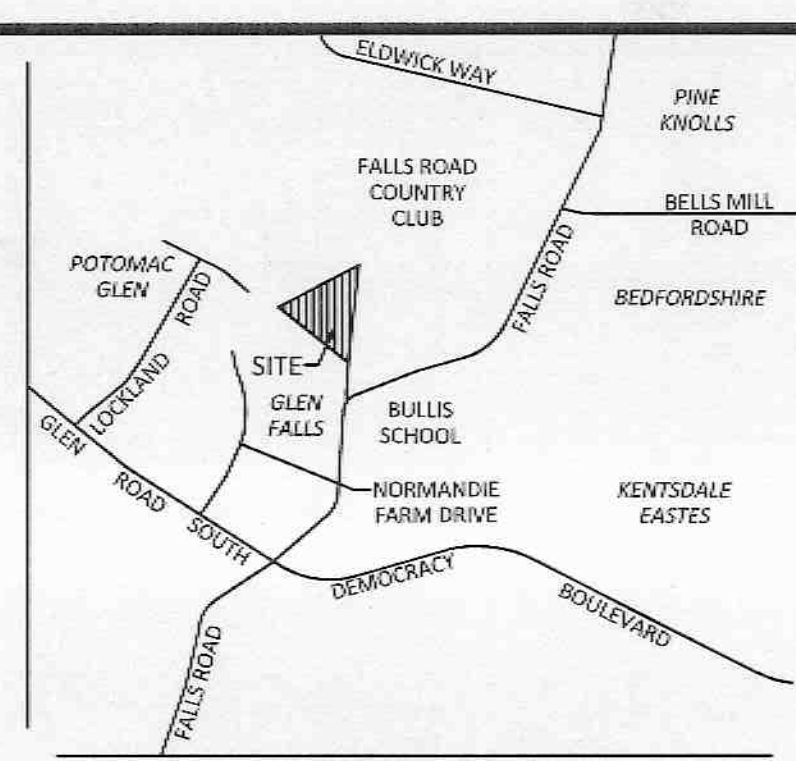


Z:\0000-9999\096A\CADD\EXHIBITS\WORKING\1964100 FC EXHIBIT_CANDY.dwg -- August 25, 2015



PREPARED FOR:
BRANDYWINE SENIOR LIVING
525 FELLOWSHIP ROAD,
SUITE 350
MOUNT LAUREL, NJ 08054
TOM DECKER

CONSULTANTS
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD, 20874
301-916-4100
MICHAEL GOODMAN, PE



VICINITY MAP
SCALE: 1" = 2000'

SITE DESCRIPTION:

THIS SITE IS LOCATED ADJACENT TO THE FALLS ROAD GOLF COURSE, ALONG ITS SOUTH WEST BORDER.
THE SITE CONSISTS OF A FITNESS CENTER WITH BOTH OUTDOOR AND INDOOR TENNIS COURTS, SURFACE PARKING, AND AN ACCESS ROAD FOR MAINTENANCE VEHICLES SERVING THE FALLS ROAD GOLF COURSE.
THE SITE TOPOGRAPHY IS LEVEL WITH THE LAND SLOPING TO THE NORTHWEST SIDE OF THE PROPERTY. THE REAR OF THE SITE, AT THE PROPERTY LINE, QUICKLY DROPS INTO SLOPES >25%.
THERE IS 1 SIGNIFICANT TREE AND ZERO (0) SPECIMEN TREES ON THE SUBJECT PROPERTY WHICH ARE IN GOOD HEALTH. THERE ARE ALSO SEVERAL TREES (IN HEDGEROWS). THERE ARE 6 SIGNIFICANT TREES AND 8 SPECIMEN TREES WITHIN THE REMAINING NRI STUDY AREA IN FAIR-GOOD HEALTH AS SHOWN ON THE PLAN AND DESCRIBED IN THE NRI TREE TABLE. THERE ARE 4 SOIL TYPES IN THE STUDY AREA- 1C, 2B, 29B, AND 65B.

NOTES:

