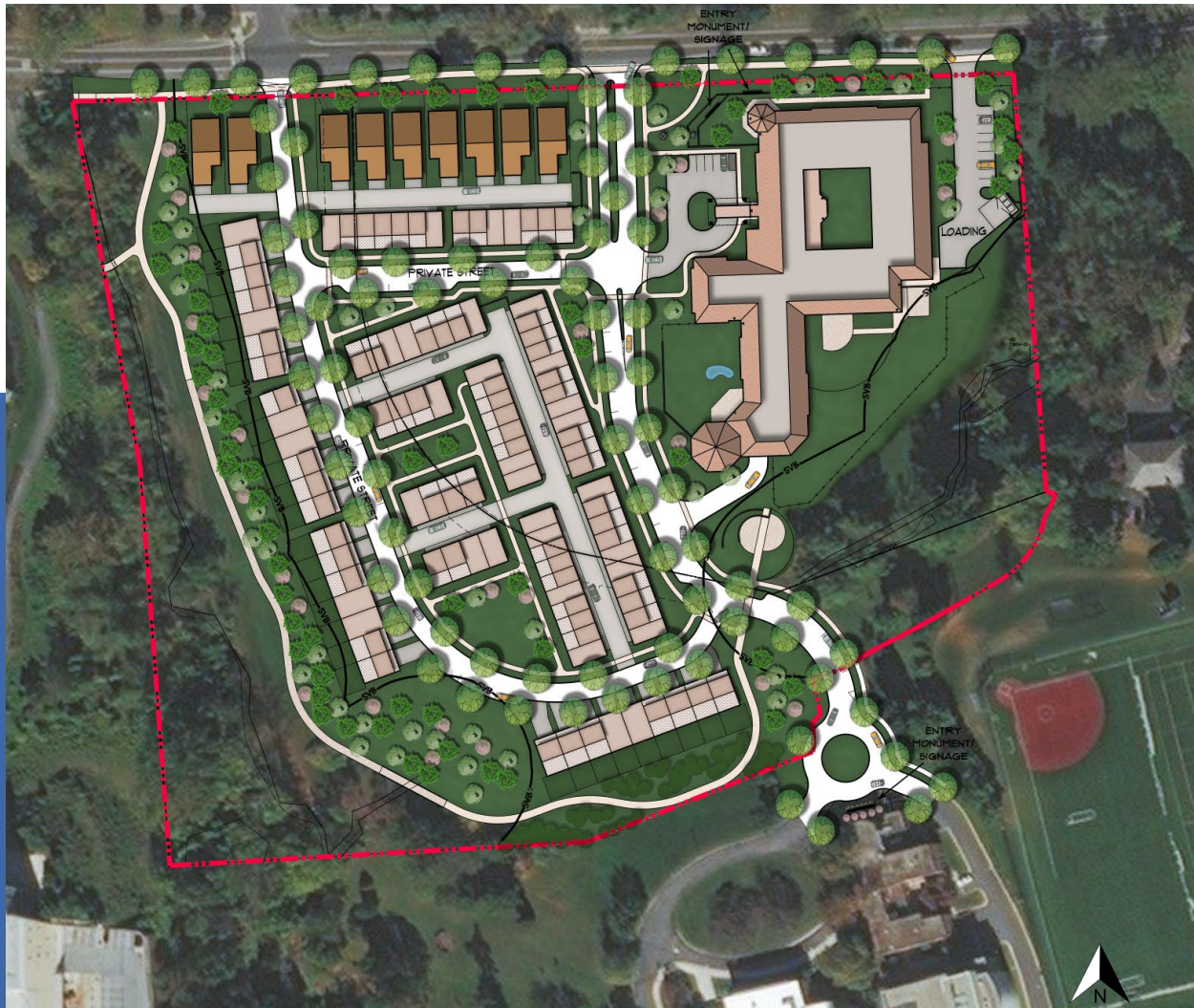


Montgomery Planning  
4910-4920 STRATHMORE AVENUE  
PRELIMINARY FOREST CONSERVATION PLAN



### Description

Request to rezone 15.36 acres from the R-60 Zone to the CRNF-0.75, C-0.25, R-0.75, H-50 Zone to construct 126 lots containing up to 125 single-family dwelling units and a 145-bed residential care facility.

NO. H-143

COMPLETED: 11-8-2021

MCPB ITEM NO. 9

11-18-2021

2425 Reddie Drive  
Floor 14  
Wheaton, MD 20902

[Montgomeryplanning.org](http://Montgomeryplanning.org)



Steve Findley, Planner Coordinator, Mid-County Planning, Steve.Findley@montgomeryplanning.org, (301) 495-4727

Matthew Folden, Supervisor, Mid-County Planning, Matthew.Folden@montgomeryplanning.org, (301) 495-4539

Carrie Sanders, Chief, Mid-County Planning, Carrie.Sanders@montgomeryplanning.org, (301) 495-4653

#### LOCATION:

4910-4920 Strathmore Avenue, Kensington.

#### MASTER PLAN ZONE

*1992 North Bethesda/Garrett Park Master Plan*

#### PROPERTY SIZE

38.22 Acres

#### APPLICANTS

EYA Development LLC (“EYA”), and  
BL Strathmore LLC (“Brandywine”)

#### ACCEPTANCE DATE:

August 5, 2021

#### HEARING EXAMINER DATE:

November 29, 2021

#### REVIEW BASIS:

Chapter 22A, Forest Conservation Law.



## Summary

- Staff recommends approval of the Preliminary Forest Conservation Plan (PFCP) with conditions.
- The Applicant is requesting a variance approval to remove 12 specimen trees and to impact, but retain, 3 specimen trees.
- The Applicant must update the variance request if there are any new impacts to variance trees in the Final Forest Conservation Plan.

## SECTION 1

### STAFF RECOMMENDATION

#### Staff Recommendation

Staff recommends approval of the proposed development, including the Preliminary Forest Conservation Plan (PFCP) and associated Tree Variance, with the following conditions:

1. The Applicant must obtain approval of a Final Forest Conservation Plan (FFCP), for the entire Property (39.46 acres, consisting of Parcels A and B, plus off-site disturbance, with approved deductions), concurrently with the first Site Plan approval.
2. Prior to certification of the Preliminary Forest Conservation Plan (PFCP), the Applicant must correct the Forest Conservation worksheet to remove the deduction for off-site improvements and adjust the required Total Afforestation and Reforestation accordingly.
3. The Final Forest Conservation Plan must:
  - a) Be substantially consistent with the approved PFCP;
  - b) Show the planting locations of at least 114.95 total inches caliper of native shade trees, each at least three inches (3”) caliper, to mitigate the removal of twelve (12) variance trees;
  - c) Include measures to enhance the stream buffer function including invasive species management, as well as other techniques such as buffer averaging and/or enhanced forestation; and
  - d) Update the Tree Variance request, if necessary, to determine the disposition of other variance trees.
4. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
5. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
6. Prior to recordation of the plat and the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record a Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest

Conservation Plan. The Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.

7. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the three (3.0) acres of new forest planting and for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
8. Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
9. Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
10. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
11. The Applicant must install the Afforestation/Reforestation plantings in Planting Areas 1, 2, 3, and 4, as shown on the approved FFCP, within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
12. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, the Applicant



must plant the variance tree mitigation plantings totaling at least 114.95 caliper inches using a minimum tree size of 3 caliper inches. The variance tree mitigation plantings must be installed as shown on the FFCP or as directed by the M-NCPPC Forest Conservation Inspection Staff.

13. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

## SECTION 2

### PROPERTY AND PROJECT DESCRIPTION

#### Vicinity

The Site is located at 4910-4920 Strathmore Avenue (MD 547), which is approximately 1,500 feet east of Rockville Pike (MD 355) and is adjacent to both the Strathmore Music Hall and the Holy Cross School and Church, as shown in Figure 1. Directly to the west of the Site is a stream valley and the Symphony Park townhouse development, which includes an open space that visually links the Property to Rockville Pike.

The Site is located near established residential neighborhoods and associated amenities, such as the Garrett Park Elementary School, Garrett Park Estates Local Park, Druid Drive Neighborhood Park, and Garrett Park – Waverly Park. The Site is within 0.6 miles of the Grosvenor-Strathmore Metro Station.

The Staff-defined neighborhood, outlined in blue in Figure 1 below, identifies the properties that contribute to the community character and may experience the most direct impacts of the proposed rezoning. The Staff-defined neighborhood is primarily defined by the community of single-family detached dwelling units that confront the Property to the north, across Strathmore Avenue, the single-family attached neighborhood, to the west, and the institutional uses abutting the Property to the south and east.

