



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

**MCPB**  
**ITEM # 6**  
**February 26, 2009**

**TO:** Montgomery County Planning Board

**VIA:** Mark Pfefferle, Acting Chief, Environmental Planning Division *MP*

**FROM:** Stephen D. Federline, Master Planner, Environmental Planning Division *SD*  
Lori Shirley, Planner Coordinator, Environmental Planning Division *LS*

**SUBJECT:** Final Forest Conservation Plan Amendment for  
Mandatory Referral No. 2008108-M-1  
Montgomery College Parking Garage  
TakomaPark/Silver Spring campus

**DATE:** February 13, 2009

---

**Recommendation**

Environmental Planning staff recommends Planning Board **approval** of the above amended Final Forest Conservation Plan (FFCP) for MR No. 2008108-M-1 with conditions as follow:

Approval of the final forest conservation plan amendment, subject to the following conditions:

1. The mandatory referral site plan shall comply with conditions of the final Forest Conservation Plan. The applicant shall satisfy all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of building permits, or as specified below:
  - a. The college must process an amendment to the approved Jesup Blair Park forest conservation plan prior to the release of building permits for the parking garage.
  - b. Tree protection and stress reduction measures for the six specimen and four significant trees along Jesup Blair Drive must be approved by the Department of Park's arborist.

**Background/Proposal**

The site is located at the southeast quadrant of the Georgia Avenue/13<sup>th</sup> Street/Burlington Avenue intersection. The overall site contains 8.71 acres, is zoned I-1, and is developed with the college's Cultural Arts building with limited, integrated ground-level parking to the south of this building.

Mandatory Referral No. 2008108-M-1 Montgomery College Parking Garage, Takoma Park/Silver Spring campus

Surrounding land uses include Burlington Avenue to the north; the WMATA train tracks right-of-way to the east; the developed Jesup Blair Park property to the south; and Georgia Avenue to the west.

The overall site has previously undergone two mandatory referral reviews in MR-2004105-M-1 for the King Street Cultural Arts Center with future parking garage and MR-2005106-MC-1 for the cultural arts center building, respectively. The cultural arts building was constructed in the past several years. The subject proposal is for the construction of a new parking garage behind the existing cultural arts building. In the review of MR-2004105-M-1, this approval did not include a building footprint for the proposed garage because it had not been determined by the college at the time. Instead, the review/approval was a place-card-holder for the proposed limits of disturbance (LOD) in relation to the area where the parking garage would be located.

In August 2008, the applicant's engineer submitted an amendment to the FFCP in MR-2004105-M-1 because the college was ready to proceed to construct the parking garage since its building footprint had been determined. Shortly after this submittal, it was determined each forest conservation plan associated with each MR review must be consolidated into one overall FFCP. In September 2008, the college was informed to submit a new MR application to address the review of the parking garage footprint and prepare one FFCP to consolidate the two FFCP into one. The previous submittals of separate FFCP for each parcel ready to be developed was piecemeal and problematic. In December 2008, Environmental Planning staff allowed for the release of a grading permit by DPS for work to begin inside the LOD approved in MR2004105 where the parking garage is proposed. Release of the grading permit was with the understanding the applicant had to submit a MR application for the parking garage footprint and consolidate the two FFCP into one.

**Regulatory Considerations**

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. There are two previously approved FFCP for the overall site. This request includes an amendment to one of the FFCP and to consolidate the two plans into one FFCP, this becomes part of the review for the proposed parking garage footprint. In this request, the amended FFCP is a regulatory item for review by the Planning Board. The Board's action on the FFCP is regulatory and binding. The Board must act on the FFCP before it finalizes a recommendation on the Mandatory Referral.

**Environmental Guidelines**

A Natural Resources Inventory/Forest Conservation Plan (NRI/FSD), 42005190, was approved in January 2005. There are no regulated environmental features on-site such as streams, wetlands, 100-year floodplain and steep and severe slopes and their associated environmental buffers. There is no forest or significant and specimen trees on-site. The site is located in the Sligo Creek watershed, a Use I category. The site is not located within a Special Protection Area or Primary Management Area.

**Forest Conservation**

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. The site has previously approved forest conservation plans in the reviews of MR-2004105-M-1 and MR-2005106-MC-1, respectively. There is no forest on-site or significant and

Mandatory Referral No. 2008108-M-1 Montgomery College Parking Garage, Takoma Park/Silver Spring campus

specimen trees. On January 28, 2009, a revised FFCP was date stamped as received by the Environmental Planning Division. Because of the increased gross tract in the plan consolidation, the site has an afforestation requirement of 1.31 acres.

A comparison of the proposed limits of disturbance (LOD) on the revised FFCP with the Sediment and Erosion Control Plan and Site Plan all show the same proposed LOD. The Site Grading and Final Storm Drain Plan date stamped as received on February 3, 2009, by the Environmental Planning Division does not show a proposed LOD. In this comparison review, it was noted the FFCP does not show the proposed underground stormwater management storage vault and filter system.

On Wednesday, February 4, 2009, Environmental Planning and Community Based Planning staff went to the site. Three staff members from the Parks Department walked the site with Planning staff and a local citizen/advocate of Jesup Blair Park. During the walk it was noted the college's south property line follows the southern edge of the cultural arts building. South of the property line is the existing Jesup Blair Drive where a six-foot high chain link fence has been installed and establishes the LOD for the grading work.

During the walk staff discussed several concerns from the citizen in relation to the Jesup Blair Park property and the grading work LOD. Along the south edge of the Jesup Blair Drive paving where the grass meets it, there are six specimen and four significant-sized trees all within 25 feet or less of the LOD. Ruts in the ground at the pavement/grass edge were evident and these appeared to have been made by the large trucks and equipment associated with the grading work. The LOD needs to be adjusted to prevent the trucks and grading equipment from doing further damage at this location. The park property has a FFCP associated with it and because the college proposes off-site improvements for stormwater management, the college is responsible for processing an amendment to the park's FFCP. At that time, tree protection and treatment measures must be shown on the plan for review/approval by the Parks Department's arborist. The amendment to the park's FFCP will be reviewed at staff level, and must be approved prior to issuance of building permits for the parking garage.

SDF:LS