

November 6, 2020

Tsaiquan Gatling  
The Maryland-National Capital Park and Planning Commission  
2524 Reddie Drive  
Wheaton, MD 20902

RE: Variance Request  
Preliminary Plan #120190150  
Site Plan #820190090  
Takoma Junction

Dear Mr. Gatling:

On behalf of Neighborhood Development Company (NDC), we are submitting this variance request in accordance with Natural Resources, Title 5, Section 5-1607 of the Maryland Code, as well as Section 22A-21 of the Montgomery County Code, that both require NDC to apply 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 a historic site or associated with a historic structure, any tree designated as the county champion tree, and 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.

NDC is proposing the redevelopment of approximately 1.25 acres along Carroll Avenue, near its intersection with Columbia Avenue in the City of Takoma Park (Property), that currently contains a surface parking area and auto-clinic. The proposed development will consist of a mixed-use building containing structured parking and retail, restaurant and office space (Project). The Property abuts a vacant parcel to the south (Lot 39), which is also controlled by NDC, and is located in a historic district. To accommodate the construction of the Project, a total of 69 trees larger than 1" diameter will potentially be removed on the Property and on Lot 39, and 5 trees will be impacted. A variance is therefore being requested to remove and impact the trees as noted below.

Table 1 below describes the trees on-site and adjacent lots as noted, and identifies the trees to be removed.

On-Site Trees and Trees on Lot 39 6"-12"					Remove or Retain	% of Root Impact	On-Site or Off-Site	Mitigation Required?
Tree #	Common Name	Scientific Name	DBH (inches)	Condition				
1	American Elm	Ulmus americana	7	Good	Remove	100%	Off-Site	No
2	American Elm	Ulmus americana	9	Good	Remove	100%	On-Site	No
3	Mulberry	Morus alba	19	Good	Remove	100%	On-Site	No
4	Black Locust	Robinia pseudoacacia	16	Fair	Remove	100%	On-Site	No
5	Black Locust	Robinia pseudoacacia	13	Good	Remove	100%	On-Site	No
6	Box Elder	Acer negundo	9/7 SPLIT	Good	Remove	100%	On-Site	No

On-Site Trees and Trees on Lot 39 6"-12"					Remove or Retain	% of Root Impact	On-Site or Off-Site	Mitigation Required?
Tree #	Common Name	Scientific Name	DBH (inches)	Condition				
7	Box Elder	Acer negundo	11/12 SPLIT	Fair	Remove	100%	On-Site	No
8	Mulberry	Morus alba	9/7/11/9 MULTI	Fair	Remove	100%	On-Site	No
9	American Elm	Ulmus americana	7	Good	Remove	100%	On-Site	No
10	Red Oak	Quercus rubra	12	Good	Remove	100%	Off-Site	No
11	Catalpa	Catalpa bignonioides	7	Poor	Remove	100%	On-Site	No
12	White Ash	Fraxinus americana	10	Fair	Remove	100%	Off-Site	No
13	Black Cherry	Prunus serotina	12	Good	Remove	100%	Off-Site	No
14	White Oak	Quercus alba	36.5	Good	Retain	27%	Off-Site	No
15	White Oak	Quercus alba	29.5	Fair	Retain	9%	Off-Site	No
16	Box Elder	Acer negundo	7	Poor	Remove	100%	On-Site	No
17	Black Locust	Robinia pseudoacacia	11	Poor	Remove	100%	On-Site	No
19	Box Elder	Acer negundo	8	Fair	Remove	100%	Off-Site	No
20	Cherry	Prunus spp.	11	Poor (Deceased)	Remove	100%	Off-Site	No
22	American Elm	Ulmus americana	6	Poor	Remove	100%	Off-Site	No
24	Linden	Tilia spp.	6	Good	Remove	100%	Off-Site	No
26	American Elm	Ulmus americana	24	Good	Retain	19%	Off-Site	No
29	Black Locust	Robinia pseudoacacia	12	Poor	Remove	100%	On-Site	No
30	American Elm	Ulmus americana	14	Good	Remove	100%	On-Site	No
31	Black Locust	Robinia pseudoacacia	14	Fair	Remove	100%	On-Site	No
32	Mulberry	Morus alba	15	Good	Remove	100%	On-Site	No
33	American Elm	Ulmus americana	11	Good	Remove	100%	Off-Site	No
34	Black Cherry	Prunus serotina	14	Fair	Remove	100%	Off-Site	No
35	Catalpa	Catalpa bignonioides	4/10 SPLIT	Fair	Remove	100%	Off-Site	No

