

City of Gaithersburg
31 S Summit Avenue
Gaithersburg, MD 20877

July 22, 2025

Project Name: Casey-Rosedale Property

Key Definitions:

Specimen Tree: A tree that is part of a historic site; or has been designated as a champion tree by the State, County or City; or, has a diameter at 4.5 feet above the ground of 24 inches or more, or, has exceptional canopy shape and beauty; or, is a threatened, endangered species, or is individually identified on an approved forest conservation plan, or is 75 percent or more of the diameter at breast height of the current State Champion of that species.

Variance Tree: Specimen trees being proposed for removal which have a diameter measured at four and one-half feet above the ground of 30 inches or greater or are within 75% of the current state champion tree of that species and require a variance to be removed.

Tree Removal Variance Request

Tree Summary Table	
Total Specimen Trees	37
Total Variance Trees to be Removed	7
Total Variance Trees with CRZ Impacts	4

Variance Trees Proposed to be Removed

Tree Number	DBH	Scientific Name	Common Name	Health	CRZ Impact Percentage	Comments
2	30	<i>Acer saccharinum</i>	silver maple	Fair	71%	Broken branches, Adjacent to parking lot
4	31	<i>Acer saccharinum</i>	silver maple	Fair	100%	Broken branches
5	30	<i>Acer rubrum</i>	red maple	Fair	100%	Adjacent to parking lot
6	30	<i>Quercus rubra</i>	northern red oak	Good	47%	
25	30	<i>Quercus velutina</i>	black oak	Poor	44%	Half dead, broken branches
29	49	<i>Quercus alba</i>	white oak	Fair	100%	Broken branches, trunk conks
30	45	<i>Quercus alba</i>	white oak	Fair	100%	Broken branches

Specimen Trees with Proposed Impacts to Critical Root Zone

Tree Number	DBH	Scientific Name	Common Name	Health	CRZ Impact Percentage	Comments
1	30	<i>Quercus rubra</i>	northern red oak	Fair	28%	CRZ is under pavement
3	30	<i>Platanus occidentalis</i>	sycamore	Fair	18%	Broken branches, vines
10	34.5	<i>Populus deltoides</i>	eastern cottonwood	Fair	23%	Broken branches, multiple leaders
13	34	<i>Quercus rubra</i>	northern red oak	Fair	1%	Broken branches, crown die-back, epicormic branching, extensive vines

Rodgers Consulting, Inc. (“Applicant”) submits this request for tree variance request on behalf of The Eugene B Casey Foundation (the “owner/developer”) for the Rosedale Casey property (the “subject property”) that is the subject of the associated Rezoning/Sketch/Site Development Plan. The property is a ±17.00 area of land located within the municipal limits of the City of Gaithersburg (the “City”) comprised of three (3) parcels framed by South Frederick Road (MD Route 355) to the east, the Casey Community Center to the north, and Interstate I-370 to the south and west. It is presently developed as the Rosedale Apartments and vacant forested land.

Please accept the following justification statement as a formal written request for a variance from Section 22 of the City of Gaithersburg Code, to allow for the removal of 7 specimen trees which meet the criteria proposed in Section 22-12 as part of the redevelopment of the subject property. The City of Gaithersburg’s local forest conservation ordinance is codified under Section 22 of the City of Gaithersburg Code. Chapter 22 provides policies and requirements for conserving forests and protecting certain trees during the development process. Section 22-12 generally requires certain trees, plants, or shrubs to be left in an undisturbed condition, including as is relevant here:

- (C) *Trees having a diameter measured at four and one-half (4 ½) feet above the ground, of*
 - (i) *30 inches; or*
 - (ii) *75% of the diameter measured at four and one-half (4 ½) feet above ground of the current State champion tree of that species as designated by the department.*

There are 7 trees proposed for removal and 4 trees which will be retained with impacts to their critical root zones that meet criteria referenced above (hereafter referred as “variance trees” and “specimen trees with CRZ impacts” respectfully) inventoried on, or within, 100’ of the site boundary for the proposed project, as shown on Natural Resource Inventory/Forest Stand Delineations (NRI/FSD) ENV-9609-2023 and ENV-9654-2023 as approved for the Property by the City of Gaithersburg on 7/26/2023 and 11/21/2023 respectfully.

