



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

MCPB
Item #
June 24, 2010

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mark Pfefferle, Acting Chief, Environmental Planning *MP*
Stephen D. Federline, Master Planner, Environmental Planning *SD*

FROM: Lori Shirley, Planner Coordinator, Environmental Planning *LS*

DATE: June 11, 2010

REVIEW TYPE: Preliminary Forest Conservation Plan No. MR2010719-DGS-1
for Mandatory Referral

PROJECT: Silver Spring Library and Arts Center

LOCATION: West side of Fenton Street between Wayne Avenue and
Bonifant Street, Silver Spring

APPLICANT: Montgomery County Department of General Services

RECOMMENDATION: Approval of Preliminary Forest Conservation Plan No. MR2010719-DGS-1 – Silver Spring Library, subject to the following condition:

1. Compliance with the conditions of approval of the Preliminary Forest Conservation Plan per the attached letter to the Applicant dated June 11, 2010. The applicant must meet all conditions and requirements prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate.

BACKGROUND

The site is located at the west side of Fenton Street between Wayne Avenue and Bonifant Street (see aerial photo).



Silver Spring Library and Arts Center site

The site is zoned CBD-1, contains 1.45 acres and has an additional 0.50 acres of off-site area for utility relocation and connections.

The proposal is for public and private mixed use development of the overall site in two phases. Approximately two-thirds of the overall site has several existing buildings and will be redeveloped in phase one for the Silver Spring Library and Arts Center. The undeveloped one-third portion on Bonifant Street is proposed for private high-rise residential development in phase two.

A Purple Line Metro Station is also proposed below the library/arts center.

REGULATORY CONSIDERATIONS

Redevelopment of the Silver Spring Library and Arts Center site requires a Mandatory Referral. The site is subject to the Montgomery County Forest Conservation Law and a Preliminary Forest Conservation Plan has been submitted for the Board's review. The Board's action on the Preliminary Forest Conservation Plan is regulatory and binding. The Planning Board must act on the Forest Conservation Plan before it finalizes its recommendation on the Mandatory Referral.

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation NRI/FSD #420100840 was approved on December 3, 2009. The site does not contain sensitive features such as a stream with environmental buffers, areas of 100-year floodplain, wetlands and/or steep slopes.

The property is within the Sligo Creek watershed designated as Use I waters. The *Countywide Stream Protection Strategy* (CSPS) identifies this subwatershed as having poor water quality in the vicinity of Silver Spring.

Forest Conservation

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. A preliminary forest conservation plan (PFCP) was received on April 29, 2010 (see Exhibit A). No forest exists on or adjoining the site, and there are no specimen and/or significant trees associated with the site. However, one tree on adjacent property will be preserved and protected with tree protection devices and treatments to be shown on the final Forest Conservation Plan (FFCP). A 23" Hackberry is located off-site near the site's southwest property line. A variance to Section 1607(c) of the Natural Resources Article, MD Ann. Code is not required as part of the review of the PFCP because the Hackberry is not 30" DBH or greater.

The site's forest conservation requirement of 0.29 acres will be met entirely with an in-lieu fee payment. The PFCP's proposed limit of disturbance (LOD) is at the site's property boundaries and at some locations of Wayne Avenue Fenton Street, the LOD shows off-site areas for utility relocation and connections.

