



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

MCPB No. 18-111
Preliminary Plan No. 120180100
8787 Georgia Avenue
Date of Hearing: November 1, 2018

NOV 06 2018

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on March 1, 2018, SC/BA Silver Spring Apartments, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on approximately 138,994 square feet or 3.19 acres of land in the CR 3.0, C 2.0, R 2.75, H 90T zone, located on the southeast quadrant of the intersection of Georgia Avenue (MD 97) and Spring Street ("Subject Property"), in the 2000 *Silver Spring Central Business District Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120180100, 8787 Georgia Avenue ("Preliminary 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 19, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 1, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180100 to create 1 lot on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to

Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

1. This Preliminary Plan is limited to 1 lot, comprised of approximately 138,994 square feet or 3.19 acres, for up to 413,821 square feet of development consisting of up to 413,821 square feet of residential development (up to 400 dwelling units) and up to 32,000 square feet of non-residential development.
2. The Planning Board accepts the recommendations, except MCDOT conditions #20 and #21, of the Montgomery County Department of Transportation ("MCDOT") in its letter dated October 12, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the remaining recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. Prior to the Certification of the Site Plan, the Applicant must enter into an agreement with MCDOT to "fix or fund" non-ADA compliant pedestrian infrastructure within 500 feet of the Site. Improvements will be subject to MCDOT and/or MD SHA approval, as appropriate.
5. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MSHA") in its letter September 19, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MSHA.
7. The Applicant must dedicate all road rights-of-way to the full width mandated by the Silver Spring CBD Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following:
 - a. A dedication of the Georgia Avenue frontage necessary to provide the Sector Plan-recommended 63-foot-wide right-of-way between the Subject Property line and right-of-way centerline, and
 - b. A dedication of the Spring Street frontage necessary to provide the Sector Plan-recommended 50-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
8. The record plat must:
 - a. Show necessary easements

- b. Memorialize abandonment of approximately 1,743 square feet of Planning Place public right-of-way, granted by the County Council through Council Resolution 18-1222, dated September 18, 2018.
9. Prior to recordation of any plat, Site Plan No. 820180100 must be certified by M-NCPPC Staff.
10. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated October 17, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
12. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and 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 layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the Sector Plan and the type of development and use contemplated. The lot complies with the dimensional requirements for the CR zone as shown below.

Development Standards in the CR 3.0 C 2.0 R 2.75 H90 Zone

Standard	Required/Permitted	Approved
Residential Density	591,032 sf	413,821 sf
Commercial Density	429,842 sf	32,000 sf
Total Density	644,763 sf	413,821 sf
Residential Dwelling Units	NA	400
Front setbacks	0	Must meet minimum ¹
Side setbacks	0	Must meet minimum ¹
Rear setbacks	0	Must meet minimum ¹
Open Space	10%	13.4%
Site Plan Required	Yes	
MPDUs Required	Yes	Yes (Determined at Site Plan)

¹As determined by MCDPS at the time of building permit.

2. *The Preliminary Plan substantially conforms to the Sector Plan.*

In the Sector Plan, the Subject Property is within the portion of the Silver Spring CBD described as “Other Areas of the CBD” and is adjacent to the Georgia Avenue Corridor/ Gateway. Although the Sector Plan did not anticipate redevelopment of the entire M-NCPPC office building site, Map 28 of the Sector Plan showed potential housing on the Subject Property and identified the mid-block connections included as part of the Application. The Application contemplates a mixed-use, mid-rise residential development with ground floor retail or other non-residential uses consistent with the Sector Plan recommendations. The Application provides up to 413,821 square feet of total development, comprised of up to 413,821 square feet of residential uses with 12.5% on-site MPDUs and up to 32,000 square feet of non-residential uses.

The Application will improve upon the Subject Property’s street frontage on Georgia Avenue, Spring Street, and Planning Place to provide an enhanced pedestrian environment. Loading and vehicular access points will be located on Planning Place, which will be extended to connect with Spring Street as a private driveway opposite Fairview Urban Park.

Although the Sector Plan recommends retaining the CBD-1 Zone, the Subject Property was rezoned through the Zoning Ordinance rewrite to CR 3.0, C 2.0, R 2.75, H 90T, effective October 31, 2014. The intent of the CBD-1 zoning was to encourage redevelopment within the CBD by allowing more commercial density in response to the current market (in 2000), but also provide the flexibility for both commercial or residential high-rises, or mixed-use projects. The Application contemplates a mixed-use, mid-rise residential development with ground-floor non-residential uses under the optional method of development, which satisfies the intent of the CBD-1 Zone and the current CR Zone.