The design for the site was centered around conserving and enhancing the most sensitive and highest quality natural resources found on the property (Forest Stand #3), found within the buffer area to the existing off-site stream, and to maximize the ecological contributions of the property and potential for environmental uplift both on and offsite. Descriptions of the existing natural resources onsite and their observed condition and quality are presented under *Existing Conditions* (Section I). The following statement of justification describes the 7 variance trees identified in the field investigation that the Applicant is proposing to remove and the 4 specimen trees with critical root zone impacts that meet the definition of a tree requiring a variance request, the reasons for removal and impacts, the avoidance and minimization efforts made to reduce impacts to specimen trees, and the mitigation measures planned to compensate for the proposed specimen tree impacts.

Table of Contents

I.	Existing Environmental Conditions	2
II.	Proposed Design	3
III.	Requirements for Granting a Variance Request	4
IV.	Impact Analysis	8
V.	Ecological Benefits and Mitigation.....	9
VI.	Conclusion	10
	Attachments:	10

I. Existing Environmental Conditions

The subject property is located north of I-370, west of Frederick Road (MD 355) and south of O'Neill Drive. The Property consists of parcels N738 and N881 (9.37 acres to be rezoned from R-18 and R-20 to CD "Commercial Development") and P940 (5.24 acres previously rezoned CD in accordance with Resolution No. R-27-24 approved May 20, 2024). The site is located within the Potomac River watershed and contains four existing forest stands and 37 specimen trees.

A field investigation was performed on May 11, 2023, by two ISA Certified Arborists in accordance with the State Forest Conservation Technical Manual (DNR, 1997) and The City of Gaithersburg Forest Conservation Regulations for a Natural Resource Inventory (NRI). The locations and descriptions of the variance trees are presented in **Attachment 1** and **Attachment 2**. Natural Resource Inventory/Forest Stand Delineations described below (NRI/FSD) ENV-9609-2023 and ENV-9654-2023 were approved for the Property by the City of Gaithersburg on 7/26/2023 and 11/21/2023 respectfully.

There are 21 specimen trees located within the site limits and an additional 16 specimen trees are located within 100 feet of the site. According to the Trees and Forest Conservation City Code, Chapter 22, City Forest Conservation Code, specimen trees are defined as trees having a diameter at 4.5 feet above ground surface equal to or greater than 24 inches. Of the 37 specimen trees, 13 also meet the definition of a variance tree, meaning having a diameter at 4.5 feet above ground surface equal to or greater than of 30 inches or greater. The variance tree locations and details are presented in **Attachments 1 and 2**.

II. Proposed Design

Currently, the Rosedale Apartments include 192 existing garden-style multi-family dwelling units that were constructed in 1972 and require substantial upgrades to support the needs of the Foundation's residents. The SDP will allow for a phased redevelopment that replaces the aging and outdated units without displacing any tenants in these market rate affordable units. The Application proposes the development of up to 450 multi-family units (258 net-new units) in two (2) phases with a mix of 1-bedroom, 2-bedroom, and 3-bedroom units. This phased redevelopment of the Property enables The Eugene B Casey Foundation to improve the existing units and provide upgraded recreational amenities without displacing current residents. The continued provision of and addition of new "market-rate affordable" or "naturally occurring affordable" housing aligns with the Foundation's philanthropic mission.

The existing development is outdated and nearing the end of their useful life. The Rosedale Apartments, constructed in the 1970's without current stormwater management and forest conservation techniques, presents a unique redevelopment opportunity to preserve and expand upon the mixed-income housing within the City of Gaithersburg while providing for modern stormwater management facilities, a minimum of 30% tree canopy coverage across the re-configured parking areas, and upgraded recreational facilities. The creation of a prominent green space that is framed by new, upgraded multi-family buildings with mixed-income housing will enhance the City's sense of place.

