

June 30, 2016

Marco Fuster
 Area 1 Senior Planner
 M-NCPPC
 8787 Georgia Avenue
 Silver Spring, MD 20910

Re: Forest Conservation Tree Variance Request
8015 Old Georgetown Road
Bethesda, MD
Forest Conservation Plan 820160090
VIKA # VM1968A

Dear Mr. Fuster:

On behalf of our client, the applicant, Bush at 8015 Old Georgetown Road Associates, LLLP, 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 remove or impact any tree greater than 30" in diameter at breast height (dbh), any tree with a dbh equal to or greater than 75% of the current state champion, trees that are part of an historic site or associated with an historic structure, any tree designated as the county champion tree, any tree, shrub or plant identified on the rare, threatened or endangered list of the U.S. Fish and Wildlife Service of the Maryland Department of Natural Resources, if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

Preliminary FCP G-864 was approved in conjunction with Development Plan G-864 approved by the County Council on October 26, 2010. NRI/FSD 420160580 for the subject property was approved December 21, 2015. This Tree Variance Request is accompanying Forest Conservation Plan 820160090 which is being submitted with the concurrent submission of Preliminary Plan 120160220 and Site Plan 820160090 for the project.

The site is currently improved with the Church building, Fellowship House, Daycare and residence buildings of the Christ Evangelical Lutheran Church. With the approval of Preliminary FCP G-864 trees 70, 71, 72, 74 and 76, all shown on the Final FCP as specimen trees due to growth since 2010, were approved for removal. An additional variance is now requested to impact the critical root zone of off-site specimen tree 78 which is across Glenbrook Road from the subject property; as shown below, this tree will be saved.

Table 1, below, lists the variance specimen tree as identified on the Final Forest Conservation Plan and provides the respective proposed impact.

Table 1

TREE NO.	BOTANICAL NAME	D.B.H. (in.)*	CONDITION	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
78	Acer rubrum	30	FAIR TO GOOD	6,362	353	5.55	SAVE

The Assessment below was performed by VIKa Maryland, LLC at the time of the field work for the NRI as a visual, and 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.

1) Tree # 78

30" Red Maple (Acer rubrum): Tree 78 is a street tree across Glenbrook Road from the subject property and is minimally impacted by the limits of disturbance for right-of-way improvements at the access driveway from Glenbrook Road to the east underground garage entrance.



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- **Field Condition:** Good
- **Proposed CRZ Impact:** Minimal at 5.55%
- **Disposition:** Tree 78 is specified to be preserved.

Justification Narrative for Tree Disturbance

The 2.00-acre property is located at the northeast intersection of Old Georgetown Road and Glenbrook Road in Bethesda, Montgomery County, Maryland. It is bordered by the Bethesda Rescue Squad to the northwest, single family residences to the northeast and southwest across Old Georgetown Road and office buildings and single family residences to the east. The Property was re-zoned from R-60 to the Planned Development PD-44 zone for the development of a multi-family building and the integration of a new church and community center into a single building under Local Map Amendment No. G-864 approved 10/26/2010 by Resolution 16-1540.

The site is currently improved with the Christ Evangelical Lutheran Church of Bethesda-Chevy Chase, consisting of a Church building and adjoining three-story community building, three single family houses used for child daycare and other community purposes and surface parking areas. Existing landscaping consists of areas of lawn and building foundation plantings and lawn trees which are overgrown with vines and not well maintained. On-site specimen trees 70, 71, 72, 74 and 76 were approved for removal with the Preliminary FCP. A variance is now requested for off-site specimen tree 78 which is located on the opposite side of Glenbrook Road from the subject property and will be minimally impacted by right-of-way improvements and is specified to be preserved. The Preliminary FCP limits of disturbance did impact tree 78. This tree has also grown since the Preliminary FCP approval in 2010 and the revised LOD for the right-of-way improvements on the Final FCP have increased the impact to the critical root zone of this tree to a total of 353 sf or 5.55%.

