



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

MCPB No. 20-080
Site Plan No. 82003004D
CSAAC Headquarters
Date of Hearing: July 30, 2020

AUG 17 2020

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, on November 25, 2002, the Planning Board approved Site Plan No. 820030040, for 36,000 square feet of institutional office space, 4.0 acres of open space for public dedication and a surface parking lot on TS zoned-land, located at the northwest corner of the intersection of East Village Avenue and Silverfield Drive, Montgomery Village ("Subject Property"); and

WHEREAS, on September 14, 2006, the Planning Board approved an amendment to the Site Plan No. 82003004A (MCPB No. 06-105) for modifications to the building footprint without increasing the total approved floor area, addition of a terrace, changes to parking layout, minor revisions to landscape plan, addition of storm drain structures and piping to the north side of the west building and replacement of a masonry screen wall with evergreen and ornamental plantings on the Subject Property; and

WHEREAS, on February 7, 2008, the Planning Board approved an amendment to the Site Plan No. 82003004B (MCPB No. 08-34) to revise the front and side yard building setbacks on the Subject Property; and

WHEREAS, on June 1, 2015, the Planning Director approved an amendment to the Site Plan No. 82003004C to construct a 505-square foot greenhouse within the courtyard of an existing building Subject Property; and

WHEREAS, on February 6, 2020, CSAAC, Inc. ("Applicant") filed an application for approval of an amendment to the previously approved site plans to install a Solar Collection System that generates no more than 120% of onsite energy consumption on 6.82 acres of R-200 zoned land in the Montgomery Village Master Plan ("Master Plan") area; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82003004D, CSAAC Headquarters ("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 Planning Board, dated July 20, 2020 setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 30, 2020, 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 Site Plan No. 82003004D to install a Solar Collection System that generates no more than 120% of onsite energy consumption by adding the following conditions:¹

Solar Panels

7. The ground-mounted solar panels are limited to a maximum height of 10 feet from the grade measured from the post at each end of a table, or the post at each end of multiple tables if joined together.
8. Only solar thermal or photovoltaic panels or shingles may be used, and the panels or shingles must use textured glass or an anti-reflective coating.
9. The amount of energy generated by the solar panels is limited by Section 3.7.2.B.1.e of the Zoning Ordinance.
10. Prior to final inspection, written authorization from the local utility company must be provided if the solar collection system will be connected to the utility grid.
11. The solar collection system must be removed within 12 months of the date when the use is discontinued or abandoned by the system owner or operator, or upon termination of the useful life of the system. The solar collection system will be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months.

Landscaping

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.

12. New plantings must be installed within one growing season after issuance of the first building permit for the solar collection system.
13. The Applicant must work with the Montgomery Village Foundation to maintain and replace landscaping as necessary within the Montgomery Village Foundation-owned buffer to the east of the Property.

Development Program

14. 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.

Site Plan

15. Before approval of the Certified Site Plan for the Site Plan Amendment, the following revisions must be made and/or information provided subject to Staff review and approval:
 - a) Include the Site Plan resolution, and any applicable agency approvals on the approval or cover sheet(s).
 - b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect 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. Indicate on Sheet 1 that the R-200 development standards apply to the solar collection system and the TS development standards apply to the existing use.
 - e) Ensure consistency of all details and layout between Site and Landscape plans.
 - f) Remove reference to SDP under the R-200 development standards and correct the subject application number.
 - g) Delineate the Site Plan Amendment area on Sheets 1 and 2.
 - h) Work with Staff to include additional landscaping to the Montgomery Village-owned landscape buffer located to the east of the Property.
 - i) Include a detail of the white vinyl fence that will be used on the north, east and west sides of the Property.
 - j) Remove note No. 4 on Sheet 4.
 - k) Replace "Property" with "Existing development" in note 13 on Sheet 1.

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 CSAAC Headquarters 82003004D, 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*
2. *The development satisfies any previous approval that applies to the site*

Except as modified herein, the development will continue to satisfy all previous approvals.

3. *The development satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

Although the Property was subject to a development plan under the TS Zone on October 29, 2014, the Property has since been rezoned by Sectional Map Amendment H-112 implementing the 2016 Montgomery Village Master Plan. Since the subject Site Plan Amendment is reviewed under the SMA-approved R-200 zoning, the binding elements of the development plan do not apply to the Solar Collection System.

4. *The development satisfies applicable use standards, development standards, and general requirements under this Chapter*

Use Standards

Section 59- 3.7.2.B

- a) *A Solar Collection System must be an accessory use as defined in Section 3.1.3.*

An accessory use is defined as: "...a use that is incidental and subordinate to the principal use of a lot or site or the principal building and located on the same lot or site as the principal use or building. Any permitted or limited use

in a zone may be an accessory use to any other use in the same zone; any applicable use standards must be satisfied." As confirmed by the Department of Permitting Services, the solar collection system meets the definition of an accessory use.

- b) *Written authorization from the local utility company must be provided for a Solar Collection System that will be connected to the utility grid.*

This is a condition of approval.