1. THE SUBJECT STUDY AREA IS +/- 4.02 ACRES.
2. THE SUBJECT STUDY AREA IS LOCATED ON WSSC MAP 579.
3. THE SUBJECT STUDY AREA IS LOCATED ON TAX MAP FQ341.
4. THE SUBJECT STUDY AREA COMPRISES THE FOLLOWING:
LOT NO. BLOCK NO. TAX ACCT NO. LIBER & FOLIO
Parcel "A" N/A 0085586 L 07190, F. 0759
5. THE SUBJECT STUDY AREA IS ZONED "RS-2".
6. THE VERTICAL DATUM IS BASED ON NGVD29 DATUM.
7. A TOPOGRAPHIC SURVEY WAS PERFORMED BY VIKA MARYLAND, LLC, MARCH, 2015.
8. THE SUBJECT PROPERTY IS LOCATED IN THE WATTS BRANCH WATERSHED, A CLASS I-P STREAM.
9. STREAM ALONG THE NORTHWEST BOUNDARY OF THE PROPERTY IS FROM DELINEATION AND SURVEY DATA BY G.L.W., PA. DATED 2013.
10. PER U.S. FISH & WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY ON-LINE MAPPER (http://www.fws.gov/wetlands/Data/Mapser.html). THERE ARE NO WETLANDS OR THEIR ASSOCIATED BUFFERS LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA. HOWEVER, THERE ARE POSSIBLE BUFFERS LOCATED TO THE NORTHWEST OF THE PROPERTY AND THEIR LOCATION IS FROM DELINEATION AND SURVEY DATA BY G.L.W., PA. DATED 2013.
11. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 24031C0337D, FOR MONTGOMERY COUNTY, MARYLAND, DATED SEPTEMBER 25, 2006.
12. THE WILDLIFE AND HERITAGE DIVISION OF THE MD DNR HAS BEEN CONTACTED TO DETERMINE IF THERE ARE ANY FEDERAL OR STATE RECORDS OF RARE, THREATENED OR ENDANGERED SPECIES WITHIN THE NRI STUDY AREA. NO RARE, THREATENED OR ENDANGERED SPECIES WERE NOTED DURING THE FIELD WORK.
13. THE SUBJECT PROPERTY IS/IS NOT IDENTIFIED IN THE MONTGOMERY COUNTY HISTORIC PRESERVATION ON-LINE MAPPER (http://www.montgomeryplanning.org/gis/rtr/active/historic.shtml).
14. THERE ARE NO AREAS OF EXISTING FOREST AS DEFINED BY MONTGOMERY COUNTY FOREST LEGISLATION LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
15. SEE SIGNIFICANT AND SPECIMEN TREE TABLE AND PLAN FOR LOCATIONS AND INFORMATION ABOUT SIGNIFICANT & SPECIMEN TREES WITHIN THE NRI STUDY AREA.
16. THERE ARE NO CHAMPION TREES OR TREES 75% OF THE STATE CHAMPION ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
17. FIELD WORK WAS CONDUCTED BY JOSHUA SLOAN, RLA, ON 3/15/2015. A 'D' TAPE WAS USED TO MEASURE TREES. TREES SHOWN WERE EITHER SURVEY LOCATED OR ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED ON VISUAL OBSERVATIONS. NO SEPARATE FIELD DATA SUMMARY SHEETS WERE PREPARED WITH THIS PLAN. EXISTING VEGETATION INFORMATION ASSOCIATED WITH THIS PROPERTY IS AS SHOWN ON THIS PLAN.

ACREAGE OF TRACT (GROSS AREA)	4.02
ACREAGE OF TRACT REMAINING IN AGRICULTURAL USE	0.00
ACREAGE OF TOTAL EXISTING FOREST	0.00
ACREAGE OF 100-YR FLOODPLAINS	0.00
ACREAGE OF FOREST WITHIN 100-YR FLOODPLAINS	0.00
ACREAGE OF WETLANDS	0.00
ACREAGE OF FOREST WITHIN WETLANDS	0.00
ACREAGE OF ENVIRONMENTAL BUFFERS	0.36
ACREAGE OF FOREST WITHIN ENVIRONMENTAL BUFFERS	0.00
LINEAR FEET AND AVERAGE WIDTH OF ENVIRONMENTAL BUFFER PROVIDED FROM OFF-SITE STREAM	Linear Feet: 2291 Average Width: 125'

SYMBOL	SOIL	CHARACTERISTICS				
		PRIME AGRICULTURE	ERODIBLE	SERPENTINIC	HYDRIC GROUP	K FACTOR
1C	GAILA SILT LOAM 8-15% SLOPES	NO	MODERATE	NO	B	0.43
2B	GLENELG SILT LOAM 3-8% SLOPES	YES*	SLIGHT	NO	B	0.43
29B	JACKLAND SILT LOAM 3-8% SLOPES	NO	SLIGHT	YES	D	0.37
65B	WHEATON SILT LOAM 0-8% SLOPES	NO	SLIGHT	NO	B	0.43

* (Urban or built-up areas of the prime agricultural soils are not considered prime farmland per the Soil Survey of Montgomery County, Maryland Page 140; Table 5)

SIGNIFICANT AND SPECIMEN TREE LIST

Tag#	Specimen	D.B.H. (in.)*	Botanical Name	Common Name	Condition	Notes
1	✓	24	Quercus rubra	Red Oak	Fair	Some canopy dieback. Fused/Split trunk
2	✓	36	Quercus rubra	Red Oak	Good	Some canopy dieback. Crown damage
3		24	Glendisia tricanthos	Honey Locust	Good	
4	✓	32	Quercus rubra	Red Oak	Fair	Trunk damage. Signs of bore damage
5		24	Ulmus rubra	Slippery Elm	Good	Canopy dieback
6	✓	32	Quercus alba	White Oak	Good	
7	✓	31	Quercus alba	White Oak	Good	
8		24	Liriodendron tulipifera	Tulip Poplar	Good	
9	✓	34	Quercus alba	White Oak	Good	
10	✓	34	Liriodendron tulipifera	Tulip Poplar	Fair	Trunk damage. Signs of bore damage
11	✓	33	Quercus rubra	Red Oak	Poor	Canopy dieback. Signs of root rot. Several climbing vines
12		24	Ulmus rubra	Slippery Elm	Good	
13	✓	33	Platanus occidentalis	American Sycamore	Good	
14		24	Liriodendron tulipifera	Tulip Poplar	Good	
15		27	Juglans nigra	Eastern Black Walnut	Fair	Minor bark damage

