

December 11, 2020
Revised: February 16, 2021

Montgomery County Planning Department
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

Re: United Therapeutics - Project 242T
8830 Cameron Street
Tree Variance Request and Justification
RCI Project No.: 1286B1

Dear Sir or Madam:

Please accept this letter and the accompanying exhibit and Final Forest Conservation Plan as a formal written request for a variance from section 22A-12(b)(3) of the Montgomery County Code. The referenced section addresses the requirement to not disturb *any tree with a diameter, measured at 4.5 feet above the ground, of (i) 30 inches or more; or (ii) 75% or more of the diameter measured at 4.5 feet above ground of the current State champion tree of that species.*

There are three (3) existing trees inventoried on, or within 100' of the site boundary for the proposed United Therapeutics Project 242T ("project"), as shown on the approved NRI/FSD. In order to redevelop the property in accordance with the North and West Silver Spring Master Plan, the unavoidable removal of one (1) significant tree is required.

A. Project Background

The property, partly located at 8830 Cameron Street, consists of a 60's era office building with an associated asphalt parking lot on approximately one acre lot. It is bordered by a single family property to the north, Townhouse parking lot to the west, Single Family / office property to the east, and United Therapeutics office property to the south.

At the time this office building was originally developed, landscaping was provided appropriate to the layout of the on-site and adjacent buildings and associated parking lots. Over the years as the development has aged, some of the trees have grown to a dbh of 30" or greater. Now that the life cycle of the existing building on the site has run its course, it is time to redevelop the site with a new building to house a (SEDP) strategic economic development project with medical and scientific use.

B. Tree by Tree Impact

a. Significant Tree #1

Significant Tree #1 is a White Pine, (*Pinus Strobus*) that has grown to a dbh of 30". The significant tree was observed to be in fair health. Unavoidable impacts to 49% of the critical Root zone of Significant Tree #1 are necessary as shown on the attached exhibit due to demolition activities and proposed construction activities resulting in the removal of this tree. In order to help offset the canopy loss, mitigation will be provided. Consistent with Montgomery County policy, any specimen tree removed will be

replaced at a 4:1 caliper inch ratio. The minimum diameter at breast height of mitigation trees shall be 3".

C. Requirements for the Granting a Variance Request

- (1) *Describe the special conditions peculiar to the property which would cause the unwarranted hardship:*

The life cycle of the existing office building has run its course and it is time to redevelop with a new building to house a (SEDP) strategic economic development project with a new medical and scientific use. The existing significant tree is surrounded by an adjacent parking lot to the south, and wooden fence to the north and west, and an on-site strip of green area to the east. The tree is located on sloped terrain, the trunk is leaning and has climbing vines around the trunk. As a result, this tree is stressed and declining in health. The site being only 1 acre in size limits the area in which development can occur. The size of the site, tree location and fair condition combined with the need to rehabilitate and upgrade the existing parking lot, by adding new parking lot landscaping and lighting. This results in the unavoidable removal of this tree. Denying the Applicants request to remove this specimen tree will deny the Applicant the ability to redevelop their property, resulting in an unwarranted hardship.

- (2) *Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas:*

Not allowing the Applicant to redevelop and upgrade their property would deprive the Applicant of a right enjoyed by others in similar areas. The project is set to re-develop an already developed, urban property with new medical /scientific use, new utilities, and increased stormwater management measures. The specimen tree on the site is existing within an urban area and the critical root zone is surrounded by asphalt and other man-made features. Therefore, not allowing the Applicant to remove the specimen tree would deprive the Applicant the opportunity to redevelop the property and to implement the new medical/scientific use, which is an opportunity afforded to similar development projects.

- (3) *Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance.*

The existing site and surrounding communities were developed prior to modern stormwater management practices and standards. The redevelopment of the property will improve water quality conditions on-site and downstream through the provision of a comprehensively designed and integrated stormwater management system that relies on Environmental Site Design (ESD) practices. Additionally, the proposed development is subject to Chapter 19 of the Montgomery County Code, which has been determined by the Maryland Department of the Environment to be in conformance with the State's water quality standards.

- (4) *Provide any other information appropriate to support the request.*

The redevelopment of 8830 Cameron Street will increase the current number of jobs, and provide a more modern, energy efficient building and improve the quality of Silver Spring and provide additional employment opportunities. Additionally, outdated, inefficient use of impervious areas are to be improved with more modern stormwater management practices.