Attachment

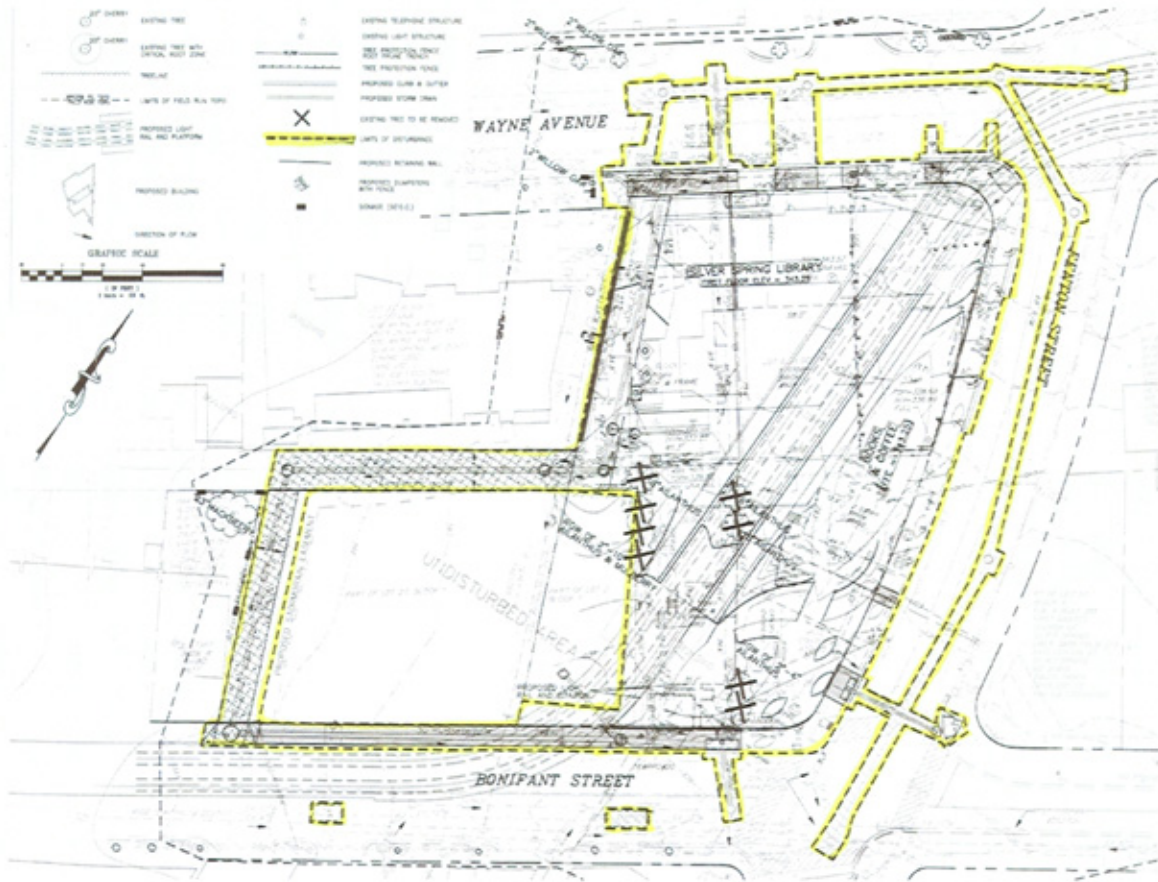


Exhibit A – Silver Spring Library and Arts Center PFCP (sheet 1 of 2)



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

June 11, 2010

Ms. Suzanne Churchill
Montgomery County Department of General Services
101 Monroe Street, 11th Floor
Rockville, Maryland 20850

SUBJECT: Preliminary Forest Conservation Plan No.: MR #2010719-DGS-1
Project Type: Mandatory Referral
Project Name: Silver Spring Library and Arts Center
Date Received: April 29, 2010

Dear Ms. Churchill:

Based on the review by Environmental Planning Division staff of the Montgomery County Planning Department, a recommendation of approval of the above referenced Preliminary Forest Conservation Plan (PFCP) has been forwarded to the Planning Board with the following conditions:

1. The proposed development must comply with conditions of the preliminary Forest Conservation Plan and as specified below:
 - a. Approval of the Final Forest Conservation Plan (FFCP) consistent with the approved PFCP and all final FCP regulatory requirements of Section 22A.00.01.09B – Forest Conservation Regulations (COMCOR) prior to any clearing, grading or demolition on the site.
 - b. The FFCP must include tree protection measures for the 23” Hackberry tree on adjacent property nearby the southwest property line.
 - c. On sheet 2 of the plan remove the reference to Garrett Park Elementary School in the worksheet’s title.
 - d. In the worksheet, change the Land Use Category from ‘IDA’ to ‘CIA’ because the site is zoned CBD-1.
 - e. The Developer’s Certificate must be filled in and include the appropriate signature in non-black ink on both pages on two original copies of the FFCP.
 - f. The qualified professional who prepared the plan must the two original copies of each sheet of the plan in non-black ink and include the date of signature.
2. All proposed construction activity must be consistent with the approved final Forest Conservation Plan (FFCP).

Letter to Ms. Suzanne Churchill, MR-2010719-DGS-1 – Silver Spring Library and Arts Center -
Preliminary Forest Conservation Plan

If you have any questions regarding these comments, please contact me at 301-495-4551 or electronically at: lori.shirley@mncppc-mc.org.