*Diameter at Breast Height

Trunk Tree DBH determined by determining the sum of the cross sectional areas of the stems, then averaging that figure with the smallest cross sectional area below the split. Multi-stem tree DBH determined by adding the sum of the cross-sectional area of each branch, modified by approximating the contribution of each stem to the canopy. As per the Council of Tree and Landscape Appraisers "Guide for Plant Appraisal" figure 4.4 & 4.5

LEGEND

	LIMITS OF NRI STUDY AREA		CONCRETE CURB AND GUTTER		EDGE OF PAVEMENT
	PROPERTY LINE		BUILDING		FENCE LINE
	ADJACENT PROPERTY LINE		STORY		PUBLIC UTILITIES ESMTS
	EXISTING TREE < 24" DBH		ELECTRICAL TRANSFORMER		SANITARY SEWER
	EXISTING SIGNIFICANT TREE >= 24"-29.9" DBH		ASPHALT		STORM DRAIN
	EXISTING SPECIMEN TREE >= 30" DBH		REINFORCED CONCRETE PIPE		GAS
	SOIL BOUNDARY & SYMBOL		CORRUGATED METAL PIPE		OVERHEAD WIRES
	WETLAND BUFFER		BUILDING RESTRICTION LINE		WATER
	STREAM VALLEY BUFFER		RIGHT-OF-WAY		ELECTRIC
	STREAM TOP OF BANK		STORM DRAIN MANHOLE		TELEPHONE
	EXISTING TREE CANOPY		LIGHT POLE		2' CONTOUR
	SLOPES >= 25%		SANITARY MANHOLE		10' CONTOUR
	SLOPES 15-24.9%		TREE		
	EXISTING WETLAND		SPECIMEN TREE CRZ		
	CATEGORY 1 CONSERVATION EASEMENT		SIGNIFICANT TREE CRZ		
	CATEGORY 2 CONSERVATION EASEMENT				

