

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

**July 30, 2024**

MCPB No. 24-077  
Forest Conservation Plan No. F20240920  
Garage 22 Georgia Ave Garage  
Date of Hearing: July 25, 2024

## **RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on July 29, 2010 the Planning Board, by Resolution MCPB No. 10-110, approved a Forest Conservation Plan No. 820100100, associated with a Site Plan for approval of a three-story, 22,882 square-foot performance hall; a 219,700 square-foot office building with 5,500 square feet of retail uses; and a 135,300 square-foot hotel for up to 189 rooms on 2.07 acres of CBD-2-zoned land, located on Georgia Avenue, approximately 250 feet west of Colesville Road (“Subject Property”), in the Silver Spring CBD Policy Area and 2000 *Silver Spring CBD Sector Plan* (“Sector Plan”) area; and

WHEREAS, on May 31, 2024, The Montgomery County Department of Transportation (“Applicant”) filed an application for approval of an amendment to the previously approved forest conservation plan to update the limits of disturbance (“LOD”) due to revised utility connections, right-of-way construction, and changes to overall site design and composition, in conjunction with Mandatory Referral No. MR2024011, in which the Applicant proposed to construct a new public parking garage containing 675 spaces and 3,000 square feet of ground floor uses, located at 8615 Georgia Avenue; and

WHEREAS, Applicant’s Forest Conservation Plan application to amend the forest conservation plan was designated Forest Conservation Plan No. F20240920, Garage 22 Georgia Ave Garage (“Forest Conservation 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, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

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Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department

WHEREAS, on July 25, 2024, the Planning Board held a public hearing on the Application and approved the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20240920 on the Subject Property, superseding the prior condition of approval<sup>1</sup> with the following conditions:<sup>2</sup>

1. 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.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved 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.
3. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the certified Final Forest Conservation Plan.
4. Before certification of the Final Forest Conservation Plan, the Applicant must update the plan to address the following:
  - a) Update plan notes and graphics for minor clarifications related to legend, labels, typographical corrections, and plan sheet layout.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or 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 Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A, and ensures the protection of environmentally sensitive features.*

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<sup>1</sup> The requirements of the Forest Conservation Plan are reflected in Condition No. 3 of the resolution for Site Plan No. 820100100, MCPB No. 10-110. The Applicant satisfied this condition in 2010 with payment of a fee-in-lieu to meet the 0.33-acre afforestation requirement.

<sup>2</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

*A.* Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan Amendment complies with the requirements of the Forest Conservation Law. The Amendment was reviewed and approved concurrently with Mandatory Referral No. MR2024011, in which the Applicant proposed to construct a new public parking garage containing 675 spaces and 3,000 square feet of ground floor uses, located at 8615 Georgia Avenue.

The Subject Application amends the previously approved Forest Conservation Plan No. 820100100. Along with Preliminary Plan No. 120100260 and Site Plan No. 820100100, the previous FCP was reviewed by the Planning Board on June 20, 2010 and later certified on August 9, 2010. The 0.33-acre afforestation requirement under the FCP was satisfied through a fee in lieu payment on August 19, 2010.

The Amendment does not impact the afforestation requirement, or any other forest conservation requirement, of the previously approved Forest Conservation Plan; however, the Amendment consists of changes to the limits of disturbance that are the result of revised utility connections and right-of-way construction following updates to the overall site design. In total, the Amendment results in a slightly reduced area of disturbance as compared to the original Forest Conservation Plan and no further mitigation is required. Therefore, the Forest Conservation Plan remains in compliance with the requirements of the Forest Conservation Law.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is

**July 30, 2024**

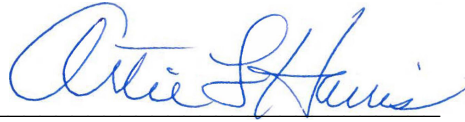
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution approved and adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of **4-0**; Chair Harris, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, Vice Chair Pedoeem necessarily absent, at its regular meeting held on Thursday, July 25, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board