



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

MCPB No.20-139  
Site Plan No. 820200170  
**Urby Silver Spring**  
Date of Hearing: February 18, 2021

**MAR 18 2021**

**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, including the zoning then in effect; and

WHEREAS, on March 5, 2020, Urby Silver Spring Fee Owner, LLC ("Applicant") filed an application for approval of a site plan for 325,480 square feet of development to include 394 multi-family units, 57 MPDUs, 18 WFHU units, and 7,611 square feet of non-residential uses on 1.15 acres of CR-3.0, C-2.0, R-2.75, H-110T zoned-land, located at 905 Silver Spring Avenue in the northwest quadrant of the intersection of Fenton Street and Silver Spring Avenue in Downtown Silver Spring ("Subject Property"), in the Silver Spring CBD Policy Area and Silver Spring CBD Sector Plan (*Sector Plan*) area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820200170, Urby Silver Spring ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 5, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 18, 2021, 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 February 18, 2021 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200170 for 325,480 square feet of development to include 394 multi-family units, 57 MPDUs, 18 WFHU units, and 7,611 square feet of non-residential uses, the Subject Property, subject to the following conditions:<sup>1</sup>

**Conformance with Previous Approvals**

1. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval associated with Preliminary Plan 12013002A, as amended.

**Density, Height & Housing**

2. Density

The Site Plan is limited to a maximum of 325,742 square feet of total development on the Subject Property, including base density of 246,635 square feet of residential uses, for up to 394 multi-family dwelling units, and 7,611 square feet of non-residential uses.

3. Height

The development is limited to a maximum height of 110 feet, as measured from the building height measuring point illustrated on the Certified Site Plan.

4. Workforce Housing Units (WFHUs)

- a. The Applicant must provide onsite a minimum of 18 units as WFHUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25B, Article V and the Joint Development Agreement with Montgomery County. The Joint Development Agreement shall be recorded as soon as practicable among the Land Records of Montgomery County.
- b. Before issuance of any above-grade building permit, the WFHU Agreement-to-Build between the Applicant and the MCDHCA must be executed.

5. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide on-site a minimum of 15 percent of the total number of non-WFHUs as MPDUs in accordance with Chapter 25A and the Joint

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<sup>1</sup> 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.

Development Agreement with Montgomery County. The Applicant is receiving a 22-percent residential density bonus for providing 15 percent MPDUs on-site.

- b. The MPDU Agreement-to-Build must be executed prior to the release of any above-grade building permit.

## **Access & Circulation**

### **6. Department of Permitting Services-Right-of-Way**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated December 7, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memo, which DPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

### **7. Fire and Rescue**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated December 14, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

### **8. Pedestrian & Bicycle Circulation**

- a. The Applicant must provide a minimum of 95 long-term and 6 short-term bicycle parking spaces.
- b. The long-term spaces must be internal to the building, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's frontage or in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must construct Silver Spring Streetscape Standard improvements, including undergrounding of utilities, along the site frontage, as shown on the Certified Site Plan.

### **9. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any above grade building permit (but not prior to the issuance of sheeting and shoring foundation to the grade and/or associated sediment control and ROW permits), 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, including, but not limited to plant material, on-site lighting, indoor recreational facilities, site furniture, trash enclosures, fences, railings, private roads and sidewalks, 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 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.

## **Environment**

### **10. Forest Conservation**

- a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b. Prior to any clearing, grading or demolition within the project area, the Applicant must purchase credits from a forest mitigation bank or, if there are no applicable mitigation banks available, submit a fee-in-lieu payment which satisfies the remaining 0.02-acres of afforestation requirement, for a total of 0.66-acres of afforestation requirement (the Phase 1 afforestation requirement of 0.64-acres was satisfied via fee-in-lieu with Site Plan No. 820130010) resulting from the change in LOD associated with Preliminary Plan Amendment No. 12013002A.
- c. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

### **11. Noise Attenuation**

- a. Before issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
  - i. The building shell for residential dwelling units affected by exterior noise levels projected above 65 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

- b. If the plan changes in any manner that affects the validity of the noise analysis dated August 27, 2020 for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- c. Before issuance of Use and Occupancy Certificate for noise impacted units, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

### **Open Space, Facilities and Amenities**

#### **12. Public Use Space, Facilities, and Amenities**

- a. The Applicant must provide on-site a minimum of 3,793 square feet of public use space, 2.3% of net lot area, as illustrated on the Certified Site Plan.
- b. The Applicant must provide a minimum of 13,313 square feet of on and off-site amenity space, 7.3% of the net lot area, as illustrated on the Certified Site Plan. Included as part of the on-site public amenity space, the Applicant must provide the mural on the western façade pursuant to Condition 14.