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

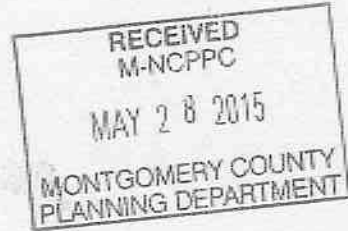
NRFSD PLAN
Approved

NRFSD NO. 420151830

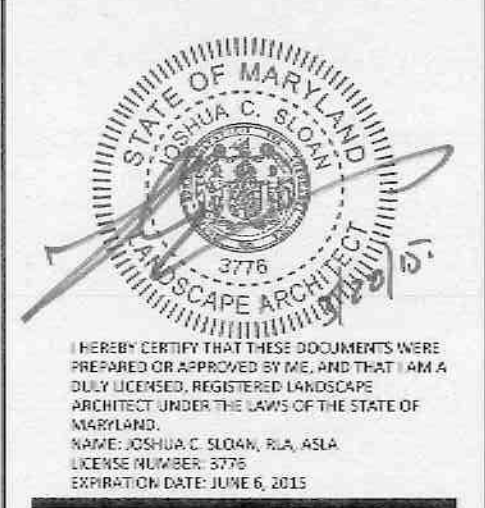
Date Approved: 5/29/15

Expiration Date: 5/29/15

Signature: [Signature] Date: 5/29/15



DATE	REVISIONS



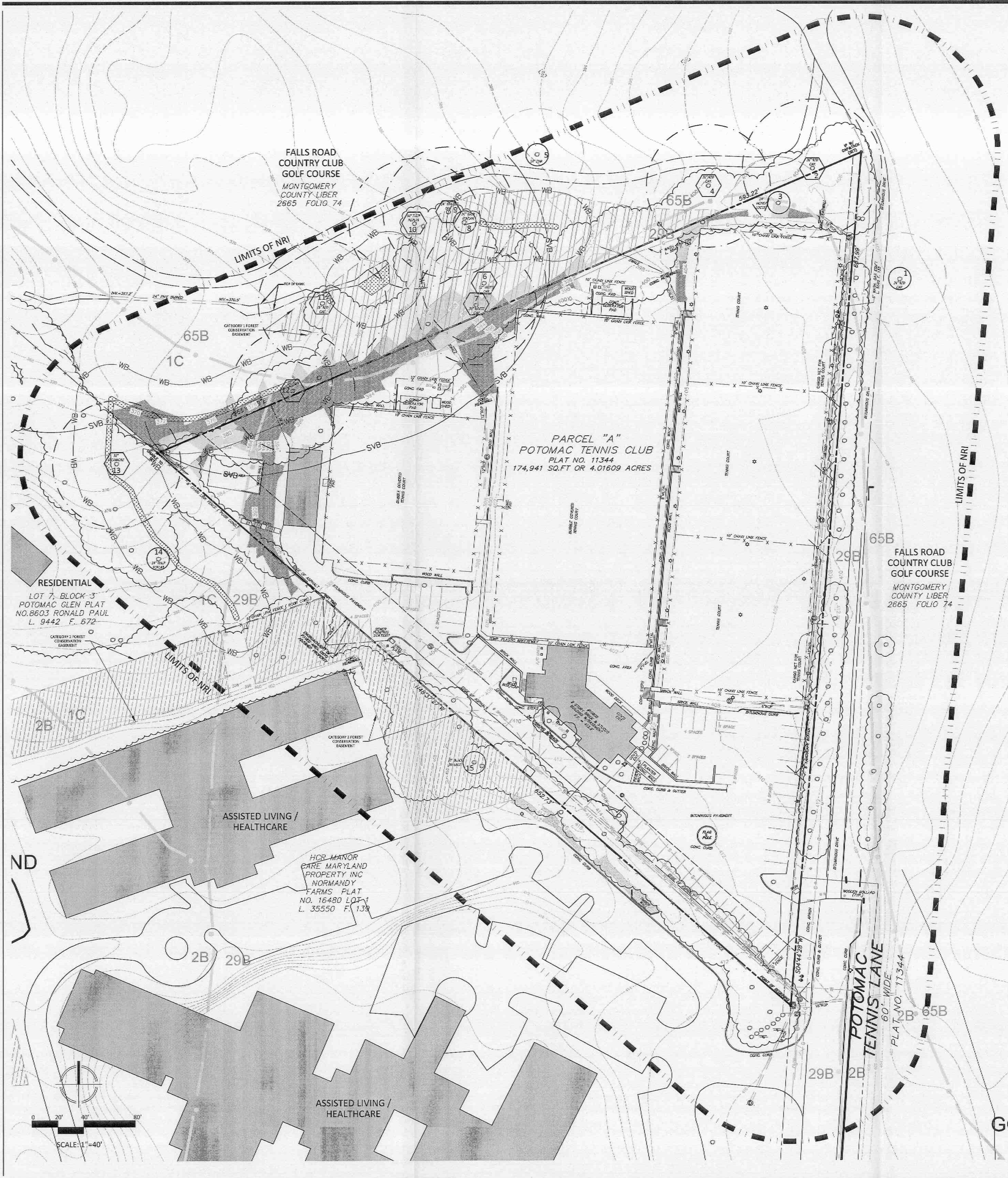
Brandywine Senior Living - 10800 Potomac Tennis Lane

10TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

NATURAL RESOURCES INVENTORY / FOREST STAND DELINEATION

DRAWN BY: CC
DESIGNED BY: JS
DATE ISSUED: 03/16/2015

SHEET NO. 1 OF 1





PREPARED FOR:
BRANDYWINE SENIOR LIVING AT POTOMAC
525 FELLOWSHIP ROAD,
SUITE 360
MOUNT LAUREL, NJ 08054
856.813.2000
TOM DECKER

DESIGN CONSULTANTS

ARCHITECTS
NILES BOLTON ASSOCIATES
300 N LEE STREET
SUITE 502
ALEXANDRIA, VA 22314
703.836.0915
STEVE GRESHAM

ATTORNEY
LINOWES AND BLOCHER LLP
7200 WISCONSIN AVENUE
SUITE 800
BETHESDA, MD 20814
301.961.5153
ERIN GIRARD

TRAFFIC ENGINEER
MI WELLS & ASSOCIATES
8730 GEORGIA AVENUE
SUITE 502
ALEXANDRIA, VA 22314
301.448.1333
NANCY RANDALL

PLANNING, LANDSCAPE ARCHITECT & CIVIL ENGINEER
VIKA MARYLAND, LLC
30251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN MD, 20874
301.916.4100
IAN P. DUKE

VICINITY MAP
SCALE: 1" = 2000'

NOTES:

1. THE SUBJECT STUDY AREA IS +/- 4.02 ACRES.
2. THE SUBJECT STUDY AREA IS LOCATED ON TAX MAP FQ341
3. THE SUBJECT STUDY AREA COMPRISES THE FOLLOWING:

