



Creekside, Preliminary Plan No. 120160130 and Site Plan No. 820160050

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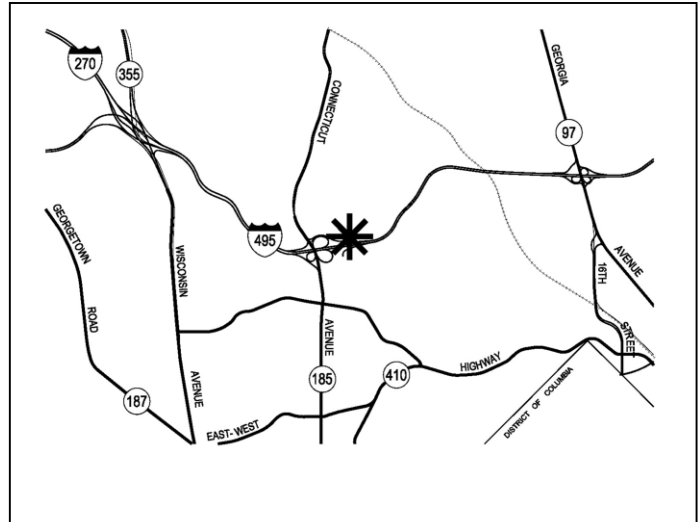
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Staff Report Date: 3/21/16

Description

- Request to subdivide the Subject Property into 16 lots for the development of up to 16 townhouses;
- Located at 9213 Kensington Parkway and 3619-3623 Glenmoor Drive, in the 1989 Master Plan for the Communities of Kensington-Wheaton;
- 1.41 acres in the TF-12 Zone;
- Applicant: Nova-Habitat, Inc.;
- Application acceptance date: December 3, 2015.



Summary

- Staff recommends Approval of the Preliminary Plan and Site Plan with Conditions.
- The Preliminary Plan approval includes approval of the Preliminary Forest Conservation Plan, while the Site Plan approval includes approval of the Final Forest Conservation Plan.
- The Applicant has requested, and Staff recommends approval, for a waiver of the resubdivision analysis required by Section 50-29(b)(2).
- Staff recommends that the Planning Board review and approve the required Common Open Space under the Alternative Method of Compliance Section, Section 6.8.1.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan 120160130, including a waiver, allowed per Section 50-38, from the requirements of resubdivision analysis under Section 50-29(b)(2), subject to the following conditions:

1. This approval is limited to 16 townhouse lots and the associated private road parcel and HOA parcel(s).
2. Private Street A must be located within its own parcel, separate from any other lot or parcel, and the record plat must reflect a common use and access easement over the private street and adjacent parallel sidewalks.
3. Private Street A must be constructed to the applicable public road structural standards, and have a 20-foot pavement width with adequate turning radii at intersections where needed for emergency access.
4. The Applicant must comply with the conditions of County Council Resolution No. 18-216 approving Local Map Amendment Application No. H-101.
5. The Applicant must comply with the conditions of approval of the Preliminary Forest Conservation Plan and variance request:
 - a. Prior to the start of any demolition, clearing, or grading on the Subject Property, the Applicant must record Category I Conservation Easements over all areas of forest retention, forest planting and environmental buffers as specified on the Preliminary Forest Conservation Plan. The Category I Conservation Easements must be approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records by deed, and the Liber Folio for the easements must be referenced on the record plat.
 - b. All areas of unforested stream valley buffer must be planted with forest, except stormwater management outfall and WSSC Right-of-Way, as shown on the Preliminary Forest Conservation Plan.
 - c. All existing structures within the stream valley buffer must be removed prior to forest planting.
 - d. The Applicant must plant 26 3-inch caliper native shade trees and two 4-inch caliper native shade trees as mitigation for the removal of protected specimen trees. All mitigation trees must be located at least 5 feet outside of any stormwater management easements.
 - e. The Applicant must construct a split rail fence along the Category I Forest Conservation Easement, as shown on the Preliminary Forest Conservation Plan.
6. The record plat must reflect all areas under Homeowners Association ownership.
7. No clearing, grading, or demolition of existing structures on the site, or recording of plats, is permitted prior to Certified Site Plan approval and recordation of Category I Conservation Easements.
8. No clearing, grading, or demolition of existing structure on the site is permitted until the Applicant obtains a Floodplain District permit from the Department of Permitting Services (DPS) for development within the 25-foot Building Restriction Line (BRL) associated with the floodplain.

9. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated February 22, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 10. Prior to the certification of the preliminary plan, the Applicant must make the changes required by MCDOT to the storm drain study dated February 12, 2016 as contained in their February 22, 2016 letter.
 11. The Applicant must make a Transportation Policy Area Review (TPAR) Mitigation Payment, equal to 25% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services (MCDPS). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
 12. The Planning Board accepts the recommendations of the MCDPS – Water Resources Section – in its stormwater management concept letter dated February 9, 2016, and hereby incorporates them as conditions of this Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter. Any enlargement of the proposed stormwater management easement area or any modification to the type of stormwater management facilities that may be required by DPS prior to installation/construction will require a Preliminary Plan and Site Plan Amendment.
 13. Final approval of the number and location of buildings, dwellings units, on-site parking, site circulation, and sidewalks will be determined by the Site Plan approval.
 14. The Certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for the lots. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
 15. The Adequate Public Facility (APF) review for the Preliminary Plan Amendment will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
 16. All necessary easements must be shown on the record plat.
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SITE PLAN RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Site Plan No. 820160050, for 16 townhouses, subject to the following conditions. All Site Plan development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required, except as modified by these conditions.

1. Floating Zone Plan Conformance

The Applicant must comply with the conditions of the County Council Resolution No. 18-216, approving Local Map Amendment H-101.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120160130 and any subsequent amendments.

3. Environment

The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan No. 820160050.

- a. Prior to the start of any demolition, clearing, or grading on the Subject Property, the Applicant must record Category I Conservation Easements over all areas of forest retention, forest planting and environmental buffers as specified on the Final Forest Conservation Plan. The Category I Conservation Easements must be approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records by deed, and the Liber Folio for the easements must be referenced on the record plat.
 - b. Prior to the start of any demolition, clearing, grading, or any land disturbing activity on the Subject Property, the Applicant must provide financial surety to the M-NCPPC Planning Department for the 0.12 acres of new forest planting.
 - c. Prior to the start of any demolition, clearing or grading occurring on the Subject Property, the Applicant must submit a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel.
 - d. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.
 - e. The Applicant must construct a split rail fence along the Category I Forest Conservation Easement, as shown on the Final Forest Conservation Plan.
4. The Applicant must provide a minimum of 6,530 square feet of Common Open Space as shown on the submitted Site Plan.
5. The record plat must reference Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

6. Noise

- a. Prior to Certified Site Plan, the Applicant must submit a new noise analysis to assess the noise impact of the SHA's proposed salt dome on the State's property across Kensington Parkway, and must provide Staff with certification from an engineer specializing in acoustical treatments that: 1) either no outdoor private areas on the Subject Property will experience outdoor noise level of more than 65 dBA Ldn; or 2) that design measures are being used to ensure that any adverse noise impacts on the private outdoor areas will be attenuated to a level no greater than 65 dBA Ldn. As part of the Certified Site Plan Approval, the approved Site Plan and Final Forest Conservation Plan can be updated to reflect the new noise mitigation measures, subject to Staff review and approval, if these measures do not conflict with any other conditions of Approval for Preliminary Plan, Site Plan and the Final Forest Conservation Plan.
 - b. Prior to Certified Site Plan, the Applicant must certify that the units will be constructed in accordance with the recommendations of an engineer specializing in acoustical treatment.
 - c. Prior to issuance of the first building permit, the Applicant must provide Staff with certification from an engineer specializing in acoustical treatment that:
 - i. the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn; and
 - ii. the location of the noise mitigation techniques will attenuate current and/or proposed noise levels to no more than 65 dBA Ldn for areas of outdoor activity on Lot 11.
 - d. The Applicant must disclose in writing to all prospective purchasers that the units are impacted by transportation noise.
 - e. Prior to completion of the Lot 11 townhouse, a 6-foot high noise barrier as shown on the site plan must be constructed along the rear yard of Lot 11.
7. The Planning Board accepts the recommendations of the MCDPS – Water Resources Section – in its stormwater management concept letter dated February 9, 2016, and hereby incorporates them as conditions of this Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter. Any enlargement of the stormwater management easement area or modification to the type of stormwater management facilities that may be required by DPS prior to the time of installation/construction will require a Preliminary Plan and Site Plan Amendment.

8. Landscaping and Amenities

Prior to completion of each row of townhouses, all adjacent open space areas and associated landscaping and amenities such as sidewalks, bike shelter, benches, trellis,

and trash receptacles must be installed. Street tree planting may wait until the next planting season.

9. Lighting

The maximum height of any light pole onsite must not exceed 12 feet including the mounting base.

10. Transportation

- a. The Applicant must upgrade the existing sidewalk along Kensington Parkway frontage, as shown on the Certified Site Plan.
- b. The Applicant must provide lead-in sidewalks from Kensington Parkway, as shown on the Certified Site Plan.
- c. The Applicant must construct the Private Street A to applicable Montgomery County structural standards and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards.

11. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated February 18, 2016 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

12. Architectural Design

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

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building 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 7.3.4.K 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, lighting, recreational facilities, site furniture, sidewalk, noise wall, retaining walls, fences, private roads, paths and associated improvements.
- 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 inspection and potential reduction of the surety.

14. Development Program

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

15. Certified Site Plan

Certified Site Plan must provide the following information:

- a) Final Forest Conservation Plan, stormwater management concept approval letter, development program, Site Plan Resolution, and Preliminary Plan Resolution.
 - b) A note stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - c) 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) Data table to reflect development standards approved by the Planning Board.
 - e) Ensure consistency of all details and layout between Site Plans, Landscape Plans, and Forest Conservation Plans.
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SECTION 1: SITE DESCRIPTION AND BACKGROUND

Site Description

The 1.41-acre Subject Property (outlined in red in Figure 1 below) is located at 9213 Kensington Parkway and 3619-3623 Glenmoor Drive. It comprises Lots 1, 2, 3, and 4 of the Rolling Hills Subdivision, which are all single-family detached residences. Rock Creek Park borders the Subject Property to the northeast and east. The right-of-way of the Connecticut Avenue ramp off the Capital Beltway (I-495) borders the Subject Property to the south. When the Rolling Hills Subdivision was platted in 1951, Glenmoor Drive provided access to approximately 36 single-family homes within the Rolling Hills neighborhood. However, the construction of the Capital Beltway (I-495) in the 1960s severed the Subject Property from the Rolling Hills community, as shown in the aerial photo below.