III. Requirements for Granting a Variance Request

A. *Describe the special conditions peculiar to the property which would cause the hardship;*

Current State of the Property and Hardship Definition: The Rosedale Apartments were constructed in 1972 and require substantial upgrades to support the needs of the residents. The proposed redevelopment of the Casey-Rosedale property presents the opportunity to create a pedestrian friendly, community space with public outdoor amenity spaces for residents and visitors that shares an identity with the surrounding community and is connected so residents can enjoy the property and surrounding area. Without the tree variance, and the removal of the 7 variance trees and impact to 4 others, the Applicant would not be able to develop the site with a functional development that would meet all legal requirements and replace an aging complex with one that includes modern planning and environmental features. The Project is “significant,” because it will provide a significant amount of affordable housing as well as updated housing near mass transit, schools, and shopping centers. The Project is “reasonable,” because the proposed uses are allowed in the CD zone and fully consistent with the City’s goals, as expressed through the City’s Housing Element and its Strategic Plan’s equity goals. The ability to utilize the existing footprint of the apartment complex to achieve these goals is not feasible because of aged infrastructure, the displacement of the current residents, as well as precluding the addition of various amenities currently lacking. As a result, the inability to remove the proposed variance trees would make this project infeasible, which would be considered a hardship.

Impact on Existing Infrastructure and Increasing Pedestrian Safety: As a part of the proposed design, portions of O’Neill Drive and Nancy Place will be abandoned and then dedicated as a significantly realigned O’Neill Drive. While maintaining the existing public street access through the Property, the realignment of O’Neill Drive as a single public right-of-way with a direct connection to the adjacent Casey Community Center will support the proposed mixed-income housing Project with additional pedestrian improvements, tree canopy cover, and modern stormwater management facilities. The construction of the new roadway will directly impact trees within the roadway realignment as well as trees where roots are exposed or compacted are at high risk for decline in health and survivability which results in safety concerns causing the need for their removal. The opportunity to reconfigure O’Neill Drive and Nancy Place to allow for a safer and more efficient circulation pattern will result in enhanced pedestrian infrastructure and a usable green space that would not be possible without the removal of these trees. Additionally, due to many of the variance tree’s locations adjacent to O’Neill Drive and existing buildings, to realign the roadway and demolish the existing infrastructure there is not a feasible way to safely retain them per City and State regulations.

The design currently proposed effectively meets the overarching design goals and strategies outlined in the Master Plan by organizing the proposed buildings and parking in a manner that allows most buildings to either front O’Neill Drive or have an

adjoining portion of open space. Surface parking is substantially located at the rear of each building to maximize open space into a unifying linear element. Public streets will be outfitted with sidewalks in areas where they are currently lacking or too narrow, along with street trees, lighting, and other streetscape features that enhance connectivity and integrate residents into the urban environment. The buildings are sited utilizing the existing topography and site retaining walls to minimize the impacts of proposed grading on the existing site. By implementing a creative use of architecture, a well-integrated horizontal and vertical mix of uses, and pushing buildings up to the street to face out creates a strong connection to the existing community. Bringing windows and doors to street level, or this idea of an active frontage, and making them visually accessible is supported in urban planning research as providing livelier and safer spaces. This in turn creates a sense of place by establishing an identity for the area and giving the community a reason and desire to utilize the space.

Challenges of Retaining Specimen Trees: The designers investigated the opportunity to retain as many of the specimen trees as possible. However, because of their direct conflict with the proposed roadway alignment, incompatible existing grades, or their proximity to the proposed development footprint (buildings, surface parking, critical underground infrastructure) impact to their critical root zones or the trees themselves is unavoidable in some instances. Additionally, the equipment and space needed to construct the proposed buildings and other infrastructure also results in the unavoidable impact to some of the specimen trees. Ultimately, executing the opportunity to create a pedestrian friendly community space with public outdoor amenity spaces for residents and visitors and that is connected both internally onsite and to the surrounding community results in the removal of specimen trees. Retention of these trees would compromise the ability to construct the project.