Sincerely,



Lori Shirley
Planner Coordinator
Environmental Planning Division

Cc: Mike Norton, Norton Land Design
FCP No. MR2010719-DGS-1 – Silver Spring Library and Arts Center file



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

MEMORANDUM

TO: John Marcolin, Planner Coordinator, Urban Design Division

VIA: Stephen D. Federline, Master Planner, Environmental Planning

FROM: Lori Shirley, Planner Coordinator, Environmental Planning

DATE: May 18, 2010

SUBJECT: Mandatory Referral #MR2010719-DGS-1
Silver Spring Library and Arts Center

RECOMMENDATION

Environmental Planning staff recommends **support** of the Mandatory Referral with the following stipulation:

1. The proposed library/arts center building shall comply with all applicable rules, regulations and laws governing the control of onsite noise as specified in the Montgomery County Noise Ordinance (Chapter 31B) and Montgomery County Solid Wastes (Chapter 48.21).

Under separate cover memo, which has been transmitted for Planning Board action, staff recommends approval of the forest conservation plan with conditions.

BACKGROUND

The 1.95-acre site is 'L' shaped by configuration, is zoned CBD-1 and is located in the Silver Spring CBD at the southwest quadrant of the intersection of Wayne Avenue and Fenton Street. The site also has frontage along the north side of Bonifant Street. The property contains seven parcels compiled primarily for redevelopment of a seven-story public library/arts center with retail space at the street level.

The proposal includes demolition of several existing vacant buildings on-site. Most of the site will be used for the library/arts center's building (approximately two-thirds of the 1.95 acres) with the remainder of the site to be developed by others for a future separate high-rise residential building with approximately 146 units. Below the library/arts center, the future Purple Line Transit Station is planned for construction in the next decade. The subject mandatory referral is only for the library/arts center portion of the overall site and is not for either the proposed Purple Line or the separate high-rise residential component. Prior to construction of the library/arts center several existing utilities will be relocated;

the relocation work represents off-site improvements in the mandatory referral.

There are no natural resources including streams, wetlands and 100-year floodplain or forest on-site and/or tree save issues associated with adjacent properties.

REGULATORY CONSIDERATIONS

Environmental Inventory

The applicant has a Natural Resources Inventory/Forest Stand Delineation NRI/FSD #420100840 approved on December 3, 2009. The property contains no sensitive features such as streams and stream buffers, wetlands and 100-year floodplain. The property is within the Sligo Creek watershed with a Use I stream designation. The *Countywide Stream Protection Strategy* (CSPS) identifies this watershed as having poor water quality.

Forest Conservation

A preliminary Forest Conservation Plan (PFCP) was submitted for approval on April 29, 2010. Environmental Planning staff recommends approval of the PFCP subject to conditions discussed in a separate memo to the Planning Board. The forest conservation plan totals 1.95 acres and has an afforestation requirement of 0.29 acres. The PFCP shows the requirement proposed to be met entirely by an in-lieu fee payment. Please see the referenced memo for specific details of the PFCP.

Stormwater Management

The Stormwater Management Concept Plan was recommended for approval with conditions by DPS on May 12, 2010. Most of the site was previously developed in the 1940's without stormwater management controls and the site does not drain to an existing regional facility. The concept plan consists of providing stormwater management control via Environmental Site Design (ESD) to the Maximum Extent Possible (MEP) including two intensive green roofs intended to capture quality and quantity, and a micro biofilter. Two conditional waivers were granted in the concept plan approval as follows: one waiver for quality for 0.4 acres and one waiver for 0.64 acres for quantity, the latter due to existing shallow storm drains.

Noise

The site is adjacent to an existing 14-story high rise condominium building to the west of the proposed library/arts center. A second residential building is located at the southwest quadrant of the Bonifant and Fenton Streets intersection. A mandatory referral report for the Lukmire Partnership, Inc., dated April 23, 2010, includes a Statement of Compliance regarding the Montgomery County Noise Ordinance in relation to proposed HVAC mechanical equipment in residential areas. The library/arts center proposal will have HVAC mechanical equipment designed to comply with the maximum allowable noise levels for residential areas.

Mandatory Referral No. 2010719-DGS-1 Silver Spring Library and Arts Center

All other noise generating activities normally occurring on the site must also comply with the County Noise Ordinance in full. In addition to Noise Ordinance requirements, trash pickup on the site must comply with time of day requirements contained in Chapter 48-21 governing solid waste collection.

SDF:LS