

January 25, 2021
Tsaquan Gatling
Plan Coordinator
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910
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Revised: 14 September 2021

Reference: FCP-SC201600- Phase I
Capital Crescent Trail Under MD 355
Bethesda, MD 20814

Subject: Forest Conservation Variance Request- Phase I

Dear Mr. Gatling:

Mahan Rykiel Associates, Inc. is requesting on behalf of the Montgomery County Department of Transportation a variance to the Montgomery County Forest Conservation Ordinance 22A-21(b) to allow removal of and impacts to specimen trees. This variance letter is being submitted due to grading requirements for a safe and accessible site and enhanced park amenities. The project team has made every effort to ensure that impacts to trees are avoided or minimized while achieving the goal of creating a connected trail system and enhanced park. Given the site constraints, and programmatic requirements of the Capital Crescent Trail; a variance is requested to remove or impact the roots of specimen trees identified on the proposed Preliminary Forest Conservation Plan-Phase I and II. The characteristics and locations of the project have presented several challenges that include:

- An urban and tight development site with the goal of preserving trees, reducing impacts while improving and expanding the trail system and creating a enhanced amenities in an existing park
- One specimen tree (SG-6), and one significant tree (SG-3) are within or directly adjacent to the development area.
- The project extends into a state and county right of way and is located next to a dense residential and mixed-use area.

The Project area contains no forest while contains individual trees of a variety of species including those identified as invasive in Montgomery County. Many of the trees are mature and include two (2) specimen sized trees (30" and greater DBH) and four significant trees (24" and greater) were identified. The site drains to the southern portion of the site. There are no rare threatened or endangered species identified on site. There are no streams, wetlands or floodplains present on site. The site does not include any identified historic resources. The project includes adding a tunnel for the Capital Crescent Trail to connect trail users to Georgetown Branch Trail to the north of the Elm Street Urban Park and through the park to extend under Elm street west of 47th street and continue under MD 355 (Wisconsin Ave).

The park will be modified to include the trail tunnel entrance and included enhanced play features, stormwater management features and plantings in the disturbed areas of the current park. Tree removal has been reduced to the greatest extent possible while still maintaining the program elements of the proposed project. The project is preserving many trees, including two specimen trees (SG-5 and SG-6) and one significant trees (SG-3), by reducing grading within the critical root zone and preserving the majority of trees on the southern portion of the Elm Street Urban Park. Trees within the Phase I Limits of Disturbance are noted on the plans to be protected during construction through use of tree protection fencing and tree root pruning. SG-3 will retain 43% of its CRZ, and SG-6 will retain 38.4% of its CRZ.

Variance Justification

1. Montgomery County DOT wishes to build a trail tunnel to serve the residents of Bethesda, MD and provide an enhanced connected bike and pedestrian network and providing improved park facilities. Phase I represents an interim condition of expanding the trail system and enhanced park amenities until the Phase II fully realized trail tunnel and park can be implemented. The on-site facilities required for the trial include a trail connection to extend through the park to the east and connect to Elm street and 47th Street intersection, sidewalks, emergency access along the former Elm Street ROW in the park, bike share stations, and enhanced recreation amenities and stormwater mitigation.

Due to the constraints of being surrounded by buildings and need to connect to an existing trail system to the north of the park, providing enhanced park amenities in this urban park, the spatial requirements for grading for a trail connection, ADA accessibility and the existing topography; the proposed construction will impact the roots of two specimen trees; SG-3 and SG-6. The proposed work will not impact the CRZs of SG-1 and SG-5 as they are located beyond the top of a wall and to the south of a largely paved former roadbed. The trees are in fair to good condition while next to or near existing paved areas and near retaining walls.

Without a variance, the project will be unable to move forward. Due to the location of specimen trees SG-3 and SG-6 within the limits of disturbance, a design solution that does not impact the roots of the specimen tree while meeting all other requirements and regulations is infeasible. Therefore, due to grading requirements for a safe and accessible site and enhanced park amenities, temporary impacts to significant tree SG-3 and specimen SG-6 are proposed and requested.

2. Granting this variance will not confer a special privilege that would be denied to others. Due to challenges presented by the site topography, existing dense urban environment, and accessibility needs, several options were explored to minimize impacts. Elimination of the trail extension with enhanced park amenities would make the project not viable, nor meet the requirements of ADA.

3. Pursuit of the variance request is not based on conditions or circumstances which are the result of actions of the applicant, nor does it arise from a condition relating to land or building use on a neighboring property. Based upon preliminary water quality computations, it is proposed to meet water quality standards through micro-bioretenion facilities. State and

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County water quality standards will not be violated, and degradation in water quality will not occur because of the granting of the variance.

4. The proposed temporary impact to the roots of Specimen tree SG-6 (of good condition) and significant tree SG-3 (of fair condition) are not a priority tree species in or preferred trees species native to Montgomery County. The tree impacts will be minimized using root pruning, tree protection fencing and preservation during this phase of design. The proposed project offers important trail access to and enhanced recreational amenities to Montgomery County residents. The project proposes planting trees in the project development area that are native and urban tolerant.

Your kind consideration of the variance through the four requirements of justification for a variance is greatly appreciated.

If additional information is needed or any questions arise, I welcome the opportunity to assist.

Sincerely,
MAHAN RYKIEL ASSOCIATES INC.