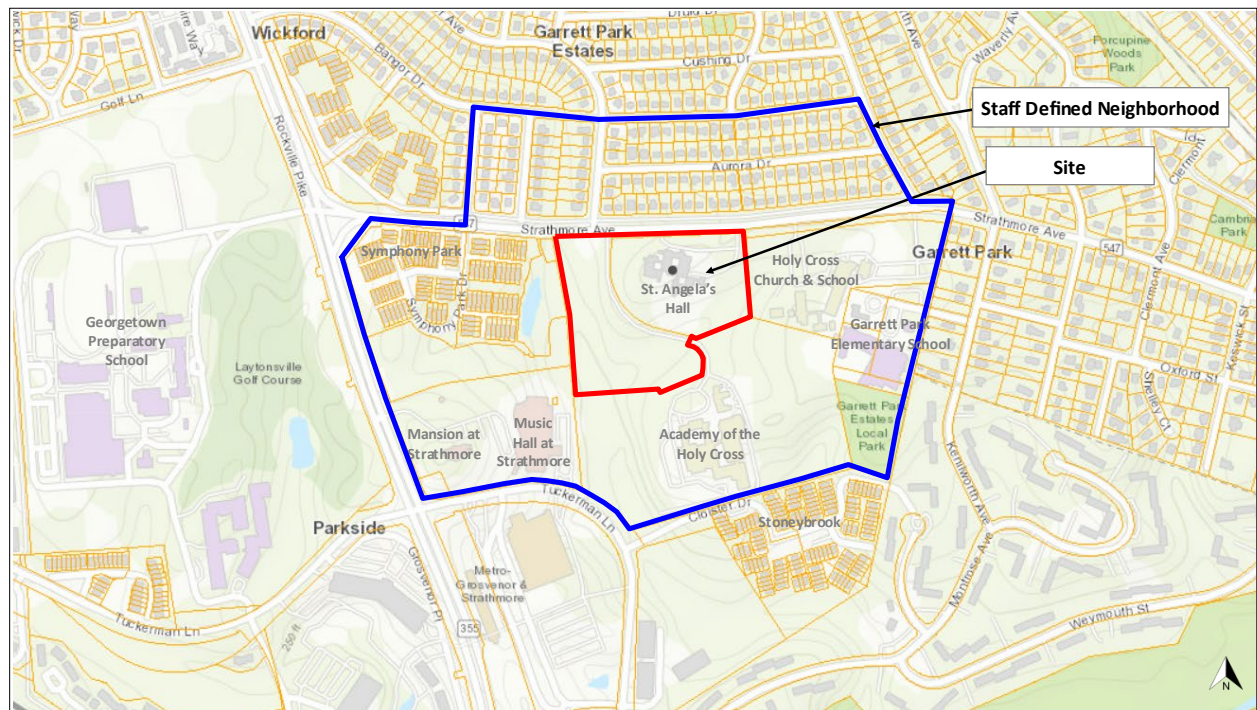


Figure 1: Vicinity/Staff Defined Neighborhood

Although the Subject Property is not listed as a historic site, there are properties in the surrounding area listed in the National Register of Historic Places, including the Strathmore Hall Arts Center to the southwest of the Site and the Garrett Park Subdivision approximately 1,000 feet to the east of the Site. The proposed Local Map Amendment will not negatively impact these nearby historic resources.

## Property Description

The Sisters of The Holy Cross, Inc. is located at 4910 Strathmore Avenue (Parcel N875, Parcel A, Garrett Park-Holy Cross Convent, as shown on Plat No. 9347) and the Academy of The Holy Cross, Inc. is located at 4920 Strathmore Avenue (Parcel No. N045, Parcel B, Garrett Park Academy of the Holy Cross, as shown on Plat No. 20824).

The Site, the area subject to the Application (“Proposal”, “Project”, or “LMA Application”), as outlined in red in Figure 2 below, is located along Strathmore Avenue, immediately south of its intersection with Stillwater Avenue. The Site is more specifically described as part of Parcel B and consists of all the Property located at 4910 Strathmore Avenue known as Parcel A. Together these two areas compose approximately 15.36 acres (669,082 square feet) out of the Subject Property, all areas under common ownership.

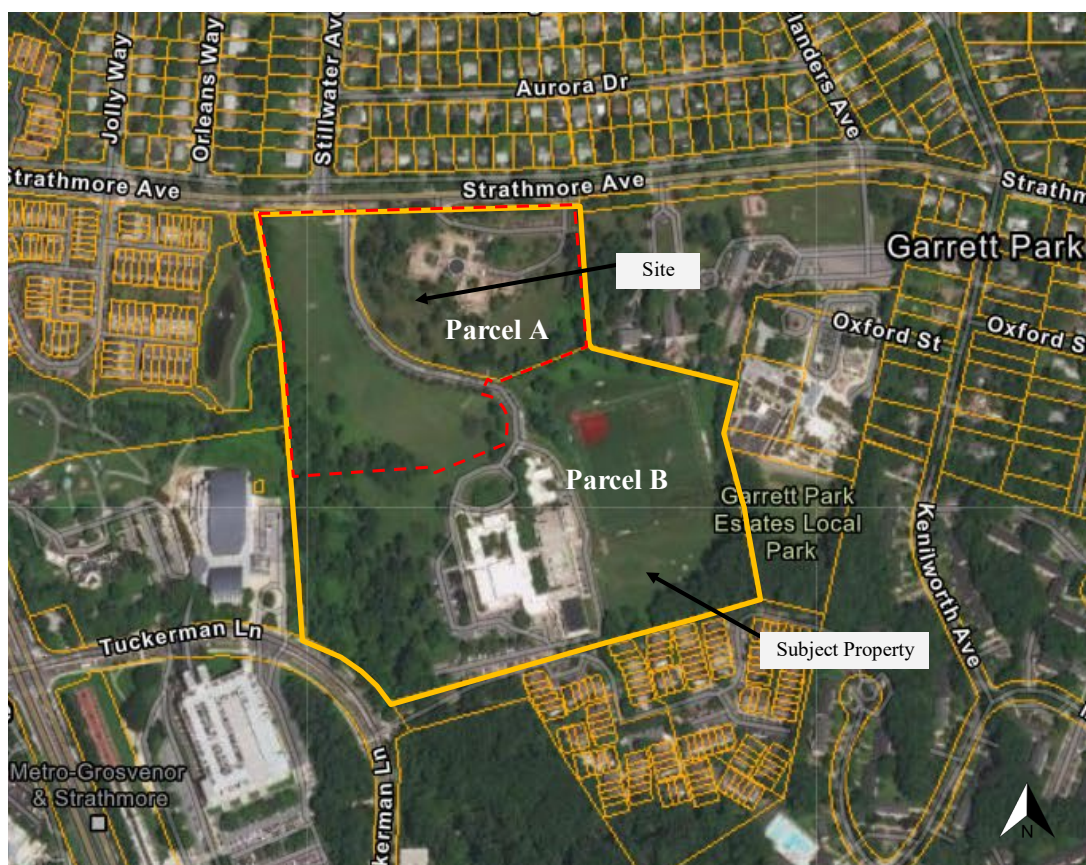


Figure 2: Overall Site (outlined in yellow) and LMA Subject Property (outlined in red)

The Subject Property, outlined in yellow in Figure 2, represents the entirety of both Parcels A and B, is approximately 38.22 acres in size. The Subject Property is zoned R-60 and improved with school buildings,

athletic fields, and a former group home for retired nuns (St. Angela's Hall) that fronts onto Strathmore Avenue. The school site is known as the Academy of the Holy Cross, which is a Catholic high school for girls.

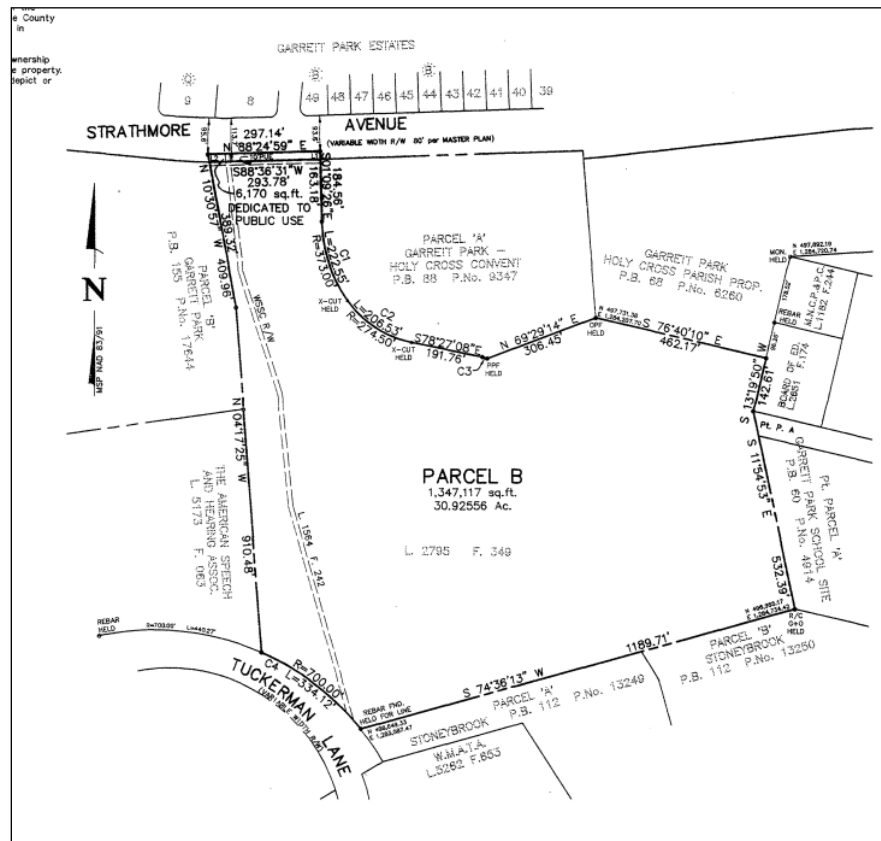


Figure 3: Plat 20824 (Parcels A and B)

More specifically, Parcel A is improved with the former St. Angela's Hall (approximately 38,000 square feet) with two driveway entrances on Strathmore Avenue, surface parking, outdoor amenity spaces, pedestrian paths, and open lawn areas. The building and driveways for the existing St. Angela's Hall are located on the high point of the site and slope down to a nearby tributary of Rock Creek and associated wetlands along the western, southern, and eastern sides of the Site. The portion of Parcel B, subject to the rezoning Application, is improved with a driveway and two athletic fields, sloped lawns, and a stream along the western border of the Site.

A Natural Resources Inventory/Forest Stand Delineation (No. 420211410) was approved on July 27, 2021. A tributary of Rock Creek runs along the western boundary of the Property. The stream valley also contains areas of wetlands and 100-year floodplain, as well as some hydraulically-adjacent steep slopes. There are 4.06 acres of forest onsite. The Property also contains a number of specimen trees. There are no known occurrences or habitats of rare, threatened, or endangered species on the property.