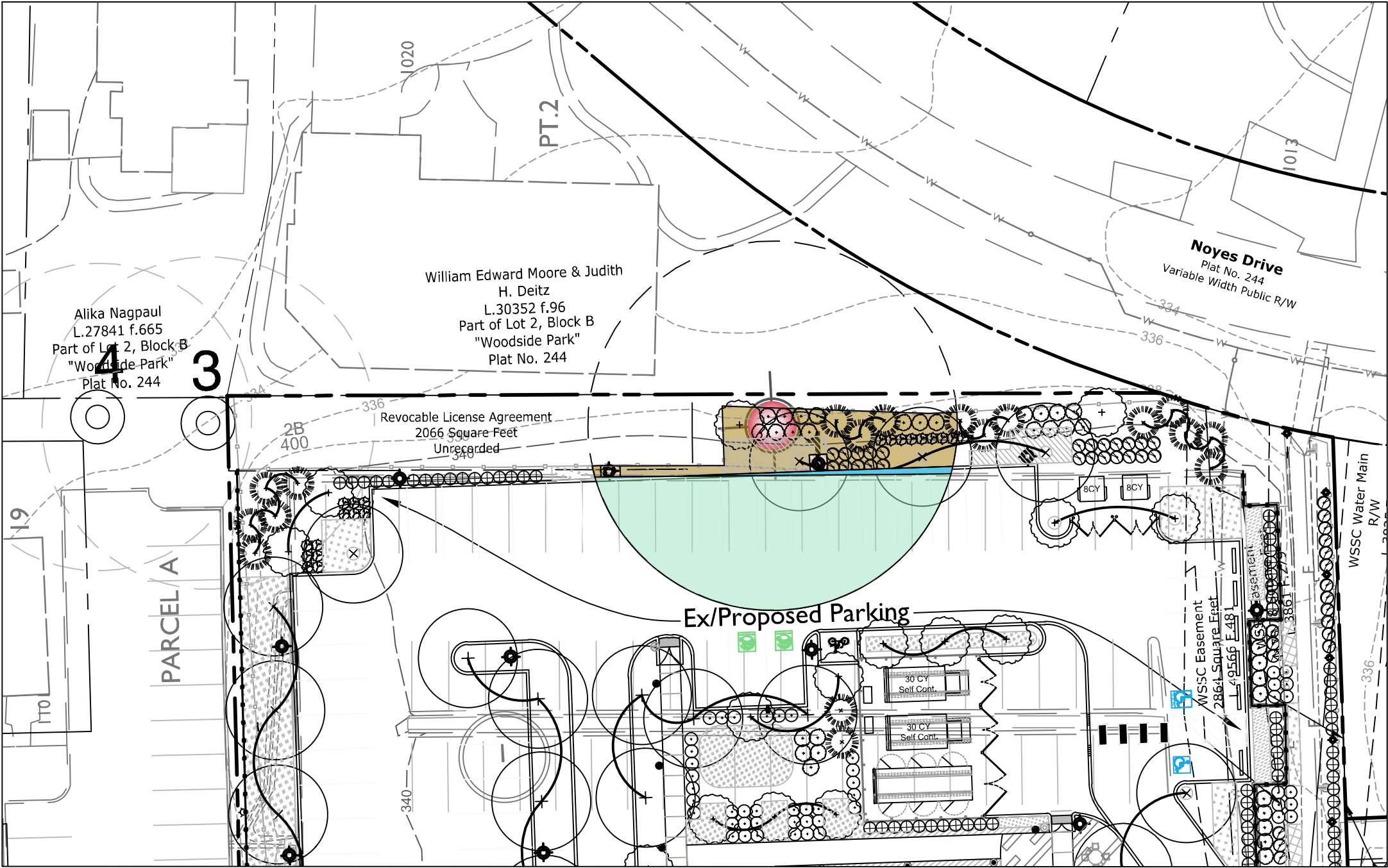
Legend



Specimen Tree to be removed
(ST-1, 30"- White Pine, Fair Condition)

Variance Tree No. 1				
#	Impact Description	Symbol	CRZ Area (6,362 SF)	CRZ %
<i>Ex. Removal Construction Activities</i>				
1	Existing Paving, curb, and gutter		2,107 SF	33%
<i>Project 242T Proposed Construction Activities</i>				
4	Proposed Paving, curb and gutter *		83 SF	1%
6	Proposed lighting		30 SF	0%
8	Proposed Landscape		880 SF	14%
			Total CRZ Impacts:	49%

* Area included within other activities.



Tree No.1 Variance Plan
SCALE: 1" = 30'

In addition to meeting the criteria of subsection (a), the granting of this variance:

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

Granting the variance will not confer a special privilege on the Applicant. Failing to grant a variance would deprive the landowner of its ability to implement the (SEDP) strategic economic development project, which would be an undue hardship.

- (2) Will not be based on conditions or circumstances which result from the actions by the applicant.*

This significant tree variance request is based on the, the size, type and distribution, and current condition of trees, and the engineering constraints. It is not based on circumstances which result from the actions by the Applicant.

- (3) Will not be based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The requested variance is based upon the nature of the existing site, location and health of the existing tree. In order to redevelop the property unavoidable impacts to one specimen tree are required. These circumstances are specific to the property and not a condition relating to land or building use on a neighboring property.

- (4) Will not violate State water quality standards or cause measurable degradation in water quality.*

Environmental Site Design (ESD) planned for development of this property will maintain or improve water quality standards. The proposed development is subject to Chapter 19 of the Montgomery County Code, which has been determined by the Maryland Department of the Environment to be in conformance with the State's water quality standards.

Please do not hesitate to contact me with any questions or comments concerning this application. I can be reached at (240) 912-2150 or mwessel@rodgers.com.

Sincerely,
Rodgers Consulting, Inc.

A handwritten signature in black ink that reads "Matthew J. Wessel". The signature is fluid and cursive, with the first name "Matthew" and last name "Wessel" clearly legible.

Matthew J. Wessel, PLA, ISA Certified Arborist
Environmental Director