



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

AUG 11 2021

MCPB No. 21-073
Site Plan No. 82001012D
Traville Parcel N, Building A
Date of Hearing: July 29, 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 amendment under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on May 31, 2001, the Planning Board, by Resolution SP No. 8-01012, approved Site Plan No. 820010120 for 1,030,000 square feet of Research and Development (R&D) land use on 49.98 acres of land zoned Mixed Use Neighborhood Zone (MXN.). This certified site plan set forth an implementation phasing schedule consisting of Phase I (500,000 square feet on Parcel M), Phase 1A and Phase 2 (530,000 square feet to be built on Parcel N), and an impervious limitation restricted to 18.6 acres established by the Final Water Quality Plan on the entire 49.98 acres of MXN zoned-land, located at On Darnestown Road, 500 feet east of Travilah Road **including Parcel M and N** ("Subject Property"), and 2010 *Great Seneca Science Corridor Master Plan* ("Master Plan") area; and

WHEREAS, on May 22, 2003, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001012A, for the construction of a temporary parking facility; which was to remain temporary for 2-3 years in accordance with the future development of the Human Genome Sciences Parcels M & N on the Subject Property; and

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

WHEREAS, on September 28, 2006, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001012B (MCPB No. 06-106), for the modifications to the Site Plan Enforcement Agreement to extend the use of the temporary parking facility until November 2008 for the Universities of Maryland students; and

WHEREAS, on September 10, 2010, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001012C (MCPB No. 11-74), to construct Building D, a 125,000 square foot development in accordance with Phase 1A (project was never constructed) on the Subject Property; and

WHEREAS, on January 25, 2021, *ARE-Maryland No. 49, LLC* (“ARE”) (“Applicant”) filed an application for approval of an amendment to the previously approved site plans to build up to 200,000 square feet of research and development use and a 562-space garage on Parcel N within the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82001012D, Traville Parcel N, Building A (“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 15, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 22, 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, 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. 82001012D for to construct a research and development building and parking garage by adding the following conditions, which supersede all prior conditions of approval as they relate to Parcel N:¹

Density, Height & Housing

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.

1. Density

The Site Plan is limited to a maximum of 200,000 square feet of total development on Parcel N of the Subject Property for research and development uses.

2. Height

The development is limited to a maximum height of 100 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Open Space, Facilities and Amenities

3. Green, Facilities, and Amenities

- a) The Applicant must provide a minimum of 60% of green area on-site.
- b) Before the issuance of Final Use and Occupancy certificates for the commercial development, all green area amenities associated with Building A and the garage on the Subject Property must be completed.

4. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the green areas, landscape, hardscape and associated elements, and streetscaping.

Environment

5. Forest Conservation & Tree Save

- 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) 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.
- c) Prior to approving the first above-ground building permit for Building A, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 0.05 acres of new forest planting and for the new trees required to create a fully forested stream buffer on the Subject Property, as well as maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP. If the Applicant cannot secure permission from the neighboring property to expand the Category I Easement to accommodate the additional 0.05 acres of new forest planting, the Category I Easement must be mitigated at a 2:1 ratio (0.10

acres) in an approved Forest Conservation Bank in the Watts Branch watershed. If no forest conservation credits are available for sale at a bank in the Watts Branch watershed, the mitigation may take place at any approved Forest Conservation bank in Montgomery County. If no forest conservation credits are available for sale at any bank in the County, the Applicant may pay a fee-in-lieu equal to 0.10 acres of forest planting.