Figure 1: Vicinity Map

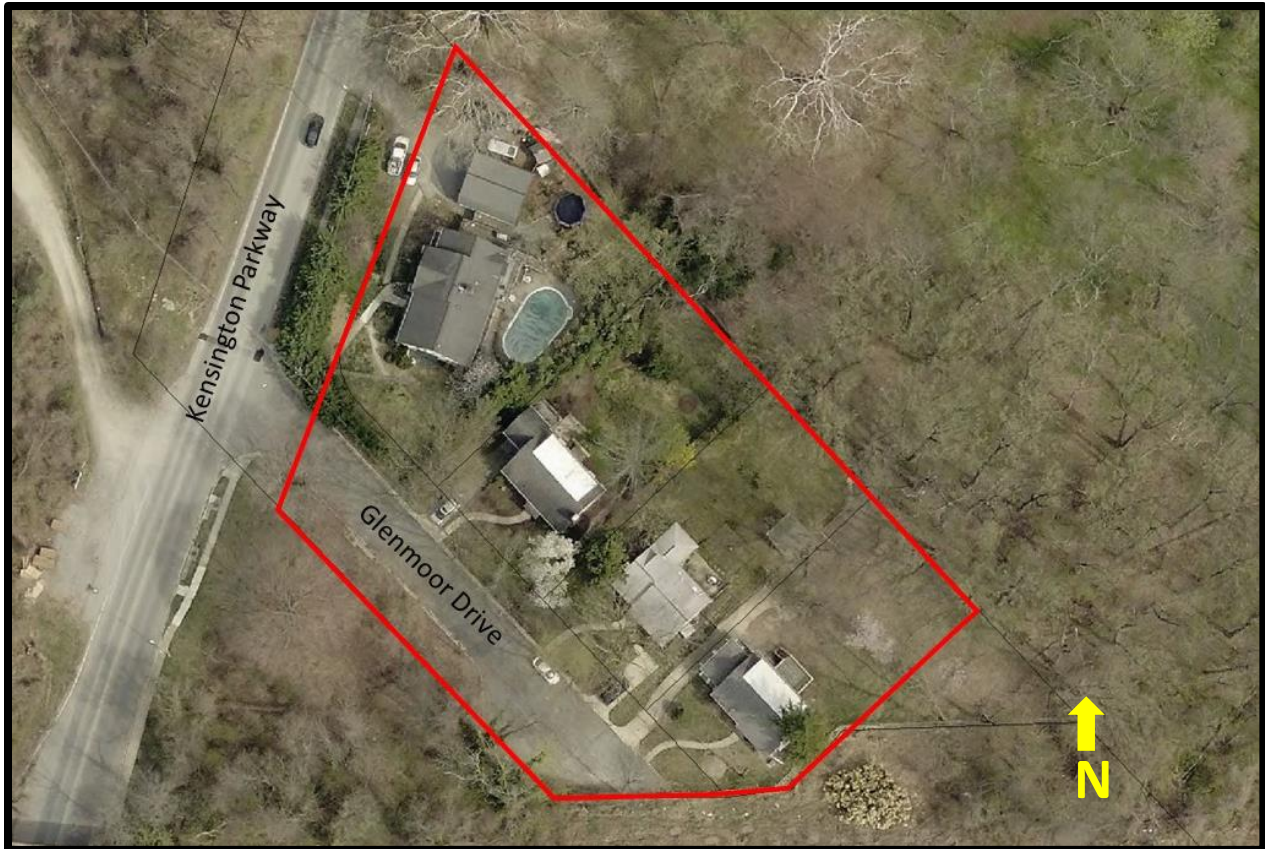


Figure 2: Site Map

Previous Approvals

On July 14, 2015, the Montgomery County Council rezoned the Subject Property from R-90 to TF-12 to allow up to 16 townhouse dwelling units, with no binding elements (Attachment 1). In addition to the request for rezoning, the Applicant submitted a petition for abandonment of the entire 13,789 square feet of Glenmoor Drive on the Subject Property in order to allow the development of the proposed project. The County Council approved this abandonment by Resolution No. 18-209, dated July 14, 2015 (Attachment 6).

SECTION 2: PROPOSAL

The proposed project will replace four existing single-family houses with 16 townhouse units, and provide a total of 6,530 square feet of Common Open Space area in two locations: along Kensington Parkway; and inside the development at the end of the proposed private road. It will also provide a bike/pedestrian shelter with an informational map and a relocated bus stop and seating area.

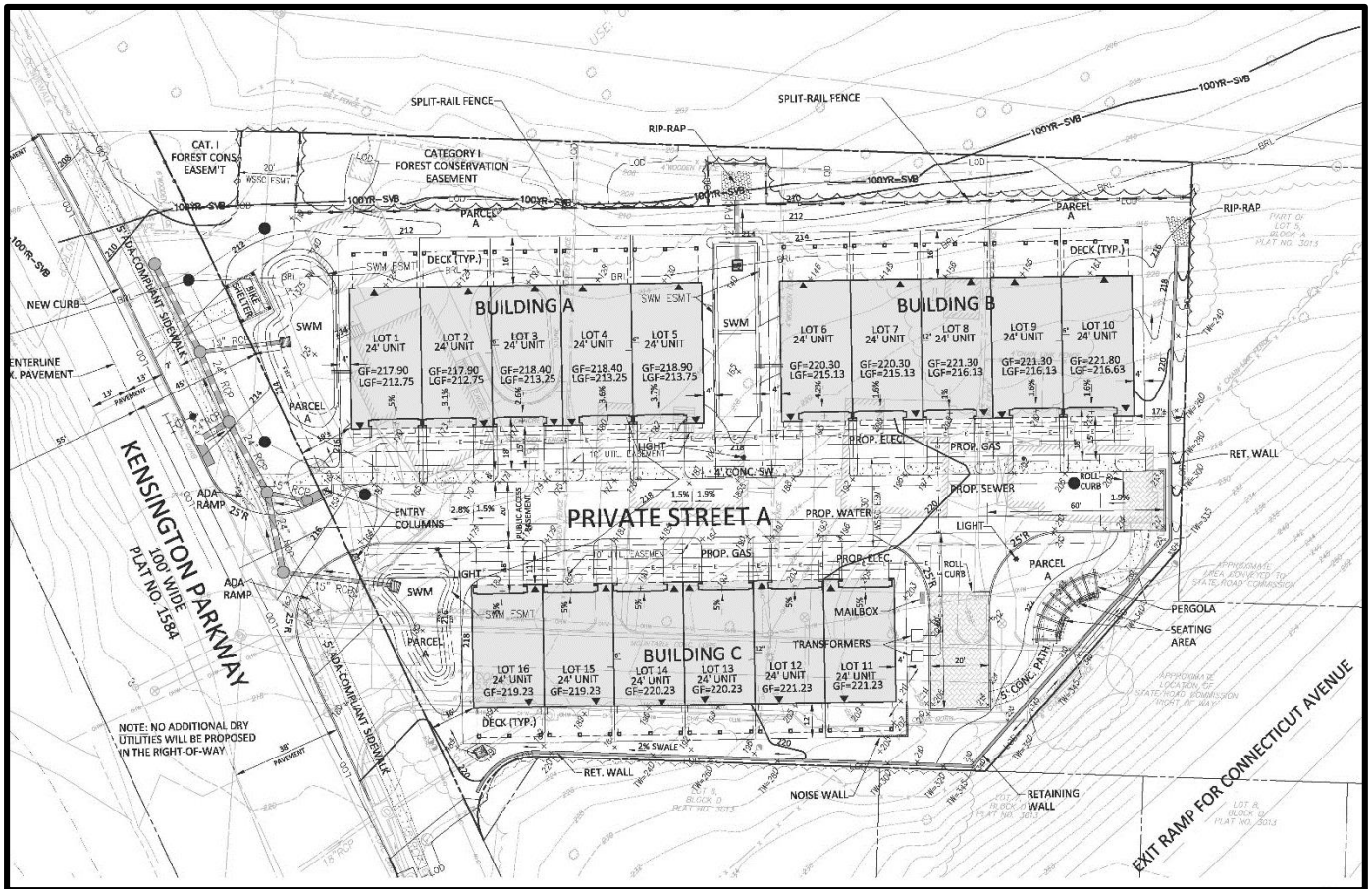


Figure 3: Proposed Preliminary Plan and Site Plan

SECTION 3: ANALYSIS AND FINDINGS

Community Outreach

The Applicant has complied with all submittal and noticing requirements, and as of the date of this report, Staff has not received any comments from the community on this case.

Master Plan Recommendations and Conformance

The Subject Property is located within the 1989 Master Plan for the Communities of *Kensington-Wheaton* (Master Plan) area. The Master Plan provides no specific recommendations for the Subject Property, but it includes general guidance about stabilizing existing residential uses (p. 28) and encouraging housing diversity (p. 50). The proposed townhouse community will increase housing choices in the area. The proposed plan is in substantial conformance with the recommendations of the Master Plan.

Public Facilities

Staff has determined that public facilities are adequate to support the proposed development.

Master Plan Roadways and Bikeways

In accordance with the Master Plan and 2005 Countywide Bikeways Functional Master Plan, the master-planned roadways and bikeways are listed below:

1. The 1989 Master Plan for the Communities of Kensington–Wheaton designates:
 - a. Kensington Parkway between Beach Drive and the Capital Beltway (the segment fronting the Subject Property) as a “park” road.
Note: The “revised Street Dedication Plat” No. 1584 was approved in 1944 to realign and dedicate 100 feet of right-of-way for the site’s Kensington Parkway frontage. Subdivision Record Plat No. 3013 for Rolling Hills (Part of Block A & D) Rolling Hills was created in 1951. Under the 2007 Agreement to Transfer Ownership and Share Maintenance of Certain M-NCPPC Roads and Bridges between MCDOT and M-NCPPC, MCDOT assumed the maintenance of Kensington Parkway. The Applicant worked with M-NCPPC’s Parks Department regarding the relocated curb cut for the proposed private road.
 - b. North of Beach Drive, Kensington Parkway as a Primary Residential Street, P-4, with a 60-foot-wide right-of-way.
 - c. Beach Drive as a “park” road.
 - d. The Capital Beltway, I-495 as an 8-lane divided Freeway, F-8.
2. *The Countywide Bikeways Functional Master Plan* recommends a Signed Shared Roadway, SR-29, along Kensington Parkway between Howard Avenue in the Town of Kensington and Jones Bridge Road in Chevy Chase.

The 2013 *Countywide Transit Corridors Functional Master Plan* does not include a Bus Rapid Transit (BRT) transit corridor along nearby Connecticut Avenue (MD 185).

Public Transit Service

Ride On route 33 operates along Kensington Parkway. Metrobus route L8 operates along nearby Connecticut Avenue to the west of the site.

Pedestrian and Bicycle Facilities

The proposed Site Plan includes the following:

1. Upgrade of the existing sidewalk along the Kensington Parkway frontage of the Subject Property.
2. Lead-in sidewalks from Kensington Parkway.
3. ADA-compliant crossing of the proposed private road.

4. A combined bus stop and bicycle parking shelter along the site frontage of Kensington Parkway.

Local Area Transportation Review (LATR)

The Applicant is not required to submit a traffic study because the proposed use generates fewer than 30 total peak-hour trips within the weekday morning and evening peak periods. Therefore, the LATR test is satisfied.

Policy Area Review (PAR)

The Applicant must satisfy the Policy Area Review test by making the applicable Transportation Policy Area Review (TPAR) payment equal to 25% of DPS's transportation/development impact tax for Subject property located in the Kensington/Wheaton Policy Area. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Other Public Facilities

Other public facilities and services are available and will be adequate to serve the proposed Project. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicular access. Public facilities and services, such as police stations, firehouses, and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. Electrical and telecommunications services are also available to serve the Subject Property. The Subject Property is located in the Bethesda-Chevy Chase high school cluster. Utilization levels are acceptable, thus a school facilities payment is not required.