## **Project Description**

The Application for rezoning is from R-60 (Medium Density Residential Detached) to the CRNF-0.75, C-0.25, R-0.75, H-50, (Commercial Residential Neighborhood-Floating) to relocate the entry drive, replace the religious institution use on Parcel A with a residential care facility and locate up to 10 detached and 115 attached townhouse units on the area currently occupied by athletic fields and landscaped lawns, for a total of 125 dwelling units. The western portion of the Property will be developed with the single-family residential uses and the eastern portion will contain the residential care facility. The proposed development will require removal of twelve specimen trees, will impinge on approximately 0.30 acres of environmental buffers, and will require clearing of approximately 0.49 acres of forest.



## SECTION 3

### ANALYSIS AND FINDINGS

#### Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (No. 420211410) was approved on July 27, 2021. A tributary of Rock Creek runs along the western boundary of the Property. The stream valley also contains areas of wetlands and 100-year floodplain, as well as some hydraulically-adjacent steep slopes. There are approximately 11.49 acres of environmental buffers and 4.06 acres of forest onsite. The Property also contains a number of specimen trees.

There are no known occurrences or habitats of rare, threatened, or endangered species on the Property.

The *Environmental Guidelines* state that “No buildings, structures, impervious surfaces, or activities requiring clearing or grading will be permitted in stream buffers, except for infrastructure uses, bikeways, and trails found to be necessary, unavoidable, and minimized by the Park and Planning Department environmental staff working closely with the utility or lead agency.” There is some flexibility to permit a limited amount of stream buffer encroachment provided that stream buffer functions elsewhere are enhanced using techniques such as stream buffer averaging or enhanced forestation. The Guidelines further state that “Only unavoidable road and utility crossings will be permitted in the stream buffer when it is clearly demonstrated that no feasible alternatives exist, and every effort is made to locate road alignment and/or utilities to create the least disturbance to existing vegetation, grade, wetlands, trout spawning areas in Use III watersheds, etc. A portion of the existing road that provides access to the school crosses a small area of the stream buffer; this road was built before the *Environmental Guidelines* were created, and is being allowed to remain to continue to provide access to the school. A pervious surface walking path and potential connection to a path to the Grosvenor Metro Station are proposed in a portion of the stream valley on the western side of the Site. The current Local Map Amendment plan also shows the back yards of units along the western side of the Property extending into the stream buffer. The *Environmental Guidelines* require that any approved stream valley encroachment must avoid sensitive areas, such as floodplains and wetlands; must minimize the area of encroachment; and must provide compensation for lost buffer function. This application avoids disturbing wetlands and floodplains, with the exception of the proposed pervious surface path. The submitted PFCP is currently proposing enhanced forestation and some areas of stream buffer expansion to compensate for lost buffer function due to back yard encroachments, sidewalks, and stormwater management facilities totaling 0.30 acres.

Because this PFCP is being reviewed with the Local Map Amendment, the proposed development is at a very early stage of design. The Preliminary and Site Plans should continue to explore ways to reduce the impact of the development on the environmental buffers. A condition of approval for the PFCP will be to require that any additional measures needed to minimize buffer encroachments and compensate for lost buffer function be established during the Final Forest Conservation Plan review and approval that will accompany the Site Plan. With this Final Forest Conservation Plan condition, the submitted plan is in conformance with the *Environmental Guidelines*.

## **Preliminary Forest Conservation Plan (PFCP)**

This Preliminary Forest Conservation Plan (PFCP) (Attachment A) was submitted with the LMA Application as required by Chapter 22A, the Montgomery County Forest Conservation Law. There was an error on the PFCP worksheet that was submitted with this plan. The PFCP worksheet will be corrected when the Certified PFCP is submitted for approval. The correct Net Tract Area is 39.46 acres, which includes the area of Parcels A and B, plus off-site disturbance required for the construction of utilities and frontage improvements, minus areas of roadway easement. The afforestation threshold for the CRN zone is 15% of the Net Tract Area, or 5.92 acres, and the Conservation Threshold is 20%, or 7.89 acres. The Applicant proposes to clear 0.49 acres of existing forest and retain 3.57 acres, resulting in a combined reforestation and afforestation mitigation requirement of 2.84 acres. Fulfillment of the mitigation requirement is proposed to be accomplished through planting new forest on site. The 3.0 acres of new planting proposed includes an extra amount of enhanced forestation as proposed mitigation for stream buffer encroachment. Final areas of planting and required easements will be determined at the time of Final Forest Conservation Plan review and approval that accompanies the future Site Plan.

### Variance Request

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Impacts to any of these trees, whether it involves removing the tree or disturbing the tree's canopy or critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request on July 29, 2021 (Attachment B) to remove twelve (12) trees and to impact, but retain three (3) trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Although variance approval is being sought to remove 12 trees, the Applicant is going to employ tree save measures to try to save three of those trees.

### Variance Recommendation

The Forest Conservation Law requires that all zoning applications must include submission and approval of a PFCP. Variance requests are reviewed and approved as part of the PFCP review. At the zoning review stage, however, many elements of the development are conceptual, and the exact engineering and grading have not yet been designed. It is clear that variance trees will need to be impacted, and some will need to be removed as a part of the development; however, Limits of Disturbance (LOD), building footprints and amenity spaces may change as the plan moves through subsequent Preliminary Plan and Site Plan reviews. For this reason, exact impacts to many trees cannot be established; therefore, the disposition of many of the variance trees cannot reasonably be determined at this stage and the Applicant may need to submit a new variance request at the time of the Final Forest Conservation and Site Plan reviews to justify any clearing truly necessary.

Table 1: Variance Trees

Tree #	Botanical Name	Common Name	DBH	Percent CRZ Impact	Impact
102	<i>Liriodendron tulipifera</i>	Tuliptree	58	100	Removal
116	<i>Pinus sp.</i>	Pine species	30	100	Removal
121	<i>Fraxinus sp.</i>	Ash species	33.5	100	Removal
122	<i>Fraxinus sp.</i>	Ash species	32.5	100	Removal
123	<i>Prunus sp.</i>	Cherry species	49.5	100	Removal
125	<i>Prunus sp.</i>	Cherry species	31	100	Removal
128	<i>Prunus sp.</i>	Cherry species	38	100	Removal
131	<i>Prunus sp.</i>	Cherry species	30.5	100	Removal
136	<i>Juniperus virginiana</i>	Eastern redcedar	30.5	100	Removal
141	<i>Platanus occidentalis</i>	American sycamore	40.5	21	Removal, but try to save
142	<i>Liriodendron tulipifera</i>	Tuliptree	37.5	23	Removal, but try to save
143	<i>Platanus occidentalis</i>	American sycamore	48.3	24	Removal, but try to save
104	<i>Liriodendron tulipifera</i>	Tuliptree	53	7	Save
137	<i>Platanus occidentalis</i>	American sycamore	34	17	Save
149	<i>Acer saccharinum</i>	Silver maple	53	13	Save

Variance trees Nos. 102, 116, 121, 122, 123, 125, 128, 131, and 136 lie within the Limits of Disturbance (LOD) in the primary development area for the Site. Critical Root Zone (CRZ) impacts are 100 percent based on the location of the LOD. Saving these trees would require significant modifications to the site design that could render development of the Site infeasible.

Variance trees Nos. 141, 142, and 143 are located in the stream valley in the northwest corner of the Site. Grading required to tie into the adjacent lot, as well as impacts from the walking trail and a connection to the trail on the other side of the stream being required by the Montgomery County Planning Department will create moderate impacts to the CRZ of these trees. Variance approval to remove these trees is being sought in case the trees must be taken out, but efforts will be made to save the trees in place.

Variance tree No. 104 is located off-site, but will have minimal CRZ impacts of only seven percent (7%) due to grading. Variance approval is being sought to impact, but save, the tree.

Tree No. 149 is located off-site, but will be impacted by frontage improvements and utility connections across Strathmore Avenue. The impacts will be minimal at thirteen percent (13%). Variance approval is being sought to impact, but save, the tree.

Tree No. 137 is along the southern boundary of the Property. It is being impacted by grading tie-outs and stormwater management facilities. The impacts will be minimal at seventeen percent (17%). Variance approval is being sought to impact, but save, the tree.

