



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

MCPB No. 17-128
Site Plan No. 82005029B
The Quarry
Date of Hearing: December 21, 2017

JAN 12 2018

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on September 7, 2006, the Planning Board, by Resolution MCPB No. 06-10, approved Site Plan No. 820050290 for the construction of 97 multi-family dwelling units, including 15 MPDUs and 28 TDRs on 13.31 acres of RMX-1/TDR-6 zoned-land, located on the north side of River Road, approximately 1,500 feet west of the intersection with even Locks Road, ("Subject Property"), in the Potomac Policy Area and in the 2002 Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, on October 30, 2015, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 82005029A, to make modifications to on-site retaining walls, landscaping, amenity details and to add a pool pump room on the Subject Property; and

WHEREAS, on May 24, 2017, William Rickman, Sr. c/o Pearl Street, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plans to replace a total of 47 approved multi-family dwelling units with 44 one-family attached dwellings, including 15% MPDUs and 39 total TDRs on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82005029B, The Quarry ("Site Plan," "Amendment," 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

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
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Planning Board, dated December 8, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 21, 2017, 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, on December 21, 2017, the Planning Board voted to approve the Application, subject to certain binding elements and conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 5-0; Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzales, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82005029B to replace a total of 47 approved multi-family dwelling units with 44 one-family attached dwellings including 15% MPDUs and 39 total TDRs by *modifying* the following conditions:¹

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan Amendment No. 92004004A, as approved concurrently with the Site Plan.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan Amendment No. 12004042A, as approved concurrently with the Site Plan.

4. Building Height

- a) The maximum height of the buildings must not exceed 225 feet of elevation above sea level based on the Master Plan.
- b) The maximum height of the multi-family buildings must not exceed 75 feet as measured from top of curb of the main drive way opposite the front door at each building to the mean of the gable roof, as defined in the Montgomery County Zoning Ordinance.
- c) The maximum height of the townhouse buildings must not exceed 50 feet as measured from top of curb of the main drive way opposite the front door at each building to the mean of the gable roof, as defined in the Montgomery County Zoning Ordinance.

5. Lighting

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.

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.
- c) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- d) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

6. Pedestrian & Bicycle Circulation

- a) In addition to the pedestrian and bicycle facilities built in Phase I, the Applicant must provide for the following pedestrian improvements as shown on the Certified Site Plan:
 - i. five-foot wide sidewalks along the private street
 - ii. a five-foot wide sidewalk connection in front of lots 29-36 that connect the private street to the clubhouse
 - iii. a five-foot wide sidewalk connection along the rear of lots 37-47 providing a connection to the open space amenities
 - iv. a five-foot wide sidewalk connection and ADA-accessible private street crossing that connects the private street sidewalk to the 8-foot shared use path within the River Road right-of-way, located on the west side of the site entrance.
 - v. An ADA-accessible private street crossing located just east of lot 4 connecting the two open space amenity areas
- b) The sidewalk shown on the certified site plan located between and on lots 40 and 41 must remain accessible to the public.

7. Recreation Facilities

The Applicant must provide at a minimum the following recreation facilities: one tot lot, two picnic/seating areas, one play lot, one bike system, one pedestrian system, natural areas, one outdoor swimming pool, and one indoor community space.

10. Forest Conservation & Tree Save

The development must comply with the following conditions of the approved Final Forest Conservation Plan and/or Tree Save Plan that will be certified with the Site Plan Amendment:

- a) All previously approved conditions relating to the approved Final Forest Conservation Plan remain in full force and effect.

11. Noise Attenuation

- a) Before certification of the Site Plan, the Applicant must:
 - i. Provide an update to the 2005 traffic Noise Analysis from an engineer that specializes in acoustical treatments, that includes specific recommendations to attenuate noise impacting the exterior ground level living space on lots 17-19.
 - ii. Update the Site Plan drawings to reflect the recommendations from an engineer that specializes in acoustical treatments, that attenuate the noise in the exterior ground level living space on Lots 17-19.
 - iii. Provide a note on the Site Plan that the primary rooftop amenity space must be located on the north side of the penthouse level on Lots 20-36.
- b) Before issuance of the first building permit associated with this Amendment, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
 - i. The location of the noise mitigation techniques to attenuate current noise levels to no more than 60 dBA Ldn for the ground level patio space on lots 17-19 is adequate.
 - ii. The building shell for residential dwelling units affected by exterior noise levels projected above 60 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
 - iii. For all residential dwellings on Lots 17-36, the Applicant must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification will be accomplished by inclusion of this information and any measures to reduce the impacts in all sales contracts, brochures and promotional documents, including: any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance; and by inclusion on all signature subdivision and site plans.
- c) Before the final inspection for any residential unit on Lots 17-36, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

