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

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DATE MAILED:

October 27, 2026

MCPB No. 26-103
Forest Conservation Plan No. F20260870
7201 Wisconsin Avenue
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 August 19, 2026, 7201 Operator LLC, ("Applicant") filed an application for approval of a forest conservation plan for concurrent review and approval with Expedited Approval Plan No. E20260060 ("Accompanying Plan") on approximately 0.78 acres of land located at 7201 Wisconsin Avenue, northeast of Willow Lane ("Subject Property"), in the Bethesda CBD Policy Area and 2025 Bethesda Downtown Plan Minor Master Plan Amendment Plan and 2017 Bethesda Downtown Plan ("Master Plan") area; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. F20260870, 7201 Wisconsin Avenue ("Forest Conservation Plan" "FCP" 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, Vice Chair Bartley was necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20260870 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 the accompanying Expedited Approval Plan, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.14 acres of afforestation requirement.

2. 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.

3. 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.

4. 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 has a Net Tract Area of 0.92 acres, including the Property area of 0.79 and offsite disturbance of 0.13 acres. As the Property is not forested, the FCP does not propose any forest clearing;

[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.

however, the Property is subject to an afforestation requirement. Based on the site zoning, the afforestation requirement is 0.14 acres The Applicant proposes to meet the forest conservation requirement via fee-in-lieu, which is allowed because the off-site afforestation requirements are less than 0.5 acre.

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 CRZ impact to one Protected Tree 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 high density residential use without the Variance. Impacts to this tree, and this variance, are necessary to achieve the density and uses for this Site as recommended by the Sector Plan.

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 will not confer a special privilege on the Applicant as the disturbance is unavoidable in order to demolish the existing building and redevelop the Property. Any applicant seeking to redevelop the Property in accordance with the Zoning Ordinance and Sector Plan would require a variance.

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 which are the result of actions by the Applicant but is based upon the existing site conditions and the locations of the Protected Tree. Tree 301 is located on the neighboring property near the Subject Property's frontage. Accordingly, demolition of the existing building and

construction of the new development necessitates impacts to the Protected Tree.

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 a result of the location of the Protected Tree and the proposed construction on the Subject Property, it is 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 Application includes environmental site design to the maximum extent practicable particularly by including measures to improve water quality where no stormwater facilities currently exist and increasing green area at grade and on the roof top Additionally, no Protected Trees are proposed for removal. Given this, granting the variance will not adversely impact water quality.

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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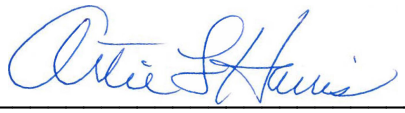
CERTIFICATION

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