In addition to design constraints, the proposed project faces financial limitations, as it is not a market-rate development and is entirely funded. These financial pressures compound the existing design challenges. The shared vision of the Foundation and the City is to transform the Property into a vibrant community that delivers affordable housing, balanced amenities, enhanced stormwater management, and a strong sense of community.

To achieve these objectives while maintaining economic feasibility, impacts to the identified variance trees are unavoidable. Designing around all variance trees would impose an undue financial burden on the Applicant and could jeopardize the economic viability of the redevelopment, ultimately hindering the City's ability to achieve its goals as stated in the Strategic Plan.

B. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas.

The landowner has a right to redevelop his/her property. The proposed design prioritizes environmental areas of importance while balancing the benefits of redeveloping a long-standing affordable housing community while also increasing

the number of affordable housing units within the City, thus reflecting both State Planning Principles, namely:

- Housing: Enable a mix of quality housing types and affordability options to accommodate all who want to live in the state.
- Place: Provide for public spaces that encourage social interaction and value cultural, historical, and natural resources.
- And stated City goals expressed in the adopted Housing Element and Strategic Plan.

The proposed development features a unique opportunity to preserve and expand upon the mixed-income housing while providing for modern stormwater management facilities with plantings, a minimum of 30% tree canopy cover across the re-configured parking areas, upgraded recreational facilities and landscaped open spaces, preservation of forest conservation within the stream buffer area, establishment of a reforestation area, and street tree plantings.

By not being able to remove variance trees restricted by the existing infrastructure, the landowner would be deprived of rights commonly enjoyed by others in redevelopment such as the recently approved variances for both Central Avenue and the Metropolitan Grove residential developments. Limiting the developable area by protecting the root zones and preserving variance trees would not only deprive the Applicant of the opportunity to create a functional development, but it would also prevent the project from being developed altogether. The specimen trees' critical root zones that surround the existing development complex currently encroach upon structures and impervious surfaces, increasing the likelihood that the root structures are unstable. The disturbance required to grade and redevelop the site will undoubtedly cause additional stress and negative impacts to these older trees, creating high risk for safety concerns due to their anticipated declining health.

C. 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; and

The proposed improvements and development shall not have any adverse effects on the flood height or the discharge flow rate. The hydraulic analysis will be submitted as part of the Preliminary Stormwater Management Plan and reviewed and approved by the City of Gaithersburg. The existing Rosedale Apartments were constructed in the 1970's without current stormwater management and forest conservation techniques, which results in stormwater being conveyed to offsite streams without treatment. The Application presents a unique opportunity to preserve and expand upon the mixed-income housing while providing for modern stormwater management facilities to satisfy state and federal requirements for the proposed multi-family residential development.

The Project proposes implementation of environmental site design (ESD) to the maximum extent practicable (MEP) using micro-bioretenion facilities, which do not currently exist onsite. Additional water quality treatment will be provided through underground structural stormwater facilities. The full requirements outlined in the

City of Gaithersburg redevelopment criteria are met within the Applicant's proposed stormwater design. The implementation of these proposed ESD facilities as well as the development allowing for the site to come into current stormwater management regulatory compliance, will increase water quality treatment for onsite and offsite areas.

D. *Reasonable alternatives for avoidance of the variance trees are not available.*

This variance request is the result of the location of the variance trees within existing infrastructure, the impact of construction on variance trees, and the footprint needed to redevelop the site. Regardless of other possible, financially infeasible designs, the variance trees are located within the parking lot islands, adjacent to parking lots, adjacent to existing apartment buildings and one is located within forest stand 1. To remove the existing infrastructure onsite which would be required of any redevelopment scenario, tree roots will be disturbed, surrounding soil will be compacted, and physical damage to the trees would occur, all of which would have a negative effect on the trees and for survivability and safety concerns they will need to be removed. If the variance trees are not removed or impacted, the redevelopment will not be able to occur and the various goals not met.

