



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

MCPB No. 13-190
 Site Plan No. 820130220
 Project Name: Shady Grove Station, Westside
 Date of Hearing: January 23, 2014

FEB 3 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on April 9, 2013, EYA/CSP Associates, LLC ("Applicant"), filed an application for approval of a Site Plan for 1,521 residential dwelling units, including 211 Moderately Priced Dwelling Units ("MPDUs") and 116 Workforce Housing units, 41,828 square feet of non-residential (retail) development, and space for a public library, on approximately 41.8 gross acres in the Transit-Oriented Mixed Use/Transferable Development Rights (TOMX-2/TDR) zone, located west of Crabbs Branch Way and south of Shady Grove Road, in the Shady Grove Sector Plan ("Sector Plan") and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820130220, Shady Grove Station, Westside (the "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 January 13, 2014, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on January 23, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board 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 as certified below.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approves Site Plan No. 820130220 for 1,521 residential dwelling units, including 211 MPDUs and 116 Workforce Housing units, 41,828 square feet of non-residential (retail) development, and space for a public library, 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

1/28/14

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for Preliminary Plan No. 120120080, and any associated amendments.

2. Density

This Site Plan is limited to a maximum of 407 residential townhouses, 1,114 multifamily residential units, 41,828 square feet of non-residential (retail) development, and space for a public library.

3. Affordable Housing

- a. The proposed development must provide 167 multifamily residential dwelling units and 44 townhouses as MPDUs in accordance with an Agreement-to-Build with the Department of Housing and Community Affairs ("DHCA").
- b. The proposed development must provide 91 multifamily residential dwelling units and 25 townhouses as Workforce Housing units.
- c. Prior to the release of any building permits, the Applicant shall execute the MPDU and Workforce Housing agreements.
- d. MPDU and Workforce Housing units will be phased with each multifamily building and row of residential townhouses.

4. Transferable Development Rights (TDRs)

- a. Prior to record plat for each multifamily building, the Applicant must secure TDRs with the following schedule: 19 TDRs for Building A; 18 TDRs for Building B; 15 TDRs for Building C; and 12 TDRs for Building D. The Applicant must reflect serialization and liber/folio references for these TDRs on the applicable record plat(s).

5. Transportation

- a. The Applicant must provide 27 inverted-U bike racks, or an alternative as approved by Staff, in the following locations:
 - i. Eight distributed on the east and west sides of the community building, pool and open play area
 - ii. Four in front of the pocket park
 - iii. Two in front of the HOA community garden
 - iv. Thirteen distributed in front of the main entrances of the four multifamily residential buildings in a weather-protected area, where possible.
- b. The Applicant must provide bicycle storage rooms for at least 20 bicycles in the parking garages of the four multifamily buildings, near an elevator in a well-lit area.
- c. The Applicant must provide a bike sharing station/dock in front of proposed Building B.

6. Environment

- a. The Final Forest Conservation Plan, associated variance, and the Shady Grove Station Public Infrastructure Improvements are approved subject to the following conditions:
- i. Prior to any land disturbing activities, other than demolition of the existing buildings by Montgomery County or related site work, the Applicant must provide a Certificate of Compliance for 8.94 acres of off-site forest banking to satisfy planting requirements for Shady Grove Station-Westside.
 - ii. Prior to the release of the first building permit for Phase I, the Applicant must provide a Certificate of Compliance for 1.55 acres of off-site forest banking to satisfy a portion of the planting requirements for the public infrastructure improvements. This may be combined with the 8.94 acres listed in the above condition for a total off-site banking requirement of 10.49 acres.
 - iii. Prior to the release of the first use and occupancy permit for Phase I, the Applicant must provide nine *Acer rubrum* (red maple) trees along the Metro Access Road as shown on Sheet FCP-11 to fulfill the remainder of the planting requirement for the Public Infrastructure Improvements.
 - iv. Prior to the release of the first use and occupancy permit for Phase I, the Applicant must provide three *Quercus phellos* (willow oak) trees as shown on Sheet FCP-12 to mitigate for the removal of Variance tree #T-51. The three replacement trees must be a minimum of 3" caliper each.