Environment

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420160290) on November 9, 2015. The Subject Property lies in the Lower Rock Creek watershed, directly adjacent to Rock Creek Park. The stream banks of Rock Creek are approximately 300' from the Subject Property; however, the floodplain from this stream is extremely active and extends onto 0.11 acres of the northern portion of the Subject Property. Per the Environmental Guidelines, a stream valley buffer encompasses the on-site floodplain area, and the floodplain has a 25-foot building restriction line (BRL), as required by Chapter 19 of the Montgomery County Code. Approximately 0.03 acres of floodplain forest extends onto the Subject Property from the adjacent parkland. This forest is a high priority for retention as it is protecting stream valley buffer and floodplain. While there are no wetlands on-site, there is a large system of wetlands in the adjacent parkland. The proposed project is in compliance with the Environmental Guidelines as it is proposing no activities within the stream valley buffer except for a stormwater management outfall. The entire stream valley buffer on the Subject Property will be protected by a Category I Conservation Easement. The Applicant will have to apply for a Floodplain District Permit from the Department of Permitting Services for development within the 25-foot BRL associated with the floodplain.



Figure 4: Environmental Constraints

Forest Conservation

The proposed project is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Preliminary Forest Conservation Plan (Attachment 4) in conjunction with the Preliminary Plan and a Final Forest Conservation Plan (Attachment 5) in conjunction with the Site Plan. There is 0.03 acres of high priority forest on site, located in the floodplain/stream valley buffer. The Applicant is proposing to clear 0.01 acres of forest for a stormwater management outfall and minor grading and has a 0.22-acre planting requirement. The Applicant proposes to meet the planting requirement by planting 0.12 acres of forest onsite and providing the remaining 0.10 acres in off-site mitigation. All areas of stream valley buffer, except for stormwater management outfall and a WSSC easement will be planted as forest and protected by a Category I Conservation Easement. An area of invasive bamboo will be removed in conjunction with this Forest Conservation Plan

Forest Conservation Variance

Section 22A-12(b) (3) of the Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ) requires a variance.

An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request on 12/2/2015 and revised variance requests on 1/28/2016 and 2/16/2016 for the impacts to trees (Attachment 7). The proposed layout will remove nine trees and impact, but not remove, 12 trees that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law.

Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the location of the existing trees on and around the Subject Property, the need to demolish four single family residences prior to constructing the 16 townhomes, and the need to provide stormwater management on the Site. The Subject Property is too small to allow for changes in the site design and still allow for development at the proposed density. It is also constrained by the presence of a floodplain with an associated BRL along its northern edge.

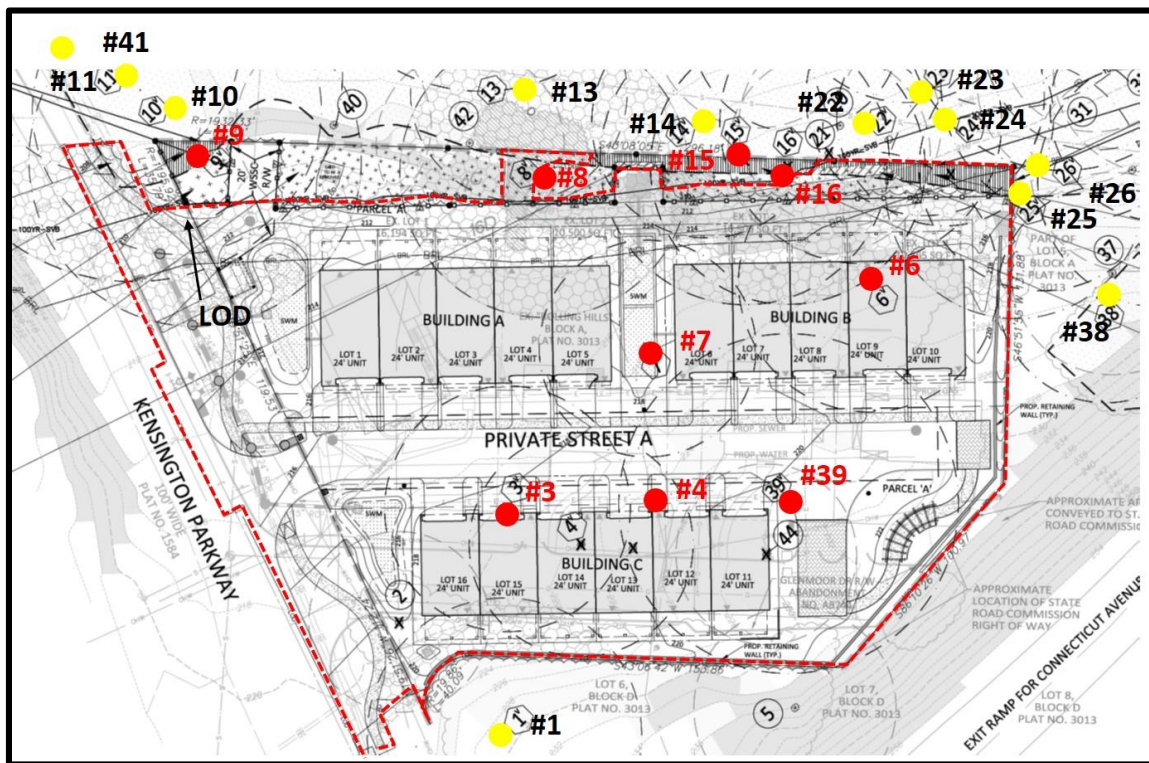


Figure 5: Variance Tree Locations

Variance Tree Tables

Removals

ID	Species	Size	Condition	Notes
3	Red oak	34"	Good	Demolition of existing residences and construction of townhomes.
4	Red oak	32"	Good	Demolition of existing residences and construction of townhomes.
6	Silver maple	37"	Good	Construction of townhomes.
7	Red oak	40"	Good	Demolition of existing residences and construction of townhomes.
8	Tulip poplar	31"	Good	Construction of townhomes and stormwater management.
9	Sycamore	46"	Good	Construction of townhomes and stormwater management.
15	Tulip poplar	40"	Good	Construction of townhomes and stormwater management.
16	Tulip poplar	38"	Fair	Construction of townhomes and associated grading.
39	Silver maple	47"	Good	Demolition of existing residences and construction of townhomes.

Impacts

ID	Species	Size	Condition	Notes
1	Beech	38"	Good	Construction of townhomes and associated retaining walls.
10	Sycamore	40"	Good	Construction of townhomes and stormwater management.
11	Tulip poplar	58"	Good	Grading associated with the development.
13	Silver maple	30"	Good	Grading associated with the development.
14	Tulip poplar	32"	Good	Grading associated with the development.
22	Tulip poplar	39"	Good	Grading associated with the development.
23	Tulip poplar	33"	Good	Grading associated with the development.
24	Tulip poplar	30"	Good	Grading associated with the development.
25	Tulip poplar	36"	Good	Construction of townhomes and associated retaining walls.
26	Tulip poplar	34"	Good	Construction of townhomes and associated retaining walls.
38	Tulip poplar	30"	Good	Construction of townhomes and associated retaining walls.
41	Tulip poplar	37"	Good	Grading associated with the development.

Variance Findings - Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, Staff makes the following findings:

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is a result of the need to replace the existing four single family homes with 16 townhouses. The size and configuration of the Subject Property preclude alternative site designs that could allow the variance trees to remain undisturbed.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The variance is necessary due to the constraints of size, the requirements to demolish existing structures and facilities, and the location of the existing trees on and around the Site.

3. *The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the location of trees and the proposed development and not a result of land or building use on a neighboring property. The impact to the trees is the minimum disturbance necessary to demolish the existing four single family homes and build 16 townhomes, with associated infrastructure.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Applicant will plant 26 3" caliper and two 4" caliper native shade trees to replace the form and function of the variance trees proposed for removal. The proposed plan also allows for the reforestation of the floodplain on the northern property line. In addition, the Site will be developed in accordance with the Maryland Department of the Environment criteria for stormwater management, including the provision of Environmental Site Design to protect natural resources to the maximum extent practicable.

Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove nine trees. The nine trees (listed in the removal table in figure 5) will be mitigated at a rate of 1" caliper per 4" DBH removed, using a minimum 3" caliper native shade tree. The Applicant will plant 26, 3-inch caliper trees and two 4-inch caliper trees, which are shown on the Final Forest Conservation Plan.

County Arborist's Recommendation of the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. Staff forwarded the request to the County Arborist. A letter from the County Arborist has not been received as of the posting of this staff report.

Variance Recommendation

Staff recommends that the variance be granted.

Stormwater Management

The Department of Permitting Services (DPS) issued an approval letter for a Stormwater Management Concept/Site Development Plan on February 9, 2016. The stormwater management concept proposes to meet required stormwater management goals via three enhanced micro-bioretenction facilities. While DPS approved the concept/site development plan, it raised several concerns in its approval letter as follows:

- 1. While the proposed subdivision does not propose to subdivide portions of the delineated 100-year floodplain and therefore it is technically acceptable, it does propose to create residential townhouse properties that will be substantially within the 25-foot floodplain buffer. Placement of properties within the 100-year floodplain buffer as proposed will likely encourage encroachment into the floodplain and reduce the ability of those homeowners to make further improvements to those affected properties. Development of the floodplain buffer will result in environmental impacts that cannot be mitigated through application of stormwater management practices. This project will require a Floodplain District Permit for storm drain outfall into the floodplain and all other work in the floodplain buffer.*
- 2. Should a seasonal variation of the groundwater or any other situation make the construction of the Enhanced Micro-Bioretenction Facilities not practicable, this Stormwater Management Concept would be invalidated. This would require a revision to this concept, but the remaining site area not utilized by buildings or site features may not be enough to accommodate required Stormwater Management.*
- 3. The proposed design utilizes the only remaining undeveloped space for stormwater management via Enhanced Micro-Bioretenction Facilities. Design and Geotechnical Engineers' options are that facilities will provide required Stormwater Management, but will also require all facilities within 10' of proposed units to be completely surrounded by proposed structural walls designed to prevent infiltration along the facility sides and therefore protect. These walls must be design to withstand overburden pressure of surrounding soils and units while the enhanced Micro Bioretention facilities are empty for maintenance.*

Any changes to the approved stormwater management concept plan may result in the loss of units or reduction in the size of the proposed lots as there is no additional area available for stormwater management on the Subject Property. Therefore, Staff is recommending a condition of approval that the Applicant must comply with each of the recommendations as set forth in the letter. Any enlargement of the area or modification to the type of stormwater management facilities required by DPS will require a Preliminary Plan and Site Plan Amendment.

Noise

The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” regulate traffic noise impact on residential developments. In this area of the County, the Guidelines use a maximum value of 65 dBA Ldn for exterior recreation areas and 45 dBA Ldn for indoor residential spaces.

Since the Subject Property is bordered by the I-495 exit ramp for Connecticut Avenue, it has an elevated noise level at both existing and projected future transportation levels. With the exit ramp located at a higher elevation than the site, the noise levels increase with altitude. For example, Lot 11 (closest to the exit ramp) has a noise level of 65 dBA Ldn at 5’ in altitude but 75 dBA Ldn at 35’ in altitude.

The rear yard of Lot 11 is the only private outdoor recreation space that does not meet the 65 dBA Ldn at ground level. In order to meet the Noise Guidelines, a six-foot high noise barrier must be constructed along the rear yard of Lot 11. All of the proposed units will need enhanced wall construction and acoustically rated windows and doors in order to meet the guidelines for indoor residential spaces. Staff is therefore recommending that prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer that specializes in acoustical treatment that the location of the noise mitigation techniques will attenuate current and/or proposed noise levels to no more than 65 dBA Ldn for areas of outdoor activity on Lot 11 and the building shell for residential dwelling units is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

SECTION 4: PRELIMINARY PLAN FINDINGS

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the Master Plan, and for the type of development or use contemplated. As conditioned, the proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance (see Site Plan Section for discussion on Common Open Space) and substantially conform to the recommendations of the Master Plan. Access and public facilities will be adequate to serve the proposed lots. The application has been reviewed by

other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

Table 1: Development Standards Data Table

See the development standards table in the Site Plan Findings section of this report.

