



December 16, 2022

Mr. Steve Findley
M-NCPPC
2425 Reddie Drive
Wheaton, MD 20902

RE: Belward Campus Site Plan #820220250 – Request for Tree Variance
SOLTESZ Project #1423-16-00

Dear Mr. Findley,

On behalf of the Applicant, Trammel Crow Company, we are requesting a tree variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code for removal or significant impacts to specimen trees. The Applicant is proposing improvement site work on the subject property located at 9951 Key West Avenue, Rockville, Maryland.

I. APPLICANT'S PROPOSAL

The Applicant proposes development of the area north of Belward Campus Drive to provide laboratory and office buildings, structured parking, retail pavilions and public park areas with an amphitheater and recreational fields, as well as stormwater management facilities throughout. The plan provides large wooded buffers at the perimeter of the site and along stream valleys. The proposed changes to the approved Forest Conservation Plan provide detail not previously shown on the approved Preliminary Plan and Site Plan for the property. Buildings and parking at the perimeter are proposed to be built into the grade to minimize the height impacts on the adjacent community.

Construction of a parking garage along Belward Campus Drive will necessitate relocation of Road C and Road D as shown in the previous plan. The revised configuration proposes Road D to loop around the parking facility and align with Road B4 at Belward Campus Drive. This will incur into an area currently forested, but set aside in the previous plan for Future Building K. Specimen trees in this area were anticipated by the previous site plan to be removed in the future, when Road C and the future Building K were built, and part of the Category I Easement in this area was proposed to be abandoned by the FCP in Site Plan 820210120. However, the previous application did not include these trees in the variance request, allowing for more flexibility in designing the future phase. The focus of Site Plan 820210120 was development of the medical office building south of Belward Campus Drive, along Roadway B. Site Plan 820220250 focuses on the development north of Belward Campus Drive.

Construction disturbance associated with the proposed development impacts the CRZ of fourteen (14) specimen trees subject to the variance provision of the Forest Conservation Law. This variance request includes the removal of ten (10) specimen trees. While CRZ impacts are proposed to two (2) off-site specimen trees, these trees are proposed to be saved as described in Section III below.

II. EXPLANATION FOR NEED TO REMOVE TREES THAT ARE IDENTIFIED IN STATE LAW FOR PROTECTION

In March of 2022, a Forest Conservation Plan was approved as part of Site Plan #820210120. A Forest Conservation Variance Request for the removal of three trees (#88, #96, and #97) and disturbance to two trees (#74 and #77) was approved concurrently with the FCP.

As part of this Site Plan (#820220250), the removal and CRZ impacts of trees 30" DBH or greater (specimen trees) are being requested to allow for the development of the portion of the site north of Belward Campus Drive, office buildings, structured parking, retail and park areas as described above. The specimen trees which will be impacted by the proposed improvements and the subject of this variance request are shown on the amended Forest Conservation Plan submitted by others. A Variance Tree Impact & Removal Exhibit is provided with this Tree Variance that corresponds to the amended Forest Conservation Plan (by others).

For reasons described in Sections III and IV below, the Applicant respectfully requests the approval for removal of the variance trees listed, in order to utilize the required functional space available in providing the proposed life sciences campus and park amenities for the greater community.

III. GENERAL DESCRIPTION AND JUSTIFICATION FOR TREES FOR WHICH A VARIANCE IS REQUESTED

This Forest Conservation Plan variance request is for twenty-six (26) on-site specimen trees being impacted by the construction of the proposed buildings, public roadways, and private roadways.

Critical Root Zone (CRZ) impacts

There are ten (10) specimen trees impacted by the limits of disturbance within or adjacent to the property, of which four (4) are requested to be removed for CRZ disturbances of 32% or greater. These trees are listed in the below table.

Off-site trees (#1), and (#63) will have impacts to the critical root zones but are proposed to be saved with construction mitigation and tree preservation measures. The impacts associated with these trees are the result of the grading and construction of Belward Campus Drive, a master planned roadway, and sewer connection on Muddy Branch.

Trees (#88), (#96), and (#97) were approved for removal with prior FFCP #820210120 and associated Tree Variance, and are shown on the table below and attached exhibit for reference only. However, trees (#74) and (#77) were previously approved to be saved, but now proposed to be removed and subject to this tree variance.