7. Noise

- a. For multifamily Buildings B and C and the residential townhouses that are adjacent to the CSX rail tracks, the Applicant must:
- i. Prior to submission of building permits, provide Staff with certification from an engineer specializing in acoustics that the building shells have been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The Applicant must commit to construct the units in accord with these design specifications, with any changes that may affect acoustical performance to be approved by the engineer and the Staff in advance of installation.
 - ii. Prior to issuance of a Use and Occupancy Permit for each building, provide Staff with certification from an engineer specializing in acoustics that the building shell has been built to the designed specifications to attenuate projected exterior noise. For Buildings B

and C, the Applicant must provide one certification per floor, per building along the CSX tracks. For the townhouses along the CSX tracks, the Applicant must provide one certification per string of townhouses.

- iii. Prior to issuance of Use and Occupancy Permits, install a green screen on the noise wall at the following intersections: Parcel G, Parcel H, Parcel J, Parcel L, Parcel C and Road H. The green screen must be a minimum of 20 feet in width and 15 feet in height.

8. Placemaking Plan

The Applicant must provide public use and open space amenities in accordance with the "Placemaking and Amenity Plan-Shady Grove Station" ("Placemaking Plan") under the following stipulations:

- a. The Applicant must provide Staff with post-construction documentation at each Phase, showing compliance with the Placemaking Plan.
- b. If public art is provided, including at the traffic circle (Roads I, K and P), the Public Arts Trust Steering Committee must review the art proposal and the Placemaking Plan must be amended, as needed.
- c. The Applicant must ensure that all installed site amenities and materials must meet the applicable building codes.

9. Recreation Facilities

At a minimum, the Applicant must provide the following recreation facilities to satisfy the Planning Board's Recreation Guidelines (1992):

- a. One tot lot;
- b. Eight picnic/sitting areas;
- c. One open play area;
- d. One pedestrian system;
- e. Five swimming pools;
- f. Five indoor community spaces;
- g. Four indoor fitness facilities; and
- h. One community garden

10. Maintenance

Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork on the Subject Property. Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

11. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings submitted on September 18, 2013, as determined by Staff.

12. Performance Bond and Agreement

Prior to issuance of the first Core and Shell building permit for each relevant phase of development, the Applicant must provide a performance bond(s) or other form of financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include, as applicable, plant materials, on-site lighting, recreational facilities, site furniture, public art, private roads, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of the General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The bond or surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

13. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Prior to approval of the Certified Site Plan, demolition of existing buildings may commence.
- b. Prior to the release of a Use and Occupancy Certificate for each multifamily building and row of townhouses, street lamps and sidewalks adjacent to that building or row of townhouses must be installed. Street tree planting may wait until the next growing season.
- c. Prior to the release of a Use and Occupancy Certificate for each multifamily building and row of townhouses, on-site amenities adjacent to that building or row of townhouses must be installed, including, but not limited to, recreation amenities and public use space.
- d. Prior to the release of the first townhouse building permit for the final phase of townhouses as indicated in the Applicant's phasing plan, the community building, pool and open play area must be completed.

- e. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to the approval of the Final Forest Conservation Plan, Sediment Control Plan, and Staff inspection and approval of all applicable environmental protection measures and devices.
- f. Phasing for installation of on-site landscaping and lighting.
- g. Phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features.

14. Certified Site Plan

Prior to approval of the Certified Site Plan and subject to Staff review and approval, the Applicant must:

- a. Provide adequate spot elevations along Roads I, P, and K to ensure ADA accessibility.
- b. Provide six additional benches along Road I.
- c. Provide vines, such as Trumpet Creeper, Purple Passionflower or similar type vines for the green screens on the garages and noise wall.
- d. Include the off-site location for recreation calculations.
- e. Specify the type of materials for the following roadway intersections: Roads K and B; Roads H and K; and Roads I, P and K.
- f. Include the proposed dog park on the landscape plan and site plan.
- g. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the cover sheet.
- h. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- i. Make corrections and clarifications to recreation guidelines, labeling, data tables, and schedules.
- j. Ensure consistency of all details and layout between site plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements are shown on Shady Grove Station, Westside drawings stamped by the M-NCPPC on September 18, 2013, are required, except as modified by the above conditions of approval; and

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 site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an*

approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the conditions of Preliminary Plan No. 120120080, Shady Grove Station.

