

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
October 9, 2024

- I. GENERAL BUSINESS (7:00-7:15 p.m.)
  - A. Call to Order
  - B. September 2024 Financial Report
  - C. Town Manager's Report
  - D. Public Comments
  
- II. PUBLIC HEARINGS (7:15-8:00 p.m.)
  - A. [Tree Removal Appeal, Corso Chevy Chase](#)
  
- III. COUNCIL DISCUSSIONS (8:00-8:15 p.m.)
  - A. Capital Crescent Trail Fencing and Barrier Improvements
  
- IV. OTHER BUSINESS/UPDATES (8:15-9:00 p.m.)
  - A. Bethesda Market Park
  - B. County Attainable Housing Strategies Initiative
  - C. Technical Amendment to State Law to Clarify Municipal Regulatory Authority
  - D. County Growth & Infrastructure Policy
  - E. Bethesda Minor Master Plan Amendment
  
- V. ADJOURNMENT (9:00 p.m.)

How to Join the Council Meeting

- 1. In-Person  
4301 Willow Lane, Chevy Chase, MD 20815
  
- 2. [Online via Zoom](#)
  
- 3. By Phone via Zoom  
(301) 715-8592  
Meeting ID: 301 654 7144  
Passcode: 6547144

# STAFF REPORT

II-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Corso Chevy Chase, 7100 Connecticut Avenue, Tree Removal Appeal  
DATE: October 9, 2024

Corso DC, LLC, 7100 Connecticut Avenue, has filed an appeal of a denied tree removal permit for 87 trees on the subject property.

## **Background:**

On August 26, 2024, the applicant filed a permit application with the Town to remove 193 trees from the subject property in anticipation of upcoming redevelopment. The Town issued a permit for the removal of 106 trees under the standards of the Town ordinance based on their species or condition. Eighty-seven (87) of the trees are canopy trees that are not dead, dying, in danger of falling, or hazardous to the safety of persons or property; therefore, the permit was denied for removal of these trees, and the applicant has appealed the denial. The 87 trees that are appealed for removal include 9 trees that the applicant intends to save; however, the applicant is requesting permission to remove these trees if they cannot be adequately protected from damage during construction.

## **Administrative Note:**

This application follows extensive efforts by the Town to address matters related to the proposed development. The Town Council appointed the “4-H Special Committee” to study the issues and make recommendations, and the Town Council engaged in Corso’s proceedings before the County. Supported by the Committee’s efforts, the Town Council reached an agreement with Corso on certain issues, including, among others, site access; stormwater management; forest conservation, including the planting of native species; and building setbacks, height, and massing. The agreements are memorialized in the Letter of Agreement dated April 21, 2023 and a Declaration of Covenants attached thereto which is to be recorded in land records. Also, as reflected in the Town’s letter of February 15, 2023 to the Montgomery County Planning Board, and in its testimony of March 9, 2023, the Town Council unanimously supported, with conditions, Corso’s Local Map Amendment to rezone the property. The Town also testified to the Planning Board in support of Corso’s Site Plan Application on February 8, 2024. The comments and testimony followed careful solicitation and consideration of the views of Town residents. All of the terms, agreements, and conditions negotiated between Corso and the Town are based on the proposed site plan upon which this tree appeal is also based.

*Staff Note: The following assertions are a partial summary of the materials provided by the applicant in support of the appeal record. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the appeal. The applicant should indicate to the Council if any arguments have been misrepresented. The Council should consider the entire record in considering the appeal.*

## **Procedure:**

The Town Council shall consider the following factors in deciding whether to approve or deny an appeal of a denied tree removal permit. The record of the appeal is attached.

1. The reasons cited by the applicant for wanting to remove the canopy tree(s).  
*The applicant claims that it is necessary to remove the trees to redevelop the property as shown on the Certified Site Plan approved by the Planning Board.*
2. The applicant's intention to plant replacement trees, with consideration of the number, size, and desirability of species, and with a minimum goal of replacing the canopy tree to be removed.  
*A detailed replacement plan is attached. The applicant proposes to plant 222 trees on the site.*
3. The applicant's intention to retain and protect existing trees.  
*As part of the site plan approval, the applicant will place 24% (2.96 acres) of the property into a Category 1 Forest Conservation Easement. This will preserve this portion of the property as forested space in perpetuity. In addition, tree protection measures will be implemented by the County and Town during construction to preserve trees at the periphery of the development.*
4. The facts in support or opposition presented by town residents.  
*As of October 4, 2024, the Town has not received any correspondence related to the appeal.*
5. Information provided by the Town Arborist.  
*The processed tree removal permit and a report from the Town Arborist are attached.*
6. The extent to which no alternative to canopy tree removal exists that would allow the proposed development, construction, or land use otherwise permitted under the town building code.  
*The trees under appeal need to be removed to permit the construction shown on the approved Site Plan. Trees requested as "remove with intent to save" are likely to survive construction with anticipated tree protection measures.*
7. The desirability of preserving a canopy tree by reason of its age, size or outstanding qualities, including uniqueness, rarity, or species.  
*None of the trees under appeal are unique or rare species. While some of the trees are of significant age or size, removal is necessary if the project is to be built per the approved Site Plan.*
8. The overall effect on the tree canopy of the adjacent properties, the neighborhood, and the town.  
*The Forest Conservation Easement placed along the north and west sides of the property and partially along the south side of the property will preserve a forested tree canopy for the most impacted adjacent residents. Most of the trees proposed for removal are interior to the property and not easily visible from adjoining properties. The proposed replanting plan will, over time, mitigate the loss of the canopy resulting from the redevelopment.*

9. The aggregate or cumulative effect of the proposed canopy tree removal(s), including any and all canopy tree removals from the property within the prior two-year period.  
*No healthy trees have been removed from the property in the last two years. The proposed tree removals will support the redevelopment of the property as a walkable pedestrian-friendly community. The forest conservation easements will protect the most important part of the existing tree cover. Many of the trees approved for removal are in poor condition. As part of the redevelopment, many replacement trees are proposed to be planted, which will help ensure the long-term viability of the tree canopy.*

**Attachments:**

- [Attachment 1: Appeal Request](#)
- [Attachment 2: Denied Tree Removal Permit Application and Site Plan of Appealed Trees](#)
- [Attachment 3: Proposed Tree Mitigation Plan](#)
- [Attachment 4: Appeal Notices](#)
- [Attachment 5: Supplemental Information from the Town Arborist](#)

**Supplemental Information:**

- [Approved Tree Removal Permit Application and Site Plan of All Inventoried Trees](#)
- [MNCPPC Forest Conservation Site Plan](#)
- [February 8, 2024 Testimony to Montgomery County Planning Board](#)
- [April 21, 2023 Letter of Agreement and Declaration of Covenants between Corso and the Town](#)
- [March 9, 2023 Testimony to Montgomery County Planning Board](#)
- [February 15, 2023 Letter to Montgomery County Planning Board](#)