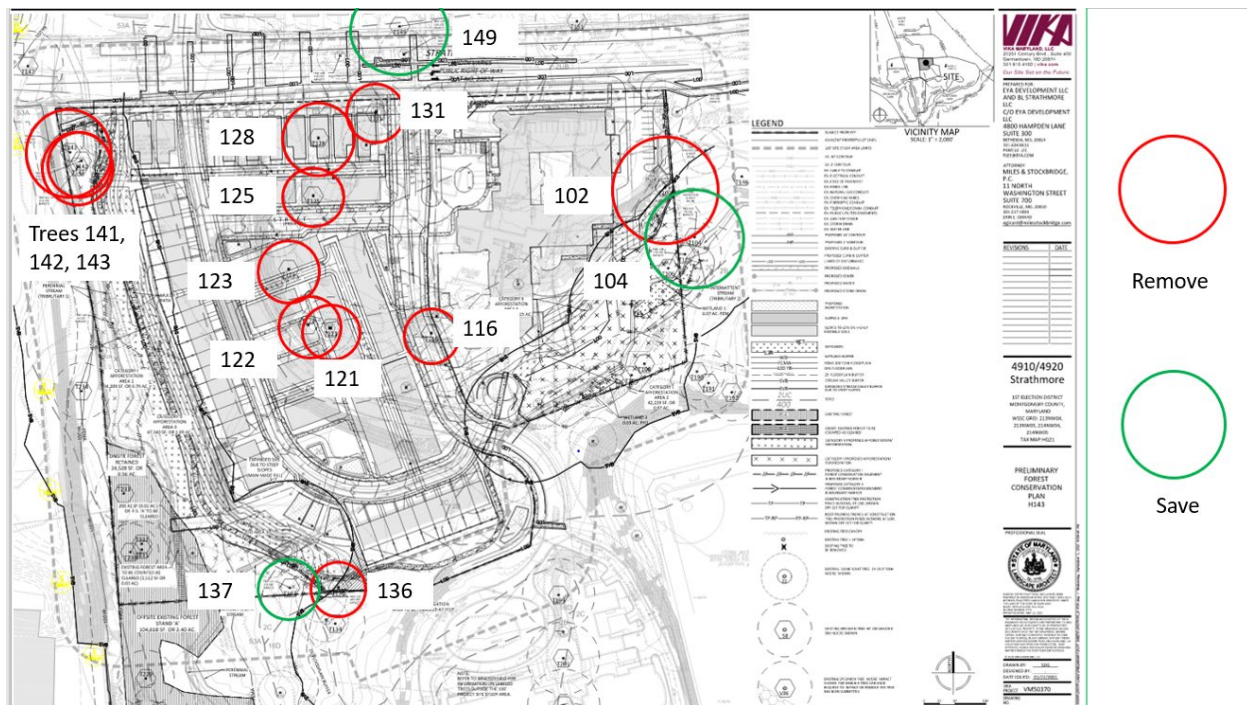


Figure 4: Locations of Variance Trees

### Unwarranted Hardship

Rezoning and developing a portion of this site within walking distance to the Grosvenor Metro Station serves the *North Bethesda/Garrett Park Master Plan* goal of “focus(ing) future development at Metrorail stops, new transit stations, and areas best served by transportation infrastructure, with more emphasis on housing.”

The Property is constrained by the stream valleys on its western and eastern sides. Retention of the school and its access further limits development. The proposed zoning for redevelopment is largely occurring on a former area of institutional use and on an athletic field. Trees Nos. 102, 116, 121, 122, 123, 125, 128, 131, and 136 are specimen trees that occur within the heart of the developable areas of the Property. Retaining these trees and avoiding their Critical Root Zones would render significant areas of the proposed development unbuildable. Avoiding impacts to trees Nos. 141, 142, 143, 104, 137 and 149 would preclude the construction of pedestrian improvements, frontage improvements, utilities and stormwater management facilities that are required to serve the Site. For all of the reasons stated above, denying the variance request would deny the Applicant reasonable and significant use of the Property for single-family and senior living, thus creating an unwarranted hardship.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

## Variance Findings

To approve the Variance, the Planning Board must find that the Variance:

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

As noted above, the proposed design responds to the multiple site constraints and is consistent with both the zoning and Sector Plan recommendations; thus, granting the variance will not confer a special privilege to the applicant.

- 2. Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based on the constraints of the Property, access requirements, required utility connections, stormwater management facilities, grading and other engineering challenges, rather than on conditions or circumstances which are the result of actions by the Applicant.

- 3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed design and constraints on the Subject Property and not as a result of land or building use on a neighboring property nor on other portions of the overall Property not being rezoned.

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

Twelve variance trees will be removed. Mitigation must be provided for removal of these trees by planting at least 114.95 total inches caliper of native shade trees, with each tree at least three inches caliper, within the new development. This is based on approved Planning Board policy that requires replacement of variance trees at a rate of 1" replaced for every 4" removed, using replacement trees of no less than 3" caliper, to replace lost environmental functions performed by the trees removed. By this formula, at least 39 native shade trees, each 3 inches caliper, must be planted in mitigation. The mitigation trees must be shown on the Final Forest Conservation Plan. These mitigation plantings will provide sufficient tree canopy in a few years to replace the lost water quality benefits of the variance trees being removed. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.



## SECTION 4

### CONCLUSION

As conditioned, the Preliminary Forest Conservation Plan is in compliance with Chapter 22A, and in conformance with the *Environmental Guidelines*.

### ATTACHMENTS

- A. Preliminary Forest Conservation Plan
- B. Variance Request



# 4910/4920 STRATHMORE PRELIMINARY FOREST CONSERVATION PLAN H143

GENERAL NOTES

1.

THE SITE IS COMPRISES OF ONE PROPERTY AND PART OF A SECOND PROPERTY, TOTALING 668,925 SF OR 15.356 ACRES LOCATED AT THE FOLLOWING ADDRESSES IN KENSINGTON, MARYLAND:  
4910 STRATHMORE AVENUE  
4920 STRATHMORE AVENUE
2.

THE SUBJECT PROPERTIES ARE LOCATED ON WSSC MAP 214NW05 and 213NW05.
3.

THE SUBJECT PROPERTIES ARE LOCATED ON TAX MAP HP23 AND HQ21.
4.

THE SUBJECT PROPERTIES COMPRISE THE FOLLOWING:

LEGAL DESCRIPTION	TAX ACCT NO.	PLAT NO.
PARCEL N875, PAR A GARRETT PARK	00045122	9347
PARCEL N045, PAR B GARRETT PARK	03234564	20824

5.

CURRENT PROPERTY ZONE: R-60 MEDIUM DENSITY RESIDENTIAL ZONE.
6.

THE HORIZONTAL DATA IS BASED ON MARYLAND STATE PLANE (NAD83/91).

7.

BOUNDARY SURVEY AND TOPOGRAPHY SHOWN IS FROM SURVEY COMPLETED BY VIKA MARYLAND, LLC IN MARCH 2020. ADDITIONAL TOPOGRAPHY OUTSIDE THE PROPERTY BOUNDARY WAS OBTAINED FROM MONTGOMERY COUNTY GIS DATA.

8.

THE SUBJECT PROPERTY DRAINS TO ROCK CREEK, A MARYLAND STATE USE I STREAM. THE MARYLAND DEPARTMENT OF NATURAL RESOURCES (MDNR) GIS WEBSITE, NATIONAL WETLAND INVENTORY (NWI) MAPPING, AND FEMA FLOODPLAIN MAPS WERE RESEARCHED ONLINE FOR THE OCCURRENCE OF WETLANDS, STREAMS, AND FLOODPLAINS. TWO ONSITE TRIBUTARIES TO ROCK CREEK AND THREE STREAM SIDE WETLAND AREAS ONSITE WERE INVESTIGATED BY WATERSHED ENVIRONMENTAL, LLC IN MARCH 2020 AS SHOWN ON THE PLAN AND DESCRIBED IN THE WETLAND NARRATIVE AS SHOWN ON THE NRI/FSD PLAN.

9.

THE SITE IS CHARACTERIZED AS GENTLY SLOPING FROM A TOPOGRAPHIC HIGH OF ±300 FEET ABOVE MEAN SEA LEVEL (MSL) AT THE EASTERN END OF THE SITE, DOWN TO APPROXIMATELY 244 FEET ABOVE MSL. ONE HIGHLY ERODIBLE SOIL TYPE, 16D, IS MAPPED FOR THE SITE; STEEP SLOPES 15% - <25% ON HIGHLY ERODIBLE SOILS AND 25% OR GREATER ON ALL SOIL TYPES ARE SHOWN ON THE PLAN. SIX SOIL TYPES OCCUR ONSITE AND ARE CHARACTERIZED ON THE SOILS TABLE SHOWN ON THE NRI/FSD PLAN.

10.

THIS SITE IS NOT LOCATED WITHIN A SPECIAL PROTECTION AREA (SPA) OR PRIMARY MANAGEMENT AREA (PMA).

11.

THE 100-YEAR FLOODPLAIN LIMITS FROM THE FEMA FLOOD MAP COMMUNITY PANEL #24031C 0361D & 0365D ARE SHOWN ON THIS PLAN. MCDPS APPROVED A FLOODPLAIN STUDY ON JULY 23, 2021 AND THAT IS ALSO REFLECTED ON THIS PLAN.

12.

NO RARE, THREATENED OR ENDANGERED (RTE) SPECIES WERE OBSERVED DURING THE SITE VISIT ON JULY 29, 2020. A LETTER DATED AUGUST 11, 2020 FROM THE MARYLAND DEPARTMENT OF NATURAL RESOURCES WILDLIFE AND HERITAGE SERVICE NOTES NO STATE OR FEDERAL RECORDS FOR LISTED ANIMAL OR PLANT SPECIES FOR THE SITE WERE FOUND.

13.

EXISTING WILDLIFE: NO RTE SPECIES WERE OBSERVED ONSITE. UNIDENTIFIED BIRD SPECIES WERE OBSERVED ONSITE AT THE TIME OF SITE VISIT ON JULY 29, 2020.

14.

THE SITE IS NOT LISTED AS AN HISTORIC OR CULTURAL SITE IN THE MARYLAND INVENTORY OF HISTORIC PROPERTIES OR THE NATIONAL REGISTER OF HISTORIC PLACES; HOWEVER, PROPERTIES IN THE SURROUNDING AREA ARE LISTED IN THE MARYLAND INVENTORY OF HISTORIC PLACES, INCLUDING THE STRATHMORE HALL ARTS CENTER TO THE SOUTHWEST OF THE SITE AND THE GARRETT PARK SUBDIVISION APPROXIMATELY 1,000 FEET TO THE EAST OF THE SITE.

15.

APPROXIMATELY 4.06 ACRES OF EXISTING FOREST LOCATED ALONG THE PROPERTY BOUNDARIES WERE IDENTIFIED ON SITE AS SHOWN ON THE PLAN. SOME OF THE FORESTED AREAS EXTEND OFFSITE. INDIVIDUAL LANDSCAPED TREES, SHRUBS AND SOME TREELINES OCCUR THROUGHOUT THE SITE.

16.