12. Stormwater Management

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 January 26, 2004, with the revised concept/Site Development Stormwater Management Plan on May 26, 2017, and reconfirmed on August 21, 2017, and on October 25, 2017, and hereby incorporates them as conditions of Site 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 Site Plan approval.

15. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolutions on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect and approve all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Provide porous pavers, or incorporate Silva cell technology or equivalent technology, on the driveways and lead-in sidewalks of all front-loaded units in order to promote root growth of street trees and street tree health.

BE IT FURTHER RESOLVED that the Planning Board approves Site Plan No. 82005029B to replace a total of 47 approved multi-family dwelling units with 44 one-family attached dwellings including 15% MPDUs and 39 TDRs total by **adding** the following conditions:

18. Density

The development is limited to 44 one-family attached dwellings and 50 multi-family condominium dwellings, and a clubhouse facility.

19. Transfer of Development Rights (TDRs)

- a) The Applicant must acquire 11 additional TDRs in order to fulfill the requirement of 39 TDRs for the overall development.
- b) The record plat(s) must reflect serialization and liber/folio reference for all TDRs used by the development.

20. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated August 31, 2017 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide for the equivalent of 15 percent MPDUs off-site by complying with the March 29, 2005 Alternative Compliance Measure Agreement, which requires paying the remaining balance of \$800,000 on the total \$1,700,000 payment to the County's Housing Initiative Fund, consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 22% percent density bonus for providing the equivalent of 15 percent MPDUs off-site.
- b) Prior to certified site plan, the Applicant must provide M-NCPPC Staff with a Supplemental Agreement Letter between the Applicant and DHCA reconfirming that they are subject to the terms and conditions of the original 2005 Alternative Compliance Measure Agreement regardless of the type and count of housing units.

21. Architecture & Compatibility

- a) For the 44 one-family attached units, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The architectural treatment of the rear facades of the townhouse units on Lots 37 – 47 must be similar to the front facades of those units in terms of character, proportion, materials, and articulation, as determined by M-NCPPC staff.
- c) The rear yards of the townhouses units on Lots 20-47 must not be enclosed by fences or other structures.

22. Site Design

The Applicant must provide porous pavers, or incorporate Silva cell technology or equivalent technology, on the driveways and lead-in sidewalks of all front-loaded units in order to promote root growth of street trees and street tree health.

23. Green Area & Public Amenities

- a) The Applicant must provide a minimum of 383,692 square feet of green area (66% of net lot area) on-site.
- b) Before the Final Inspection of the last stick of townhouses, all public green area amenity space on the Subject Property must be completed.
- c) Before the Final Inspection of the last stick of townhouses, all on-site amenities shown on the Certified Site Plan including, but not limited to, streetlights,

sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, and recreation amenities must be installed.

24. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to stream and associated pool areas and bridge crossings, play areas, tot lot, play lot, picnic/seating areas, , bike system, pedestrian system, natural areas, swimming pool, indoor community space.

25. Private Roads

- a) The Applicant must provide Private Road(s), including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by the Site Plan within the delineated private road parcel, subject to the conditions of Preliminary Plan Amendment No. 12004042A.
- b) The Applicant must construct the private internal street to applicable Montgomery County tertiary residential street structural standards (MC-2001.01 OR MC-2001.02) and must construct all sidewalks to applicable ADA standards. Before the release of bond or surety, the Applicant must provide MCDPS Zoning Enforcement staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

26. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements for the 44 townhouse units, including, but not limited to the unbuilt portions of the central amenity area between the multi-family buildings and the townhouse sticks, natural pool areas with a meandering path and bridge crossings, exterior water features, plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private alleys, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.

- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 82005029B, The Quarry, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, 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 set forth in the Staff Report, which the Planning 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 Amendment is consistent with Project Plan 92004004A, which is being reviewed concurrently, in terms of density, public facilities and amenities, green area, and setbacks. The Property is not subject to a development plan, diagrammatic plan, or a schematic development plan certified by the Hearing Examiner.

2. *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 Amendment is not subject to an urban renew plan approved under Chapter 56. The Site Plan Amendment complies with the intents and requirements of the RMX-1/TDR-6 zone which it was reviewed under. The intent of the zone is to provide higher density residential uses that comply with the recommendations of the

Master Plan, in exchange for providing public facilities and amenities, green area, and setbacks.

Green Area

Pursuant to Section 59-C-10.3.3 the minimum green area for the residential portion of an RMX-1/TDR property is 50%, with the Master Plan recommending a minimum of 60% green area. The Amendment provides 66% green area across the entire Property, which is in excess of the minimum requirements of the zone and the Master Plan and is adequate to meet the intent of the zone.

Maximum Density

The maximum density in any RMX zone must not exceed 30 dwelling units per acre and must not exceed the recommendations in the Master plan. The Amendment has a density of approximately 7 dwelling units per acre, which is under the 30-dwelling unit per acre maximum, and is consistent with the Master Plan recommended TDR 6 designation, after calculating the density bonus for providing 15% MPDU equivalent.

Minimum Setbacks

Section 59-C-10.3.8 establishes a minimum 100-foot setback of residential buildings in the RMX zoned property from any adjacent one-family residential zones. The Property is adjacent to R-200 zoned land located to the north. The Applicant has requested a minimum setback of 90 feet from this R-200 zoned property. Reducing residential setbacks by up to 50% is permissible by the Planning Board if it finds that trees or other features on the site permit a lesser setback without adversely affecting the development on an abutting property. Between the townhome dwellings and the existing R-200 zone is approximately 45 feet of elevation change, including 3 levels of retaining walls and areas of landscape trees, with the townhomes located at the lower elevation generally below the sight line from the existing residential zone. The Planning Board finds the inherent screening from such a substantial elevation change adequately protects the development on the abutting property from the townhouse dwellings.

Public Amenities

The Amendment is not changing the previously provided public amenities. The Clubhouse and outdoor swimming pool have been built. The Amendment maintains the two natural pool areas that simulate a natural stream with a meandering path and bridge crossings. Additional public amenities proposed including a tot lot, play lot, seating areas, and meandering paths will complete the central core amenity area. The Applicant has completed installation of the landscape berm and shared use path along the Property frontage with River Road, and has protected the approximately 0.85-acre area identified as potential park dedication via a Category I Conservation Easement, pursuant to direction from Parks during the original approval.

The data table below lists the required development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds, based on the data table and other evidence and testimony of record, that the Application meets all of the applicable requirements of the optional method of development in the RMX-1/TDR-6.

Development Standard	Permitted/ Required	Approved with 920040040, 120040420, 82005029A	Approved by the Planning Board and Binding on the Applicant
Site Area (acres)			
Gross Tract Area (GTA)	n/a	13.31 (579,897 SF)	13.31 (579,897 SF)
River Rd Dedication	n/a	0	0
MNCPPC Parks Dedication	n/a	0	0
Net Tract Area	n/a	13.31 (579,897 SF)	13.31 (579,897 SF)
Max. Density			
Non-residential (Clubhouse)		50,000 SF (max)	50,000 SF (max)
Residential			
Density of Base Zone (R-200)	26 du (= 13.31 x 2)	26 du	26 du
Density with TDRs	80 du	80 du	79 du (= 13.31 x 6)
Density with MPDU Bonus (22%)	97 du	97 du	97 du (= 79 x 1.22)
MPDU Bonus Density	17 du	17 du	18 du (= 97 - 79)
Number of MPDUs provided ²	15 MPDUs (15%)	15 MPDUs (15%)	15 MPDUs = (97 x 0.15)
Unit Mix			
- Multi-family		97	50 (53%)
- One-family attached		0	44 (47%)
Total		97	94
TDRs		See Resolution 820050290	
- Max TDRs allowed			53 (= 79 - 26)
- Min TDRs required			35 (= 2/3 x 53)
- Unit Mix adjustment			
53% Multi-family	1 TDR/2 DU		14 (= 53 x 0.53 / 2)
47% Townhouse	1 TDR/1 DU		25 (= 53 x 0.47 / 1)
Total TDRs required			39
Previously Purchased TDRs			-28
Remaining TDRs required			11
Min. Green Area			

² See Alternative Compliance Measure Agreement with DHCA to provide fee-in-lieu for all MPDUs.