E. *Removal of Specimen Trees has been minimized.*

The removal of and impact to specimen trees has been minimized to the maximum extent possible understanding the limitations of tree survivability, and safety concerns that are unavoidable when construction is necessary around variance trees. All trees onsite were evaluated individually to determine if they could be retained with the proposed development and required demolition.

IV. Impact Analysis

The existing conditions and features on the property pose significant constraints on its potential for a successful redevelopment, due to the majority of the site comprising of six existing multi-family building, associated asphalt parking lots, and supporting infrastructure. The impervious nature of the existing infrastructure is not suitable to serve a sustainable redevelopment plan. To realize the full potential of the site and ensure minimal disruption to and the most sensitive environmental features as identified above, the Applicant proposes demolition and grading to redevelop the site in accordance with the Master Plan, while conserving the variance trees that are most likely to survive with the change in land use. The proposed grading will optimize the available buildable area, while preserving the integrity of the site's most sensitive ecological resources.

The following trees were assessed for removal based on their health, location in regard to existing infrastructure, and proposed impact to their Critical Root Zone (CRZ).

- Tree #2, a 30-inch DBH *Acer saccharinum* (silver maple) with broken branches in fair health, is being proposed for removal due to proximity to an existing parking

lot that is proposed for removal, which will result in 67% of the CRZ being impacted.

- Tree #4, a 31-inch DBH *Acer saccharinum* with broken branches in fair health, is being proposed for removal due to proximity to an existing building proposed for demolition which will result in 100% of the CRZ being impacted.
- Tree #5, a 30-inch DBH *Acer rubrum* (red maple), in fair health, is being proposed for removal due to proximity to an existing parking lot being within a parking lot island that is proposed for removal, which will result in 100% of the CRZ being impacted.
- Tree #6, a 30-inch DBH *Quercus rubra* (northern red oak) in good health, is recommended for removal with 42% of the CRZ being impacted due to its location adjacent to existing pavement being proposed for removal.
- Tree #25, a 30-inch DBH *Quercus velutina* (black oak) half dead tree with broken branches, in poor health, is recommended for removal with 44% of the CRZ being impacted because of its location adjacent to an existing apartment building proposed for demolition and the grade the tree is at coupled with its poor health.
- Tree #29, a 49-inch DBH *Quercus alba* (white oak) with broken branches and trunk conks in fair health, is proposed for removal due to its proximity and existing grade as it relates to O'Neil Drive which is being proposed for realignment and updates that will bring the road up to current city standards.
- Tree #30, a 45-inch DBH *Quercus alba* (white oak) with broken branches in fair health, is being proposed for removal due to its proximity and existing grade as it relates to O'Neil Drive which is being proposed for realignment and updates that will bring the road up to current city standards.

The following trees will be retained, however there are proposed impact to their Critical Root Zone (CRZ).

- Tree #1, a 30-inch DBH *quercus rubra* (northern red oak) with the CRZ located beneath pavement and is in fair health will result in 28% of the CRZ being impacted due to the installation of a storm drain and its associated outfall with plunge pool.
- Tree #3, a 30-inch DBH *Planatus occidentalis* (sycamore) with broken branches and vines in fair health, will result in 24% of the CRZ being impacted due to grading required for the reconstruction of O'Neill Drive and supporting parking.
- Tree #10, a 34.5-inch DBH *Populus deltoides* with broken branches and multiple leaders in fair health, will result in 23% of the CRZ being impacted due grading and the removal of existing pavement.
- Tree # 13, a 34-inch DBH *Quercus rubra* with broken branches, crown die-back, epicormic branching, and extensive vines in fair health, will result in 1% of the critical root zone being impacted due to the installation of a sewer line connecting to existing infrastructure.

Critical root zones of the specimen trees surrounding the existing development complex currently encroach upon the structures and impervious surfaces which increases the likelihood of unstable root structures. Many of these open-area specimen trees are in declining condition, indicated by conditions such as unbalanced root structures, wind damage, internal decay, and

vine growth. The disturbance required to grade and redevelop the site will undoubtedly cause additional stress and negative impacts to these older trees, creating high risk for safety concerns due to their anticipated declining health. Additionally, most of these open-area specimen trees are located in close proximity to structures, impermeable surfaces, and high-traffic pedestrian areas, which has likely negatively impacted the root structure and caused increased stress, leading to declining health.