Tree protection measures per the Forest Conservation Plan will be utilized for all other specimen and significant trees to prevent damage during and after construction.

| VARIANCE TREE IMPACT | | | | | | | | | | |
|----------------------|--------|----------|-------------|----------------------|------------|----------|--------------|------------------|-------|-------------|
| Tree # | Forest | Off-Site | Common Name | Scientific Name | DBH (inch) | CRZ Area | CRZ Impacted | Total % Impacted | Cond. | Remove/Save |
| 1 | | X | White Pine | <i>Pinus strobus</i> | 31.4 | 6966 | 2398 | 34% | Good | Save |
| 62 | | | White Oak | <i>Quercus alba</i> | 40.4 | 11531 | 569 | 5% | Poor | Save |
| 63 | | X | White Oak | <i>Quercus alba</i> | 39.4 | 10967 | 5886 | 54% | Good | Save |
| 64 | | | White Oak | <i>Quercus alba</i> | 40.7 | 11703 | 3160 | 27% | Good | Save |

Trees for Removal

Ten (10) variance trees are proposed to be removed as indicated in the table above. Most of the trees subject to this variance request are in good condition, but will be impacted by construction activity and grading associated with the proposed development, as described in Section IV. Tree #65 and #109 are dead, and Tree #78 is in fair condition.

| VARIANCE TREE REMOVAL | | | | | | | | | | |
|-----------------------|--------------------------|----------|--------------|----------------------|------------|----------|--------------|------------------|-------|-------------|
| Tree # | Forest | Off-Site | Common Name | Scientific Name | DBH (inch) | CRZ Area | CRZ Impacted | Total % Impacted | Cond. | Remove/Save |
| 65 | | | White Oak | <i>Quercus alba</i> | 36.3 | 9309 | 2965 | 32% | Dead | Remove |
| 67 | | | White Oak | <i>Quercus alba</i> | 32.0 | 7235 | 2884 | 40% | Good | Remove |
| 68 | | | White Oak | <i>Quercus alba</i> | 30.5 | 6572 | 5281 | 80% | Good | Remove |
| 69 | | | White Oak | <i>Quercus alba</i> | 36.5 | 9412 | 5703 | 61% | Good | Remove |
| 74 | | | White Oak | <i>Quercus alba</i> | 31.6 | 7055 | 3568 | 51% | Good | Remove |
| 75 | | | White Oak | <i>Quercus alba</i> | 30.1 | 6401 | 4841 | 76% | Good | Remove |
| 77 | | | White Oak | <i>Quercus alba</i> | 39.7 | 11135 | 5410 | 49% | Good | Remove |
| 78 | | | White Oak | <i>Quercus alba</i> | 35.6 | 8954 | 4108 | 46% | Fair | Remove |
| 88 | Removed in Previous Plan | | | | | | | | | |
| 96 | Removed in Previous Plan | | | | | | | | | |
| 97 | Removed in Previous Plan | | | | | | | | | |
| 98 | | | Black Walnut | <i>Juglans nigra</i> | 32.0 | 7235 | 7235 | 100% | Good | Remove |
| 109 | | | Black Walnut | <i>Juglans nigra</i> | 46.6 | 15342 | 15342 | 100% | Dead | Remove |

Mitigation

Removal of the specimen trees outside of forest areas is subject to requirements for tree planting at a rate of 1" caliper per 4" DBH. These ten (10) trees are shown in the following table. A total of 350.9 inches of caliper of new trees will be planted on the property to mitigate for the loss.

| VARIANCE TREE MITIGATION PLANTING REQUIREMENTS | | | |
|--|--------------|----------------------|------------|
| Tree # | Common Name | Scientific Name | DBH (inch) |
| 65 | White Oak | <i>Quercus alba</i> | 36.3 |
| 67 | White Oak | <i>Quercus alba</i> | 32.0 |
| 68 | White Oak | <i>Quercus alba</i> | 30.5 |
| 69 | White Oak | <i>Quercus alba</i> | 36.5 |
| 74 | White Oak | <i>Quercus alba</i> | 31.6 |
| 75 | White Oak | <i>Quercus alba</i> | 30.1 |
| 77 | White Oak | <i>Quercus alba</i> | 39.7 |
| 78 | White Oak | <i>Quercus alba</i> | 35.6 |
| 98 | Black Walnut | <i>Juglans nigra</i> | 32.0 |
| 109 | Black Walnut | <i>Juglans nigra</i> | 46.6 |
| Total DBH Removed | | | 350.9 |
| Total Caliper Replacement Required (1" caliper/4" DBH) | | | 87.7 |