Urban Design Recommendations

The Sector Plan provides general urban design recommendations for redevelopment projects in the Silver Spring CBD. The Preliminary Plan creates a lot layout that facilitates the achievement of the urban design recommendations. These design recommendations are fully addressed in the Board's approval of Site Plan No. 820180100.

General Recommendations

For the general goals of the Sector Plan, the vision for Silver Spring's future is "to create a development environment that invites revitalization." The Plan outlines six themes: transit-oriented downtown, commercial downtown, residential downtown, green downtown, civic downtown, and pedestrian friendly downtown that guide the vision for the Silver Spring CBD.

Transit-Oriented Downtown

The Subject Property is situated at the corner of Georgia Avenue and Spring Street: the northern gateway to the CBD. The Sector Plan's transit-oriented downtown theme strives to balance the needs of commuter and local traffic, of walkers and drivers and to maximize the investment in Silver Spring's transit infrastructure. The Subject Property is one ½ mile of the Silver Spring Metro Station and is served well by transit that includes Metro, Metrobus, RideOn, the VanGo Circulator and future Purple Line.

Commercial Downtown

The Sector Plan states "Commercial activity-a mutually supportive mix of office, stores, and other business enterprises-is the defining feature of a successful downtown." The potential for a non-residential component (retail and/or restaurant) on the ground floor at the Georgia Avenue and Spring Street intersection may provide commercial services for the residents and surrounding neighborhood.

Residential Downtown

The Sector Plan's residential downtown theme seeks to create a mix of housing choices supported by parks, shopping, cultural, civic and employment uses with transit. "A green and pedestrian friendly downtown will create parks, plazas, and streets of a desirable residential community." The Application will accommodate up to 413,821 square feet of residential uses (with final unit count and unit mix to be determined at Site Plan) with 12.5% on-site MPDUs and up to 32,000 square feet of non-residential uses.

Green Downtown

The green downtown theme of the Sector Plan envisions shaded, tree-lined streets and well-placed green parks and plazas, creating a comprehensive system of open spaces that provide economic, environmental and aesthetic benefits throughout downtown. This recommendation is addressed more fully in the Board's approval of Site Plan No. 820180100.

Civic Downtown

The civic downtown theme envisions formal or informal, large or small, public or private civic spaces, where people meet, cross paths and gather (Sector Plan, page 21). The Preliminary Plan will accommodate a high quality public open space.

Pedestrian-Friendly Downtown

The pedestrian-friendly downtown theme of the Sector Plan encourages the development of active streets and sidewalks, busy with people walking to shop, commute, or for pleasure. This recommendation is addressed more fully in the Board's approval of Site Plan No. 820180100.

Circulation Systems Recommendations

The Sector Plan recommends creating a system of trails and bike routes, implementing streetscape improvements to create a safe and pleasant pedestrian environment, and where appropriate, reuse public parking facilities, and to make circulation improvements to local roads.

The Preliminary Plan will accommodate a central pedestrian Mews through the Subject Property as described in Site Plan No. 820180100, which will include separated bicycle lanes that will improve pedestrian and bicycle access between the CBD and lower density neighborhoods to the north. In addition to the separated bicycle lanes, the Preliminary Plan accommodates a private driveway extension of Planning Place to connect the existing terminus with Spring Street. This street extension will help consolidate access points for the Project and improve internal circulation.

Housing Recommendations

The housing objective of the Sector Plan is to develop new residential projects to provide housing and encourage maintenance of existing housing, creating Silver Spring as an even more desirable residential market. The recommendations include:

- provide housing choice and market-feasible development options, including apartments and townhouses;
- rezone CBD properties to encourage residential development; and
- convert selected public-sector surface parking lots to housing.

The Sector Plan identified the Subject Property as a potential housing site. The Application accommodates a new mixed-use project with up to 413,821 square feet of residential uses (with final unit count and unit mix to be determined at Site Plan) with 12.5% on-site MPDUs, offering housing opportunities proximate to the numerous transit options of downtown Silver Spring.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Vehicular access to the Subject Property is proposed directly from Planning Place and a new private driveway, which will create a continuous Planning Place connection between Georgia Avenue and Spring Street. The Project's access concept limits new vehicular access points in the urban downtown and respects the existing street hierarchy established through the Sector Plan.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station (located approximately 1,850 feet to the southwest of the Site), Metrobus, RideOn, the VanGo Circulator and future Purple Line. Specific transit routes near the Site include:

1. RideOn Bus Routes 8, 9, 12, 13, 14, 21, 22,
2. WMATA Metrobus Routes J5, Q1, Q2, Q4, Y2, Y7, Y8, Z2, Z6, Z7, Z8, Z11

Master Plan Roadways and Pedestrian/Bikeway Facilities

The Sector Plan, the 2013 *Countywide Transit Corridors Functional Master Plan*, and the 2005 *Countywide Bikeways Functional Master Plan* recommend the following master plan facilities along property frontage:

1. Spring Street, along the north and east site frontages, as an Arterial with a minimum right-of-way width of 100' (50' from center line).
2. Georgia Avenue, along the west site frontage, as a Major Highway with a minimum right-of-way width of 126' (63' from centerline).
3. Planning Place, along the south site frontage, as a Business District street, with a minimum right-of-way width of 60'.
4. Fenton Street extended, as a publicly accessible dual bikeway from Cameron Street to Woodland Drive.

