



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

January 9, 2023

Gabriel Chung  
Howard Hughes Corporation  
10960 Grantchester Way, Suite 100  
Columbia, MD 21044

RE: WP-22-126, Downtown Columbia, Lakefront North

Dear Mr. Chung:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On December 22, 2022 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove one specimen tree (a 35" Red Maple in fair-to-good condition). Please see the attached Final Decision Action Report for more information.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Jill Manion at (410) 313-2350 or email at [jmanion@howardcountymd.gov](mailto:jmanion@howardcountymd.gov).

Sincerely,

DocuSigned by:

Anthony Cataldo, AICP, Chief

Division of Land Development

AC/jam

cc: Research  
DLD - Julia Sauer  
Marian Honecny- DNR  
Research  
OCS, Joshua Feldmark  
DRP, Raul Delerme  
GLW  
Ihnil Kim

Todd Brown  
Lyn Locke, Town Center Community Association  
Columbia Association  
Dick Talkin  
Linda Wengel  
Bill Sinclair  
Judy Goldfarb  
Nicole Campbell



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## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING  
DEPARTMENT OF RECREATION AND PARKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-22-126, Downtown Columbia, Lakefront North**  
*Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.*

**Applicant:** Gabriel Chung  
Howard Hughes Corporation  
10960 Grantchester Way, Suite 100  
Columbia, MD 21044

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to remove one specimen tree. The Directors deliberated the application in a meeting on December 22, 2022.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the six (6) items the applicant was required to address, pursuant to Section 16.1216:

### 1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The project is part of the 2010 Downtown Columbia Plan to revitalize the Town Center area into a walkable community. The Final Development Plan for the site was approved in 2020, prior to the enactment of legislating removing the exemption to forest conservation requirements that the site was previously eligible for. The tree is located adjacent to the existing private access road to the site. The road needs to be realigned to accommodate the development, meet existing road design standards and to site the future buildings within the proposed road network.

Redevelopment cannot occur without impacting the tree and its critical root zone. A drastic revision to the plan layout would be required to attempt to preserve the tree which is in fair-to-poor condition. The overall health of the tree has been verified by the Department of Recreation and Parks and the tree has some limb die back and decay within the main lead with sapsucker damage. Since the tree is in line with the main entrance in the center portion of the redevelopment site and there is existing pavement and infrastructure within the current CRZ, removal of that existing infrastructure and grading for any new development within proximity to the tree would have a detrimental impact on the CRZ, despite the new development plan layout. Given the tree was planted by

the developer as part of the streetscaping for a previous development approximately 40 years ago, and not part of a natural forested area, it should also be considered that the tree has grown in a stressed environment and may not do well with additional impacts to the existing CRZ.

**2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.**

Landowners are typically permitted to remove trees in poor condition, especially when they could pose a hazard. Additionally, this property is being developed consistent with the Downtown Columbia Plan, which calls for a mixed-use redevelopment project in this location. The tree to be removed is located in proximity to the main site access and centralized in the developable area of a property and must be removed to redevelop in accordance with the Plan.

**3. Verify that the granting of a variance will not adversely affect water quality.**

There is no evidence that the granting of a variance to remove a landscaping tree will adversely affect water quality. The redevelopment of the site will improve water quality in the area as the existing conditions, vacant pad sites and asphalt parking, have virtually no existing stormwater management in place. The redevelopment is subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit.

**4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.**

Permitting removal of a tree that is in poor condition and could pose a hazard, is not a special privilege, nor is permitting removal of a singular tree located in an access area or central portion of a development site.

**5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.**

The condition of the tree and location of the tree is not the result of actions by the applicant. The developer had a Final Development Plan for the site approved in 2020, at which time the site was in conformance with a regulatory exemption and the plan was not subject to Forest Conservation regulations. Subsequent to the approval, legislation removing the prior exemption was enacted and this property is now subject to Forest Conservation regulations which requires approval to remove this one specimen tree on site.

**6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.**

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

**Directors Action:** Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following conditions:

1. The removal of the specimen tree shall be mitigated with a 2:1 replacement with native 3" caliper trees, to be located in the wooded forested area impacted by the trail connection as shown on the updated exhibit attached with this report.

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Raul Delerme*

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Raul Delerme, Director  
Department of Recreation and Parks

DocuSigned by:

*Joshua Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability

cc: Research  
OCS, Joshua Feldmark  
DRP, Raul Delerme  
GLW  
Todd Brown  
Lyn Locke, Town Center Community Association  
Columbia Association  
Dick Talkin  
Linda Wengel  
Bill Sinclair  
Judy Goldfarb  
Ihnil Kim  
Nicole Campbell



**Howard County Maryland**  
**Department of Planning and Zoning**  
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:  
 File No.  
 Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

Site Description: Lakefront North  
 Subdivision Name/Property Identification: Downtown Columbia - Lakefront Neighborhood - Parcels A, G, & H  
 Location of property: 5665 Sterrett Pl, Columbia, MD 21044  
 Existing Use: vacant land Proposed Use: mixed use  
 Tax Map: 30 Grid: 20 Parcel No: 290 Election District: 5  
 Zoning District: NT Total site area: 61,680 SF (Parcel G, S7, A8 only)

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

SDP-71-55, SDP-73-14, SDP-79-156, FDP-DC-L2, FDP-DC-L2A, ECP-22-023, SDP-22-042

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

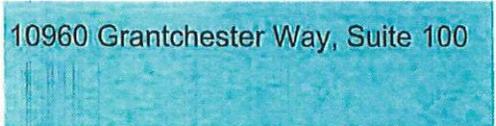
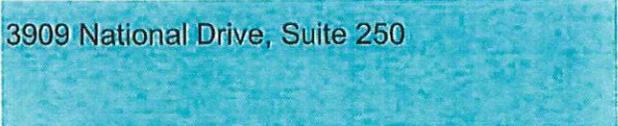
Section Reference No.	Brief Summary of Request
16.1205(a)(3)	Removal of Tree over 30"

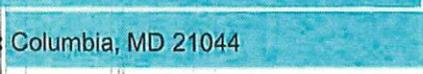
Section Reference No.	Brief Summary of Request

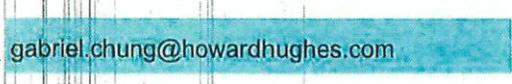
Signature of Property Owner:  Date: 

Signature of Petitioner Preparer:  Date: 

Name of Property Owner:  Name of Petitioner Preparer: 

Address: 10960 Grantchester Way, Suite 100  Address: 3909 National Drive, Suite 250 

City, State, Zip: Columbia, MD 21044  City, State, Zip: Burtonsville, MD 20866 

E-Mail: gabriel.chung@howardhughes.com  E-Mail: dsweeney@glwpa.com 

Phone No.: (410) 964-5440  Phone No.: 410-880-1820 

Contact Person: Gabriel Chung  Contact Person: Dan Sweeney 

Owner's Authorization Attached