APPROXIMATELY 60 SIGNIFICANT AND SPECIMEN TREES WERE IDENTIFIED ONSITE AND APPROXIMATELY WITHIN 100' OF THE SUBJECT SITE AS SHOWN ON THE PLAN. SIGNIFICANT/SPECIMEN TREES WERE EITHER SURVEY LOCATED OR LOCATED USING ADJACENT LANDMARKS AS SHOWN ON THE PLAN. OTHER EXISTING VEGETATION INFORMATION ASSOCIATED WITH THIS PROPERTY IS AS SHOWN ON THIS PLAN.

A DIAMETER TAPE WAS USED TO MEASURE TREES UNLESS OTHERWISE INDICATED.

NO CHAMPION TREES OR TREES 75% OF THE STATE CHAMPION FOR THEIR SPECIES WERE FOUND ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.

17.

THE NRI/FSD FIELD WORK WAS CONDUCTED ON JULY 29, 2020 BY VIKA MARYLAND, LLC STAFF, DNR QUALIFIED PROFESSIONAL MARION E. BUNDENS AND SHAWN GRIMM AND THE PLAN WAS APPROVED ON JULY 27, 2021.

18.

THE FOREST CONSERVATION REQUIREMENT IS PROPOSED TO BE SATISFIED WITH ONSITE AFFORESTATION PLANTING WITHIN CATEGORY I AND CATEGORY II FOREST CONSERVATION EASEMENTS AS SHOWN ON THE PLAN.

19.

THE PLANTING LOCATIONS OF THE SPECIMEN TREE REPLACEMENT TREES ARE TO BE DETERMINED AT THE FINAL FOREST CONSERVATION PLAN STAGE.

FOREST CONSERVATION SUMMARY

AFFORESTATION/REFORESTATION REQUIRED	2.70
PROPOSED FOREST PLANTING AREA (CATEGORY I EASEMENT)	1.76
PROPOSED FOREST PLANTING AREA (CATEGORY II EASEMENT)	1.24
PROPOSED TREE PLANTINGS 20 YR. CANOPY CREDIT	0.00
SAVED EXISTING CRITICAL ROOT ZONE CREDIT	0.00
LANDSCAPE AREAS AT FULL CREDIT	0.00
LANDSCAPE AREAS AT 1/4 CREDIT	0.00
TOTAL PROPOSED LANDSCAPE CREDIT	0.00
PROPOSED FEE-IN-LIEU	0.00
TOTAL CREDITS	3.00
REMAINING REQUIREMENT (OR EXCESS PLANTING PROVIDED)	-0.30

RESOURCE DATA TABLE

Acreage of tract	38.55
Acreage of tract remaining in agricultural use	0.00
Acreage of road and utility ROWs which will not be improved as part of the development application	0.00
Acreage of total existing forest	4.06
Acreage of total forest retention	3.57
Acreage of total forest cleared	0.49
Land use category and conservation/afforestation thresholds from Section 22A-12(1) of the Forest Conservation Law (MDP)	
Afforestation Conservation	15% 20%
Forest In wetlands:	
Acreage retained	0
Acreage cleared	0
Acreage planted	0.08
Forest in 100-Year Floodplain:	
Acreage retained	2.57
Acreage cleared or counted as cleared due to easements	0.30
Acreage planted	1.29
Forest in Stream Buffers:	
Acreage retained	2.70
Acreage cleared or counted as cleared due to easements	0.31
Acreage planted	2.99
Forest in Priority Areas:	
Acreage retained	2.70
Acreage cleared or counted as cleared due to easements	0.31
Acreage planted	2.99
Linear feet and average width of stream buffer provided on each side of streams	1,360 L.F. Avg. 100' width

FOREST CONSERVATION WORKSHEET

St. Angela Project Site						
NET TRACT AREA:						
A. Total tract area ...						38.55
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan) ...						0.94
C. Land dedication acres (parks, county facility, etc.) ...						0.00
D. Land dedication for roads or utilities (construction not required by this plan) ...						0.00
E. Area to remain in commercial agricultural production/use ...						0.00
F. Other deductions (0.94 ac. offsite utility connections & 0.03 ac. roadway easement)						0.97
G. Net Tract Area .....						38.52
LAND USE CATEGORY: (from Chapter 22A-3, Definitions)						
Input the number "1" under the appropriate land use, limit to only one entry.						
	ARA	MDR	IDA	HDR	MDP	CIA
	0	0	0	0	1	0
G. Afforestation Threshold ...					15%	x G =
H. Conservation Threshold ...					20%	x G =
EXISTING FOREST COVER:						
I. Existing forest cover .....						4.06
J. Area of forest above afforestation threshold .....						0.00
K. Area of forest above conservation threshold .....						0.00
BREAK EVEN POINT:						
L. Forest retention above threshold with no mitigation ....=						0.00
M. Clearing permitted without mitigation .....						0.00
PROPOSED FOREST CLEARING:						
N. Total area of forest to be cleared or counted as cleared .....						0.49
O. Total area of forest to be retained .....						3.57
PLANTING REQUIREMENTS:						
P. Reforestation for clearing above conservation threshold ....=						0.00
Q. Reforestation for clearing below conservation threshold ....=						0.98
R. Credit for retention above conservation threshold .....						0.00
S. Total reforestation required .....						0.98
T. Total afforestation required .....						1.72
U. Credit for landscaping (may not exceed 20% of "S") .....						0.00
V. Total reforestation and afforestation required .....						2.70

FOREST CLEARING SUMMARY

FOREST CLEARED OR COUNTED AS CLEARED	SF	AC	
AREA a: SEWERLINE CONNECTION	240	0.006	
AREA b: SEWERLINE EASEMENT	6,979	0.160	Areas Located
AREA c: UTILITY EASEMENT	1,077	0.025	in FS 'A'
AREA d: ROADWAY EASEMENT	5,166	0.119	
AREA e: UTILITY EASEMENT SE	1,736	0.040	Areas Located
AREA f: FUTURE FIELD EXPANSION	6,302	0.145	in FS 'B'
TOTAL CLEARING	21,260	0.49	