On-Site Trees and Trees on Lot 39 6"-12"					Remove or Retain	% of Root Impact	On-Site or Off-Site	Mitigation Required?
Tree #	Common Name	Scientific Name	DBH (inches)	Condition				
36	American Elm	Ulmus americana	3/14 SPLIT	Good	Remove	100%	Off-Site	No
37	Catalpa	Catalpa bignonioides	13	Poor	Remove	100%	Off-Site	No
38	Black Locust	Black Locust	4/8 SPLIT	Good	Remove	100%	Off-Site	No
40	Ash	Fraxinus spp.	14	Poor	Retain	17%	Off-Site	No
42	American Elm	Ulmus americana	8	Poor	Remove	100%	Off-Site	No
45	Beech	Fagus spp.	22	Good	Retain	9%	Off-Site	No

On-Site Trees and Trees on Lot 39 1"-6"						% of Root Impact	On-Site or Off-Site	Mitigation Required?
#	Common Name	Scientific Name	Size	Condition Rating	Remove or Retain			
483	Locust	Robinia pseudoacacia	5"	Good	Remove	100%	Off-Site	No
484	Locust	Robinia pseudoacacia	3"	Good	Remove	100%	On-Site	No
485	Elm	Ulmus americana	1.5"	Good	Remove	100%	On-Site	No
486	Elm	Ulmus americana	1"	Good	Remove	100%	Off-Site	No
487	Elm	Ulmus americana	1"	Good	Remove	100%	On-Site	No
488	Locust	Robinia pseudoacacia	4"	Fair	Remove	100%	On-Site	No
489	Locust	Robinia pseudoacacia	1"	Fair	Remove	100%	Off-Site	No
490	Locust	Robinia pseudoacacia	4.5"	Good	Remove	100%	Off-Site	No
491	Locust	Robinia pseudoacacia	3.5"	Good	Remove	100%	Off-Site	No
492	Locust	Robinia pseudoacacia	3.5"	Good	Remove	100%	Off-Site	No
493	Locust	Robinia pseudoacacia	2.5"	Good	Remove	100%	Off-Site	No
496	Elm	Ulmus americana	6"	Good	Remove	100%	On-Site	No
497	Elm	Ulmus americana	2.5"	Good	Remove	100%	On-Site	No
499	Elm	Ulmus americana	4"	Good	Remove	100%	On-Site	No
500	Elm	Ulmus americana	2"	Good	Remove	100%	On-Site	No
501	Elm	Ulmus americana	1"	Good	Remove	100%	On-Site	No
502	Elm	Ulmus americana	2"	Good	Remove	100%	On-Site	No
503	Elm	Ulmus americana	4"	Good	Remove	100%	On-Site	No
505	Elm	Ulmus americana	3"	Good	Remove	100%	On-Site	No
506	Elm	Ulmus americana	2"	Poor	Remove	100%	On-Site	No
507	Elm	Ulmus americana	4"	Good	Remove	100%	On-Site	No
508	Elm	Ulmus americana	3"	Good	Remove	100%	On-Site	No
509	Elm	Ulmus americana	2"	Good	Remove	100%	On-Site	No
510	Peach	Prunus persica	1"	Good	Remove	100%	On-Site	No

On-Site Trees and Trees on Lot 39 1"-6"						% of Root Impact	On-Site or Off-Site	Mitigation Required?
#	Common Name	Scientific Name	Size	Condition Rating	Remove or Retain			
511	Elm	Ulmus americana	3"	Fair	Remove	100%	On-Site	No
512	Elm	Ulmus americana	3"	Good	Remove	100%	On-Site	No
513	Elm	Ulmus americana	3"	Good	Remove	100%	On-Site	No
526	Elm	Ulmus americana	2"	Good	Remove	100%	On-Site	No
527	Ash	Fraxinus spp.	3"	Good	Remove	100%	On-Site	No
528	Peach	Prunus persica	1.5"	Good	Remove	100%	On-Site	No
529	Catalpa	Catalpa speciosa	1.5"	Good	Remove	100%	On-Site	No
530	Catalpa	Catalpa speciosa	2"	Good	Remove	100%	On-Site	No
531	Peach	Prunus persica	1.5"	Good	Remove	100%	On-Site	No
532	Locust	Robinia pseudoacacia	3"	Poor	Remove	100%	On-Site	No
533	Elm	Ulmus americana	4"	Good	Remove	100%	On-Site	No
535	Ash	Fraxinus spp.	1"	Fair	Remove	100%	On-Site	No
536	Locust	Robinia pseudoacacia	4"	Good	Remove	100%	On-Site	No
537	Mulberry	Morus alba	3"	Good	Remove	100%	On-Site	No
538	Mulberry	Morus alba	4"	Good	Remove	100%	On-Site	No