LOT NO.	BLOCK NO.	TAX ACCT NO.	LIBER & FOLIO
Parcel "A"	N/A	00859586	L. 07190, F. 0759
4. THE SUBJECT STUDY AREA IS ZONED "RE-2".
5. THE VERTICAL DATUM IS BASED ON NGVD29 DATUM.
6. A TOPOGRAPHIC SURVEY WAS PERFORMED BY VIKA MARYLAND, LLC, MARCH, 2015.
7. THE SUBJECT PROPERTY IS LOCATED IN THE WATTS BRANCH WATERSHED, A CLASS I-P STREAM.
8. STREAM ALONG THE NORTHWEST BOUNDARY OF THE PROPERTY IS FROM DELINEATION AND SURVEY DATA BY G.L.W, PA. DATED 2013.
9. PER U.S. FISH & WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY ON-LINE MAPPER (<http://www.fws.gov/wetlands/Data/Mappper.html>) THERE ARE NO WETLANDS OR THEIR ASSOCIATED BUFFERS LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA. HOWEVER, THERE ARE POSSIBLE WETLANDS LOCATED TO THE NORTHWEST OF THE PROPERTY AND THEIR LOCATION IS FROM DELINEATION AND SURVEY DATA BY G.L.W, PA. DATED 2013.
10. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 24031C0337D, FOR MONTGOMERY COUNTY, MARYLAND, DATED SEPTEMBER 29, 2006.
11. IN A LETTER DATED APRIL 9, 2015, THE WILDLIFE AND HERITAGE DIVISION OF THE MD DNR STATED THAT THERE ARE NO FEDERAL OR STATE RECORDS OF RARE, THREATENED OR ENDANGERED SPECIES WITHIN THE SUBJECT PROPERTY OR REMAINING NRI STUDY AREA. NO RARE, THREATENED OR ENDANGERED SPECIES WERE NOTED DURING THE FIELD WORK FOR THE NRI.
12. THE SUBJECT PROPERTY IS NOT IDENTIFIED IN THE MONTGOMERY COUNTY HISTORIC PRESERVATION ON-LINE MAPPER (<http://www.montgomeryplanning.org/gis/interactive/historic.shtm>).
13. THERE ARE NO AREAS OF EXISTING FOREST AS DEFINED BY MONTGOMERY COUNTY FOREST LEGISLATION LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.

DATE	REVISIONS
6/12/2015 <td>CONDITIONAL USE APPLICATION SUBMISSION </td>	CONDITIONAL USE APPLICATION SUBMISSION

PROFESSIONAL SEAL



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED, REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.
NAME: IORINA C. SLOAN, RLA, ASLA
LICENSE NUMBER: 3716
EXPIRATION DATE: JUNE 13, 2016

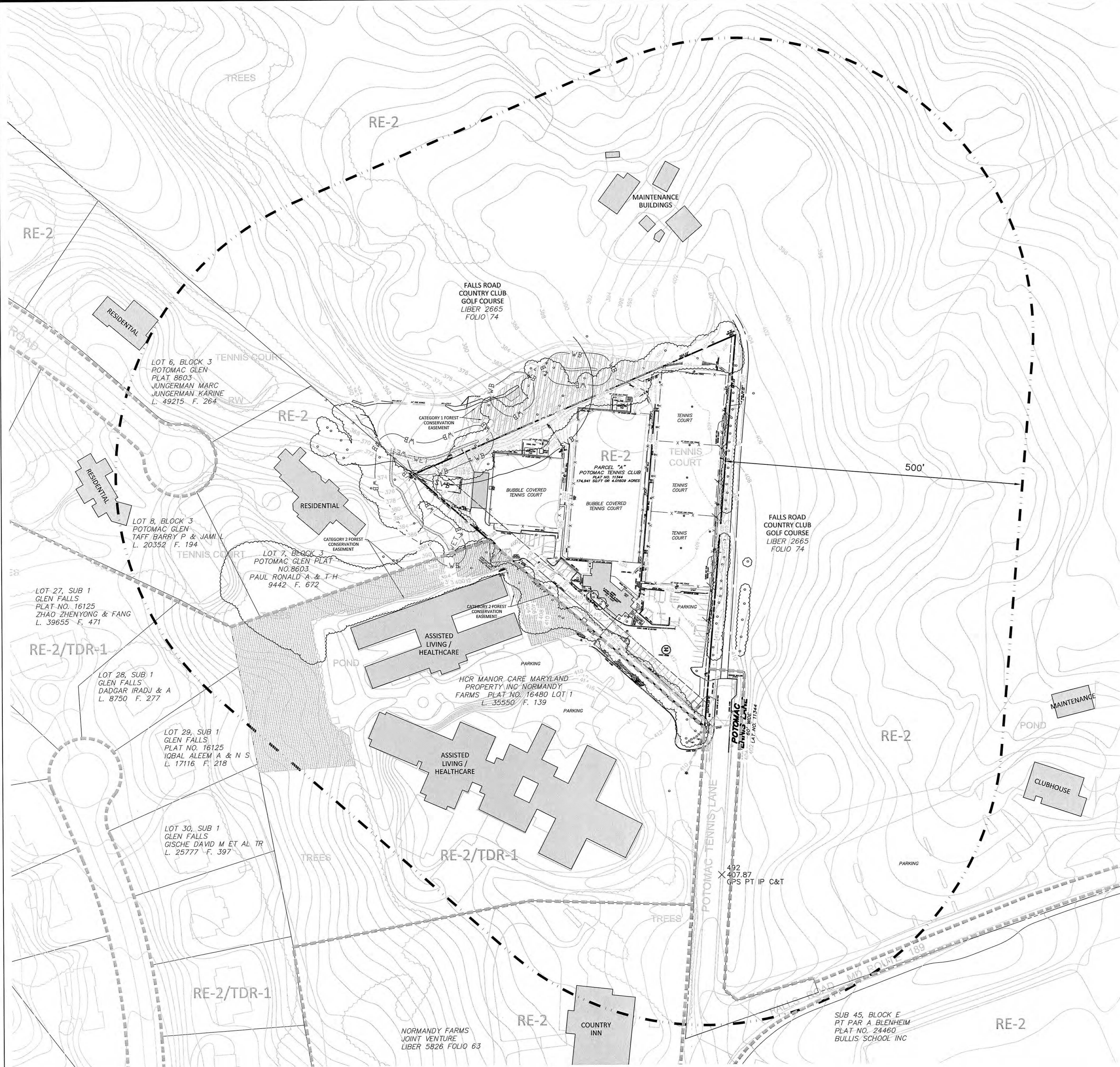
Brandywine Senior Living at Potomac
CONDITIONAL USE APPLICATION SUBMISSION