In addition to the recommendations in the 2005 *Countywide Bikeways Functional Master Plan*, the County Council has endorsed, and the 2018 *Planning Board Draft Bicycle Master Plan* recommends, a network of new separated bicycle infrastructure within the Silver Spring Central Business District. That network identifies Fenton Street extended (including the pedestrian Mews proposed as part of the development) and Spring Street as bikeways that should be improved in the future with separated bicycle lanes. The Applicant is implementing this vision by enhancing the Spring Street

separated bicycle lanes with physical separation and constructing the development around a central Mews/ bicycle connection.

Sector-Planned Transportation Demand Management

As a mixed-use development with more than 100 dwelling units within the Silver Spring Transportation Management District (TMD), the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Silver Spring TMD.

Adequate Public Facilities

A transportation study, dated May 25, 2018, was submitted to analyze the Application. The proposed development is estimated to generate 245 net new morning peak-hour person trips (115 vehicle trips) and 534 net new evening peak-hour person trips (238 vehicle trips). Because the estimated transportation impact exceeds 50 net new trips for the vehicular, pedestrian, bicycle and transit ridership modes, the Applicant evaluated the adequacy of each of these modes to satisfy the Local Area Transportation Review requirement.

Vehicle Adequacy

As a project that generates more than 250 net new peak hour vehicle trips, the Applicant was required to evaluate two tiers of intersections within Downtown Silver Spring, resulting in a total of eight intersections, including the site access points. All study intersections are below the congestion standard.

Pedestrian Adequacy

- **Crosswalk level of service:** The Applicant evaluated each of the crosswalks located at LATR study intersections within 500 feet of the Subject Property and determined that each of the pedestrian crossings would operate at a level of service "C" or better in the future condition.
- The Applicant must fix or fund improvements to non-compliant ADA infrastructure pedestrian infrastructure within 500 feet of the Subject Property, in accordance with the 2016-2020 Subdivision Staging Policy and supplemental guidance issued by the Montgomery County Department of Transportation. Final determination of the required improvements must be made by MCDOT and/ or MD SHA prior to certification of the Site Plan.

Bicycle Adequacy

The Applicant evaluated bicycle travel in accordance with the Planning Department's "Level of Traffic Stress" analysis, which recognizes the effect different roadways have on bicyclists' comfort. That analysis determined that bicycle facilities within 750 feet of the Subject Property were Level of Traffic Stress "2" or better. This low level of traffic stress is due, in large part, to the

provision of new physically separated bicycle lanes on Spring Street and the new through-block connector within the Project's Mews.

Transit Adequacy

The Applicant evaluated transit capacity within 1,000 feet of the Subject Property and determined that all transit routes will continue to operate within acceptable limits during the peak periods. The route with the highest ridership in the "build" condition is the southbound WMATA Metrobus Q4 during the morning peak hour. The WMATA Q4 will have a maximum passenger load of 1.025 riders per seat, which is well within the maximum 1.25 riders per seat capacity established by the LATR Guidelines.

School Capacity

The Project is subject to the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit and assigned rates based on a project's location in Montgomery County. The Subject Project is estimated to generate 39 new elementary school students, 15 new middle school students, and 20 new high school students.

Student Generation Rates Per Unit – East Region

	Elementary School	Middle School	High School
SF Detached	0.207	0.099	0.139
SF Attached	0.217	0.108	0.149
MF Low- to Mid-Rise	0.268	0.108	0.146
MF High-Rise	0.099	0.039	0.051

8787 Georgia Avenue Student Generation

Type of Unit	Net new Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
Multifamily High-Rise	400	0.099	39.6	0.039	15.6	0.051	20.4
TOTAL	400		39		15		20

Cluster Adequacy Test

The project is located in the Albert Einstein High School Cluster, which is part of the Downcounty Consortium. The student enrollment and capacity projections

from the FY19 Annual School Test for the Einstein Cluster are noted in the table below.