- d) Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- e) Prior to approving the first above-ground building permit for Building A , the Applicant must submit a five-year (5) Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
- f) 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.
- g) Prior to approving the first above ground building permit for Building A, the Applicant must record a new Category I Conservation Easement reflecting the new 0.05-acre easement area including the area that is not authorized to be removed. The new easement agreement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed prior to recordation of the deed of abandonment for the existing conservation easement. The entirety of the existing easement remains in full force and effect until the abandonment document and the revised easement have been approved and recorded in the Montgomery County Land Records. . If the Applicant cannot secure permission from the neighboring property to expand the Category I Easement to accommodate the additional 0.05 acres of new forest planting, no easement recordation will be required. In this case, the Category I Easement encroachment must be mitigated at a 2:1 ratio (0.10 acres) in an approved Forest Conservation Bank in the Watts Branch watershed. If no forest conservation credits are available for sale at a bank in the Watts Branch watershed, the mitigation may take place at any approved Forest Conservation bank in Montgomery

County. If no forest conservation credits are available for sale at any bank in the County, the Applicant may pay a fee-in-lieu equal to 0.10 acres of forest planting.

- h) Prior to approving the first above-ground building permit for Building A, , the Applicant must abandon the 0.05-acre area of the original Category I Conservation Easement within the stormwater outfall area recorded among the County Land Records in a form approved by M-NCPPC Office of the General Counsel. The abandonment document must be recorded in the Montgomery County Land Records by deed.

6. Water Quality

- a) The development must comply with the conditions of the Montgomery County Department of Permitting Services Preliminary (MCDPS)/Final Water Quality Plan approval letter dated July 6, 2021.
- b) The total impervious surface on Parcels M and N (the Subject Property), and Outlot O is limited to 13.16 acres within the Piney Branch SPA, as shown on the Impervious Surface Plan dated May 25, 2021.

7. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated July 6, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan Amendment approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Transportation & Circulation

8. Utilities

The Applicant must underground the utilities along Darnestown Road for the development phase associated with the road connection to Great Seneca Highway, to be confirmed or modified by PEPCO.

9. Transportation

Prior to Final Use and Occupancy for Building A, the applicant must enter into or modify the traffic mitigation agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and the M-NCPPC.

10. Parking

The Applicant must construct a structured parking garage for Phase 1, containing a minimum of 562 parking spaces.

11. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 34 long-term and 6 short-term bicycle parking spaces.
- b) The long-term spaces must be in secured, well-lit bicycle rooms in a parking garage or bicycle cages in a parking garage and in a secure parking area, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's frontage in a location convenient to the main entrance. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan Amendment.
- c) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, prior to issuance of the right-of-way permit. At a minimum, the sidepath must be open to public use prior to issuance of the final use and occupancy certificate associated with Building A.
 - i. Darnestown Road: a sidepath, with a minimum effective width of eleven (11) feet, separated from vehicular traffic by a buffer with a minimum width of eight (8) feet.

12. Right of Way

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right-of-Way in its letter dated May 27, 2021, 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 the Site Plan Amendment approval.
- b) Prior to Final Use and Occupancy permit for Phase 1, the Applicant must construct the median along Darnestown Road to prevent left-turn movements into the existing internal Loop Driveway, to be determined or modified by MCDOT and MCDPS.
- c) Prior to Final Use and Occupancy permit for Phase 1, the applicant must remove the existing portion of the internal Loop Driveway for Phase 1.

13. 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 May 24, 2021, 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 Amendment approval.

14. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A10.1-A10.15 of the submitted architectural drawings, as determined by M-NCPPC Staff.

15. Lighting

- a) Prior to Certified Site Plan Amendment approval, 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 proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan Amendment.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan Amendment.

16. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment control 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 Amendment elements, including, but not limited to plant material, on-site lighting, site furniture,

trash enclosures, railings, 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.

17. 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 Amendment.

18. Certified Site Plan Amendment

Before approval of the Certified Site Plan Amendment 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 Amendment resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Add a note to the Site Plan Amendment 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.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for Parcel M 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 Traville Parcel N, Building A and Site Plan Amendment No. 82001012D, submitted via ePlans to the M-NCPPC as of the date of the Staff Report July 15, 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 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:

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.

