Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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DATE MAILED:

October 27, 2026

MCPB No. 26-106
Forest Conservation Plan No. F20260900
6001 Montrose Road
Date of Hearing: October 15, 2026

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on July 22, 2026, A&A Montrose Road LLC ("Applicant") filed an application for approval of a forest conservation plan for concurrent review and approval with Administrative Subdivision Plan No. 620260200 and Expedited Approval Plan No. E20260080 ("Accompanying Plans") on approximately 3.38 acres of land located at 6001 Montrose Road ("Subject Property") in the North Bethesda Policy Area and 2018 *White Flint 2 Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. F20260900, 6001 Montrose Rd, ("Forest Conservation Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated October 5, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 15, 2026, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0; Chair Harris, and Commissioners Hedrick, Linden, and Pedoeem voting in favor. Commissioner Bartley was necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20260900 on the Subject Property, subject to the following conditions:[1]

1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for Administrative Subdivision Plan No. 620260200 and Expedited Approval Plan No. E20260080 ("Accompanying Plans"), the Applicant must:
    a. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Cabin John Creek watershed or Priority Area[2] to satisfy the afforestation requirement for a total of 0.49 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval. Credits may only be debited from forest mitigation banks that protect all or part of an existing forest to meet up to 50 percent of the afforestation requirement. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits.
    b. Submit a cost estimate for the variance mitigation trees, five years of maintenance mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FFCP. This cost estimate must be reviewed and approved but the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of financial surety.
    c. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the mitigation trees and maintenance, credited toward meeting the requirements of the FFCP.
    d. Execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all mitigation tree plantings, including variance tree mitigation plantings credited toward meeting the requirements of the FFCP.
2. 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, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FFCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 39 caliper inches, as shown on the approved FCP. The quantity of

[1] For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor in interest to the terms of this approval.
[2] Priority Area means a priority 8-digit watershed, special protection area, or the Patuxent Primary Management Area (PMA) as defined in Section 22A-12(c)(1) of the Forest Conservation Law.

mitigation plantings can be reduced if the M-NCPPC Forest Conservation Inspection Staff determine that Protected Trees shown as removed can be retained. Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

3. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Code of Montgomery County Regulations ("COMCOR"), Forest Conservation Regulations.
4. 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.
5. 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.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A*, *and ensures the protection of environmentally sensitive features.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Subject Property is currently developed with an office building and structured parking and will be redeveloped with residential units including multi-family and townhouse units. There is no forest on the Property or sensitive environmental features. The Subject Property is zoned CRT-3.0 and is assigned a Land Use Category of Mixed-Use Development Areas ("MDP") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area. The tract area for forest conservation purposes includes the 2.98-acre Subject Property plus approximately 0.26 acres of off-site work for utilities and right-of-way improvements, for a total net tract area of 3.26 acres. The afforestation requirement for this site is 0.49 acres.

Since no on-site priority planting area is present and no other appropriate on-site planting area is available, the afforestation requirements can be met through the purchase of a forest bank off-site. If no forest bank is available for purchase, the requirement will be met through fee-in-lieu.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as a high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to 5 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property for a multi-family residential building and townhouses with vehicle circulation, stormwater management facilities, parking, internal sidewalks, and a shared use path. The development is constrained by the shape and size of the Subject Property and the necessary road alignments. The Applicant has proposed various layouts of the development to minimize impacts to as many Protected Trees as possible; however, designing the development to avoid impacts to Protected Trees is not feasible given the limited options available for the roads to be located.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

   Granting the Variance to impact and remove trees will not confer a special privilege on the Applicant, as the impacts are necessary to meet the site's requirements. The impacts to Protected Trees have been minimized but cannot be avoided. Therefore, the granting of this Variance is not a special privilege that would be denied to other applicants.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

   The requested variance is not based on conditions or circumstances

resulting from the Applicant's actions. The requested Variance is based on existing site conditions and the requirements to meet development standards, including design and transportation needs. Disturbance has been minimized to the extent feasible, while also designing the Site to avoid noise impacts to the internal park. While the multi-family buildings will result in the loss of Protected Trees, the location of these buildings will ensure that the open space is not noise impacted. Several other essential development features of the Site constrain the available locations for the proposed residential buildings.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

   The requested Variance is the result of existing conditions and required improvements, and not a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

   The Variance will not violate State water quality standards or cause measurable degradation in water quality. None of the trees proposed for removal are within a stream buffer or environmentally sensitive area. Stormwater management will be addressed with the use of stormwater management facilities on site.

   The Protected Trees requested for removal are not located in an environmental buffer or special protection area. This approval is conditioned on mitigation that approximates the form and function of the trees removed. Therefore, their removal will not violate State water quality standards or cause measurable degradation in water quality. The one Protected Tree being impacted will remain to provide the same level of water quality protection as it currently provides.

   Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approves the replacement of Protected Trees at a ratio of approximately 1 inch caliper for every 4 inches removed using trees that are a minimum of 3 caliper inches in size. This results in a total mitigation of 39 inches with an installation of 13 3-inch caliper trees. No mitigation is required for Protected Trees impacted but retained.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is

October 27, 2026

(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Linden, seconded by Commissioner Hedrick, with a vote of 3-0-1; Chair Harris and Commissioners Hedrick and Linden, voting in favor of the motion, Commissioner Bartley abstaining, and Commissioner Pedoeem was necessarily absent, at its regular meeting held on Thursday, October 22, 2026, in Wheaton, Maryland and via video conference.

Artie L. Harris, Chair
Montgomery County Planning Board

Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department