- The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets the development standards of the TOMX-2/TDR zone. The development will utilize parking reductions that are allowed in Section 59-E.3.33(a) and Section 59-E-3.32(a) of the Zoning Ordinance for residential and commercial development, respectively, since the property is within 1,600 feet from the Shady Grove Metro Station entrance.

Based on the following data table, which sets forth the development standards approved by the Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the TOMX-2/TDR zone.

Data Table

Development Standards	Required for TOMX/TDR-2 Optional Method	Approved & Binding on Applicant
<u>Minimum Net Lot Area</u> (59-C-13.231)	18,000 sq.ft	41.76 acres
<u>Maximum Building Coverage-percent of net lot area</u> (59-C-13.232)	NA	48% (858,184 sq.ft)
<u>Minimum Public Use Space-percent of net lot area</u> (59-C-13.233)	20%	15.64 % ²
<u>Maximum Density of Development</u>	2 FAR	1.42 FAR
<u>Maximum Building Heights</u> (59-C-13.235)	NA	70 feet – Multi-family Buildings 50 feet – Townhouses

² At least 20% of the net lot area of the entire Shady Grove Station site, as delineated in Preliminary Plan No. 120120080, approved by the Planning Board by Resolution MCPB No. 12-89, shall be devoted to public use space, including the proposed public park on the eastern side of the development.

<u>Minimum Setbacks</u> (59-C-13.236)		
<i>From an adjacent commercial or industrial zone</i>	0	130 feet ³ ; 75 feet ⁴
<i>From an adjacent single-family residential zone</i>	0	NA
<i>From a public right-of-way</i>	0	4 feet ⁵
<u>Parking</u> (59-E-3.7)		
<i>Townhomes</i>	814	732 ⁶
<i>Multi-Family Residential</i>	1,387 ⁷	1,179 ⁸
<i>Non-Residential</i>	207 ⁹	181 ¹⁰

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The locations of the buildings and structures are adequate, safe, and efficient as envisioned in the Shady Grove Sector Plan. Taller multi-family residential buildings with ground floor retail and the library are located close to the Metro Station. All of the retail development is located along Road "I" in Buildings "A" and "D". Off-street parking for the multifamily residential buildings is provided in four structured parking garages with each multifamily residential building. All of the residential townhouses front onto a street or a public use space. Service to residential townhouses and multifamily buildings is provided throughout the development's street network.

³ For Multi-family Residential Buildings "B" and "C"

⁴ For residential townhouses that are adjacent to the noise wall.

⁵ From Crabbs Branch Way.

⁶ Includes a reduction in the required parking for townhouses located in a transit station development area, pursuant to Section 59-E-3.33(a).

⁷ Although the Staff presentation reflected 1,385 parking spaces required for the multi-family residential portion of the development, the Board finds, consistent with the Staff report, that 1,387 spaces are required absent a reduction pursuant to Section 59-E-3.33(a).

⁸ Includes a reduction in the required parking for multi-family units that are located in a transit station development area and within 1,600 feet of a Metro rail entrance, pursuant to Section 59-E-3.33(a).

⁹ Although the Staff presentation reflected 205 parking spaces required for the non-residential (retail) portion of the development, the Board finds, consistent with the Staff report, that 207 spaces are required absent a reduction pursuant to Section 59-E-3.32(a).

¹⁰ Includes a reduction in the required parking for retail uses when the entrances to such uses are within 1,600 feet of a Metro rail entrance, pursuant to Section 59-E-3.32(a).

b. Open Spaces

The locations of open spaces are efficient, safe, and adequate for the redevelopment of the County Service Park as envisioned in the Sector Plan. An urban park, community garden, and smaller public open spaces are provided for recreation and social engagement. In addition to the public open spaces, each multifamily residential building has an internal courtyard and a swimming pool for residents.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will ensure that landscaping, lighting, and site amenities will be adequate, safe and efficient for year-round use by employees, visitors, and residents. Site furnishings along Roads "I", "K" and "P," as well as surrounding the urban park and community pool, shade trees, special features, including the community garden and unique design intersections, will be integrated into the site to create a unique place. Street lighting is provided throughout all streets, and lights will be provided on all structures. The Placemaking and Amenity Plan also illustrates that special features, including landscaping and open spaces will be provided.

d. Recreation Facilities

The proposed development exceeds the required supply of recreation facilities based on the calculation methods in the Planning Board's Recreation Guidelines (1992). Through the provision of a tot lot, picnic and sitting areas, an open play area, a pedestrian system, swimming pools, indoor fitness facilities, and a community garden, the proposed development will provide adequate, safe, and efficient facilities for future residents.