(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;

Parcel N is subject to Development Plan Amendment DPA 01-3 that applies to the entire 192-acre area surrounding the site. DPA 01-3 (approved and adopted July 31, 2001) includes certain binding elements that supplement or supersede the development standards of the Zoning Ordinance that applies to the new development. Among other things, the binding elements: (i) limit the overall amount of commercial floor area that can potentially be developed within the plan area to 1.3 million square feet; (ii) limit the amount of impervious surface coverage that is permitted (i.e., 33 percent); and (iii) require the provision of a minimum amount of overall green space (i.e., 60 percent).

The proposed Application meets these requirements by staying within the established commercial development cap. There is currently 500,000 sf of commercial development on Parcel M with the remaining 530,000 sf of allowed density being available to Parcel N. The proposed Site Plan Amendment seeks approval for only 200,000 of the available square footage on Parcel N. As required by the original Site Plan for both Parcels M and N (No. 820010120), the impervious area cap of 18.6 acres remains in effect in the current site plan. Per the Green Area Exhibit submitted with the application, Parcel N will provide 12.53 acres or 69% green area.

(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 Project complies with the purpose and development standards of the MXN Zone as set forth in Section 59-C-7.71 et seq. of the 2004 Zoning Ordinance. In particular, the Project addresses specific development standards as follows:

- Section 59-C-7.751 establishes setbacks and building heights.

The Site Plan Amendment data table demonstrates how the Project complies with the applicable setback and height requirements.

- Section 59-C-7.752 requires compliance with external access and internal circulation standards.

The Project does not modify the current external access and circulation plans that were approved under Site Plan 820010120. It does, however, accommodate more robust access and circulation opportunities once the campus master plan is implemented.

- Section 59-C-7.753 requires the provision of facilities and dedications consistent with the Master Plan.

The Master Plan does not require any additional dedications or easements from the development on Parcel N and the Application is providing the required side path facility along Darnestown Road. Utility lines will be placed underground, as approved by the appropriate utility companies, and the new site lighting will provide safe and well-lit areas around the development. Also, there no new streets being provided within this application and all existing streets within the site plan provide street lighting.

- Section 59-C-7.754 requires internal compatibility of uses and development.

Proposed Building A is compatible with the adjacent and confronting uses, including existing development on Parcel M. The design of the building façade for Proposed Building A will be consistent with the existing character of the surrounding area. The structure itself is compatible in scale with the nearby buildings and is located such that it will not adversely impact existing adjacent uses.

- Section 59-C-7.76 green area requirements.

The 2004 Zoning Ordinance requires a minimum of 50% green space; however, DPA 01-3 increased this requirement for Parcels M and N to 60%. Per the Green Area Exhibit submitted with the Application, the Subject Project will provide 37.51 acres or 77% green area.

- Section 59-C-7.77 establishes off street parking standards.

Per Section 7.7.1.B.3.b of the 2014 Zoning Ordinance, this Application is subject to current parking requirements, which, as discussed below, have been met.

Development Standards - The Site Plan Amendment meets all of the requirements of the zone in which it is located. The Site Plan Amendment meets the development standards in the MXN Zone (previous Zoning Code) as shown on the following table.