#### **13. Mayor's Promenade Extension**

- a. Consistent with the Planning Board's direction for the public portion of Mayor's Promenade stated in Condition 5 of the abutting 900 Thayer Avenue Project Plan Amendment 92005003A, the Applicant must pay \$42,000 to M-NCPPC to be held in an escrow account and used for the future improvement of the public alley on the northern boundary of the subject site – presently functioning as a driveway from Fenton Street to Parking Lot 3 ("Contribution"). The Contribution must be submitted to M-NCPPC prior to the release of the first use-and-occupancy certificate. The Contribution will be placed into a special escrow account specifically earmarked for improvements to the Alley (the "Escrow Fund"). Payment of the Contribution satisfies the obligation for the public portion of the Alley and the Applicant is not responsible for the implementation of any improvement in this area.
- b. The Applicant must design the on-site segment of the extension of Mayor's Promenade between Fenton Street and the private drive to the west of Site Unit #2. The design must include the following design elements and be approved by Staff prior to illustration on the Certified Site Plan:
  - i. an 11-foot motor vehicle pathway that permits westbound-only movements;
  - ii. a pedestrian pathway at least 5 feet wide and a 1-foot buffer between the two designated areas; and
  - iii. an easement for the combined 17 feet of access within the private segment of the Fenton Street Alley, which the Applicant must record among the Land Records prior to the issuance of the first above-grade building permit.

- c. The Applicant must provide signage directing movements within the extension, to be reviewed and approved by MCDPS.

**14. Mural/Visual Amenity**

Over an area that incorporates a significant portion of the western façade of the building along Silver Spring Avenue and the Private Drive, as determined by M-NCPPC Staff, the Applicant must provide and maintain a mural, or comparable visual amenity that breaks-up the mass of the façade, the general location and extent of which must be shown on the Certified Site Plan. Any change in the western façade to accommodate the mural shall be reflected on the Certified Site Plan. This visual amenity must be installed prior to the final Use and Occupancy permit. The visual amenity may change over time without amending the Site Plan.

**15. Lighting**

- 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 or BUG equivalent fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

**16. Landscape**

- a. Prior to issuance of the final residential Use and Occupancy Certificate, all on-site amenities shown on the Certified Site Plan including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and recreation amenities associated with each building must be installed.
- b. Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities associated with each building must be installed.
- c. The Applicant must install landscaping no later than the next growing season after completion of the site work associated with each phase.

**17. Development Program**

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



**18. Certified Site Plan**

Prior to 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 MCDOT letters, MCDHCA letter and other applicable agency letters, development program, Preliminary Plan Amendment resolution, and Site Plan resolution on the cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Certified 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."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape Plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Urby Silver Spring 820200170, submitted via ePlans to the M-NCPPC as of the date of the Staff Report February 5, 2021, 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 Phase 2 Site Plan for the Studio Plaza development is consistent with the approved Project Plan for the overall Studio Plaza development meeting the density and MPDU requirements. The Planning Board finds that the gross floor area of the Phase 2 development is within the maximum density established by the Project Plan.

The Planning Board finds compliance with the Project Plan. Condition No. 2 of the Project Plan 920070010, regarding the accommodation of the two adjacent properties owned by Kalivas and Gerecht is as follows:

**Compliance with Condition No. 2.c (Kalivas Property)**

The Applicant is providing a 5-foot access easement from the public alley, 3 parking spaces in the Urby garage closest to the stairs, and access to the trash room located within the Urby project, thus satisfying this condition

**Compliance with Condition No 2.d.vii.2 (Gerecht Property)**

The Applicant is providing an exterior stair on its property that connects the pedestrian bridge to the Fenton Street right-of-way, thus satisfying this condition

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 residential and non-residential uses are permitted in the CBD-1 and Fenton Village Overlay Zone. The Site Plan also achieves the Sector Plan's vision of locating higher-density mixed-use zoning near public transportation (Metro, Purple Line, and existing bus routes and planned BRT routes). In regard to the height of 108 feet, in accordance with the Fenton Village Overlay Zone, the additional height above 90 feet (and up to 110 feet) is permitted to accommodate the 18 WFHUs. As required by the Overlay Zone, at least 33 percent of the Project's floor area shall be residential and the additional height is placed near Georgia Avenue (a major highway) and steps down in the direction of the closest single-family zoned residential area to the east of the Project. This Application is therefore consistent all of the requirements of the zone in which it is located.