SIGNIFICANT & SPECIMEN TREE TABLE

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	VARIANCE TREE	CONDITION	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
101	Juniperus virginiana	Eastern Red Cedar	26		Good	4,778	1,504	31	SAVE. Offsite
102	Liriodendron tulipifera	Tuliptree	58	✓	Fair	23,779	23,779	100	REMOVE. Tree is located within the LOD
103	Juniperus virginiana	Eastern Red Cedar	24		Poor	4,072	4,072	100	REMOVE. Tree is located within the LOD
104	Liriodendron tulipifera	Tuliptree	53	✓	Poor	19,856	1,303	7	SAVE. Offsite, hollow in trunk, heavy English ivy cover.
105	Acer rubrum	Red Maple	39		Fair	10,751	22	0.2	SAVE. Offsite, multistem up high; insect damage on one of three main stems. SAVE. Not tagged but flagged. Size estimated due to heavy vine cover. Significant crown dieback.
106	Platanus occidentalis	American Sycamore	Est. 35		Poor	8,659	0	0	SAVE. Offsite, no proposed impacts. Not tagged (pink flagging added)
107	Picea sp.	Spruce species	25		Good	4,418	0	0	SAVE. No proposed impacts. Remove vines.
108	Pinus strobus	Eastern White Pine	33		Fair	7,698	0	0	SAVE. Minor proposed impacts.
109	Acer saccharinum	Silver Maple	Est. 46		Good	14,957	0	0	SAVE if practical - no impacts proposed - nearly dead.
110	Salix sp.	Willow species	Est. 26		Very Poor	4,778	0	0	SAVE if practical - Poor structure - strong trunk curve/lean.
111	Acer rubrum	Red Maple	27		Poor	5,153	89	2	REMOVE - Tree is located within the LOD.
112	Pinus virginiana	Virginia Pine	24		Fair	4,072	4,072	100	REMOVE - Tree is located within the LOD.
113	Quercus palustris	Pin Oak	24		Fair	4,072	4,072	100	REMOVE - Tree is located within the LOD.
114	Quercus palustris	Pin Oak	26		Fair	4,778	4,778	100	REMOVE - Tree is located within the LOD.
115	Juniperus virginiana	Eastern Red Cedar	28.5		Good	5,741	5,741	100	REMOVE - Tree is located within the LOD.
116	Pinus sp.	Pine species	30	✓	Poor	6,362	6,362	100	REMOVE - Tree is located within the LOD.
117	Prunus sp.	Cherry species	26.5		Good	4,964	4,964	100	REMOVE - Tree is located within the LOD.
118	Juniperus virginiana	Eastern Red Cedar	25.3		Good	4,525	4,525	100	REMOVE - Tree is located within the LOD.
119	Prunus sp.	Cherry species	24.5		Poor	4,243	4,243	100	REMOVE - Tree is located within the LOD.
120	Fraxinus sp.	Ash species	25.5		Poor	4,596	4,596	100	REMOVE - Tree is located within the LOD.
121	Fraxinus sp.	Ash species	33.5	✓	Poor	7,933	7,933	100	REMOVE - Tree is located within the LOD.
122	Fraxinus sp.	Ash species	32.5	✓	Poor	7,466	7,466	100	REMOVE - Tree is located within the LOD.
123	Prunus sp.	Cherry species	49.5	✓	Fair	17,320	17,320	100	REMOVE - Tree is located within the LOD.
124	Fraxinus sp.	Ash species	24		Poor	4,072	4,072	100	REMOVE - Tree is located within the LOD.
125	Prunus sp.	Cherry species	31	✓	Poor	6,793	6,793	100	REMOVE - Tree is located within the LOD.
126	Prunus sp.	Cherry species	24.5		Good	4,243	4,243	100	REMOVE - Tree is located within the LOD.
127	Prunus sp.	Cherry species	25		Good	4,418	4,418	100	REMOVE - Tree is located within the LOD.
128	Prunus sp.	Cherry species	38	✓	Fair/Poor	10,207	10,207	100	REMOVE - Tree is located within the LOD.
129	Prunus sp.	Cherry species	27		Fair	5,153	5,153	100	REMOVE - Tree is located within the LOD.
130	Prunus sp.	Cherry species	26		Poor	4,778	4,778	100	REMOVE - Tree is located within the LOD.
131	Prunus sp.	Cherry species	30.5	✓	Poor	6,576	6,576	100	REMOVE - Tree is located within the LOD.
132	Liriodendron tulipifera	Tuliptree	24		Good	4,072	0	0	Offsite - SAVE - no proposed impacts.
133	Juniperus virginiana	Eastern Red Cedar	24.5		Poor	4,243	0	0	Offsite - SAVE - no proposed impacts. Cracks in trunk, being shaded out.
134	Juniperus virginiana	Eastern Red Cedar	32		Good	7,238	0	0	Offsite - SAVE - no proposed impacts.
135	Juniperus virginiana	Eastern Red Cedar	27.3		Fair	5,268	1,352	26	REMOVE. Significant CRZ impacts. Old tag #602. Exposed roots & some dieback.
136	Juniperus virginiana	Eastern Red Cedar	30.5	✓	Fair	6,576	6,576	100	REMOVE - Tree is located within the LOD.
137	Platanus occidentalis	American Sycamore	34	✓	Fair	8,171	1,381	17	SAVE. Suckering at base of trunk.
138	Acer rubrum	Red Maple	25.5		Very Poor	4,596	4,596	100	REMOVE. Nearly dead.
139	Populus deltoides	Eastern Cottonwood	26.5		Good	4,964	26	0.5	SAVE. Old tag 606.
140	Juglans nigra	Black Walnut	Est. 27		Fair	5,153	57	1	SAVE. Minimal CRZ impact. Size estimage due to inaccessibility. Old tag 608.
141	Platanus occidentalis	American Sycamore	40.5	✓	Fair	11,594	2,386	21	SAVE IF POSSIBLE, INCLUDE ON VARIANCE REMOVAL LIST IN CASE NOT POSSIBLE.
142	Liriodendron tulipifera	Tuliptree	37.5	✓	Fair	9,940	2,263	23	SAVE IF POSSIBLE, INCLUDE ON VARIANCE REMOVAL LIST IN CASE NOT POSSIBLE.
143	Platanus occidentalis	American Sycamore	48.3	✓	Fair	16,490	4,022	24	SAVE IF POSSIBLE, INCLUDE ON VARIANCE REMOVAL LIST IN CASE NOT POSSIBLE.
144	Quercus alba	White Oak	24.3		Good	4,174	4,174	100	REMOVE - Tree is located within the LOD.
145	Acer rubrum	Red Maple	25.5		Good	4,596	0	0	SAVE
146	Acer saccharinum	Silver Maple	59.5		Fair	25,025	0	0	SAVE - Offsite, not tagged (pink flagging added). Some exposed roots, a large dead branch occurs. Some structural issues.
147	Platanus occidentalis	American Sycamore	38		Good-Fair	10,207	0	0	SAVE - Offsite street tree, not tagged.
148	Acer saccharinum	Silver Maple	25		Fair	4,418	1,383	31	SAVE - Offsite street tree, not tagged.
149	Acer saccharinum	Silver Maple	53	✓	Fair	19,856	2,677	13	SAVE - Offsite street tree, not tagged.
150	Platanus occidentalis	American Sycamore	27		Fair	5,153	3,037	59	REMOVE - Offsite street tree, not tagged.
151	Acer saccharinum	Silver Maple	45		Fair	14,314	0	0	SAVE - Offsite tree, no impacts.
190	Acer saccharinum	Silver Maple	55		Fair/Good	21,382	0	0	SAVE - Offsite tree, no impacts.
191	Acer saccharinum	Silver Maple	36		Good	9,161	0	0	SAVE - Offsite tree, no impacts.
192	Pinus strobus	Eastern White Pine	32		Good	7,238	0	0	SAVE - Offsite tree, no impacts.
199	Acer rubrum	Red Maple	39		Good	10,751	0	0	SAVE - Offsite tree, no impacts.
230	Platanus occidentalis	American Sycamore	37		Good	9,677	0	0	SAVE - no impacts
231	Platanus occidentalis	American Sycamore	33		Good	7,698	0	0	SAVE - no impacts
232	Platanus occidentalis	American Sycamore	43		Good	13,070	0	0	SAVE - no impacts
233	Acer saccharinum	Silver Maple	40		Fair	11,310	0	0	SAVE - no impacts
234	Platanus occidentalis	American Sycamore	53		Good	19,856	0	0	SAVE - Offsite tree, no impacts.

\* Diameter at breast height in inches

AFFORESTATION SUMMARY

CATEGORY I FOREST CONSERVATION EASEMENT	SF	AC	ROUNDED AC
FOREST STAND 'A' RETENTION	117,480	2.697	2.70
FOREST STAND 'B' RETENTION	37,899	0.870	0.87
TOTAL FOREST RETENTION AREA	155,379	3.567	3.57
AFFORESTATION AREA 1	34,209	0.785	0.79
AFFORESTATION AREA 2	42,229	0.969	0.97
TOTAL CAT. I AFFORESTATION	76,438	1.755	1.75
TOTAL CAT. I EASEMENTS	231,817	5.322	5.32
CATEGORY II FOREST CONSERVATION EASEMENT	SF	AC	ROUNDED AC
REFOR./AFFORESTATION AREA 3	47,340	1.087	1.09
AFFORESTATION AREA 4	6,722	0.154	0.15
TOTAL CAT. II AFFORESTATION	54,062	1.241	1.24
TOTAL REFOR./AFFORESTATION	130,500	2.996	3.00
TOTAL OF ALL FC EASEMENTS	285,879	6.563	6.56

NOTE: 0.01 AC. DISCREPANCIES IN ROUNDED AC COLUMN TOTALS MAY OCCUR DUE TO ROUNDING CONVERSIONS FROM SF TO 0.00 AC FORMAT REPORTING

SPECIMEN TREE REPLACEMENT TABLE

TREE TO REMOVE (TAG #)	DBH (INCHES)	MITIGATION REQUIRED @ 1" /4" REMOVED	# OF 3" CALIPER REPLACEMENT TREES
102	58	14.5	4.83
116	30	7.5	2.50
121	33.5	8.375	2.79
122	32.5	8.125	2.71
123	49.5	12.375	4.13
125	31	7.75	2.58
128	38	9.5	3.17
131	30.5	7.625	2.54
136	30.5	7.625	2.54
137	34	8.5	2.83
141	40.5	10.125	3.38
142	37.5	9.375	3.13
143	48.3	12.075	4.03
Hide this Row	58	14.5	4.83
TOTAL	493.8	123.5	41.2











LEGEND

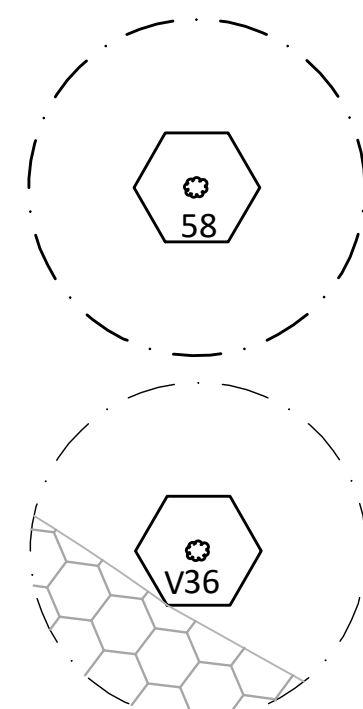
SUBJECT PROPERTY  
ADJACENT PROPERTY/LOT LINES  
100' SITE STUDY AREA LIMITS  
EX. 10' CONTOUR  
EX. 2' CONTOUR  
EX. CABLE TV CONDUIT  
EX. ELECTRICAL CONDUIT  
EX. FENCE LINE  
EX. NATURAL GAS CONDUIT  
EX. OVERHEAD WIRES  
EX. FIBEROPTIC CONDUIT  
EX. TELEPHONE/COMM. CONDUIT  
EX. PUBLIC UTILITIES EASEMENTS  
EX. SANITARY SEWER  
EX. STORM DRAIN  
EX. WATER LINE  
PROPOSED 10' CONTOUR  
PROPOSED 2' CONTOUR  
EXISTING CURB & GUTTER

LOD  
LOD  
8" W  
8" S  
8" W  
8" S  
12" RCP  
PROPOSED CURE & GUTTER  
LIMITS OF DISTURBANCE  
PROPOSED SIDEWALK  
PROPOSED SEWER  
PROPOSED WATER  
PROPOSED STORM DRAIN  
PROPOSED BIORETENTION  
SLOPES ≥ 25%  
SLOPES 15-25% ON HIGHLY  
ERODIBLE SOILS  
WETLANDS  
WETLAND BUFFER  
FEMA 100 YEAR FLOODPLAIN  
25' FLOODPLAIN BUFFER

SVB  
SVB  
2UC  
400  
EXISTING FOREST TO BE RETAINED  
ON SITE EXISTING FOREST TO BE  
COUNTED AS CLEARED  
CATEGORY I PROPOSED AFFORESTATION/  
REFORESTATION  
CATEGORY I PROPOSED AFFORESTATION/  
REFORESTATION  
PROPOSED CATEGORY I  
FOREST CONSERVATION EASEMENT  
& BOUNDARY MARKER  
PROPOSED CATEGORY II  
FOREST CONSERVATION EASEMENT  
& BOUNDARY MARKER