a.) Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The Property is currently improved with a large paved parking area and a single use, low-rise aging building. Given the locations of the impacted trees on and adjacent to the Property, any redevelopment of the Property to improve it would necessitate the same or similar tree impacts as those proposed. The proposed redevelopment of the Property is consistent with the Takoma Park Master Plan, which calls for an alternative use of the Property, and is the result of years of study by the City and close collaboration between the City and NDC to bring to fruition.

The Project's limits of disturbance (LOD) were designed to avoid or minimize impacts to trees as much as possible, while still providing sufficient access for construction of the Project, whose massing and density are in accordance with the Property's zoning. Additionally, a storm drain initially shown impacting trees through Lot 39 has now been moved to the street to further reduce adverse impacts to the trees. The City of Takoma Park Arborist has agreed that the trees to be removed are of lower quality, including many invasive species or trees in poor condition. Trees that are of better condition and quality will be retained as part of a forest conservation easement.

The existing conditions, the location of the impacted trees on and adjacent to the Property, the Master Plan's specific recommendations for the Property, and the involvement of the City in directing the proposed redevelopment all represent conditions particular to the Property. Denial of the requested variance would restrict the Applicant's ability to implement the Project, causing unwarranted hardship.

b.) Describe how enforcement of this chapter will deprive the landowner of rights commonly enjoyed by others in similar areas.

The requested variance is based on development plans that are consistent with the zoning approved through the County planning process, and developed through extensive collaboration with the City of

Takoma Park. Strict protection of all trees 1" and larger on site would prevent any significant changes from being allowed to be made to the site, in conflict with the Master Plan's vision. Denial of the variance would therefore deprive NDC of the redevelopment and improvement opportunities enjoyed by neighboring and similar properties that do not have protected trees located in areas slated for improvement.

*c.) 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 site is located in an urban area that was developed before modern stormwater management regulations were enacted and no stormwater management is currently provided on the site. The stormwater 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 plan provides stormwater treatment to the maximum extent practicable through the use of micro bioretention facilities and green roof. These facilities will provide treatment for stormwater management runoff.

The proposed project will also have an approved sediment and erosion control plan. Stormwater management facilities will be provided in accordance with County and City of Takoma Park regulations to meet stormwater quality goals as noted above.

Therefore, water quality in and around the Property will be enhanced through the development of the Project, not degraded.

*d.) Provide any other information appropriate to support the request.*

The applicant has minimized tree impacts to the extent possible, and through the review of the application, has relocated a storm drain in order to further ensure maximum protection of trees. All efforts will be made to preserve the impacted trees shown as removed, and the City Arborist and/or the contractor's arborist will ultimately confirm that all the trees indicated to be removed must, in fact, be so. Tree protection fencing and tree planking will be installed where necessary, and root pruning will occur under the supervision of a certified arborist.

Additionally, in accordance with the standards and requirement of the City of Takoma Park, 47 new trees will be planted to compensate for the removal of the trees outlined above. As part of the Forest Conservation Plan for the Project, NDC will also be placing a conservation easement on the site that will count towards forest retention (letter O on the forest conservation worksheet), including a total of 0.12 acres of forest retention. Additionally, the required afforestation / reforestation (line item "V" on the Forest Conservation Worksheet) will be met with an off-site easement of two times the required amount on Lot 39 (0.14 acres required, 0.28 acres provided).

We believe the supporting information provided with this letter justifies the variance to impact the trees as shown in Table 1. Please contact us at 202-289-4545 if you have any questions or require additional information.

Sincerely,

AMT, LLC



Mary Marcinko, RLA