A. Demolition Related Impacts

Some of the variance trees currently reside within parking lot islands (ST-5 & ST-6) or adjacent to curbs (ST-2). Tree #25 is adjacent to an existing apartment building, that coupled with the existing grade the tree is at and its poor condition makes its removal unavoidable and necessary from a safety perspective. The removal of the existing infrastructure will result in the unavoidable removal of these trees.

B. Grading Related Impacts

Trees # 3, 4, 29 and 30 reside adjacent to the existing O'Neill drive. With the realignment of the roadway and necessary updates to bring the road up to current City road code standards, grading adjacent to the roadway will ultimately result in the necessary impact to ST-3 and the removal of ST-4, 29 and 30 trees. ST-10 will be impacted as the result of grading needed to support the updated connection to O'Neill Drive. While this tree's critical root zone will be impacted, the tree will still be able to be retained.

C. Utility Related Impacts

Because the existing infrastructure served as such a design constraint, there were instances where the locations of new utilities had unavoidable impacts to variance trees. ST-1's critical root zone impact is the result of a storm drainpipe and its associated outfall and plunge pools. ST-13's critical root zone impact is the result of the installation of a sewer line that connects to existing infrastructure offsite. Both of these trees are able to be retained by utilizing root pruning coupled with the majority of their critical root zones not being impacted.

V. Ecological Benefits and Mitigation

A. The plan design provides compensation for the loss of variance trees.

This redesign allows for the creation of a sustainable and well-balanced, diverse native ecological community onsite by removing invasive species, prioritizing native forest, and proposed planting. The proposed forest conservation plan includes a high priority forest save within the stream buffer, street tree plantings, and landscape plantings to help for the loss of existing trees. By introducing a diverse array of native species, the proposed

plantings will have the potential to provide enhanced ecological benefits, to improve air and water quality, expand wildlife habitat, and greater resilience to environmental changes over time. These efforts aim to create a sustainable and thriving urban ecosystem that will be enjoyed by community residents.

While the removal of 7 variance trees and impact to 4 more is unavoidable, the proposed redevelopment allows for the opportunity to provide in the final condition additional canopy cover through the planting of approximately 257 street trees providing 4.75 acres of forest conservation credit, planting of 30% canopy cover within the surface parking lot areas, conservation of existing forest within the stream buffer area, retaining 0.29 acres of forest, establishment of a 0.15 acres reforestation area on-site, proposed landscaping within green spaces, and the removal of invasive species. These improvements collectively provide an ecological value to the site, the City and its community.

VI. Conclusion

The project provides the opportunity to redevelop and enhance the ecological capabilities of an underutilized and aging garden apartment complex to increase affordable housing within the City of Gaithersburg. Impacts to variance trees are unavoidable and are necessary to meet the goals of the City and State. We respectfully request that the City approve this request for a variance from the provisions of Section 22-12 of the City of Gaithersburg Trees and Forest Conservation Ordinance.