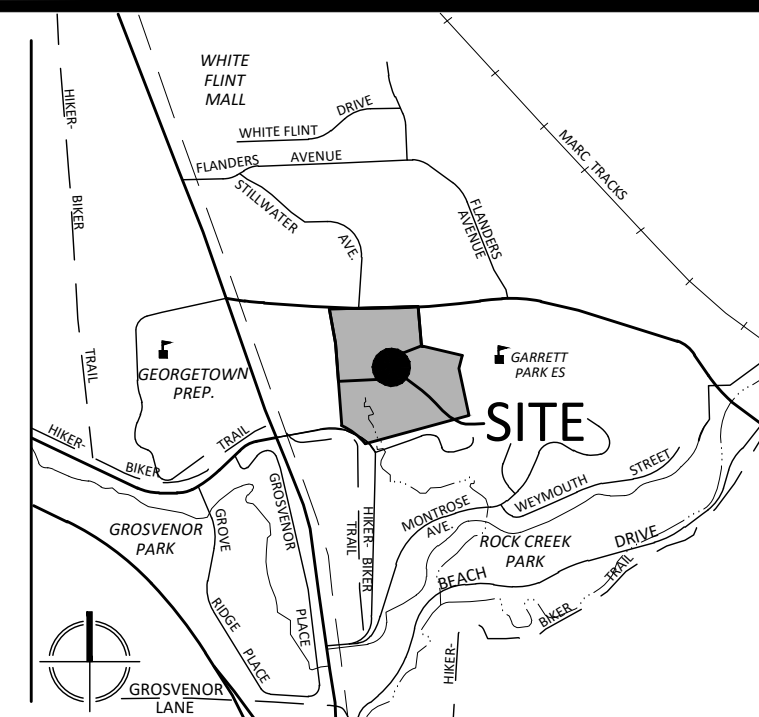
TP  
TP  
TP-RP  
TP-RP  
EXISTING SPECIMEN TREE 30" OR GREATER  
DBH W/CRZ SHOWN  
EXISTING SPECIMEN TREE W/CRZ IMPACT  
SHOWN FOR WHICH A TREE VARIANCE  
REQUEST TO IMPACT OR REMOVE THE TREE  
HAS BEEN SUBMITTED

CONSTRUCTION TREE PROTECTION  
FENCE W/SIGNS, AT LOD, SHOWN  
OFF-SET FOR CLARITY  
ROOT PRUNING TRENCH AT CONSTRUCTION  
TREE PROTECTION FENCE W/SIGNS, AT LOD,  
SHOWN OFF-SET FOR CLARITY  
EXISTING TREE CANOPY  
EXISTING TREE < 24" DBH  
EXISTING TREE TO  
BE REMOVED  
EXISTING SIGNIFICANT TREE 24-29.9" DBH  
W/CRZ SHOWN



EXISTING SPECIMEN TREE 30" OR GREATER  
DBH W/CRZ SHOWN

EXISTING SPECIMEN TREE W/CRZ IMPACT  
SHOWN FOR WHICH A TREE VARIANCE  
REQUEST TO IMPACT OR REMOVE THE TREE  
HAS BEEN SUBMITTED



VICINITY MAP  
SCALE: 1" = 2,000'



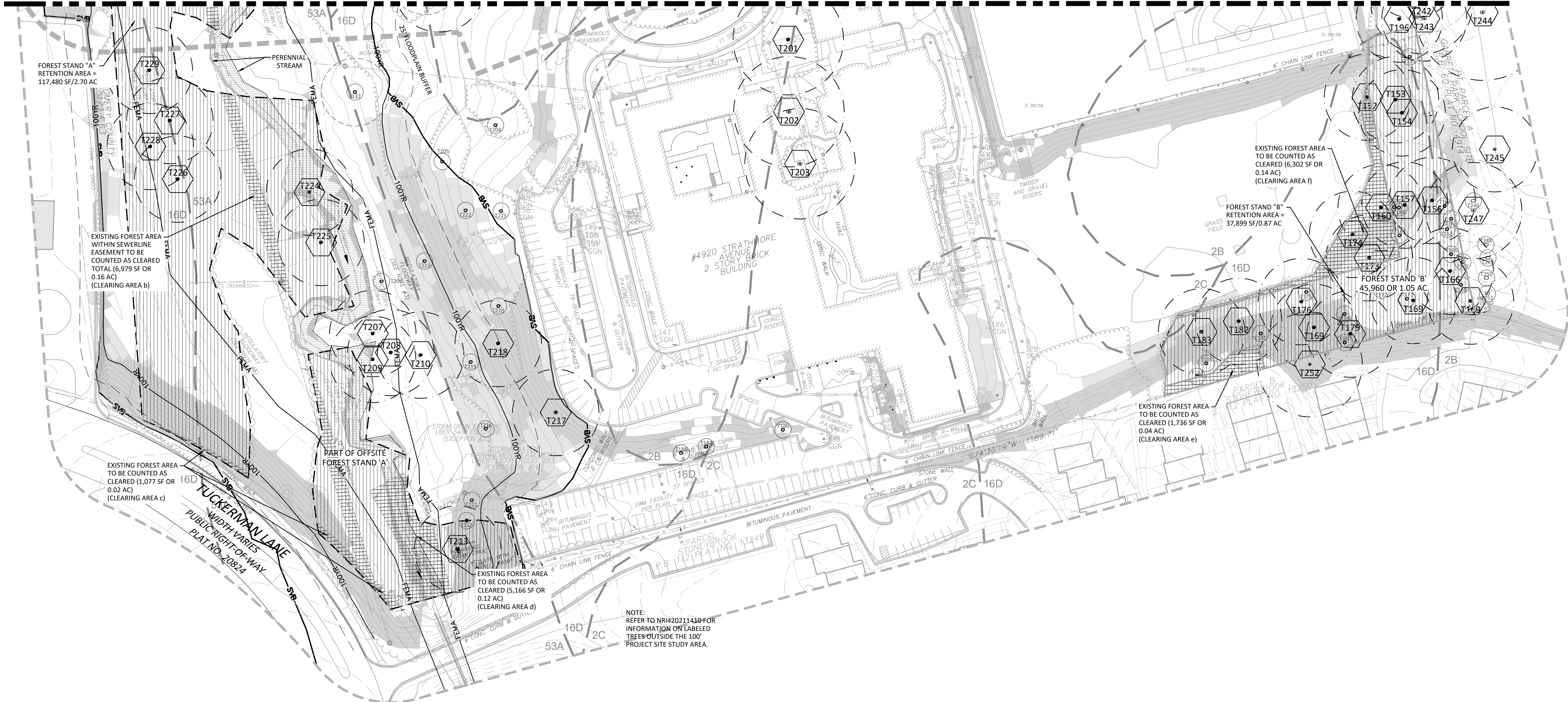
VIKA MARYLAND, LLC  
20251 Century Blvd., Suite 400  
Germantown, MD 20874  
301.916.4100 | vika.com

Our Site Set on the Future.

PREPARED FOR:  
EYA DEVELOPMENT LLC  
AND BL STRATHMORE  
LLC  
C/O EYA DEVELOPMENT  
LLC  
4800 HAMPTON LANE  
SUITE 300  
BETHESDA, MD, 20814  
301.634.8615  
PAMELA LEE  
PLEE@EYA.COM

ATTORNEY:  
MILES & STOCKBRIDGE,  
P.C.  
11 NORTH  
WASHINGTON STREET  
SUITE 700  
ROCKVILLE, MD, 20850  
301.517.4804  
ERIN E. GIRARD  
egirard@milesstockbridge.com

MATCH LINE SHEET PFCP 201





# ATTACHMENT B

**VIKA Maryland, LLC**  
20251 Century Blvd.  
Suite 400  
Germantown, MD 20874  
301.916.4100  
**vika.com**

07.09.21

## **M-NCPPC**

Steve Findley  
Planner Coordinator  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

**RE: 4910/4920 Strathmore Avenue**  
**Variance Request for Specimen Tree Removal/Impact**

Dear Mr. Findley:

### Introduction

The project associated with this variance request is Applicant's redevelopment of 4910/4920 Strathmore Avenue (the "Property") in Kensington, which consists of approximately 15.36 acres currently improved with the vacant St. Angela Hall retirement home and open space surplus frontage associated with the Academy of the Holy Cross. The site is located along the southern side of Strathmore Avenue, approximately 1,500 feet east of the intersection with Maryland Route 355. The project, with its combination of single family detached and townhouse residences, and a new residential care community, proposes to create a unique multi-generational community where families and seniors can interact with students of adjacent schools. The stream valley to the south and west ends of the site will include Forest Conservation areas with walking trails that connect to existing paths leading to nearby Metro and other local amenities such as the Strathmore Arts Center.

As part of the proposed Project, Applicant seeks a variance for impacts to the Critical Root Zone ("CRZ") or removal of 15 specimen trees on the Property. This variance request complies with M-NCPPC and Maryland state law, which require Applicant to file for a variance from these laws to remove or impact any specimen tree (tree 30" or greater in Diameter at Breast Height [DBH] or tree with a DBH equal to or greater than 75% of the current State Champion of its species as designated by MDNR); trees that are part of an historic site or associated with an historic structure; any tree designated by the State or County as a national, State, or County champion tree; or any tree, shrub or plant identified on the Rare, Threatened, or Endangered (RTE) species list provided by the U.S. Fish and Wildlife Service or the Maryland Department of Natural Resources.