- c) *Removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit for the installation or operation of a Solar Collection System is prohibited.*

The area where the solar collection system will be installed is currently a grassy field and no removal of trees or landscaping will occur except for the removal and replacement of dead trees in the buffer located to the east of the Property. Some trimming of vegetation may occur along the fence line.

- d) *Solar panels may encroach into a setback as allowed under Section 4.1.7.B.5.c and may exceed the maximum height as allowed under Section 4.1.7.C.3.b.*

The solar panels will not encroach into any setbacks.

- e) *A freestanding Solar Collection System is allowed only as an accessory use where the system produces a maximum of 120% of on-site energy consumption and must satisfy the same development standards as an accessory structure.*

This is a condition of approval.

Development Standards

The existing development is conforming under the Montgomery Village Overlay Zone Section 59-4.9.11.E. The solar collection system will satisfy the applicable development standards for an accessory structure in the R-200 Zone as demonstrated in Table 1. The Montgomery Village Overlay Zone does not have any standards applicable to the Solar Collection System.

Table 1-Applicable Development Standards R-200 Zone (Section 59-4.4.7)		
Development Standard	Permitted/ Required	Approved
Lot area	20,000 sf	6.82 ac (297, 323 sf)
Lot width at front building line	100 ft	650 ft
Lot width at front lot line	25 ft	998 ft
Frontage on street or open space	required	Fronts on East Village Avenue
Accessory Structure Setbacks		
Front Setback (min)	65 ft / behind rear building line	360 ft/behind rear building line
Side Setback (min)	12 ft	17 ft (west) 26 ft (east)
Rear Setback (min)	7 ft	17 ft
Accessory Structure Height	35 ft	10 ft

General Development Requirements

Site Access

Access to the Property from East Village Avenue remains unchanged. The existing driveway from East Village Avenue continues to provide access to the east side of the Property. An asphalt pad is located on the north side of the parking lot for fire department access to the solar panel array. A gate with a knox box will allow entry through the gate should the fire department need to access the area.

Parking

Four existing car parking spaces will be converted to electric car charging stations. No further changes will occur in the parking lot and no parking spaces are required for the solar array. The parking lot will continue to satisfy prior regulatory approvals.

Open Space

Open space is not required for this Property.

Landscaping/Screening and Outdoor Lighting

No screening is required by the Zoning Ordinance, but the Applicant is removing and replanting dead plant material and supplementing planting in sparse locations in the buffer area located to the east of the Property.

5. *The development satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The area of disturbance is less than 5,000 square feet in area; therefore, no Sediment Control or Stormwater Management Plan is required for this amendment.

ii. *Chapter 22A, Forest Conservation.*

A Forest Conservation Exemption (No. 42020069E) was confirmed on March 25, 2018. The exemption documented that the site contains no streams or their buffers, wetlands or wetland buffers, steep slopes, 100-year floodplains, or known occurrences of rare, threatened or endangered species. There are no forests or specimen trees on the property. The forest conservation plan as submitted complies with Chapter 22A, Forest Conservation, and is in conformance with the Environmental Guidelines for the Management of Development in Montgomery County.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

With the exception of the fire access driveway and the conversion of existing parking spaces to electric car changing spaces, the existing parking and circulation remains unchanged and will continue to provide safe and efficient access to the Property.

7. *The development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The vision of the *Montgomery Village Master Plan* includes four components:

1. Preserve the village's character
2. Maintain the village's public recreation and open spaces
3. Encourage reinvestment in the village

4. Enhance the village's connectivity

The solar array is located to minimize the impact on the Montgomery Village community while providing a major economic benefit to a non-profit that services people with special needs in the Montgomery Village Community.

The Master Plan states that the County has established a goal to reduce greenhouse gas emissions to 20 percent of 2005 levels by 2050. The Master Plan recognizes that the majority of Montgomery Village is built out, but it also acknowledges that there are areas where emissions reductions can be enabled (page 41). The solar collection system is an ideal opportunity to provide a significant reduction in CO₂ emissions while also saving money in electricity bills for CSAAC.

The Property is located in the East Upper Village portion of Montgomery Village and the Master Plan does not recommend, anticipate or encourage significant change in the area. The solar collection system will not change the primary use of the Property as the CSAAC Headquarters. In fact, the solar array will strengthen the financial stability of the organization.

8. *The development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The solar panel array will not impact the existing public services and facilities.

9. *Development on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The solar collection system will be well buffered from view of nearby residential neighborhoods. The solar array will be located behind the CSAAC headquarters building, 360 feet from East Village Avenue, and approximately 66 feet from the rear lot lines of the detached house located east of the Property. The Applicant will replace dead plants and enhance the existing evergreen landscape buffer that separates the houses to the east from the Property. Further, six-foot tall white vinyl fencing will be installed along the north, east, and west sides of the

Property that will screen the majority of the solar panels from the view of adjacent residential neighborhoods.

The residential neighborhood located to the north is buffered from the Property by the approximately 250-foot-wide Pepco right-of-way that includes large towers and transmission lines.

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 § 59-7.3.4.H; 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 AUG 17 2020 (which is the date that this Resolution is mailed to all parties of record); and

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

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Patterson, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, July 30, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board