Resubdivision

The Application is a resubdivision of previously platted lots. Resubdivision of residential lots are subject to review criteria specified in Section 50-29(b)(2) of the Subdivision Regulations, which requires the comparison of new lots with existing lots in a delineated neighborhood to ensure that the new lots are of the same character as the existing lots in the neighborhood with respect to street frontage, alignment, size, shape, width, area, and suitability for residential use. The Subject Property is to be developed with townhouses under the TF-12 Zone; however, it has been severed from the original Rolling Hills subdivision by I-495, and the closest lots in the remaining Rolling Hills neighborhood (south of I-495) were developed with detached houses under the development standards of the R-90 Zone.

Because of these differences between the townhouse TF-12 Zone and the R-90 Zone, and the considerable distance to the nearest residential development, a meaningful comparison between the new lots and the existing lots in the neighborhood cannot be made. Therefore, the Applicant has requested a waiver of the resubdivision analysis required by Section 50-29(b)(2). The Planning Board has the authority to grant such a waiver pursuant to Section 50-38(a)(1) of the Subdivision Regulations, provided that certain findings can be made. The section states:

“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

The Subject Property faces an unusual circumstance because it has been rezoned from its original R-90 Zone to TF-12 Zone and no other subdivision in the nearby surrounding neighborhoods has been developed under the TF-12 Zone. Granting a waiver of the requirements of Section 50-29(b)(2) is the minimum waiver necessary to provide relief from the requirements. The waiver is not inconsistent with the purposes and objectives of the General Plan (as amended by the Master Plan) and is not adverse to the public interest, because the waiver is needed to develop the Subject Property in accordance with the Local Map Amendment that changed the zone of the site from R-90 to TF-12. The project will be developed in accordance with the Zoning Ordinance (townhouse development is permitted by the TF-12 Zone), and as noted above and found by the County Council in granting the LMA, the proposed development is in substantial conformance with the Master Plan. Therefore, Staff recommends approval of the waiver request.

Lot Frontage on a Private Street

Section 50-29(a)(2) of the Subdivision Regulations requires "...that individually recorded lots shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road." All sixteen lots will front onto a private road. Therefore, if the Planning Board approves the Preliminary Plan, it must also find that the proposed private road has acquired the status of a public road. As reflected in other similar cases approved by the Board, this finding must be based upon the proposed road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths.

In the case of this subdivision, the proposed road can meet the minimum standards necessary to make the finding that it has attained the status of a public road. The private road will be constructed to the minimum public road structural standards, have a 20-foot pavement width with adequate turning radii at intersections where needed for emergency access, have an appropriate paving cross-section elsewhere for private vehicles, and have an appropriate circulation and turnaround pattern. The private road will be placed within its own separate parcel and access easement, which will ensure it will remain fully accessible to the public.

SECTION 5: SITE PLAN FINDINGS

Section 7.3.4.E, Necessary Findings:

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

The site plan applies only to the Subject Property.

2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a. *Satisfies any previous approval that applies to the site*

The proposed development complies with Local Map Amendment H-101.

- b. *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;*

Not applicable. The Subject Property does not have a development plan or a schematic development plan but it does have a Floating Zone Plan that was approved on July 14, 2015. No binding elements were included.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

Not applicable. The Subject Property's R-90 zoning in effect on October 29, 2014, was not the result of a Local Map Amendment.

- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;*

Development Standards	Required	Approved Floating Zone Plan	Provided
Residential Density (59.5.2.5.A.1.b)	16.07 (12 du/ac)		16 DUs (11.4 du/ac)
Maximum Height (59.5.2.5.B.2)	Set by Floating Zone Plan	50 ft.	50 ft.
Minimum setback from any public street (59.5.2.5.B.2)	Set by Floating Zone Plan	10 ft.	16 ft.
Minimum setback from any detached dwelling lot or land classified in a one family detached residential zone (59.5.2.5.B.2)	Set by Floating Zone Plan	2 ft.	12 ft.
Minimum setback from any adjoining side lot (end unit) (59.5.2.5.B.2)	Set by Floating Zone Plan	2 ft.	2 ft.
Minimum setback from any adjoining rear lot (59.5.2.5.B.2)	Set by Floating Zone Plan	4 ft.	8 ft.
Minimum Lot Size (59.5.2.5.C)	Set by Floating Zone Plan	1,000 sq. ft.	1,600 sq. ft.
Minimum Open Space Coverage (59.5.2.5.D)	10% (6,135 sq.ft.)	20% (12,270 sq. ft.)	10.6% (6,530 sq. ft.)
Minimum Parking (59.6.2.4.B)	2 sp/d.u.= 32	2 sp/d.u.= 32	4 sp/d.u.=64
Minimum Permeable Area in Common Open Space (59.6.3.8)	80%	None	90%
Minimum Tree Canopy in Common Open Space (59.6.3.8)	20%	None	39%

Required Common Open Space

The Plan provides a total of 6,530 square feet (10.6%) of the Subject Property as required Common Open Space (COS), divided into two parts: the area along the Kensington Parkway frontage, approximately 4,430 square feet, is bisected into two triangular-shaped areas by the proposed private road into the site; and the area along the southeastern edge of the site at the end of the internal road is approximately 2,100 square feet.

(Note: The Applicant had originally proposed a slightly larger area for the northern triangle along Kensington Parkway, thereby meeting all of the 10% area requirement along the frontage of the Property. Staff did not think this configuration met the definition and intent of COS since it included two small areas which were required to be fenced off along with the rest of the area under Category 1 Conservation easement. Staff did not believe that an area enclosed by a fence and therefore not accessible to residents qualified as COS because it served no recreational purpose.)

Although the proposed COS meets the 10% minimum area requirement of the Zoning Ordinance, Staff has concerns about: its design (split into three areas, one of them in a noisy location); the amount of area devoted to SWM (which may increase even further); and the way it satisfies the design criteria of COS under Section 6.3.5.B.

There are several features of the Subject Property that prevent it from fully addressing the design criteria of the required COS. These are: the triangular shape of its frontage along Kensington Parkway; its location next to the I-495/Connecticut Avenue ramp; its topography; the northern edge of the site affected by the 100-yr flood plain; and the area subject to Forest Conservation Easement.

In addition to the unique features of the Subject Property, the Applicant's desire to achieve the maximum number of units approved in the LMA also makes it difficult to create a well-designed COS that meets all the zoning standards. Elimination of one unit, or a slight reduction in the width of the townhouse lots (22 feet instead of the proposed 24 feet) could address almost all of the concerns raised by Staff and make this project comply with the design criteria and standards of the COS. The Applicant, however, has indicated that elimination of a single unit would render the project financially infeasible.

Staff explored various alternatives and worked with the Applicant to come up with a scheme that would satisfy the intent and the language of the COS requirement, but none of the scenarios fully met the design criteria or the intent of providing COS. Although the Planning Board could grant an exception to the design criteria of Section 6.3.5.B (discussed below), this raises concerns about setting the wrong precedent for allowing variations in the design of COS and the level of exception granted for these design variations. Therefore, Staff is recommending approval of the proposed COS under the Alternative Complicate Section of the Zoning Ordinance.

The following discussion and analysis lay out the applicable requirements of the COS, how the proposed project does not meet these requirements, and Staff's recommendation to use Alternative Compliance approach to address Staff's concerns about the required COS in this particular case.

Zoning Ordinance Requirements for COS

Section 59.5.2.5.D. requires a minimum open space of 10 percent of the site area for a property developed under a floating zone at a maximum density of 1-19 units per acre (the proposed density for this project is 11.4 units per acre). Section 6.3.1. describes the Intent of the COS requirement as: *Open space can provide adequate light, air, circulation, and recreation and encourage preservation and enhancement of natural resources, including improvement of water and air quality.* The table in Section 6.3.2. Applicability, identifies Common Open Space as the type of open space required for a townhouse development in TLD Zone (which, per Section 5.2.3, is the equivalent Euclidean zone for a TF Zone with 12 or fewer units per acre).



Figure 6: Proposed Common Open Space

Section 6.3.3. Allowed and Prohibited Features in Open Space, specifies following features as allowed in COS:

1. Conservation area or land trust for natural, archeological or historical resources;
2. Open space such as a lawn, garden, ornamental planting area, patio, walk or pathway;
3. Pedestrian or non-motorized multipurpose trail;
4. Natural resource-based recreation;
5. Facility-based recreation;
6. Above-ground utility rights-of-way;
7. Water body, such as a lake, pond, and floodway;
8. Non-structural, natural, and ESD stormwater management facility;
9. Utility; and
10. Other conservation-oriented use compatible with the purpose of Division 6.3.

Section 6.3.5.A.2 Defined, states: *“Common open space means an outdoor area that is intended for recreational use by residents and their visitors. Common open space does not include private individual lots.”*

Section 6.3.5.B Design Requirements, requires that COS satisfy the following design requirements:

1. *Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.*
2. *The minimum width for any required common open space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3.*
3. *A minimum of 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.*

Issues with the Proposed COS

Large SWM areas in the required COS

Staff is concerned that a large part of the COS in the front is taken up by SWM facilities. Under **Section 6.3.3. Allowed and Prohibited Features in Open Space**, *Non-structural, natural, and ESD stormwater management facility* (#8 in the list above) may be included in COS. But the main purpose of COS is recreation and staff is concerned that the proposed SWM facilities may not be well-integrated into the design of the COS (they may appear to be a separate entity within the COS) and may become the dominant feature of the COS. It is also likely that these facilities would expand and their design may change as project goes through the next phase of engineering and final design approval by MCDPS, which will be after the Site Plan review and action by the Board. This could negatively impact the usability of the proposed COS. The Montgomery County DPS, in its letter of approval for the Concept Development Plan dated February 9, 2016, states that:

Should a seasonal variation of the groundwater or any other situation make the construction of the Enhanced Micro-Bioretenion Facilities not practicable, this Stormwater Management Concept would be invalidated. This would require a revision to this concept, but the remaining site area not utilized by buildings or site features may not be enough to accommodate required Stormwater Management.

Design Criteria of Section 6.3.5B.

The proposed COS does not meet the design criteria of Section 6.3.5.B as follows:

1. Location of the proposed COS

Section 6.3.5.B. provides two options for locating COS: It must be located *“in a central position or central positions in the neighborhood bordered by streets or building lots.”* If this is

not feasible, the Ordinance allows the COS to be located *“in a location taking advantage of an important adjacent natural feature or open space”*. The configuration and other constraints of the Subject Property combined with the proposed layout of the site prevent it from providing 10% of the required COS in the center of the site without reducing the proposed number of units approved under the LMA. Also, the center of this site is needed for SWM purposes. Even if this central area could be expanded to accommodate required COS (it would lose at least one unit), one side of COS would face a private street dominated by garage openings and two sides would face side walls of the proposed townhouses. This may not be best place for COS.

The Subject Property’s frontage along Kensington Parkway is the best location for the required COS as it will be farthest from the I-495 ramp and buffered from the Beltway noise by the proposed townhouses. And the adjacent Rock Creek Park can provide an enhanced setting and a green edge to the required COS in this location.

2. Minimum 50-foot width of COS

As Figure 6 above demonstrates, all three areas of the proposed COS (two triangles in the front and the open space in the back) do not meet this criterion. Only the northern edge of the northern triangle along the Kensington Parkway, and a small portion along the northern edge of the open space in the back, meet the minimum 50-foot width requirement.