Development Standard	Permitted/ Required	Approved with 920040040, 120040420, 82005029A	Approved by the Planning Board and Binding on the Applicant
(% of GTA)	60% (347,609 SF)	70% (405,544 SF)	66% (383,692 SF)
Max. Building Coverage			
(% of GTA)	18% (104,365 SF)	17% (94,280 SF)	18% (104,365 SF)
Min. Setbacks (feet)			
From one-family res. (R-200)	100	100	90 ³
From other residential (RT-10)	30	30	30
From any street	30	30	30
Max. Building Height (feet)			
Overall	225 ⁴ (5 stories)	225	225
One-family attached		n/a	50
Multi-family		75 ⁵	n/a
Clubhouse		35 ⁵	n/a
Parking			
Phase 1: Multi-family (50 DU)	2 sp/3-bedroom unit		
Garage spaces		201	113
Surface spaces		48	27
Motorcycle spaces		4	4
Bicycle spaces		10	10
Phase 2: Townhouses (44 DU)	2 sp/ unit		
Garage spaces		n/a	88
Driveway spaces		n/a	1
Visitor spaces		n/a	20

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

³ The Planning Board may reduce the minimum setbacks, no greater than 50% upon a finding that trees or other features on the site permit a lesser setback without adversely affecting development on an abutting property. The applicant requests a reduction of the minimum setback based on the topography of the Property.

⁴ The maximum height of the buildings shall not exceed elevation 225 feet above sea level to the median of the roof in accordance with the Master Plan (p. 61).

⁵ As measured from the base of the mid-point of the building to the mean height level between eaves and ridge of gable, as defined in the Montgomery County Zoning Ordinance.

Location of Buildings and Structures

The location of buildings and structures is adequate, safe and efficient. The Amendment replaces the unbuilt 47 condominium units with 44 one-family attached (townhouse) units on the northwestern half of the Property. The 44 units, divided amongst seven sticks of townhouses, are located on both sides of the extended loop road. Orientation of the townhouses is a combination of front loaded townhouses with the garage and primary door access both facing the street, and rear loaded townhouses with the garage access provided from behind in an alley. The Applicant provided as many units as possible as rear loaded, but the existing Property constraints precluded making every dwelling rear loaded. The dwellings that are front loaded have been designed to have short driveways that will not allow for vehicles to park in the driveway. Lots 37 through 47 as identified on the Site Plan are unique because they effectively have two fronts; one front facing the loop road and the other facing open space and the pool and clubhouse area. The design of these units will feature 360-degree activation with attractive building facades and doorways on both frontages of the units.

Location of Open Spaces, Landscaping and Recreation Facilities

Open Spaces

The location of the open spaces is safe, adequate and efficient. The RMX-1/TDR-6 Zone does not have an open space requirement; instead it has a minimum green area requirement of 50 percent of the tract area. This requirement was superseded by the Master Plan, which increased the requirement to minimum of 60 percent. The plan meets these requirements by providing a total of 66.2 percent (or 8.81 acres) of green space.

The open space is generally located on the periphery of the development and the central area. On the periphery, the open space encompasses a series of terraced retaining walls that brace the walls of the former quarry. The central area, encompassing the majority of the amenities and recreation facilities, include a 2-story clubhouse and associated swimming pool that are built, landscaped areas, tot lot and meandering paths. The Amendment maintains the two natural pool areas that simulate a natural stream with a meandering path and bridge crossings. The upper stream pool is located near the northern end of the loop road, winding down to a central gathering area near the pool. These various open spaces provide ample opportunity for recreation enjoyment, and contemplation.