Table 2: Site Plan Data Table

| MIXED USE NEIGHBORHOOD (MXN) ZONE DEVELOPMENT STANDARDS | | | |
|---|-------------------------------|--|--|
| TRACT SIZE | | | |
| PARCEL M | 28.09 AC | | |
| PARCEL N | 18.18 AC | | |
| Outlot A Plat 21961 | 2.34 AC | | |
| TOTAL | 48.61 AC | | |
| DEVELOPMENT/ SITE PLANS | DPA 01-3(G-718) | 820010120 | Proposed 82001012D |
| STANDARDS | | | |
| DENSITY (MAX) | 0.46 FAR (1,082,030 SF) | 500,000 sf constructed on Parcel M 0.47 FAR (1,030,200 sf approved) | 200,000 sf requested on Parcel N 0.33 FAR TOTAL (500,000 sf + 200,000 sf = 700,000 sf) |
| SETBACK (MIN) | N/A | 100 FT (TRAVILAH ROAD) | N/A |
| HEIGHT (MAX) | N/A | N/A | 100FT |
| GREEN AREA (MIN) | 60% | 60% | 77% |
| IMPERVIOUS AREA (MAX) | 63.31 AC Parcel M And N (33%) | 18.60 Ac Parcel M (33%) | 13.16 Ac Parcel N (33% TOTAL) |
| PARKING ¹ | | | |
| INTERNAL LANDSCAPE PARKING | | 5% | N/A |
| VEHICLE PARKING | | | |
| MIN | N/A | 1,425 SPACES | 700 |
| MAX | N/A | 3,605 SPACES | 2100 |
| PROVIDED | | 1,425 SPACES | 2,025 SPACES |
| BICYCLE PARKING (Parcel N only) | | | |
| LONG | N/A | N/A | 34 |
| SHORT | N/A | N/A | 6 |

¹ According to Section 7.7.1.B.3.b of the current Zoning Ordinance, “An applicant may apply for a minor site plan amendment to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.2) in a manner that satisfies the parking requirements of the Section 6.2.3 and Section 6.2.4.”

Table 3: Project Density Tracker

| Density Tracker | | | | | |
|--------------------------------|---|--------------------------|--------------------------|---|------------------------------------|
| Plan # | 820010120 | 82001012A | 82001012B | 82001012C | 82001012D |
| Density (max) | 1,030,000 sf approved (500,000 sf constructed only on Parcel M) | n/a | n/a | 125,000 sf approved (never constructed) | 200,000 sf (proposed for Parcel N) |
| Area | Parcel M & N 48.61 ac | Parcel M & N 48.61 ac | Parcel M & N 48.61 ac | Parcel M & N 48.61 ac | Parcel N 18.18 ac |
| Total Density Remaining | 330,000 sf available for future development on Parcel N and no density is available for Parcel M | | | | |

(3) the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

Building A, Parking Garage P1, open spaces, landscaping, and circulation systems are safe, adequate, and efficient and are appropriate for the character envisioned by the 2010 *Great Seneca Science Corridor Master Plan*. As conditioned, these elements provide easy access to Building A and Parking Garage P1 from adjoining sidewalks and parking. The locations of the buildings and structures are adequate and efficient and do not pose any safety concerns on the site.

(4) each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and

Building A is compatible with the adjacent and confronting uses as well as pending development. The design of the Building A and Parking Garage P1 facades will be consistent with the existing architectural character of nearby development. The structure is appropriately scaled when compared with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses.

(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.

Environmental Guidelines

Traville Parcel N Building A is part of the much larger Traville development encompassing approximately 192 acres in what is now the LSC South District of the 2010 *Great Seneca Science Corridor Master Plan*. A Natural Resources Inventory/Forest Stand Delineation for the Traville site was approved by Planning Staff on September 11, 1995, and re-certified on August 2, 1999. At the time of the Preliminary Plan approval (Preliminary Plan No. 119970220), there were 95 acres of existing forest in the area covered by the Preliminary Plan, as well as streams and stream buffers, wetlands and wetland buffers, steep slopes, 100-year floodplains, and a population of endangered *Krigia dandelion*.

A small area of environmental buffer extends into the southeastern portion of Parcel N. The submitted Site Plan Amendment keeps all buildings, parking, roads, and stormwater management facilities out of the buffer. A small encroachment (approximately 0.05 acres) into the buffer is occurring for the installation of a stormwater outfall. The Applicant will be required to expand the buffer by an equivalent area, plant it to forest, and record the area under a Category I Forest Conservation Easement under the buffer averaging protocol to mitigate for the lost buffer function.

The Special Protection Area requirements of the *Environmental Guidelines* also require that buffers in the SPA must be forested; therefore, the Applicant will be required to afforest any portion of the stream buffer on their Property that is not currently forested.