**Requirements of the CBD-1 and Fenton Village Overlay Zone**

Based on the following data table, which sets forth the development standards approved by the Planning 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 CBD-1 and Fenton Village Overlay Zone Zone.

**Data Table**

Development Standard	Permitted / Required	Approved for Project Plan,	Approved for Preliminary	Approved for Phase 1, Site Plan	Approved/ Built for Phase 1,	Approved for Phase 2, Site Plan	Ren for Ph
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		92007001 0	Plan 120130020	820130010	Site Plan Amendment 82013001B	820200170	
Min. Site Area (square feet)							
Gross Tract Area	18,000	222,592	222,592	104,434	104,434	50,318	
Prior Dedication	n/a	41,971	42,021	15,146	15,146	n/a	
Dedication	n/a	8,283	8,423	3,000	3,000		
Net Lot Area	n/a	172,338	172,148	86,288	86,288	50,318	
Max. Density							
Base density (square feet)	667,776	626,781	626,781	344,573	327,337	254,246	45
Non-residential density (square feet)	n/a	n/a	114,180	10,500	10,500 <sup>2</sup>	7,611	
Base residential density (square feet)			512,601	334,073	316,837	246,635	
Bonus residential density increase (22% of base density) for providing 15% MPDUs			112,772	73,496	69,704	54,260	
Unused transferred density (square feet)			n/a	n/a	n/a	17,236- from Phase 1	
Total Project Density (square feet)			739,553	418,069	397,041	325,742	
Residential Units per Trip Cap							
Dwelling units, total	n/a		n/a	415	399	394 units	
Dwelling units, market rate				339	330	319 units	
Dwelling units, @			n/a	61	59	57 units	

<sup>2</sup> Actual built retail in Phase 1 is 10,100 sf.

15% MPDU							
Dwelling units, WFHU				10	10	18 units <sup>2</sup>	
MPDU, min. % of non-WFHU	12.5	15	15	15	15	15	
Max Net New Traffic Generation (trips)							
Morning Peak-Hour	n/a		297	119	107	99	
Evening Peak			351	135	163	127	
Max. Building Height (feet)							
Building, if project min. 33% residential	90	90	n/a	110	110	110	
– to accommodate WFHU	110	110				110	
Minimum Setbacks (feet)							
East Property Line	n/a	0	n/a	0	0	0	
North Property Line		0		0	0	10.4	
West Property Line		0		0	0	13	
South Property Line		0		0	0	0	
Public Use Space, Min.							
On-Site Public Use Space (% of Net Lot Area)	20	23.2	n/a	20.4	20.4	2.3	
On-Site Public Use Space (square feet)	34,429	39,938		35,100	35,100	3,973	
Off-Site Amenity Space (% of Net Lot Area)	n/a	22.6		13.8	13.8	7.73	
Off-Site Amenity Space (square feet)		38,905		23,750	23,750	13,313	1
Total Public Use & Amenity Space (% of Net Lot Area)	20	45.8		34.2	34.2	10.03	

Total Public Use & Amenity Space (square feet)	n/a	78,843		58,850	58,850	17,286	2
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3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The buildings for Phase 2 are conveniently located along Fenton Street; Silver Spring Avenue and Street A and provide access to the retail spaces with this Project.

b. Open Spaces

An adequate landscaped area provides a green open space along the Fenton Street side of the Project to the south of the retail area. Promenade B is located in the center of the block and provides and forges a connection between the Phase 2 building and extends from Georgia Avenue to Fenton Street. The Urby entrance at the intersection of Promenade B and Street A is consistent with the Project Plan and will help activate the interior of the block.

c. Landscaping and Lighting

Urby is united by hardscaping and landscaping at the site level consisting of special paving, at-grade planters, raised metal planters and benches. The architectural lighting package for the Project creates a safely lit, welcoming environment for both Urby residents and Silver Spring neighbors and integrates Crime Prevention Through Environmental Design (CPTED) principles. The landscape design on Promenade B is further enhanced by tree uplights, bollards, linear lighting located underneath benches to create a low-level glow and overhead catenary lighting providing the general safety lighting. The Project utilizes wall-mounted sconces along the facades to highlight areas of ingress/egress. Linear downlight fixtures at the parking garage entry will illuminate the threshold. The signage for the Cafe and Urby is still in the design development stage, but the Planning Board noted that the signage will be internally illuminated in these areas.

d. Recreation Facilities

A finding with recreation facilities does not apply because no recreational facilities are proposed with this Project.

e. Vehicular and Pedestrian Circulation

Vehicular access to the Project is from a consolidated curb cut on Silver Spring Avenue. The on-site loading facility and the full movement parking garage entrance share a driveway apron and are separated by a 6.5-foot pedestrian refuge. The private segment of the Fenton Street Alley will be designed as a shared street with 11 feet delineated for vehicles<sup>3</sup>, 5 feet for pedestrians and 1 foot for a row of bollards between the two designated areas. Prior to issuance of the first building permit, the Applicant will record an easement among the Land Records for the combined 17ft of access within the private segment of the Fenton Street Alley.