Recreation Facilities

The location and quantity of provided recreation facilities is safe, adequate and efficient. The Site Plan is providing a total of 94 dwelling units, including 50 hi-rise multi-family units and 44 townhouse units, and is therefore subject to the

requirements of the 1992 Montgomery County Recreation Guidelines. The Applicant has calculated the demand for residential facilities based on the criteria in the Recreation Guidelines. To meet the required supply of recreation, the Applicant is providing for one tot lot, two picnic/sitting areas, one play lot, one bike system, one pedestrian system, and natural areas, a swimming pool and indoor community space as part of the on-site supply. Recreation facilities associated with the Clubhouse, including the outdoor swimming pool and indoor community space, have already been built as part of Phase I.

Although the Property is less than a one-mile distance from the Cabin John Stream Valley Park and Cabin John Trail, the Applicant is not requesting off-site credit for these facilities.

Landscaping and Lighting

The location of the landscaping and lighting is safe, adequate and efficient on the Subject Property. The landscaping provided, with an emphasis on native species, is appropriate for this residential development by achieving several objectives. It provides canopy coverage and shade on the loop road and open space areas. The loop road was designed to maximize the number of large trees provided, which resulted in a variety of large deciduous trees lining up both sides of the road. As conditioned, the Applicant will use porous pavers, or incorporate Silva cell technology or equivalent technology, on the driveways and lead-in sidewalks of front-loaded units in order to promote root growth of street trees and street tree health. .

Smaller plant material, including understory trees and shrubs, are used to delineate spaces, such as play areas and sitting areas, and to highlight specific features, such as entrance signs and piers. Additionally, the landscaping provided efficiently adds screening and buffering at key locations within the community and along the Property's frontage on River Road.

All stormwater management facilities, which are dispersed throughout the development, will be heavily planted with a variety of native plant material to achieve ESD goals. These facilities and associated landscaping are reviewed and approved by DPS-SWM.

The lighting shown on the lighting plan and accompanying photometrics plan meets all the requirements for protecting the surrounding properties from excessive light spillage or glare. The lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. Street lighting consists of pole mounted light fixtures with a maximum height of 8 feet located on the private loop street, and bollard lights with a maximum height of 3 feet located along pathways on open space areas.

Pedestrian and Vehicular Circulation

Pedestrian Circulation

The location and design of the pedestrian circulation on the Subject Property is safe, adequate, and efficient. Pedestrians and bicyclists access the Property through a direct sidewalk connection from the existing hiker/biker trail along the Property's frontage on River Road. Within the Property, a five-foot sidewalk provides access to the front door of all units and amenity areas. The sidewalk system runs along both sides of the loop road, except for the short segment parallel to River Road where the sidewalk is only on the side where the units are located. The sidewalk system is also completing a small network of sidewalks within and connecting to the existing site amenities including the clubhouse and pool.

Vehicle Circulation

The location and design of vehicle circulation on the Subject Property is safe, adequate and efficient. The Application will maintain the same access off River Road and general circulation pattern as previously approved by completing the internal private street loop. In addition to completing the 22-foot-wide private street loop, there are two alleys that will provide rear garage access to some of the dwelling units. The alley identified as Alley A will be a unique 30-foot wide alley that acts like a wide motor court, which will stretch the full width of the alley, have special pavement treatments, and will be more decorative than a traditional alley. Alley B is a more traditionally designed alley that will run along the base of the retaining wall in the northern portion of the Property where space allows.

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

The Amendment of use and structures remains compatible with other uses, site plans, existing, and proposed development on adjacent properties. The Property was previously approved with four separate multi-family structures, two of which are being replaced with seven sticks of townhouses. The Master Plan contemplated both types of residential units when making the plan recommendations including the capped building heights and the extensive landscaping. The unique basin like topography with the approximately 45-foot elevation drop, and the landscape berm along River Road allow this high intensity residential development to not have a major visual impact to the community. The height of the townhouses will be one floor lower than the existing multi-family structures, which will further reduce the visual impacts from the road and surrounding properties. Additionally, the existing wooded buffer, along with the additional forest planting requirement, provide for an added

buffer between the existing communities and the new development, offering a more desirable relationship.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

Forest Conservation

The Site Plan Amendment meets the requirements of Chapter 22A, Forest Conservation Law, and Chapter 19, Water Resource Protection. The Subject Property is currently developed under the FFCP No. 820050290 which was adopted by Planning Board resolution dated September 7, 2006, and was amended to approve additional forest clearing and modify on-site forest conservation easements approved by resolution dated October 9, 2009. The 2009 amendment was a result of the Maryland Department of Environment identifying that the mine reclamation work was inadequate and additional work was required to mitigate from future quarry wall failures.