As conditioned, the Site Plan Amendment is in conformance with the *Environmental Guidelines*.

Forest Conservation

Forest conservation requirements for Traville Parcel N have also been addressed as a part of the overall Traville Development site. All forest conservation requirements have been met through the preservation of existing forest and planting of forest within stream buffers that run through the larger Traville site, with Parcel N included on the Overall Forest Conservation Plan. The original Site Plan for this portion of Traville, No. 820010120, includes a note stating that "All reforestation requirements have been met for this site as represented on the 'Traville Overall Final Forest Conservation Plan.' The Applicant has included a graphic with their submission showing the areas of forest preservation that fulfill the Forest Conservation Law requirements. The Site Plan Amendment for Parcel N includes an amended Final Forest Conservation Plan for the Applicant's portion of the overall FFCP.

The portion of the FFCP being amended is within the stream buffer that extends onto the Applicant's Property in the southeast corner of the Site. The proposed stormwater outfall includes a Limit of Disturbance (LOD) within an area of the buffer that is largely forested and should be entirely forested to meet both the requirements of the Overall Final Forest Conservation Plan and the requirement that all stream buffers be forested under the Special Protection Area requirements of the *Environmental Guidelines*. This area is also within a Category I Conservation Easement.

To remain in compliance with the Overall Final Forest Conservation Plan for Traville, the area of the LOD within the Category I Easement must be replaced at a 1:1 ratio on site. The Applicant will be required to expand the buffer by an equivalent area, plant it to forest, and record this area in a Category I Conservation Easement. This is the same requirement as stated above in the discussion of conformance with the *Environmental Guidelines*.

As conditioned, the FFCP amendment will be in compliance with Chapter 22A, Forest Conservation.

Water Quality Plan

Because the Site lies within the Piney Branch Special Protection Area (SPA), approval of a Water Quality Plan is required. The Water Quality Plan approval is shared by the Montgomery County Department of Permitting Services (MCDPS) and the Montgomery County Planning Board. MCDPS is responsible for approving the stormwater management plan for the Site. The Montgomery County Planning Board is responsible for determining that impervious areas are minimized in the site design, and that the plan is in compliance with the SPA recommendations of the *Environmental Guidelines*.

While the Piney Branch SPA does not include an imperviousness cap, previous approvals for the overall Traville development do impose a maximum imperviousness

cap of 33% for the entire site. The initial requirements were established during the review and approval of LMA G-718. A maximum imperviousness amount was distributed to individual sites throughout the overall Traville development to ensure that the development would remain under the 33% cap. Parcel M and N were combined into one area for purposes of the imperviousness distribution. The Water Quality Plan for Site Plan No. 820010120 stipulated that these two sites together are restricted to a maximum impervious cover of 18.6 acres. The Applicant has submitted exhibits showing that the current impervious cover on Parcels M and N is 10.06 acres. The Site Plan Amendment for Parcel N Building A will increase the total imperviousness on the Site to 13.16 acres, which is below the maximum of 18.6 acres allowed.

Among the site design approaches used to minimize imperviousness on Parcel N are compact building footprints and the use of structured parking. Staff notes that the initial Site Plan Amendment submittal included surface parking that came very close to the stream buffer. The switch to structured parking makes a significant difference in the impervious area on the Site and should help protect water quality. With these design features, the Site Plan Amendment meets the requirement to minimize new imperviousness.

With the condition that the environmental buffer be afforested in areas currently not covered by forest, and with the condition requiring expanding the buffer by 0.05 acres to compensate for the small encroachment, the Site Plan Amendment is in compliance with the SPA requirements of the *Environmental Guidelines*.

MCDPS approved the Stormwater Concept Plan, including their portion of the Water Quality Plan analysis and approval, in a letter dated July 6, 2021.

Planning Board approves of the Water Quality Plan accompanying this Application.

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 AUG 11 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).

* * * * *

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 Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson abstaining at its regular meeting held on Thursday, July 29, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board