10TH ELECTION DISTRICT
MONTGOMERY COUNTY, MD

EXISTING CONDITIONS PLAN

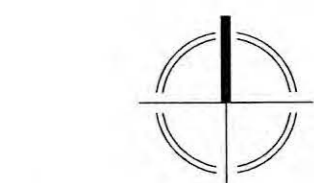
DRAWN BY: SG
DESIGNED BY: JS
DATE ISSUED: 06/12/2015

SHEET NO. **1 OF 1**



LEGEND

	500' OFFSET		CONCRETE CURB AND GUTTER
	PROPERTY LINE		BUILDING
	ADJACENT PROPERTY LINE		ELECTRICAL TRANSFORMER
	WETLAND BUFFER		ASPHALT
	STREAM VALLEY BUFFER		EASEMENT
	STREAM TOP OF BANK		REINFORCED CONCRETE PIPE
	EXISTING TREE CANOPY		CORRUGATED METAL PIPE
	SLOPES >= 25%		BUILDING RESTRICTION LINE
	SLOPES 15-24.9%		RIGHT-OF-WAY
	EXISTING WETLAND		STORM DRAIN MANHOLE
	CATEGORY 1 CONSERVATION EASEMENT		LIGHT POLE
	CATEGORY 2 CONSERVATION EASEMENT		SANITARY MANHOLE
	EDGE OF PAVEMENT		TREE
	FENCE LINE		
	PUBLIC UTILITIES ESMTS		
	SANITARY SEWER		
	STORM DRAIN		
	GAS		
	OVERHEAD WIRES		
	WATER		
	ELECTRIC		
	TELEPHONE		
	2' CONTOUR		
	10' CONTOUR		



0 40' 80' 160'
SCALE: 1"=80'



August 17, 2015

Ms. Katherine Nelson
Area 3 Planner
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

**Re: Forest Conservation Tree Variance Request
Brandywine Senior Living at Potomac
10800 Potomac Tennis Lane
Potomac, Maryland
NRI/FSD #420151380
VIKA # VM1954B**

Dear Ms. Nelson:

On behalf of the applicant, Brandywine Senior Living at Potomac, L.L.C., we are submitting this Tree Variance Request to comply with the Natural Resources, Title 5, Section 5-1607 of the Maryland Code that requires the Applicant to file for a variance to impact the critical root zone or remove trees that either have a diameter-at-breast-height (DBH) of 30" or greater, or trees that are 75% of the diameter of the county champion for that species if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009. This request proposes impacts to a total of six (6) specimen trees with 30" DBH or greater associated with the redevelopment of the subject property, as discussed below, with all six (6) trees proposed for preservation.

The property that is the subject of this request is currently improved with the Potomac Tennis and Fitness Club, which consists of a clubhouse, fitness facility, tennis courts, and surface parking. Existing improvements extend into the stream valley buffer on the Property and partially cover the critical root zones of five of the six specimen trees. The Applicant proposes to redevelop the Property with a luxury residential care community with 140 beds in conformance with goals and objectives of the Potomac Master Plan. This redevelopment will also allow the Applicant to remove existing improvements that impact the stream valley buffer and specimen trees, but this removal will, of course, require temporary impacts for demolition, stabilization, and planting. The outcome, however, will be greatly improved environmental conditions for the long-term health of the stream and specimen trees.



Natural Resources Inventory #420151380 for this redevelopment project was approved in May, 2015. This Tree Variance Request is accompanying the submission of the Preliminary Forest Conservation Plan being submitted concurrently with the Conditional Use Plan that will be reviewed by the Office of Zoning and Administrative Hearings.

Table 1, below, lists the specimen trees as they are identified on the Forest Conservation Plan and provides the respective proposed impacts.

Table 1

Tree #	Botanical Name	Condition	D.B.H. (in.)*	CRZ SF	CRZ Impact SF	CRZ Impact %	Disposition
2	Quercus rubra	Good	36	9,161	1,616	17.64	SAVE
4	Quercus rubra	Fair	32	7,238	1,527	21.10	SAVE
6	Quercus alba	Good	32	7,238	1,030	14.23	SAVE
7	Quercus alba	Good	31	6,793	1,901	27.99	SAVE
12	Ulmus rubra	Good	32	7,238	1,916	26.47	SAVE
13	Platanus occidentalis	Good	33	7,698	103	1.34	SAVE

The assessment below was performed by VIKA Maryland, LLC at the time of the field work for the NRI as a visual, at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees. The Preliminary FCP provides a more detailed assessment and delineates the respective locations of each tree.