Shady Grove Station, Westside will also take advantage of Blueberry Hill Local Park recreational facilities, including:

- 1 Multi-age playground
- 4 Picnic/sitting
- 1 Multi-purpose court
- 1 Tennis court
- 1 Junior soccer field
- 1 pedestrian system

e. Pedestrian and Vehicular Circulation Systems

Several new north-south and east-west private streets (Roads "B", "C", "D", "E", "F", "G", "H", "M", "N", "K", "I", "L", and "P") will provide vehicular and pedestrian

access throughout the development. On-site pedestrian circulation will improve, since all new internal streets will provide sidewalks, some as wide as 11 feet, street furnishings, bike racks, landscaping and on-street parking. Key intersections, such as Roads "I", "P" and "K", are designed with special paving to enhance walking and handicapped access. This network of sidewalks throughout the development will provide adequate, safe, and efficient pedestrian and circulation systems.

Montgomery County is responsible for converting Crabbs Branch Way into an urban boulevard with a landscaped median, on-street parking, sidewalks and shared use paths. The County will also provide off-site pedestrian improvements that link Road "P" to the Shady Grove Metro Station. These improvements are included in the County's Shady Grove Station Public Improvements Infrastructure Plan.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

Shady Grove Station, Westside is compatible with existing uses regarding height, scale, and massing as reflected by the Sector Plan recommendations and the approved Preliminary Plan. Future redevelopment of the eastern portion of Shady Grove Station will provide up to 700 residential units, a four acre public park, and an elementary school site. At the intersection of Shady Grove Road and Crabbs Branch Way, a future office building is proposed. It is not associated with this Plan, but it was approved as part of the Shady Grove Station preliminary plan.

There are no other pending developments in the immediate vicinity.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other law.*

- a. Final Forest Conservation Plan

Minor changes to the development in the site plan phase have reduced the total afforestation and reforestation required for the entire site to 19.37 acres. Of this total, 8.94 acres of afforestation and reforestation are required to be completed for Shady Grove Station, Westside. The planting obligation is to be met with 8.94 acres of forest planting (or 17.88 acres of forest preservation) in an approved off-site forest bank. This leaves an obligation of 10.43 acres remaining for implementation in later phases of the development.

This Final Forest Conservation Plan also incorporates several public infrastructure improvements required to serve the development of Shady Grove

Station, including improvements to Crabbs Branch Way and to the WMATA Metro Station garage entrance, a sewer line extension, and construction of a paved trail around a portion of the Crabbs Branch Regional Stormwater Pond. These Public Infrastructure Improvements, which are covered under Mandatory Referral No. MR2014019, have a net tract area of 4.2 acres not counted in this Site Plan. Impacts from these improvements remove an additional 1.19 acres of forest and result in a mitigation requirement of 1.77 acres of forest planting. The Montgomery County Department of General Services ("DGS") will satisfy the planting requirement with 0.22 acres of landscape credit, to be achieved through the planting of nine *Acer rubrum* (red maple) trees along the Metro garage entrance road, and with 1.55 acres of forest planting (or 3.10 acres of forest preservation) in an approved off-site forest bank. Approval of the Final Forest Conservation Plan for Shady Grove Station, Westside fulfills the Chapter 22A Forest Conservation Law requirements for Mandatory Referral MR No. 2014019.

Prior to any land disturbing activities, other than demolition of the existing buildings by Montgomery County or related site work, the Applicant must provide a Certificate of Compliance for 8.94 acres of off-site forest banking to satisfy planting requirements for Shady Grove Station, Westside. Additionally, prior to the release of the first building permit for Phase I, the Applicant must provide a Certificate of Compliance for 1.55 acres of off-site forest banking to satisfy a portion of the planting requirements for the public infrastructure improvements. The Applicant may submit separate Certificates of Compliance for the Site Plan and Mandatory Referral portions of the development, or the requirements can be met through one Certificate of Compliance totaling 10.49 acres of forest planting (or 20.98 acres of forest preservation) in an approved forest conservation bank.