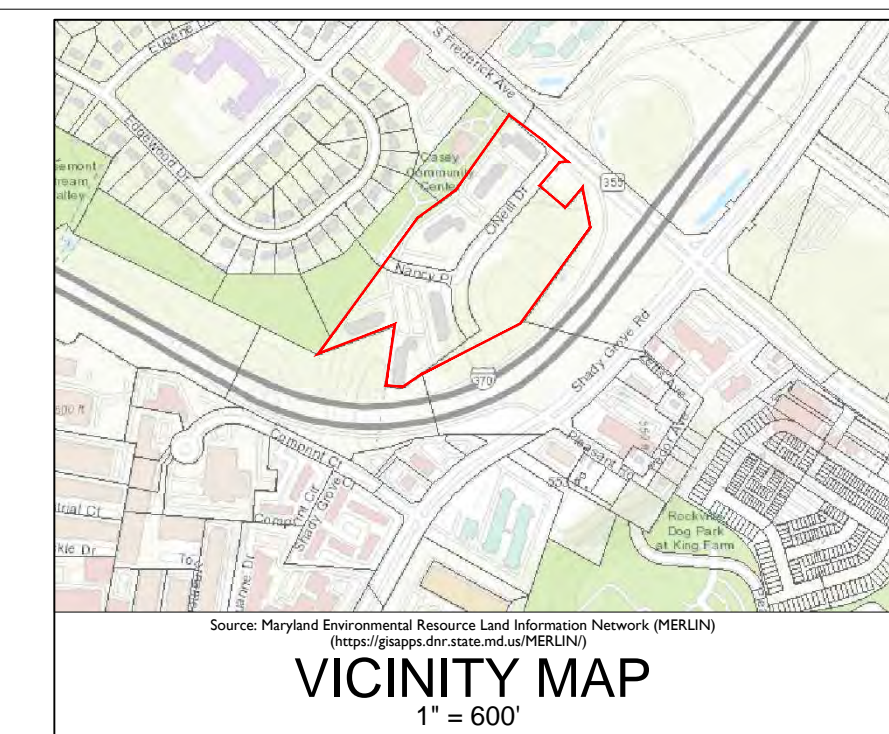
Attachments:

- Attachment 1 – Variance Tree Exhibit
- Attachment 2 – Variance Tree Table

Attachment 1 – Variance Tree Exhibit

CASEY ROSEDALE PROPERTY

TREE VARIANCE REQUEST EXHIBIT



EUGENE B. CASEY FOUNDATION

RODGERS CONSULTING

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SEAL & SIGNATURE

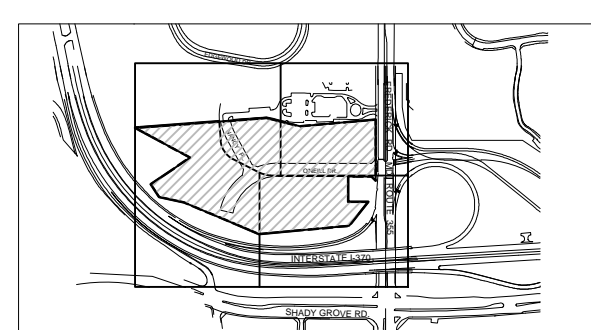


PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 1862
EXPIRATION DATE: 10/02/25

CASEY-ROSEDALE PROPERTY
TREE VARIANCE REQUEST EXHIBIT
City of Gaithersburg, Maryland, 9th Election District

Tax Map: FS63
Parcels N738/N881/P940
WSSC Grid: 222NW09

SHEET INDEX



ISSUE DATE

2025-03-14 1st City SDP Submission
2025-06-06 2nd City SDP Submission

REVISIONS

NO. DATE DESCRIPTION

PROJECT NUMBER 0532E2

DATE 6/6/2025

SCALE 1" = 60'

DRAWING TITLE

DRAWING NUMBER

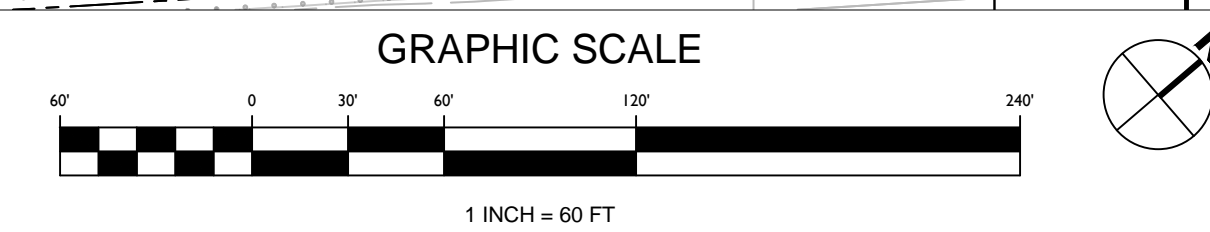


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Specimen Trees To be Retained With Critical Root Zone Impact

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Attachment 2 - Variance Tree Table

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