The triangular shape of the Subject Property’s frontage along Kensington Parkway, which is the most desirable location for COS on this property, makes it impossible to have a consistent minimum width of 50 feet for the proposed COS without severely impacting the layout and unit yield of the project. In order to accept the proposed COS with a width smaller than 50 feet, the Board must grant an exception to the minimum 50-foot width criteria per Section 6.3.5.B.2.

3. 50% of the required common open space must be in one contiguous area.

The proposed COS meets this criterion. The triangular areas in the front have a combined area of more than 50% of the required COS, and the COS area in the back is 2,100 square feet.

Alternative Compliance

Although the Planning Board could grant exceptions to the design criteria of Section 6.3.5.B, Staff is concerned that this approach sets a wrong precedent for other infill properties in the future. Other applications which do not have the benefit of being next to a major facility like Rock Creek Park, would attempt to use the Subject Property as an example to justify less than desirable open spaces. This approach also does not address the issue of excessively large SWM area within the required COS, which is not consistent with the purpose and definition of COS.

The Alternative Compliance provision provides a more comprehensive way to address the Staff’s concerns about the quality of the proposed COS, and it allows the Board to determine

that the unique features of the site and its development constraints (the triangular shape of its frontage along Kensington Parkway; its location next to the I-495/Connecticut Avenue ramp; its topography; the northern edge of the site affected by the 100-yr flood plain; and the area subject to Forest Conservation Easement) preclude a safe and efficient development of the site as approved under the LMA.

Section 6.8.1, Alternative Method of Compliance states:

The applicable deciding body may approve an alternative method of compliance with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it determines that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, an existing building or structure, an easement, or a utility line. The applicable deciding body must also determine that the unique site, use characteristic, or development constraint precludes safe or efficient development under the requirements of the applicable Division, and the alternative design will:

- A. Satisfy the intent of the applicable Division;*
- B. Modify the applicable functioning results or performance standards the minimal amount necessary to accommodate the constraints;*
- C. Provide necessary mitigation alleviating any adverse impacts; and*
- D. Be in public interest.*

The proposed design (Figure 6), with the recommended conditions of approval, satisfies the four criteria for approving the alternative compliance as follows:

- A. The proposed plan satisfies the intent of the applicable division, i.e. it provides adequate light, air, circulation, and recreation (bike/pedestrian shelter, seating areas), and encourages preservation and enhancement of natural resources by placing the northern edge of the site in a Category I conservation easement;
- B. It needs minimal modification to the applicable standards necessary to accommodate the constraints. The proposed design needs modification of the 50-foot width criteria. This modification is justified because of the triangular shape of the site's frontage and its adjacency to the park.
- C. It does not need to provide any mitigation since the proposed COS does not create any adverse impacts that should be mitigated; and
- D. Is in public interest as it serves the residents and the visitors; includes a bike shelter in the COS; and creates an attractive frontage along the street.

Based on Staff analysis of the COS design criteria, the intent of the Zoning Ordinance, and the alternative approach described above, staff recommends that the Planning Board approve the Alternative Compliance for meeting the requirements of Division 6.3 of the Zoning Ordinance.

- e. satisfies the applicable requirements of:*
 - i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*
 - ii. Chapter 22A, Forest Conservation.*

The Site Plan meets the requirements of the Montgomery County Forest Conservation Law, the County's Environmental Guidelines, and the County's stormwater management requirements, as discussed earlier in the environment section of this report.

- f. Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities*

Parking

Parking is safe and well-integrated. The proposed Site Plan provides four parking spaces for every townhouse: two garage spaces and two road spaces.

Circulation Pattern

Circulation is safe and well-integrated. A private street provides access from Kensington Parkway. Sidewalks accompany both the internal private road and Kensington Parkway.

Building Massing

The proposed massing of the townhouses is appropriate for the Subject Property and well-integrated into the topography of the site with I-495 ramp as the main structure closest to the Subject Property. The orientation of the proposed row of townhouses along the I-495 ramp provides noise mitigation from the Beltway noise for the two rows of townhouses along the Park. The surrounding area does not have any other buildings nearby as the Subject Property is surrounded by a Park and the I-495 ramp on three sides and Kensington Parkway on its frontage. Across Kensington Parkway is the SHA site for access to the WSSC's Bi-County Tunnel.

Open Spaces and Amenities

The Site Plan proposes slightly more than the required 10 percent Common Open Space in a safe and well-integrated lay out. As discussed earlier, the two triangular areas Kensington Parkway frontage are designed to function together as an extension of the Park with a bike shelter and seating area with maps and historical information for Rock Creek Park in the northern triangle adjacent to the Park. The southern triangle will contain mostly landscaping and plantings for stormwater management. The common open space area in the back will provide a small lawn and seating area where residents can congregate.

- g. Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed earlier in the Master Plan section, the Site Plan is in substantial conformance with the *Master Plan for the Communities of Kensington-Wheaton*.

- h. Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, 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 proposed development will be served by adequate public services and facilities, including schools, police and fire protection, fire, a sanitary sewer, public roads, and storm drainage;*

The Planning Board's determination of adequate public facilities is part of the Preliminary Plan. There are adequate public facilities to serve the Subject Property, as described in the Preliminary Plan section of this report.

- i. On a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is zoned TF-12 and the surrounding area is zoned R-90. The adjacent land to the north and east is occupied by parkland, and the I-495 right-of-way to the southeast and south. The closest residential communities are about a quarter mile south of the Subject Property. The proposed townhouses are compatible with the adjacent land uses and will have little, if any, impact on the residential character of the surrounding communities.

- j. On a property in all other zones, is compatible with existing and approved or pending adjacent development.*

Not applicable. The Subject Property is zoned TF-12, which is a residential zone.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable. The Proposal does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable. The Subject Property is zoned TF-12.

Conclusion

Based on the review by Staff and other relevant agencies (Attachment 10), and the analysis contained in this report, Staff finds that the proposed Preliminary Plan 120160130 and Site Plan 820160050 meet all the required findings and are consistent with the applicable Subdivision Code and Zoning Ordinance standards. Staff recommends approval subject to the conditions stated at the beginning of this report.

Attachments:

- Attachment 1: Floating Zone Plan
- Attachment 2: Preliminary Plan
- Attachment 3: Site Plan
- Attachment 4: Preliminary Forest Conservation Plan
- Attachment 5: Final Forest Conservation Plan
- Attachment 6: Glenmoor Drive Abandonment Resolution
- Attachment 7: Variance Request
- Attachment 8: County Arborist Approval Letter
- Attachment 9: Noise Analysis
- Attachment 10: Agency Correspondence

GENERAL NOTES

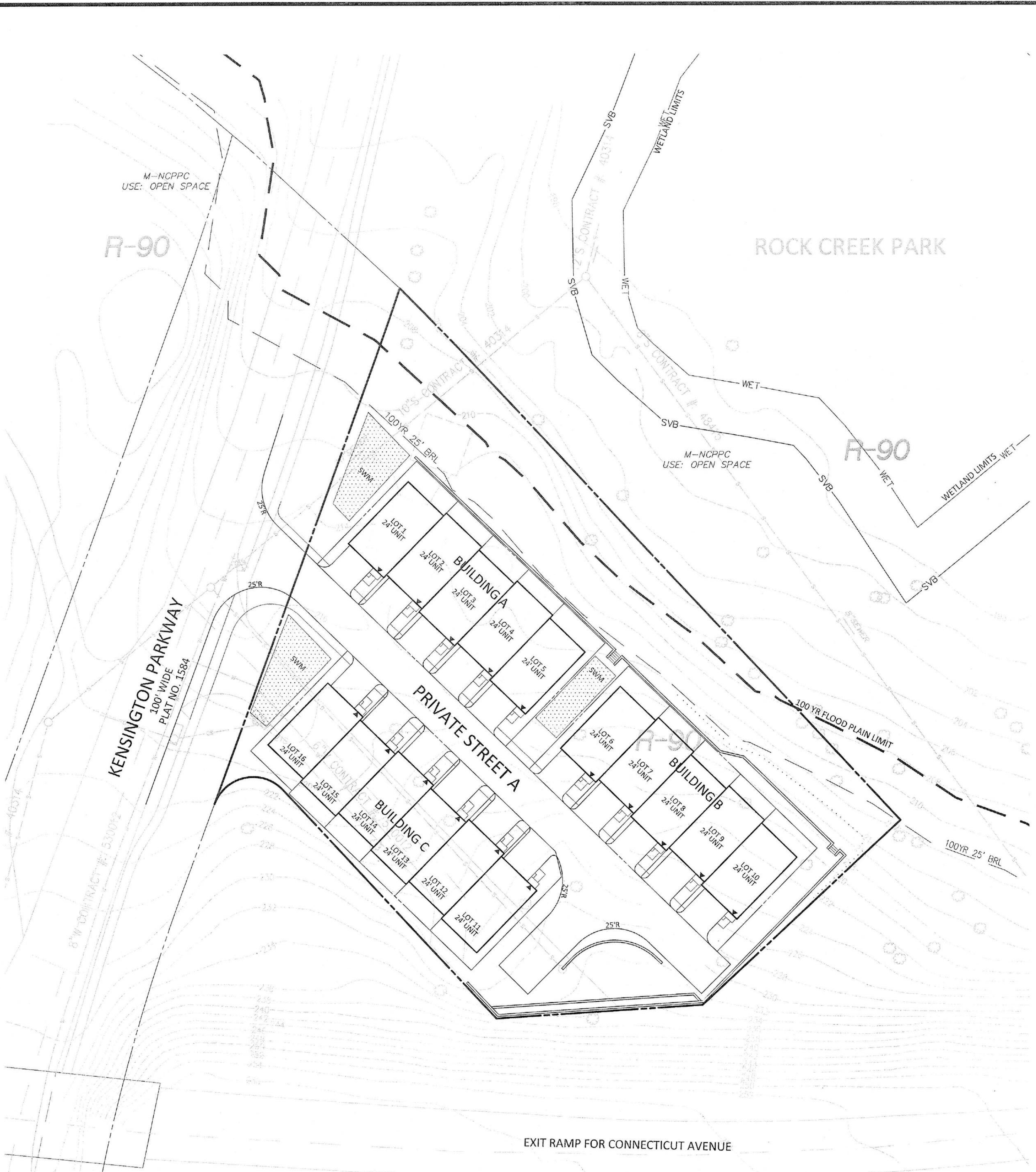
1. THE SITE AREA IS 1.41 ACRES.
2. THE SITE IS LOCATED ON WSSC MAP 211NW04.
3. THE SITE IS LOCATED ON TAX MAP GRID HP41.
4. THE SUBJECT PROPERTIES ARE LOCATED ON TAX ASSESSMENT MAP #HP41 WITH TAX ACCOUNT NO'S 07-00694755, 07-00694744, 07-00694733, AND 07-00694802. PROPERTY ALSO INCLUDES THE GLENMOOR ROAD R/W NORTH OF THE CAPITAL BELTWAY/
5. THE SUBJECT PROPERTY IS ZONED "R-90".
6. BOUNDARY IS COMPILED FROM AVAILABLE PUBLIC RECORDS. TOPOGRAPHIC INFORMATION IS FROM MCATLAS, APRIL 2014.
7. THE SUBJECT PROPERTY IS LOCATED IN LOWER ROCK CREEK WATERSHED, A CLASS I/I-P STREAM.
8. THIS SITE IS NOT WITHIN A SPECIAL PROTECTION AREA (SPA) OR PRIMARY MANAGEMENT AREA (PMA).
9. THERE ARE NO WATERS OF THE UNITED STATES LOCATED ON SITE. THERE IS A 100-YEAR FLOODPLAIN LOCATED ON THE SUBJECT PROPERTY AND SOURCE OF FLOOD PLAIN IS FROM FEMA MAP #24031C0365D, DATED SEPTEMBER 29, 2006 AND DIGITAL DOWNLOAD FROM MNCPPC.
10. THE PROJECT IS PROPOSED TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS AND IS CURRENTLY IN WATER AND SEWER SERVICE CATEGORIES W-1 & S-1, RESPECTIVELY.