IV. SATISFACTION OF THE CRITERIA LISTED IN SECTION 22A-21(b) OF THE MONTGOMERY COUNTY CODE

Section 22A-21(b) lists the criteria for granting the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above. This Forest Conservation Plan variance request is for ten (10) specimen trees to be removed.

“(1) describe the special conditions peculiar to the property which caused the unwarranted hardship.”

There are a number of conditions peculiar to the property that limit the placement of the proposed buildings and roads.

Site-wide, a large portion of the north and east portion of the site was previously conferred as Category I Forest Conservation Easement over significant areas of forested stream valley buffers but also around stormwater management facilities, pushing new easements toward the developable area. One of the two stream valley buffers naturally occur on the property, almost central to the parcel in this application.

On the west portion of the property, the 12 acre Muddy Branch Park is required to be provided per the Master Plan. Additionally, there is over a 70 feet change in topography over the site, further limiting where single-slab office buildings and parking structures can be located. When combined, these constraints significantly limit the ability to avoid the specimen trees located on the eastern portion of the site.

The location of roads have been largely predetermined by the previous Preliminary Plan and Site Plan which contemplated removal of specimen trees for both private and public roads in order to meet the Master Plan goals of connectivity, and protect of the 10-acre environmental setting of the historic farmhouse to the south.

Although some specimen trees will need to be removed, the project proposes the preservation of existing forest, additional forest buffer areas, stormwater management, and native landscape plantings which will all contribute to the overall environmental enhancement and development of a green campus.

“(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas.”

Without the allowance of the variance tree removal, the proposed life sciences campus, amenities and associated parking demand cannot be met on site. This is a key site in the vision to create a world-class life sciences center for research and development within the Great Seneca Science Corridor. The project has been carefully laid out to provide for environmental sustainability, through protection of existing environmental features, historic resources, and the development of a LEED Silver campus. Critical connections for roadways envisioned by the County for motorists are provided by the plan, and extensive open space and recreation opportunities as envisioned in the area Master Plan. Without all of these elements the campus environment could not effectively be provided, and the intent of further creating an important life sciences hub in conjunction with Johns Hopkins and area universities could not be achieved.

Denial of this request would deprive this development of rights commonly enjoyed by others with similar properties where tree variances have been granted for the purposes and intent provided above.

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

The site lies within the Muddy Branch Watershed. Changes to the local drainage area and forest conservation easements have been minimized. Stormwater management is proposed to control runoff throughout the improvement area according to the Maryland Department of the Environment (MDE) and Montgomery County Department of Permitting Services (DPS) regulations and standards to protect and enhance water quality. The forest conservation easements adjacent to the streams and along the entire northern property boundary provide long-term water quality enhancement and environmental protection. The state water quality standards will not be violated. Degradation in water quality will not occur as a result of the granting of the variance.

“(4) Provide any other information appropriate to support the request.”

The Applicant believes the information set forth above is adequate to justify the requested variance to remove the specimen trees on the subject property. Furthermore, the Applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The configuration of the existing facilities and the need for the proposed facilities drive the proposed configuration of the site elements. The location of the subject trees to be removed is not the result of actions by the Applicant, but rather is a pre-existing condition of the property whereby these trees cannot be sufficiently protected and preserved, thus necessitating the tree’s removal.
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and

4. Removal of the impacted trees will not violate state water quality standards or because of measurable degradation in water quality in fact the design intent is to enhance the water quality by stormwater management practices proposed on-site.

For these reasons listed above, we believe it is appropriate to grant this request for a variance. Should you have any questions or require additional information, please do not hesitate to contact us.

Respectfully submitted,



Soltesz, Inc.
Daniel Park, PLA, ASLA
Director of Planning