Einstein Cluster Capacity Projections

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	2,953	3,037	97.2%	3,645	2,992
Middle	1,311	1,475	88.9%	1,771	1,326
High	2,260	1,927 ¹	117.3%	2,313	2,280

Sufficient capacity exists at each of the elementary, middle, and high school cluster levels to accommodate the Application. The Moratorium Enrollment Threshold is the enrollment at which 120% utilization is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column of the table, the projected enrollment plus the estimated impact of the Subject Application fall below the moratorium thresholds at all three school levels.

Individual School Adequacy Test

The applicable elementary school for this project is Woodlin ES. The home middle school is Sligo MS. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Individual School Adequacy Test

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Seat Deficit	120% Utilization	Seat Deficit	
Woodlin ES	627	635	98.7%	+8	763	745	666
Sligo MS	930	928	100.2%	-2	1,114	1,108	945

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for both Woodlin ES and Sligo MS. Therefore,

there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

Other Public Facilities

Other public facilities and services are available and will be adequate to serve the proposed development. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Property.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD), designated 420141580, was approved by Staff on May 8, 2014. There are 5-specimen trees on-site, one of which is a large Willow oak that is 81% the size of the State champion tree. There are three additional specimen trees affected by the Application within the median of Spring Street. There are no stream valleys, streams, forests, wetlands, floodplains, or rare, threatened or endangered species on site. The Subject Property is within the Sligo Creek watershed and Lower Sligo Creek sub-watershed; a Use I watershed.

Forest Conservation

On June 5, 2014, as part of Mandatory Referral MR2014047, the Planning Board approved a Preliminary Forest Conservation Plan and tree variance for impacts to five (5) specimen trees, including trees 1, 2, 3, 4, and 7, as designated on the NRI/FSD (Resolution No 14-47). Since then, the net tract area of impact for the Subject Property has increased to 4.41 acres, triggering the need for a revised variance and increased the afforestation requirement to 0.66 acres. The Applicant is proposing to meet the afforestation requirements via fee-in-lieu.

Forest Conservation Variance

The original tree variance, granted as part of the 2014 Mandatory Referral, approved impacts to five (5) specimen trees (measuring greater than 30-inch diameter). Of the five trees identified for the variance, three on-site specimen

trees, designated as 1, 2, and 3 on the NRI/FSD, were identified for removal. The remaining two trees, designated 4 and 7, were street trees located on Georgia Avenue and Spring Street, respectively. The Board requested protection of these two trees, though impacts to the critical root zones (CRZ) were permitted.

Since the 2014 tree variance was granted, the site design changed in response to Staff and community comments. These changes resulted in additional impacts to the critical root zones of specimen trees #4 and #7, as well as two additional specimen trees (#60 and #61) located in the median of Spring Street

The Applicant submitted a revised variance request in a letter dated October 17, 2018, for the impacts/removal of the additional tree. This variance is a revision to the previously approved variance and highlights only those trees with additional impacts. Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of a property. The revised tree variance is necessary for implementation of this redevelopment project consistent with the existing Sketch Plan approval for it and overall planning principles for the Subject Property. Accordingly, not granting the variance would result in an unwarranted hardship.

Variance Findings - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted.

In this case, granting the revised variance:

1. *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 to the Protected Trees is due to the reasonable development of the Subject Property consistent with zoning and Sector Plan requirements. The Subject Property is located in a highly developed urban downtown and, as such, must provide high quality pedestrian and bicycle infrastructure to promote the safe and efficient transportation system. Increased impacts to tree 4, and the ultimate removal of tree 7, are directly related to improved sidewalks. Impacts to trees 60 and 61 are directly related to a new bicycle connection across Spring Street, connecting the Fenton Street corridor, to the south, and residential neighborhoods, to the north. These impacts would be expected with any potential development on the Subject Property.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The subject variance request is based on development plans that are consistent with the zoning approved through the County planning process, and the previously approved Sketch Plan. Full protection of the variance trees would prevent the Applicant from making significant changes to the Subject Property and complying with planning objectives. The removal of tree 7 and the impacts to trees 60 and 61 are required to implement the separated bike lane specified by the proposed Bicycle Master Plan.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

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

4. *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. The Subject Property is in a dense urban area that was developed before modern stormwater management regulations were enacted and no stormwater management is currently provided on the Site in the existing condition. The stormwater management plan incorporates environmental site design. The specimen trees being impacted are not in a stream valley buffer, wetland or special protection area. The plan provides stormwater treatment to the MEP of the Site. Therefore, granting the variance will not result in any violation of state water quality standards or degradation of water quality.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on October 17, 2018. The Preliminary Plan proposes to meet stormwater management requirements through the use of micro-bioretenion planter boxes.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 06 2018 (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 Vice Chair Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy and Patterson voting in favor, and Commissioner Fani-González absent at its regular meeting held on Thursday, November 1, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board