

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

~~April 23, 2025~~
~~June 4, 2025~~
 June 18, 2025

Area 1 Division
 Montgomery County Planning Department
 M-NCPPC
 2425 Reddie Dr 14th Floor
 Wheaton, MD 20902

RE: 7025 Strathmore, F20250460
 Variance Request for Specimen Tree Removal/Impact

Dear Planning Team:

Introduction

The project associated with this variance request is Applicant's redevelopment of the property located to the east of Strathmore Street and south of Woodmont Avenue (the "Property"), which consists of approximately 0.62 acres with an existing multi-family residential building. The project proposes redevelopment of the Property to provide 180 residential dwelling units in a new multi-family residential building with below-grade parking and related amenities.

As part of the proposed Project, Applicant seeks a variance for impacts to the Critical Root Zone ("CRZ") of two (2) specimen tree and removal of one (1) specimen tree 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 three (3) specimen trees for which Applicant seeks a variance to remove or impact the CRZs:

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)	CONDITION	RECOMMENDATION
7	<i>Platanus x acerifolia</i>	London plan tree	39	Good	IMPACT: 16% CRZ IMPACT
8A	<i>Juglans nigra</i>	Black walnut	38	Good	IMPACT: 2.9% CRZ IMPACT
8	<i>Quercus palustris</i>	Pin oak	33	Fair	REMOVE: 100% CRZ IMPACT



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 proposed construction is for the purpose of redeveloping currently developed property and improving its condition with the appropriate density and uses recommended by the Sector Plan. The specimen tree proposed for removal is located along the existing curb just within the property along the public alley. The alley will need to be reconstructed within the right-of-way of the property to improve safety and efficiency and run utility lines. The improvements proposed along the frontage of Strathmore Street will have a minor CRZ impact on two off-site specimen tree, recommended to be saved.

The requested tree variance is necessary for implementation of this multi-family redevelopment project and is proceeding through the development approval process with the submission of the Preliminary Plan. The proposed development also was subject to Sketch Plan review for which it received Planning Board approval for substantially similar layout, densities, and uses on the subject property. As noted in the Sector Plan (page 139) a goal of this area of Bethesda is to "Promote enhanced redevelopment opportunities to foster a quality mix of housing options."

Not granting the requested variance is an unwarranted hardship because of the particular layout necessary to implement the Council-approved density under the Sector Plan's zoning, which promotes infill redevelopment of residential apartments and increased lot coverage. It was also understood that redevelopment would result in improved stormwater management and new tree plantings to mitigate impacts. Even removal of existing buildings or utilities, maintenance of the site, or renovation of the alley would create significant impacts to this tree resulting in the need to remove it.

Impacts minimization and avoidance to the specimen trees are described as follows:

Tree 8

Proposed CRZ Impact: Severe at 100%

Tree Conditions: Fair

Waiver Request: Approve for removal

This tree is proposed for removal due to its location along the alley where it is growing over the curb and destroying the curb and fencing. Most of the root zone is under existing paving and structures; thus, any effort to save this tree would prevent the ability to improve the alley's condition, while the condition of tree is only likely to further decline with time. In addition, even maintenance to the existing buildings or alley would require removal of this tree due to extensive root and crown damage to complete the work. Finally, there are existing overhead wires running through the crown and maintenance of these utilities will require removing significant branches and relocating the utilities underground requires cutting through the CRZ.



Tree 7

Proposed CRZ Impact: Minimal at 16 %

Tree Condition: Good

Waiver request: Approve for CRZ impacts

This tree is located outside of the subject property on the opposite side of Strathmore Street. Because most of the impacts are within existing pavement, damage will be minimal. This impact is necessary to make connections to existing utility structures.

Tree 8A

Proposed CRZ Impact: Minimal at 2.9%

Tree Condition: Good

Waiver request: Approve for CRZ impacts

This tree is located outside of the subject property on the opposite side of Strathmore Street with very minimal impact due to proposed utility connections. Potential harm to the root structure is minimal.

- (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 deprive Applicant of rights commonly enjoyed by others in similar areas. The Project minimizes development impact by providing a single building footprint over underground parking. The Property use is consistent with the existing character of the surrounding neighborhood with a compatible use, as evidenced by the numerous project approvals within the vicinity. Further, development is focused on the areas of the property currently improved, which contain the tree subject to removal.

Approval of the variance will allow Applicant to create a development that is consistent with the existing land uses in the area and the recommendations of the Sector Plan. These recommendations include creation of green corridors and increasing soil volume for trees. Currently, there is only one small tree in a roughly two-foot green panel along Strathmore Street. In contrast, this variance will allow redevelopment including the reconstruction of the Strathmore Street streetscape with numerous trees in wide tree panels along the curb and secondary trees between the sidewalk and building. Approval will also allow for the creation of new and wider sidewalks/pathways connecting the project to the adjacent communities for community enjoyment of surrounding services, recreation opportunities, and outdoor spaces.

Denial of the variances would deprive the landowner of rights commonly enjoyed by others in similar areas who may redevelop in accordance with the recommendations and regulations of Montgomery County.

- (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 where no stormwater facilities currently exist. The Project integrates current state-of-the-art stormwater management practices, which will improve upon the Property's current condition by increase green area – at grade and on the rooftop – meeting State water quality standards via Environmental Site Design facilities.



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

In addition to the summary below, please see the Statement of Justification. It is envisioned that additional plantings will occur throughout the property, including shade trees, ornamental trees, and planting beds, all of which will serve to improve ecological quality. Focusing redevelopment on existing developed land, increasing Forest Conservation, 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. Given the underground garage and utility infrastructure, as well as the need to accommodate the active street frontage with a building façade per urban design recommendations, there is not a viable on-site provision for mitigation trees that would ensure long-term viability in this specific case. Unlike many larger sites that can accommodate a standard building width for residential uses and open space for significant soil volume, this site lacks the depth to accommodate both and would not be able to achieve the allowed and encouraged density if the building footprint is reduced. Therefore, a mitigation fee as an addition to the afforestation/reforestation requirement is proposed, at 100 two-inch caliper trees planted per acre, resulting in an additional 0.04 acres of afforestation requirement.

Finally, 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 demonstrating Applicant's extensive efforts to minimize impacts. Please contact me with any questions, or if you require additional information.

Sincerely,

VIKA Maryland, LLC

Joshua C. Sloan

Joshua Sloan, RLA, ASLA, AICP

Director of Planning and Landscape Architecture / Vice President

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