



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

SEP. 16 2009

**MCPB No. 09-66**  
**Forest Conservation Plan Amendment for Mandatory Referral**  
**No. MR2008108-M-1**  
**Montgomery College Parking Garage**  
**Date of Hearing: February 26, 2009**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, on January 28, 2009, Montgomery College ("Applicant"), filed an application for approval of a Forest Conservation Plan Amendment on 8.71 acres of land located at the southeast quadrant of the Georgia Avenue/13<sup>th</sup> Street/Burlington Avenue intersection at the Takoma Park/Silver Spring campus (the "Property" or "Subject Property"), in the Silver Spring CBD sector plan area ("Sector Plan Area"); and

WHEREAS, the site has previously undergone mandatory referral reviews, more specifically, in MR-2004105-M-1 for the King Street Cultural Arts Center with future parking garage and MR-2005106-MC-1 for the cultural arts center building, respectively. Each mandatory referral had separate final Forest Conservation Plans. The subject proposal is for the construction of a new parking garage behind the existing cultural arts building. The site's final Forest Conservation Plans in MR-2004-M-1 and MR-2005106-MC-1 are being amended and consolidated into one overall final Forest Conservation Plan for the 8.71-acre site. Applicant's forest conservation plan application was designated Forest Conservation Plan No. MR2008108-M-1, Montgomery College Parking Garage ("Forest Conservation Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated February 13, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on February 26, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

Approved as to  
Legal Sufficiency:

*[Handwritten signature]* 7/2/09

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 26, 2009, the Planning Board approved the Forest Conservation Plan subject to certain conditions, on motion of Commissioner John Robinson; seconded by Commissioner Amy Presley; with a vote of 4-0, Commissioners Jean Cryor, Royce Hanson, Amy Presley, and John Robinson voting in favor. Commissioner Joseph Alfandre was absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Forest Conservation Plan Amendment for Mandatory Referral No. MR2008108-M-1 on 8.71 acres of land located at the southeast quadrant of the Georgia Avenue/13<sup>th</sup> Street/Burlington Avenue intersection at the Takoma Park/Silver Spring campus (the "Property" or "Subject Property"), in the Silver Spring CBD sector plan area ("Sector Plan Area"); and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein) and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The mandatory referral site plan shall comply with conditions of the final Forest Conservation Plan. The applicant shall satisfy all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of building permits, or as specified below:*
  - a. *The college must process an amendment to the approved Jesup Blair Park forest conservation plan prior to the release of a park permit for installation of the vault and filter system on the park property, which installation method will include sheeting and shoring in order to protect the surrounding trees.*
  - b. *Tree protection and stress reduction measures for the six specimen trees and four significant trees along Jesup Blair Drive must be approved by the Department of Park's arborist.*

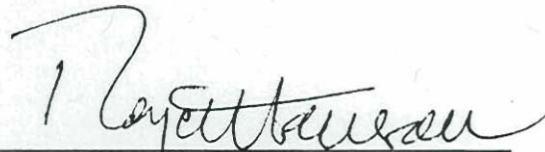
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 16 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 motion of Commissioner Alfandre, seconded by Commissioner Cryor, with Commissioners Hanson, Alfandre, and Cryor voting in favor of the motion, and with Commissioner Wells-Harley abstaining and Commissioner Presley absent, at its regular meeting held on Thursday, July 30, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman

Montgomery County Planning Board