DEVELOPMENT PROGRAM

THIS PROJECT WILL BE DEVELOPED IN ONE PHASE.

BINDING ELEMENTS

NO BINDING ELEMENTS ARE PROPOSED. THE PROPERTY WILL BE DEVELOPED UNDER THE REQUIREMENTS OF THE APPROVED ZONE.

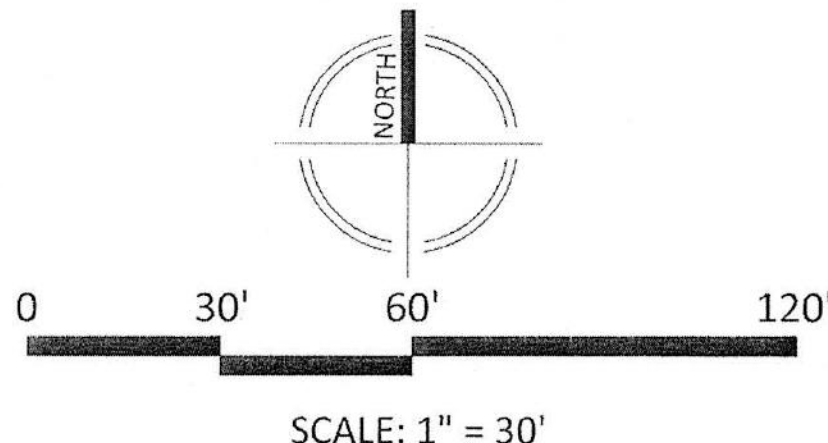


PLAN LEGEND

PROPERTY LINES	EXISTING WATER LINE
EXISTING CANOPY LINE	EXISTING SANITARY SEWER
PROPOSED CANOPY LINE	EXISTING STORM DRAIN
EXISTING TREE	PROPOSED WATER LINE
100 YEAR FLOOD PLAIN (SOURCE: COMBINATION OF FEMA & MNCPPC)	PROPOSED SANITARY SEWER WITH STRUCTURE
100 YEAR 25' FLOODPLAIN BRL	PROPOSED STORM DRAIN
EXISTING 10' CONTOUR	EXISTING FIRE HYDRANT
EXISTING 2' CONTOUR	PROPOSED FIRE HYDRANT
PROPOSED 10' CONTOUR	DOOR LOCATION
PROPOSED 2' CONTOUR	

PROJECT DATA TABLE		
CURRENT ZONE: Residential - 90 Zone	R-90	
PROPOSED ZONE: Townhouse Floating Zone	TF-12	
PROPOSED BUILDING TYPE: Townhouse		
SITE AREA:	61,349 sf	1.41 AC
LOTS	47,560 sf	1.09 AC
GLENMOOR DRIVE R/W	13,789 sf	0.32 AC
DEVELOPMENT STANDARD	REQUIRED	PROVIDED
Maximum Density	12 du/ac	12 du/ac
Building Setbacks		
(a) From any detached dwelling lot or land classified in a one family detached residential zone	established by plan	2 ft
(b) From any public street	established by plan	10 ft
(c) From an adjoining lot		
Side (end unit)	established by plan	2 ft
Rear	established by plan	4 ft
Maximum Building Height		
(a) For a main building	established by plan	50 ft
(b) For an accessory building	established by plan	N/A
Minimum Lot Size	established by plan	1,000 sf*
Coverage and Open Space		
Minimum percentage of tract that must be devoted to open space	10%	20%
	6,135 sf	12,270 sf

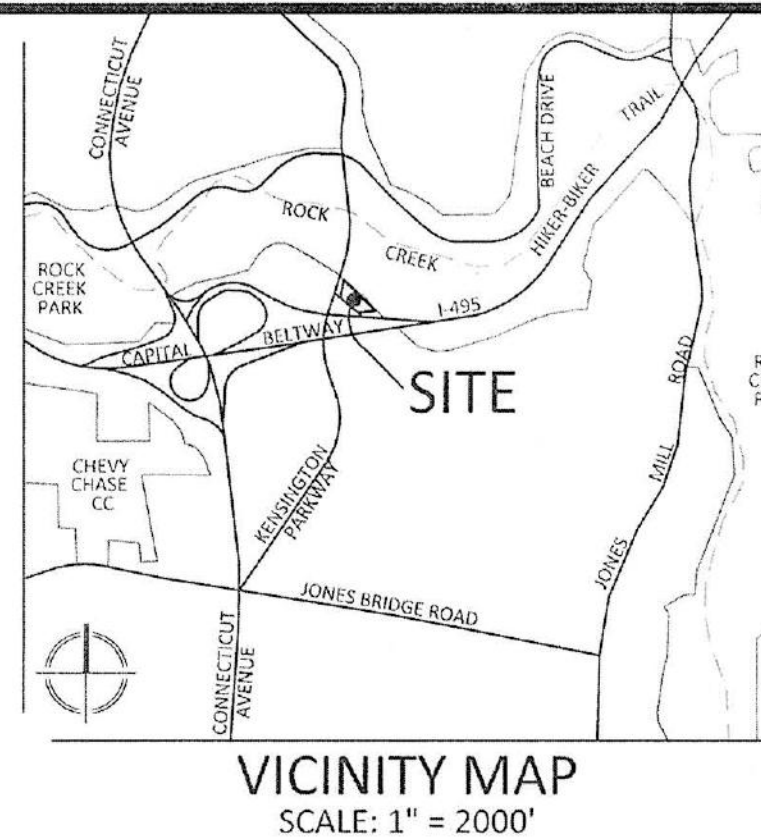
*Minimum lot size depicted on plan is approximately 1,680 sf, but there may be a reduction due to final subdivision requirements, architecture, and detailed site engineering.



OFFICE OF ZONING & ADMINISTRATIVE HEARINGS CERTIFICATION

THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN (EXHIBIT NUMBER: 38(a)) APPROVED BY THE DISTRICT COUNCIL ON July 14, 2015 BY RESOLUTION NUMBER 18-216 IN APPLICATION NUMBER H-101

Martin L. Grossman 7/17/15
HEARING EXAMINER DATE
HEARING EXAMINER'S NAME PRINTED



Vika
ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
Vika Maryland, LLC
20251 CENTURY BOULEVARD SUITE #400
GERMANTOWN, MARYLAND 20874
PHONE: (301) 916-4100
FAX: (301) 916-2262
GERMANTOWN, MD. MCLEAN, VA.

PREPARED FOR:
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CONTACT: EDWARD P. NOVAK, JR.

DESIGN CONSULTANTS

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301.762.5212
CONTACT: DAMON OROBONA

DATE	REVISIONS
5/12/15	1. CORRECTED DEVELOPMENT TABLE TO ADD MINIMUM LOT SIZE AND DELETE MINIMUM TRACT SIZE (N/A).

PROFESSIONAL SEAL

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.
JOSHUA SLOAN LICENSE No. 3776
EXPIRATION DATE MAY 13, 2016

CREEKSIDE

7TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 211NW04
TAX MAP: HP341

FLOATING ZONE PLAN

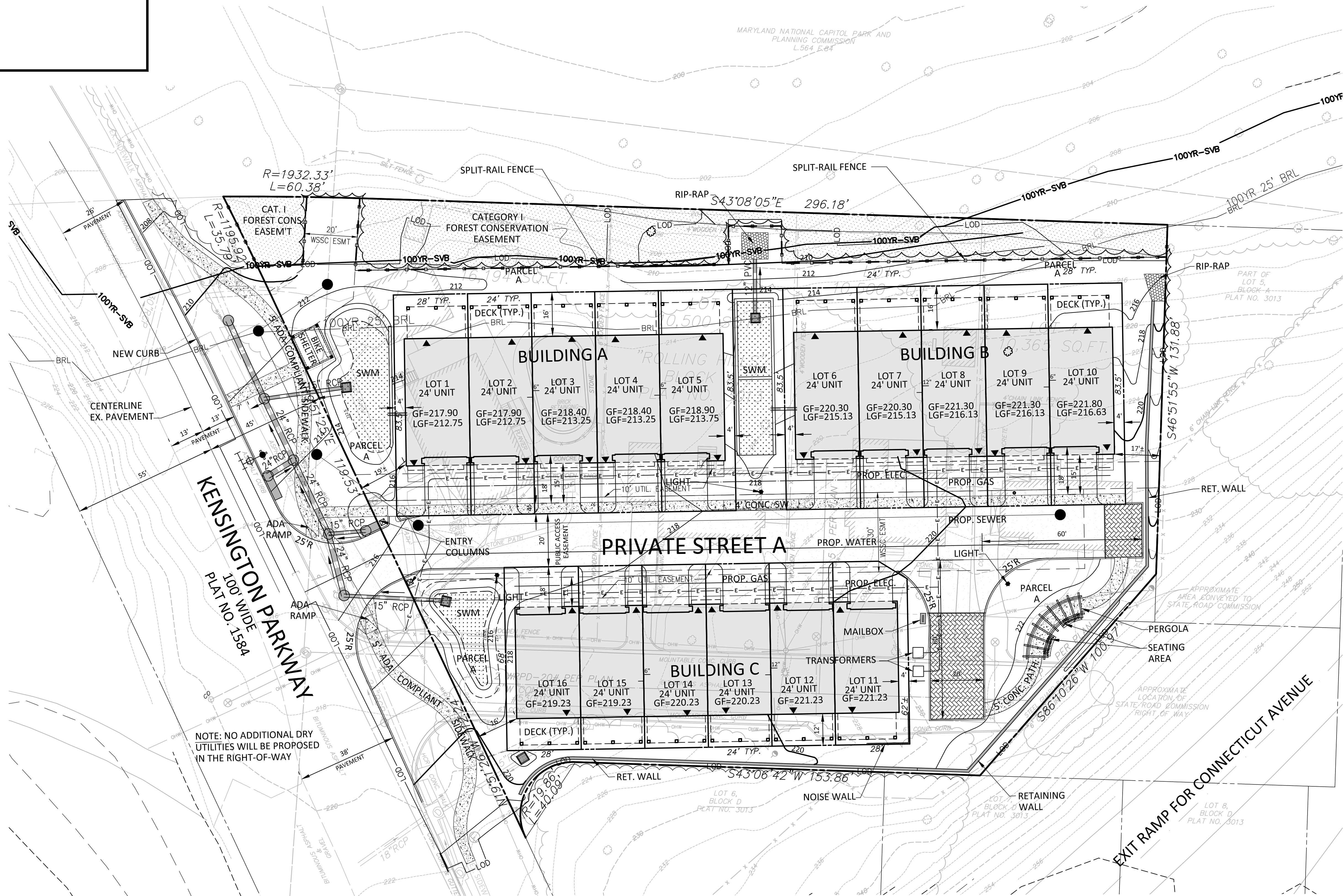
DRAWN BY: SG
DESIGNED BY: JP
DATE ISSUED: APRIL 14, 2015

SHEET NO. FZP-4

"FOR LOCATION OF UTILITIES CALL 8-1-1 OR 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"