Pedestrian access will be provided along the existing sidewalk network, which will be improved to meet the requirements of the 2019 *Silver Spring Streetscape Design Standards* for a Typical Street along Fenton Street and a Narrow Street along Silver Spring Avenue. Implementation of Phase 2 of the Project Plan, by the Site Plan, realizes the vision of through-block connections for pedestrians between Georgia Avenue and Fenton Street, known as the “Mayors Promenade,” with improvements to the Fenton Street Alley. The Private (western) segment of the Fenton Street Alley will be designed as a shared street with a flush curb and delineated space for two-way pedestrian travel and one-way (westbound) vehicular travel. The remaining public (eastern) segment of the Fenton Street Alley will continue to provide two-way vehicular operations, as well as curbed sidewalks on both the north and south sides.

Two-way separated bike lanes on the west (Site) side are master planned along the Site’s Fenton Street frontage. The Applicant has coordinated closely with MCDOT on the streetscape improvements to ensure accommodation of MCDOT’s design of the future bike facility.

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

The structures and uses are compatible with other uses and site plans and with existing and adjoining development. The design approach mitigates the massing

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<sup>3</sup> Vehicular access along the private segment of the Fenton Street alley will be one-way westbound to ensure safe circulation.

of the buildings through building step backs that add visual interest to Phase 2. The building height along Fenton Street will be compatible with the heights in the residential neighborhoods and will measure just over 56 feet in height from the front of this portion of the building. The maximum height of 108 feet is concentrated toward the center of the block with the building stepping down to the east. This variation in height allows for a stronger design, by creating visual interest and breaking up the massing of the building. In contrast, the Phase 1 building largely does not vary in height and, therefore, appears monolithic from some angles. Phase 2 building variations in height will not only serve to create a visually appealing building but will also mitigate the monolithic condition on the block created by the Phase 1 building. The entrance to the parking garage and loading dock will be along Silver Spring Avenue, separated by a pedestrian refuge. The loading area for the cafe will be along Private Street "A".

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

Natural Resources Inventory/Forest Stand Delineation (420201080) was approved for this Project on February 25, 2020. The approved NRI/FSD shows that, aside from the watershed and existing specimen tree, there are no environmentally sensitive features associated with the site.

Although there is no forest onsite, this Project is subject to the Chapter 22A Montgomery County Forest Conservation Law. The Preliminary/Final Forest Conservation Plan submitted with this Site Plan Application shows an afforestation requirement of 0.66-acres. The associated Preliminary Forest Conservation Plan for this project, No. 120130020, was originally approved by the Planning Board during the public hearing on January 21, 2013 and showed an afforestation requirement of 0.64-acres to be met via fee-in-lieu. Following Planning Board approval of the Final Forest Conservation Plan with Site Plan No. 820130010, the previous Applicant fulfilled the afforestation requirement of 0.64-acres via fee-in-lieu as conditioned. Therefore, with the previous Applicant fulfilling the afforestation requirement of 0.64-acres via fee-in-lieu, there is a resulting balance of 0.02-acres, which is to be met through the purchase of forest mitigation credits from an approved offsite forest mitigation bank or through a fee-in-lieu payment. This afforestation requirement will be met via purchase of mitigation credits from an approved offsite forest mitigation bank or via fee-in-lieu payment if no credits are available from planted forest mitigation banks, as conditioned.

The previous Forest Conservation Plan submission for this Site, updated and addressed under Application No. 82013001B, also included a variance request for the removal of specimen trees onsite. As described earlier in this report, only one specimen tree remains onsite and this Project has previously obtained permission for its removal; therefore, no update to the variance request or findings are needed for the current Application. The previous planting mitigation of two (2) 3-3.5" caliper native canopy trees is still shown/required on the current Site Plan. As conditioned, the Planning Board approves of the amended Final Forest Conservation Plan and finds that all Chapter 22A Forest Conservation requirements have been met.

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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 MAR 18 2021 (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 Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Paterson absent at its regular meeting held on Thursday, March 11, 2021, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board