Tree # 2

36" Red Oak (*Quercus rubra*): Tree 2 is located off-site on the Falls Road Golf Course +/- 3 feet from the northwest property line and +/- 22 feet from the limits of disturbance.

- **Field Condition:** Good
- **Proposed CRZ Impact:** moderate at 17.64% due to the location of the limits of disturbance (LOD) for the site redevelopment. This tree will be impacted by the removal of existing tennis courts. The area will be redeveloped with a micro bio-retention basin for stormwater management and enhancement of water quality, as well as a necessary public safety turnaround.
- **Disposition:** Tree 2 is specified to be preserved.

Tree # 4

32" Red Oak (*Quercus rubra*): Tree 4 is located off-site on the Falls Road Golf Course +/- 21 feet from the northwest property line and +/- 27 feet from the LOD.

- **Field Condition:** Fair: trunk damage, signs of bore damage
- **Proposed CRZ Impact:** moderate at 21.10% due to the location of the LOD for the site redevelopment. Disturbance to the critical root zone of this tree is required to remove the existing tennis court and fence which are currently within the CRZ. The area will be planted and a portion will be used for a community garden.
- **Disposition:** Tree 4 is specified to be preserved.



Tree # 6

32" White Oak (*Quercus alba*): Tree 6 is located off-site in an existing Category I forest conservation easement on the Falls Road Golf Course +/- 19.5 feet from the northwest property line and +/- 28 feet from the LOD for the site redevelopment.

- **Field Condition:** Good
- **Proposed CRZ Impact:** moderate at 14.23% due to the location of the LOD for the site redevelopment. The tree is within the stream valley buffer and the critical root zone is currently impacted by a paved tennis court and fencing, which will be removed to restore the stream valley buffer to natural state. The proposed demolition work within this tree's critical root zone is specified to be performed under the supervision of an arborist with techniques to limit impacts to the tree roots. Most of the area will then be placed in a Category 1 Forest Conservation Easement with protective fencing along the edge.
- **Disposition:** Tree 6 is specified to be preserved.

Tree # 7

31" White Oak (*Quercus alba*): Tree 7 is located off-site in an existing Category I forest conservation easement on the Falls Road Golf Course +/- 7.5 feet from the northwest property line and +/- 17 feet from the LOD.

- **Field Condition:** Good
- **Proposed CRZ Impact:** moderate at 27.99% due to the location of the LOD for the site redevelopment. The tree is within the stream valley buffer and the critical root zone is currently impacted by a paved tennis court and fencing, which will be removed to restore the stream valley buffer to natural state. The proposed demolition work within this tree's critical root zone is specified to be performed under the supervision of an arborist with techniques to limit impacts to the tree roots. Most of the area will then be placed in a Category 1 Forest Conservation Easement with protective fencing along the edge.
- **Disposition:** Tree 7 is specified to be preserved.

Tree # 12

32" Slippery Elm (*Ulmus rubra*): Tree 12 is located off-site in an existing Category I forest conservation easement on the Falls Road Golf Course +/- 3 feet from the northwest property line and +/- 21 feet from the LOD for the site redevelopment.

- **Field Condition:** Good
- **Proposed CRZ Impact:** moderate at 26.47% due to the LOD for the site redevelopment. The tree is within the stream valley buffer and the critical root zone is currently impacted by a paved tennis court, concrete wall, and maintenance shed, which will be removed to restore the stream valley buffer to natural state. The proposed demolition work within this tree's critical root zone is specified to be performed under the supervision of an arborist with techniques to limit impacts to the tree roots. This area will then be placed in a Category 1 Forest Conservation Easement with protective fencing along the edge.
- **Disposition:** Tree 12 is specified to be preserved.

Tree # 13

33" American Sycamore (*Platanus occidentalis*): Tree 13 is located off-site on a private residential property +/- 30 feet from the southeast property line and LOD for the site redevelopment.

- **Field Condition:** Good



- **Proposed CRZ Impact:** limited at 1.34% due to the location of the LOD for the site redevelopment. A very small area at the outer limits of the critical root zone will be disturbed, to install protective fencing at the edge of the Forest Conservation Easement proposed in this area.
- **Disposition:** Tree 13 is specified to be preserved.

We submit the following rationale in support of the request for a Forest Conservation Tree Variance.

To grant the requested variance, the Planning Board must find that the request:

1. Describes the special conditions peculiar to the property which would cause the unwarranted hardship;

The Property has a markedly unique shape resulting in a confined building envelope due to required setback areas. The building area is further limited as a result of the required stream valley buffer along the north side of the Property and wetlands buffers to the west, as shown on the approved NRI. These constraints largely dictate building and parking placement. Given the fact that there are existing improvements within critical root zone areas of the impacted trees, impacts to these trees as part of any redevelopment of the site are unavoidable. The Applicant proposes to remove the existing structures and pavement that have been constructed within the stream valley buffer and critical root zone areas, but all of the variance trees will be saved and the environmental conditions for these trees will be improved by the addition of forest, pervious areas, and micro bio-retention facilities to filter stormwater runoff. The proposed demolition work within this tree's critical root zone is specified to be performed under the supervision of an arborist with techniques to limit impacts to the tree roots. Not allowing the removal of the tennis courts and existing structures would present unwarranted hardship to the applicant and prevent redevelopment of the site in a logical and sustainable manner with greater protections for the impacted trees.