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C: Andrew Conklin, WRA
Mahan Rykiel Associates, File
Enclosures: Approved NRI
Preliminary Forest Conservation Plan
Forest Conservation Application

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Reference: FCP-SC201600- Phase II
Capital Crescent Trail Under MD 355
Bethesda, MD 20814

Subject: Forest Conservation Variance Request- Phase II

Dear Mr. Gatling:

Mahan Rykiel Associates, Inc. is requesting on behalf of the Montgomery County Department of Transportation a variance to the Montgomery County Forest Conservation Ordinance 22A-21(b) to allow removal of and impacts to specimen trees. The project team has made every effort to ensure that impacts to trees are avoided or minimized while achieving the goal of creating a connected trail system and enhanced park. Given the site constraints, and programmatic requirements of the Capital Crescent Trail; a variance is requested to remove or impact the roots of specimen trees identified on the proposed Preliminary Forest Conservation Plan-Phase I and II. The characteristics and locations of the project have presented several challenges that include:

- A urban and tight development site with the goal of preserving trees, reducing impacts while improving and expanding the trail system and creating a enhanced amenities in an existing park
- Two specimen trees and 4 significant trees are within or directly adjacent to the development area.
- The project extends into a state and county right of way and is located next to a dense residential and mixed-use area.

The Project area contains no forest while contains individual trees of a variety of species including those identified as invasive in Montgomery County. Many of the trees are mature and include two (2) specimen sized trees (30" and greater DBH) and four significant trees (24" and greater) were identified. The site drains to the southern portion of the site. There are no rare threatened or endangered species identified on site. There are no streams, wetlands or floodplains present on site. The site does not include any identified historic resources. The project includes adding a tunnel for the Capital Crescent Trail to connect trail users to Georgetown Branch Trail to the north of the Elm Street Urban Park and through the park to extend under Elm street west of 47th street and continue under MD 355 (Wisconsin Ave). The park will be modified to include the trail tunnel entrance and included enhanced play features,

stormwater management features and plantings in the disturbed areas of the current park. Tree removal has been reduced to the greatest extent possible while still maintaining the program elements of the proposed project. The project is preserving many trees, including one specimen tree and one (1) significant tree, by reducing grading within the critical root zone and preserving the majority of trees on the southern portion of the Elm Street Urban Park. Trees proposed to be preserved on site will be protected with tree protection fencing, tree root pruning and preservation of 70% of the critical root zone will be retained.

Variance Justification

1. Montgomery County DOT wishes to build a trail tunnel to serve the residents of Bethesda, MD and provide an enhanced connected bike and pedestrian network and providing improved park facilities. The on-site facilities required for the trail include a tunnel system to extend through the park to the east and under Elm street through the MD 355 (Wisconsin Ave) intersection, sidewalks, emergency access along the former Elm Street ROW in the park, bike share stations, and enhanced recreation amenities and stormwater mitigation.

Due to the constraints of being surrounded by buildings and need to connect to an existing trail system to the north of the park, providing enhanced park amenities in this urban park, the spatial requirements for grading for a tunnel connection, ADA accessibility and the existing topography; the proposed site elements impact specimen trees. Standards for safe and accessible access restrict preservation of one of the two specimen trees; SG-6. The trees are in fair to good condition while near to or within existing paved areas and near retaining walls.

Specimen Tree SG-5 is located at the top of a wall and less than 5% of its critical root zone is proposed to be impacted. This specimen tree will be protected with root pruning and tree protection fencing. Temporary CRZ impacts to specimen tree SG-5 are necessary but minor.

Without a variance, the project will be unable to move forward. Due to the specimen tree's central location on site and adjacent to significant grading for the trail tunnel, a design solution that preserves the specimen while meeting all other requirements and regulations is infeasible. This variance letter is being submitted due to grading requirements for a safe and accessible site and enhanced park amenities. SG-1 is outside the LOD but the CRZ will be impacted by 29%. Permanent impacts (removal) to significant trees SG-2, 3, and 4 are required.

2. Granting this variance will not confer a special privilege that would be denied to others. Due to challenges presented by the site topography, existing dense urban environment, and accessibility needs, several options were explored to minimize impacts. Elimination of tunnel with enhanced park amenities would make the project not viable, nor meet the requirements of ADA.

3. Pursuit of the variance request is not based on conditions or circumstances which are the result of actions of the applicant, nor does it arise from a condition relating to land or building use on a neighboring property. Based upon preliminary water quality computations, it is proposed to meet water quality standards through micro-bioretenion facilities. State and County water quality standards will not be violated, and degradation in water quality will not occur because of the granting of the variance.

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4. The proposed permanently impacted specimen tree SG-6 of good quality is not a priority tree species or preferred trees species native to Montgomery County. The proposed temporary impact to one Specimen tree, SG-5. is minimized using root pruning and tree protection fencing, preserving more than 95% of its critical root system. The proposed permanent impacts to these three significant trees of fair to good condition are not priority tree species or preferred trees species native to Montgomery County. Permanent impacts to significant tree SG-1 are less than 30% of its CRZ since the tree is located outside the Phase II Limits of Disturbance. The proposed project offers important trail access to and enhanced recreational amenities to Montgomery County residents. The project proposes planting trees in the project development area that are native and urban tolerant.

Your kind consideration of the variance through the four requirements of justification for a variance is greatly appreciated.

If additional information is needed or any questions arise, I welcome the opportunity to assist.

Sincerely,
MAHAN RYKIEL ASSOCIATES INC.



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