The total forest clearing on the Property was 2.76 acres, which resulted in a 5.78-acre planting requirement, which has been mostly satisfied, with the remaining requirement to be covered as part of the current Site Plan and Forest Conservation Plan Amendments. The following Table ## shows how the total 5.78 acres of planting has or will be met.

Method	Acreage	Satisfied
On-site Forest Planting	2.67	Partially, Category I conservation easement recorded but not all areas planted
On-site Landscaping	0.41	Partially, Category II conservation easement recorded but not all areas planted
On-site Individual Tree 20-year Canopy Credit	0.55	Partially, additional landscape trees to be planted as part of the Site Plan
Off-site Forest Bank	2.15	Yes, Certificate of Compliance recorded
TOTAL	5.78	

The Amendments do not contain any changes to the limits of disturbance, therefore, the forest clearing, or planting requirements are not amended. The Amendment does make a change in the location and type of on-site individual tree credit being approved to accommodate the new layout of the Property, but the quantity of plant material remains the same. Therefore, the Planning Board finds

that as conditioned the FFCP amendment satisfies the requirements of Chapter 22A.

Noise

A traffic noise analysis was originally prepared in 2005 and mitigation recommendations were updated in 2006. The analysis showed that vehicle noise in excess of 60 dBA Ldn would impact development on the Subject Property under the future conditions, and the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* stipulate that a 60 dBA Ldn maximum for outdoor recreation areas and 45 dBA Ldn maximum for interior spaces should be met. A landscaped berm was located along the River Road frontage, which significantly reduced the noise at the ground level, but did not mitigate for elevated noise as shown in the original noise analysis.

The buildings on lots 17-36 fall within the elevated noise impacted area and would require mitigation construction techniques. This Amendment does not include an update to the noise study to show the impacts the new development layout would have on noise. The Applicant however has agreed to retain an engineer that specializes in acoustical treatments to certify that the building shell for all units on lots 17-36 are designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The Applicant has also agreed to place the primary rooftop amenity spaces on the tops of units 20-36 on the sides of the dwellings facing away from River Road, which will allow for the top floor penthouse space to act as a noise barrier. The dwellings on Lots 20-28 may have a secondary outdoor space as a 2nd floor balcony that would be located on the front of the units that do face River Road, but the Planning Board has determined this is not the primary outdoor space and there would not be any practical mitigation techniques for these spaces. The Planning Board is requesting an amended noise analysis to look at lots 17-19, because in this location it is unclear if the existing berm would adequately block future traffic noise, and these lots have a ground level back yard. The Site Plan shows the rear yards of these three lots to be located below grade, by a retaining wall, and places any necessary additional wall to mitigate noise on top of the retaining wall. A condition will also require that all units on lots 17-36 include in their sales contract a full disclosure that these units are located in an identified noise impacted area. As conditioned, the Planning Board finds the Amendment to adequately address the concerns of transportation noise impacts.

The Site Plan received an approved revision to combined stormwater management concept and site development stormwater management plan on May 20, 2017, with a reconfirmation of this approval after further amendments to the Property layout on August 21, 2017. The Application will meet stormwater management ESD goals to the maximum extent possible for a partially developed site by

installing micro-bioretenment facilities and one bio-swale. Stormwater unable to be treated with ESD facilities will be treated in an existing underground storage vault with a filter system that was installed with the first phase of development.

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

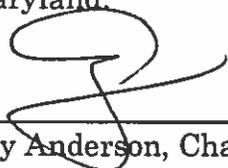
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 12 2018 (which is the date that this resolution is mailed to all parties of record); and

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).

* * * * *

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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, January 11, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board