No on-site Category I Forest Conservation easements are proposed as part of the Final Forest Conservation Plan.

b. Forest Conservation Variance

The Planning Board approved the original tree variance request submitted with the Preliminary Forest Conservation Plan, which allowed the removal of 18 specimen-size trees in the overall Shady Grove Station development. Ten of the specimen-size trees are to be removed for the development of the Shady Grove Station, Westside. The Public Infrastructure Improvements result in the need to remove one additional specimen tree, number T-51. This tree was not approved for removal in the original variance. The following discussion applies to the new variance request for removal of one tree and impacts to five additional trees not covered by the original variance approval.

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention

and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The Law requires no impact to trees that measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request on September 24, 2013 for the impacts/removal to trees with the proposed layout. The Applicant proposes to remove one (1) tree that is 30 inches and greater, DBH, and to impact, but not remove, 5 others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Unwarranted Hardship Basis

The proposed development is in accordance with both the intent and recommendations of the Sector Plan and the TOMX-2/TDR zone, both of which are intended to create higher density uses in the vicinity of the Shady Grove Metro Station. The western portion of the site, called Metro North-CSP in the Sector Plan, lies closest to the Metro station and is recommended for transformation into an urban village. The combination of an urban scale of development, medium-to-high density residential development, and major public facilities and amenities that further constrain the site means that the entire site will be intensely developed to achieve the vision of the Sector Plan for this area.

Variance tree number T-51 now lies near the center of the limit of disturbance for the sewer line extension required to serve the development. Saving this tree would require a realignment of the sewer line further into the road accessing the Metro garage on WMATA property, causing disruption of the access to the Metro garage.

Trees number T-71, T-72, T-73, T-75 and T-76 lie along the southwestern edge of the Metro garage access road and will be minimally impacted by the construction. These trees will be saved.

Not allowing the removal of Variance tree T-51, and the impacts to Variance trees T-71, T-72, T-73, T-75 and T-76 would require major changes to the development design, which is consistent with the Sector Plan. The Applicant has demonstrated a sufficient unwarranted hardship for the Board to consider a variance request.

Variance Findings

The Planning Board makes the following findings necessary to grant the Variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants.

The proposed design has attempted to balance all of the competing factors that constrain the site. While one variance tree will need to be removed, impacts to the other variance trees have been limited and they will be preserved. Given the intensity of the development, impacts to variance trees are unavoidable. Reasonable steps have been taken to minimize impact to variance trees, and granting the variance will not confer a special privilege on the Applicant.

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

The requested variance is based on the constraints of the site and the proposed development density, public facilities, and amenities as recommended in the Sector Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

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

The requested variance is a result of the requirements of the development on the Subject Property and not as a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

The Montgomery County Department of Permitting Service ("DPS") has approved a final stormwater management concept for the proposed project. The final SWM Concept Plan incorporates a combination of on-site structural water quality treatment facilities and Environmental Site Design practices including micro-scale treatment facilities and alternative surfaces. Runoff in excess of the ESD treatment volume will continue to be treated by the Crabbs Branch Regional pond. The addition of on-site ESD practices should improve the water quality of runoff generated by this site. These measures will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

One tree is proposed for removal as a result of the proposed development. Existing policy dictates that replacement should occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 34 caliper inches removed, the required mitigation will be 3 native canopy trees with a minimum size of 3" dbh. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage. Sheet FCP-12 of the Final Forest Conservation Plan shows the approximate planting locations of the three *Quercus phellos* trees being planted to mitigate the loss of tree #T-51. No mitigation is required for trees impacted but retained.

Stormwater Management

The final stormwater management concept plan was approved by the DPS on January 8, 2014. The plan proposed to meet stormwater management requirements with Environmental Site Design techniques, including the use of green roofs and micro-bioretenion. This will be supplemented with the use of underground volume based proprietary filters.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 13 2014 (which is the date that this resolution is mailed to all parties of record); and

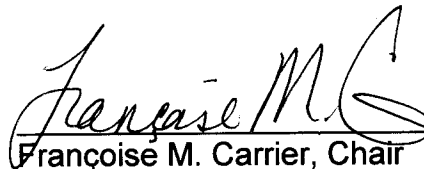
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, January 23, 2014, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board