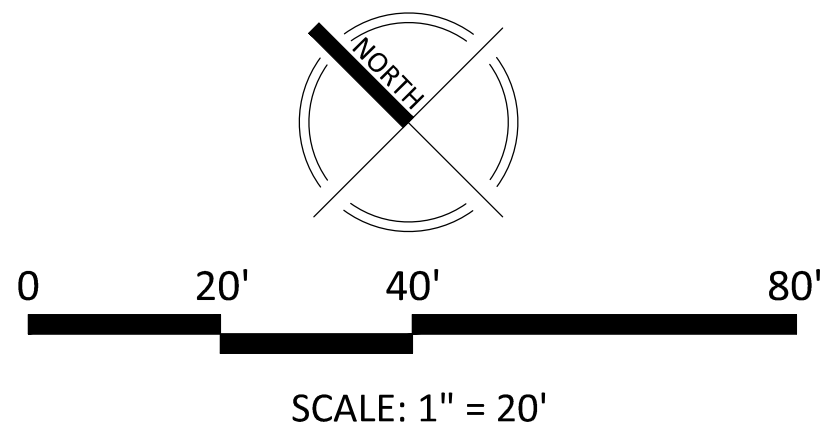
The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

E-FILE STAMP



PLAN LEGEND

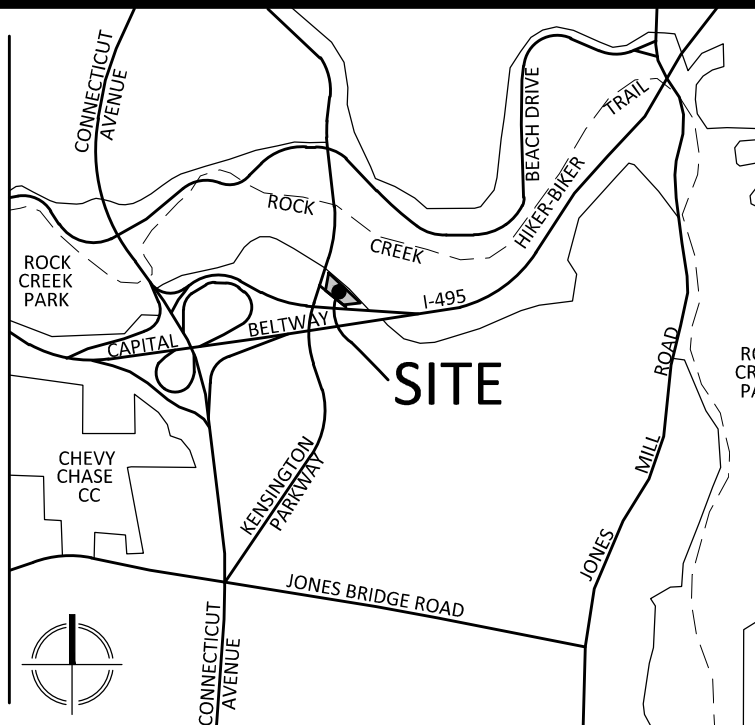
	PROPERTY LINES		EXISTING STORM DRAIN
	EXISTING CANOPY LINE		PROPOSED WATER LINE
	PROPOSED CANOPY LINE		PROPOSED SANITARY SEWER WITH STRUCTURE
	EXISTING TREE		PROPOSED ELECTIC LINE
	100-YR - SVB		PROPOSED GAS LINE
	BRL		PROPOSED STORM DRAIN
	100 YEAR 25' FLOODPLAIN BRL		EXISTING FIRE HYDRANT
	EXISTING 10' CONTOUR		DOOR LOCATION
	EXISTING 2' CONTOUR		BIO-RETENTION FACILITY
	PROPOSED 10' CONTOUR		FOREST CONSERVATION EASEMENT
	524		
	PROPOSED 2' CONTOUR		
	517		
	PROPOSED INTERMEDIATE CONTOUR		
	EXISTING WATER LINE		
	EXISTING SANITARY SEWER		



PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

Signature: SHERRYL C. MITCHELL
Printed Name: SHERRYL C. MITCHELL
Title: PROJECT MANAGER
Date: JANUARY 24, 2017
Expiration Date: JANUARY 24, 2017
License No. 33954



VICINITY MAP
SCALE: 1" = 2000'

Attachment 2
Vika
ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
Vika Maryland, LLC
20251 CENTURY BOULEVARD SUITE #400
GERMANTOWN, MARYLAND 20874
PHONE: (301) 916-4100
FAX: (301) 916-2262
GERMANTOWN, MD. MCLEAN, VA.
PREPARED FOR:
NOVA-HABITAT, INC.
7220 CHESTNUT STREET
CHEVY CHASE, MD 20815
301.656.5901
CONTACT: EDWARD P. NOVAK, JR.

DESIGN CONSULTANTS
PLANNER/CIVIL ENGINEER/LA
Vika Maryland, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN MD, 20874
301.916.4100
CONTACT: SHERRY MITCHELL

ARCHITECT
LESSARD DESIGN, INC
8521 LEESBURG PIKE, #700
VIENNA, VA. 22182
571.830.1300
CONTACT: ALLISON PAUL

DATE	1/28/2016
REVISIONS	
REVISED PER REVIEW COMMENTS	
PROFESSIONAL SEAL	

CREEKSIDE
7TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 211NW04
TAX MAP: HP341

PRELIMINARY
PLAN
#120160130

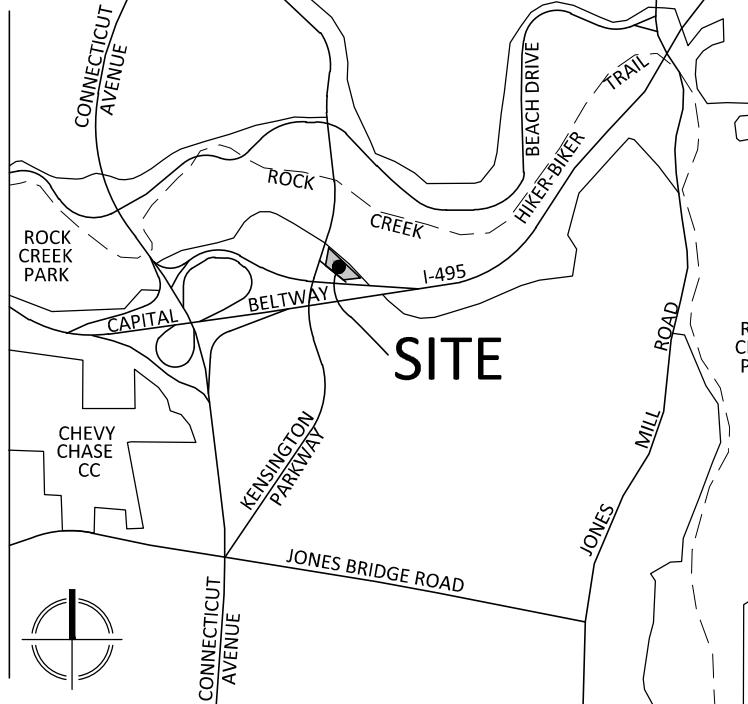
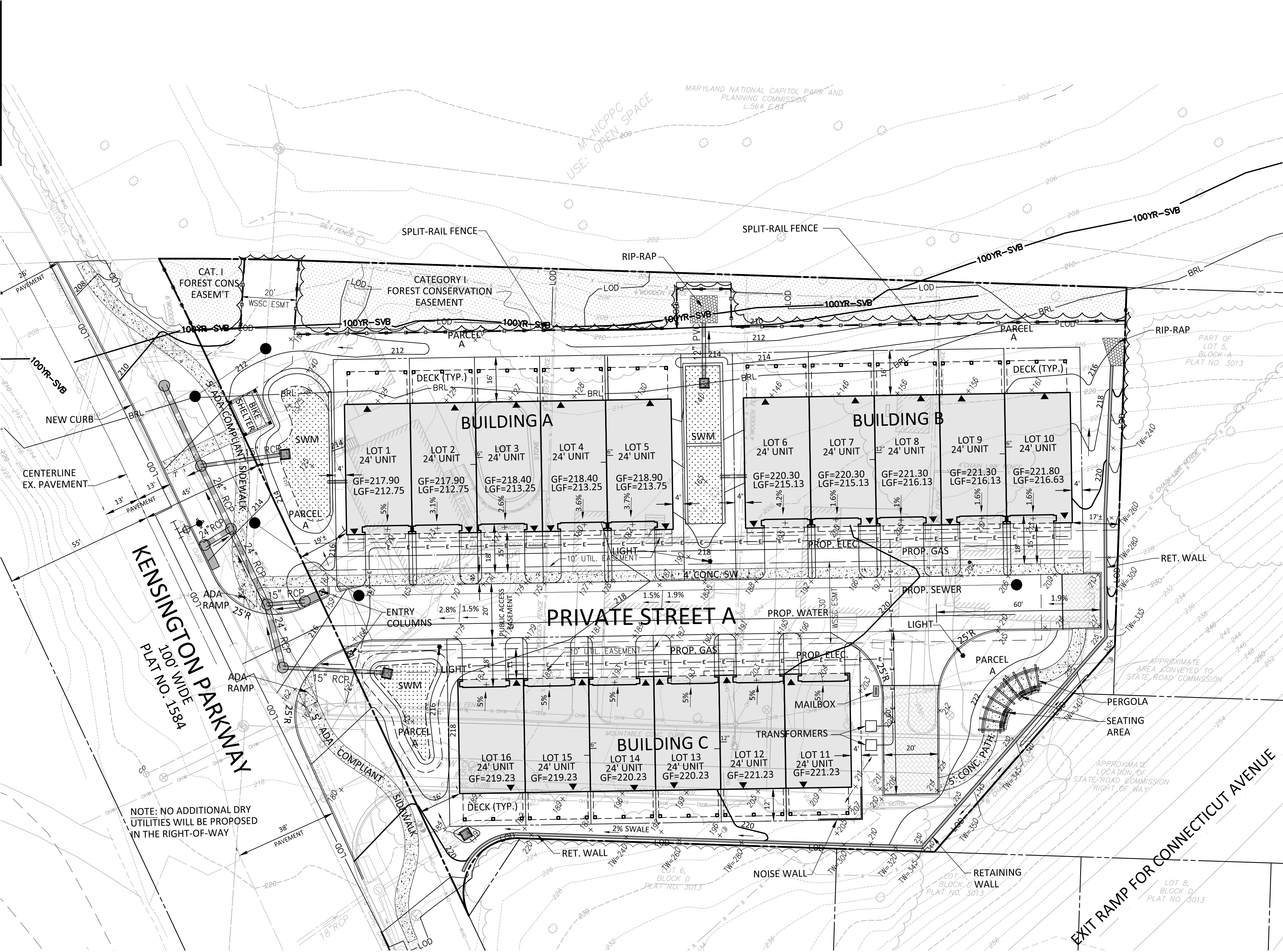
PRELIMINARY
PLAN

DRAWN BY: EP
DESIGNED BY: SM/EP
DATE ISSUED: NOV 5, 2015

SHEET
NO. PP-3

THIS IS NOT A CONSTRUCTION DOCUMENT

E-FILE STAMP



Attachment 3
Vika
ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD SUITE #400
GERMANTOWN, MARYLAND 20874
PHONE: (301) 916-4100
FAX: (301) 916-2262
GERMANTOWN, MD. MCLEAN, VA.
PREPARED FOR:
NOVA-HABITAT, INC.
7220 CHESTNUT STREET
CHEVY CHASE, MD 20815
301.656.5901
CONTACT: EDWARD P. NOVAK, JR.