2. Describes how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

The inability to impact the subject trees would substantially impact the buildable area and redevelopment potential of the Property and not allow the Applicant to improve environmental quality on site and for the subject trees. The impact to the trees is minor and tree protection measures will be provided to minimize impacts to ensure that the trees will survive. To not allow the removal of the existing tennis courts and structures would deprive the Applicant of the opportunities enjoyed by neighboring and similar properties that do not have such unique site constraints – as described above – and prevent redevelopment of the site and restoration of the stream valley buffer.

3. Verifies 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; and

The concept storm water management plan incorporates environmental site design (ESD) to the maximum extent practicable (MEP), according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual, and will significantly enhance stormwater controls on the Property. Water quality treatment will be provided by the installation of five micro bio-retention basins and 7 micro bio-retention planters that provide the full required PE for the



project. Moreover, the redevelopment will increase tree canopy and green areas on the Property and reduce impervious area in the stream valley buffer and throughout the site, increasing permeability and improving water quality in the watershed. Therefore, impacting the critical root zone of six off-site specimen trees that will be preserved, will not adversely affect water quality. In fact, water quality and quantity control will be greatly improved.

4. Provides any other information appropriate to support the request.

The variance requested is not based on any conditions or circumstances which result from the actions of the Applicant and will not confer a special privilege on the Applicant that would be denied to others. Rather, as discussed above, the granting of the variance will prevent the deprivation of Applicant's rights. None of the variance specimen trees are located on the subject property. Their critical root zones will be impacted due to their proximity to the property line, the fact that existing improvements need to be removed, and cannot be avoided with the redevelopment of the subject property. All of the trees will be preserved. Removal of paved areas and structures within the critical root zones and stream valley buffer will improve the hydrology of the site. In fact, most of these impacts are necessary to improve environmental conditions on and around the site, including the areas of the impacted trees' critical root zones.

It is also important to note that the redevelopment of the Property as proposed will achieve several recommendations of the Master Plan which calls for "... development and redevelopment [that] must respect and enhance the Subregion's environmental quality, while helping to build communities and resources that will serve existing and future generations of residents."

The proposed development will achieve environmental goals by providing stormwater management in accordance with the latest standards incorporating bio-retention areas, environmentally sensitive landscape techniques, and forest planting in the stream valley buffer, all of which will stabilize and enhance the natural hydrology of the site.

Redevelopment of the Property also addresses the shortage of elderly housing within the Potomac Subregion and provides housing designed to meet the need within its boundaries, as called for in the Master Plan. The Master Plan indicates that "senior housing is appropriate throughout the Subregion wherever zoning permits this use, either by right or as a special exception use."

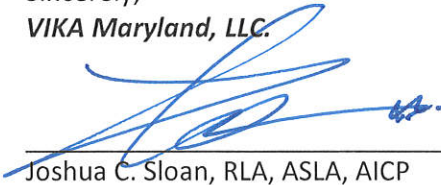
The proposed Residential Care Facility is designed to be compatible with the surrounding community, incorporating design elements and materials reflective of the architecture in the area. It addresses the need for senior housing and provides environmentally sensitive development that enhances the existing landscape, forests, hydrology and natural ecosystem.



Thank you for your consideration of this Tree Variance request. We believe that the supporting information provided with this letter justifies the variance to impact the critical root zone of six (6) specimen trees that are to be preserved. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,

VIKA Maryland, LLC.



Joshua C. Sloan, RLA, ASLA, AICP
Director of Planning and Landscape Architecture

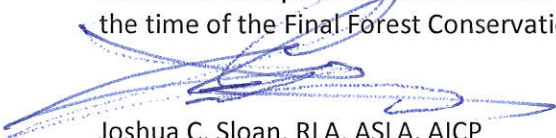


Date: September 28, 2015

To: Benjamin Berbert
Development Review
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD

RE: Brandywine Senior Living at Potomac
Conditional Use Plan
Preliminary Forest Conservation Plan

The Brandywine Senior Living at Potomac Conditional Use Plan Preliminary Forest Conservation Plan as submitted to M-NCPPC shows an afforestation requirement of 0.82 acres met with 0.30 acres of on-site forest planting and 0.64 acres of landscape credit. Based upon M-NCPPC review, the maximum landscape credit allowed is 0.164 acres. Therefore, proposed afforestation credits would total 0.464 acres (0.030 acres of on-site forest planting plus 0.164 acres of landscape credit). The remaining 0.356 acres of afforestation requirement will be met with either fee-in-lieu or off-site forest banking. The revised landscape and total afforestation credit to meet the 0.82 acre requirement will be determined at the time of the Final Forest Conservation Plan.



Joshua C. Sloan, RLA, ASLA, AICP
Director of Planning and Landscape Architecture
VIKA Maryland, LLC