The project proposes to demolish the existing church and related structures and redevelop the Property with a 53,000 square-foot church/community center building with a maximum height of 76 feet, and a 148,822 square foot multi-family residential building containing a maximum of 107 units with a maximum height of 94 feet. The plan substantially achieves the goals of the Sector Plan to provide additional opportunities for housing, ensure compatibility with neighboring properties and improve the safety, character, and attractiveness of the existing streets and the plan is consistent with the binding elements of the Development Plan. The buildings and the parking garage are sited to establish required setbacks from the adjacent properties to ensure compatibility with those existing residential land uses.

The Open Space requirement of 50% is met by undergrounding the parking which allows the creation of a large open space with a landscaped park/garden in the rear of the site for the enjoyment of residents. A second large open space is located in the front of the building at the corner of Old Georgetown Road and Glenbrook Road near the entrance of the Church for the use of the congregation, community center and general public. The footprint of the underground garage moves the proposed utilities to the outer periphery where there is also a required public path linking Glenbrook Road to Rugby Avenue. The limits of disturbance for right-of-way improvements at the access drive for the eastern parking garage minimally impacts tree 78. The garage access drive was sited to improve driveway separation and site distance along Glenbrook Road. The curb radii were reduced to the county minimum of 15' to decrease the impact to the critical root zone of tree 78.

For the Tree Variance to be approved, it must be determined that the request:

1. **Describes the special conditions peculiar to the property which would cause the unwarranted hardship;**
2. **Describes how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;**
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**
4. **Provides any other information appropriate to support the request**



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

1. The requested tree variance is necessary for implementation of this redevelopment project which has an approved NRI, Development Plan, and Preliminary Forest Conservation Plan and is proceeding through the development approval process with the concurrent submission of the Preliminary and Site Plans. There is no forest on the subject property or any environmental buffers. As required by the zone, the 15% afforestation requirement of 0.33 acres is proposed to be met on-site with 20 year tree canopy credit for proposed landscaping. The conditions related to this request are the unavoidable consequences of the development process under the zoning applied through the Master Plan.

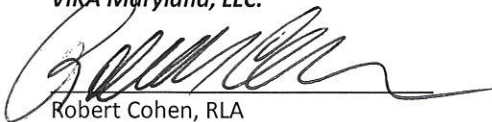
Not granting the variance is an unwarranted hardship. The tree is impacted by proposed sidewalk and curb and gutter at the parking garage entrance from Glenbrook Road. As previously stated, the curb radii were reduced to the county minimum of 15' to decrease the impact to the critical root zone of tree 78. The tree is located across the street from the proposed development and it is likely that tree roots are not actually present at the particular portion of the standard circular CRZ that is shown as impacted by the limits of disturbance for the right-of-way improvements.

2. The requested variance is based on development plans that are consistent with the zoning approved through the County planning process not conditions or circumstances resulting from actions by the applicant. The variance tree is impacted by the proposed redevelopment for which the Preliminary and Site Plans have been submitted for approval. The improvements which impact the tree are within the Glenbrook Road right-of way where such modifications would be anticipated. Strict protection of the variance tree would deprive the applicant from making significant changes to the site and, of course, significant changes are necessary to develop under the approved PD-44 zoned Development Plan. There are no conditions relating to land or building use, either permitted or non-conforming, on a neighboring property that have played a role in the need for this variance.

3. The site is located in a dense urban area that was developed before modern stormwater management regulations were enacted and no stormwater management is currently provided on the site in the existing condition. 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. The specimen tree being impacted but preserved is not in a stream valley buffer, wetland, or Special Protection Area. The plan provides stormwater treatment to the MEP of the project site through the use of micro bioretention facilities and an underground storage facility with structural filtration thru an approved treatment device. These facilities will provide treatment for stormwater management runoff treatment. Therefore, granting the variance to impact but preserve one (1) specimen tree will not result in any violation of State water quality standards or degradation of water quality.

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 but preserve one specimen tree. 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.



Robert Cohen, RLA
Project Landscape Architect

RC/kc