The following table lists the 15 specimen trees for which Applicant seeks a variance to remove or impact the CRZ:

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	RECOMMENDATION
102	<i>Liriodendron tulipifera</i>	Tuliptree	58	Fair	REMOVE: 100% CRZ impact
104	<i>Liriodendron tulipifera</i>	Tuliptree	53	Poor	SAVE: 7% CRZ impact
116	<i>Pinus</i> sp.	Pine species	30	Poor	REMOVE: 100% CRZ impact
121	<i>Fraxinus</i> sp.	Ash species	33.5	Poor	REMOVE: 100% CRZ impact
122	<i>Fraxinus</i> sp.	Ash species	32.5	Poor	REMOVE: 100% CRZ impact
123	<i>Prunus</i> sp.	Cherry species	49.5	Fair	REMOVE: 100% CRZ impact
125	<i>Prunus</i> sp.	Cherry species	31	Poor	REMOVE: 100% CRZ impact
128	<i>Prunus</i> sp.	Cherry species	38	Fair/Poor	REMOVE: 100% CRZ impact
131	<i>Prunus</i> sp.	Cherry species	30.5	Poor	REMOVE: 100% CRZ impact
136	<i>Juniperus virginiana</i>	Eastern Red Cedar	30.5	Fair	REMOVE: 100% CRZ impact
137	<i>Platanus occidentalis</i>	American Sycamore	34	Fair	SAVE: 17% CRZ impact
141	<i>Platanus occidentalis</i>	American Sycamore	40.5	Fair	REMOVAL may be required, but save if possible: 21% CRZ impact
142	<i>Liriodendron tulipifera</i>	Tuliptree	37.5	Fair	REMOVAL may be required but save if possible: 23% CRZ impact
143	<i>Platanus occidentalis</i>	American Sycamore	48.3	Fair	REMOVAL may be required but save if possible: 24% CRZ impact
149	<i>Acer saccharinum</i>	Silver Maple	53	Fair	SAVE: 13% CRZ impact

\* Diameter at breast height

#### Justification of Variance

Section 22A-21 of the County Ordinance authorizes the County to approve variances to the Forest Conservation Law allowing disturbances to certain trees, including specimen trees. An applicant seeking a variance must present a request in writing and the applicable approving authority must make certain findings and descriptions prior to approval. Applicant's variance request satisfies the required findings as follows:

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

**The developable area of the property is significantly constrained by the stream valley buffers to the east, south and west, and the Project has been intentionally designed to minimize stream buffer impacts, preserve forest,**



expand the protective forested stream buffer, and limit redevelopment to the previously improved areas. With the exception of trees T141, T142, and T143, the specimen trees proposed for removal or saved with CRZ impacts are located within landscaped areas on portions of the Property that are currently improved, such as within the vicinity of existing parking lots, or in landscaped areas that will require grading. Removal of existing improvements alone would cause impacts to these trees. Grading and other design considerations impacting the trees were minimized to the extent practicable. Denial of the variance would cause unwarranted hardship by significantly reducing the area of the Property that could be redeveloped. This would preclude implementation of the Project, considerably undermine the economic viability of any redevelopment of the Property, and prevent achievement of the County's adopted planning goals.

The Project will require removal of nine (9) specimen trees and CRZ impacts to six (6) specimen trees. Three (3) of the latter 5 may not be feasibly saved due to root constraints along a stream on the opposite side of impact but saving is recommended if possible. All of the variance trees with proposed CRZ impacts are in fair to poor condition. Impacts minimization and avoidance to the specimen trees are described as follows:

- **Trees T102, T116, T121, T122, T123, T125, T128, T131, and T136 Proposed CRZ Impact: Severe at 100%**  
**Tree Conditions:** All in Fair to Poor conditions  
**Waiver Request:** Approve for removal  
These trees are proposed for removal due to their locations well inside the proposed Limits of Disturbance (L.O.D.). These trees are located in landscaped areas. An effort to save these trees would require a significant reduction in usable building space to clear the CRZs and would not be reasonably feasible within the scope of Project's design.
- **Trees T141, T142, and T143**  
**Proposed CRZ Impact:** Moderate at 21% - 24%  
**Tree Conditions:** Fair  
**Waiver request:** Approve for removal, but save if possible  
These three trees at 40.5", 37.5", and 48.3" DBH are all in fair condition. While proposed CRZ impacts are not severe at 21%, 23% and 24%, the root constriction on the opposite side of the impact, adjacent to the stream, would mean a larger actual CRZ percentage impact than measured as a percentage of a circular CRZ. The recommendation is to attempt to save these trees with protective measures with the recognition that saving them may not be possible due to the existing root constraints from the adjacent stream bank. Further analysis will be made in coordination with the M-NCPPC forester. The proposed CRZ impacts are due to necessary grading to tie into the adjacent lot, which was minimized to the extent feasible. The



walkway and associated grading as shown was established to provide the most efficient linkage to the intersecting trail, which crosses the stream where disturbance to the stream would be minimal or avoided with a span bridge. The vertical differential between the top of the main trail (268') and the intersecting trail (262') is six feet. The designed slope is at 5% +/- . Shifting the main trail higher up the slope (to the east) would result in a compensating fill slope on the west side that would still have an impact on the CRZs of trees T141, T142 and T143. The trade-off in impacts would be minimal and the relocation would also force a steeper route to the connecting trail. Furthermore, the connecting trail would need to be lengthened in a more circuitous route to meet up with the main trail at an appropriate elevation, thus increasing impervious area.

- **Trees T104 and 149**

**Proposed CRZ Impacts:** Minor at 7% and 13%

**Tree Condition:** Poor and Fair

Tree T104 is a 53" DBH tuliptree in poor condition, located offsite. Although it is in poor condition, the tree is proposed to be saved because only a minimal amount of CRZ impacts from grading is proposed. The impacts would be from grading that was minimized to the extent possible for the proposed parking area. The parking lot was angled to decrease the development footprint in the vicinity of this tree.

Tree 149 is a 53" silver maple tree in fair condition located offsite tree north of Strathmore Avenue. This tree is recommended to be saved due to minimal critical root zone impact of approximately 13%.

- **Tree T137**

**Proposed CRZ Impact:** Moderate at 17%

**Tree Condition:** Fair

Tree T137 is a 34" DBH American sycamore in fair condition proposed to be saved with a 17% CRZ impact. Grade tie-out is necessary for the adjacent lots and stormwater structures. The maximum steepness feasible was designed to reduce grading footprint away from this tree.

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

Denial of the variance would also deprive Applicant of rights commonly enjoyed by others in similar areas. Despite the constraints the existing environmental features create for redevelopment of the property, this project establishes compatible relationships between new development and existing neighborhoods through limits on density and uses; the Project includes single family homes and a low two-story elevation for the residential care building along Strathmore Avenue, ensuring compatibility with the confronting single



family residential neighborhood to the north. The placement of townhomes along the western portion of the site is compatible with the adjacent townhouse community to the west, and the siting of the residential care building on the eastern portion of the site is compatible with the adjacent institutional use. Additionally, the Application includes a proposed binding element ensuring no commercial uses will be developed on the Property, preserving the residential character of the neighborhood. In order to effectuate the project and its compatible relationships with the surrounding area, development was focused on the areas of the property currently improved, which contain many of the trees subject to the variance. Avoiding any impacts to the trees would significantly inhibit any compatible redevelopment. Therefore, strict enforcement of the County Code would unfairly prevent the redevelopment of the Property to the same extent as similarly situated properties along Strathmore Avenue that do not have the same degree of environmental constraints.

Approval of the variance will allow Applicant to create a multi-generational community that is consistent with the existing land uses in the area. Approval will also allow for the creation of pathways connecting the project to the adjacent communities along restored greenways for intangible yet significant community enjoyment of natural areas. All of these goals are consistent with the rights enjoyed by nearby property owners.

- (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 the granting of the variance;*

The granting of Applicant's variance request will not result in a violation of State water quality standards, nor will a measurable degradation in water quality occur as a result. On the contrary, the Project will implement measures to improve water quality. A significant area within and adjacent to the Stream Valley Buffer (SVB) will be placed into a Category I Forest Conservation Easement and allow for an increase in the width of forested area buffering the onsite stream. In addition, a Category II Forest Conservation Easement is proposed immediately adjacent to the Category I easement including a footpath, allowing low-impact community use and enjoyment of the site's natural areas. The Project also integrates current state-of-the-art stormwater management practices, which will improve upon the Property's previous stormwater management system and enhance water quality.

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

Approving Applicant's variance request is justified for other reasons as well. The proposed project will advance the County's Master Plan vision for the Property through the development of an attractive residential community that





**contains a residential care facility component, allowing area residents to age in place. The project also includes attractive landscaped open spaces and amenities while continuing to provide access to the school on the property today. The Project offers recreational and natural habitat preservation near a Metro stop that are consistent with the current character of the surrounding neighborhood.**

**Additionally, as previously mentioned, the Project proposes both preserving existing forest and increasing onsite forest adjacent to the stream buffers subject to Category I and II Forest Conservation Easements. The low-impact path planned for community enjoyment of the restored and enhanced natural areas provides access to open spaces and the adjacent communities, which will promote additional pedestrian and cyclist activity in the area. It is envisioned that a significant number of additional plantings will occur throughout the property, including shade trees, evergreen trees, ornamental trees, and planting beds, all of which will serve to improve ecological quality. Focusing redevelopment on existing developed land, increasing Forest Conservation well in excess of minimum requirements, landscape plantings, and greatly improved stormwater management design all combine to significantly improve water quality protection, wildlife value, carbon sequestration, and reduction in urban heat island effects.**

**Furthermore, the variance does not arise from a condition related to land or building use, either permitted or nonconforming, on a neighboring property.**

Thank you for your consideration of Applicant's tree variance request. The supporting information provided in this letter establishes that denial of the variance would result in unnecessary hardship or practical difficulty, as well as demonstrates Applicant's extensive efforts to minimize impacts. Please contact me with any questions, or if you require additional information.

Sincerely,

**VIKA Maryland, LLC**

**Joshua Sloan, RLA, ASLA, AICP, LEED AP ND, SITES AP**  
*Director of Planning and Landscape Architecture / Vice President*

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