DESIGN CONSULTANTS
PLANNER/CIVIL ENGINEER/LA
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN MD, 20874
301.916.4100
CONTACT: SHERRY MITCHELL
ARCHITECT
LESSARD DESIGN, INC.
8521 LEESBURG PIKE, #700
VIENNA, VA. 22182
571.830.1300
CONTACT: ALLISON PAUL

DATE	1/28/2016
REVISIONS	REVISED PER REVIEW COMMENTS
REVISED PER REVIEW COMMENTS	2/12/2016

PROFESSIONAL SEAL

CREEKSIDE
7TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 211NW04
TAX MAP: HP341
SITE PLAN
#820160050

SITE PLAN
DRAWN BY: SG
DESIGNED BY: RC
DATE ISSUED: NOV. 5, 2015
SHEET NO. SP-3

PLAN LEGEND			
PROPERTY LINES	EXISTING STORM DRAIN	PROPOSED WATER LINE	
EXISTING CANOPY LINE	PROPOSED SANITARY SEWER WITH STRUCTURE	PROPOSED ELECTRIC LINE	
PROPOSED CANOPY LINE	PROPOSED GAS LINE	PROPOSED STORM DRAIN	
100-YR - SVB	100 YEAR FLOOD PLAIN & STREAM VALLEY BUFFER	EXISTING FIRE HYDRANT	
BRL	100' YEAR 25' FLOODPLAIN BRL	DOOR LOCATION	
520	EXISTING 10' CONTOUR	BIO-RETENTION FACILITY	
524	PROPOSED 10' CONTOUR	FOREST CONSERVATION EASEMENT	
524	PROPOSED 2' CONTOUR		
517	PROPOSED INTERMEDIATE CONTOUR		
W	EXISTING WATER LINE		
S	EXISTING SANITARY SEWER		

PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

Signature	Date
SHERRYL C. MITCHELL	JANUARY 24, 2017
Printed Name	Expiration Date
Title: PROJECT MANAGER	License No. 33954

DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of the Site Plan Approval No. 820160050, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: Nova-Habitat, Inc.
Contact Person: Edward P. Novak, Jr.
Address: 7220 Chestnut Street, Chevy Chase, MD 20815
Phone: (301) 656-5901

Signature: _____ Date: _____

THIS PLAN NOT FOR CONSTRUCTION

100 YR-SVB

BRL

WB

16D

2C

SUBJECT PROPERTY

ADJACENT PROPERTY / LOT LINES

EX. 10' CONTOUR

EX. 2' CONTOUR

EXISTING SEWER

EXISTING WATER

EXISTING STORMDRAIN

EXISTING CURB

100 YEAR FLOODPLAIN & STREAM VALLEY BUFFER

100 YEAR FLOODPLAIN 25' BRL

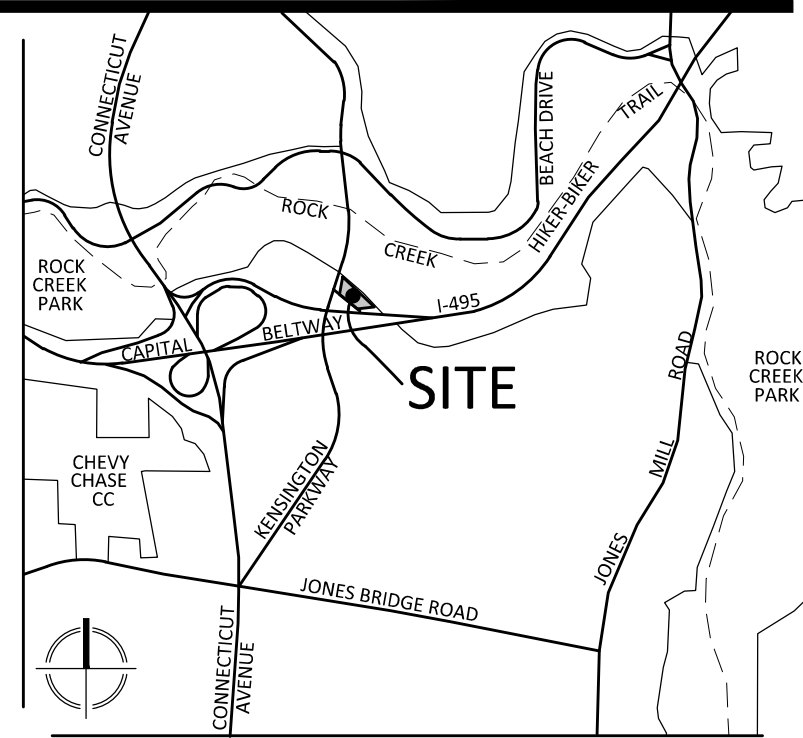
WETLAND BUFFER

SOILS

SLOPES \geq 25%

SLOPES 15 - 25% ON HIGHLY ERODIBLE SOILS

EXISTING SPECIMEN TREE W/CRZ
IMPACT SHOWN FOR WHICH A TREE
VARIANCE REQUEST TO IMPACT OR
REMOVE THE TREE HAS BEEN
SUBMITTED WITH THIS PLAN; IF CRZ
IMPACT IS 100%, NO HATCH IS SHOWN



VICINITY MAP
SCALE: 1" = 2000'



PREPARED FOR:
NOVA-HABITAT, INC.
220 CHESTNUT STREET
HEVY CHASE, MD 20815
01.656.5901
EDWARD P. NOVAK, JR.

DESIGN CONSULTANTS

MANAGER/CIVIL ENGINEER/LA
RIKA MARYLAND, LLC
1251 CENTURY BOULEVARD
SUITE 400
BETHESDA, MARYLAND 20874
TEL: 301.916.4100
FAX: 301.916.4101
WWW.RIKAMARYLAND.COM
JERRY MITCHELL

ARCHITECT
LESSARD DESIGN, INC
21 LEESBURG PIKE, #700
LENNA, VA 22182
1.830.1300
LILSON PAUL

REVISIONS	DATE
INITIAL SUBMISSION	11/05/15
REVISED PER REVIEWER COMMENTS	1/28/16
REVISED PER REVIEWER COMMENTS	2/12/16

PROFESSIONAL SEAL

I HEREBY CERTIFY THAT THESE DOCUMENTS
 WERE PREPARED OR APPROVED BY ME, AND
 THAT I AM A DULY LICENSED REGISTERED
 LANDSCAPE ARCHITECT UNDER THE LAWS OF
 THE STATE OF MARYLAND.
 BERT M. COHEN, RLA LICENSE No. 3082
 EXPIRATION DATE MAR. 15, 2017

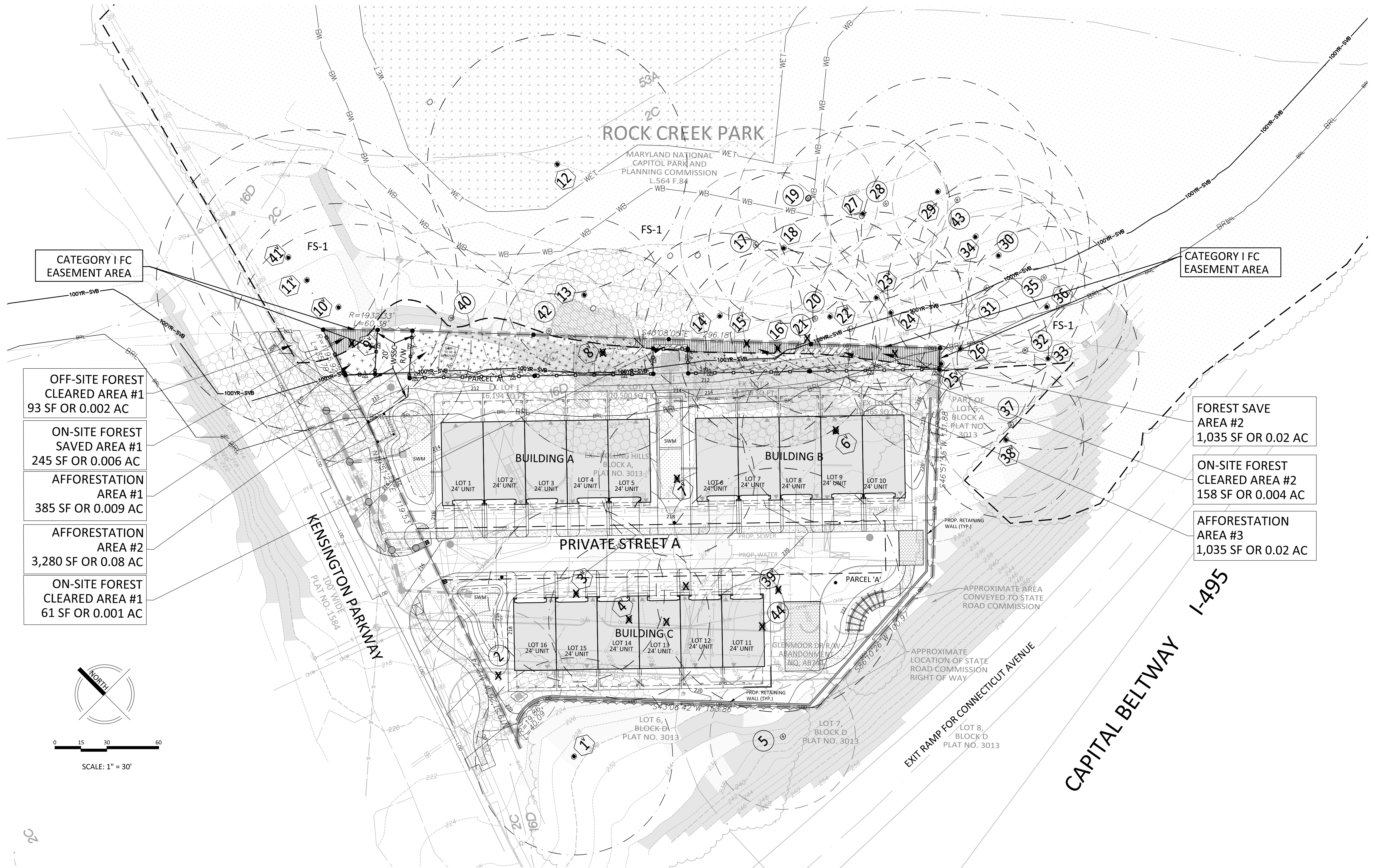
CREEKSIDE

TH ELECTION DISTRICT
ONTGOMERY COUNTY,
MARYLAND
VSSC GRID: 211NW04
TAX MAP: HP341

COMPOSITE
PRELIMINARY
FOREST
CONSERVATION
PLAN
#120160130

DRAWN BY: NRP
 DESIGNED BY: DK / NRP
 DATE ISSUED: 2/12/2016

PFCP-2



E-FILE STAMP

LEGEND

SUBJECT PROPERTY
ADJACENT PROPERTY / LOT LINES
EX. 2' CONTOUR
EXISTING SEWER
EXISTING WATER
EXISTING STORMDRAIN
EXISTING CURB
100 YR-SVB
BRL
WB
16D
2C

SOILS
SLOPES \geq 25%
SLOPES 15 - 25% ON HIGHLY
ERODIBLE SOILS

WETLANDS
EXISTING AREAS OF BAMBOO
LIMITS OF DISTURBANCE
PROPOSED SIDEWALK
PROPOSED 10' CONTOUR
PROPOSED 2' CONTOUR
PROPOSED CURB
PROPOSED SEWER
PROPOSED WATER
PROPOSED STORM DRAIN
PROPOSED CATEGORY I FOREST
CONSERVATION EASEMENT &
EASEMENT BOUNDARY MARKER
AT SPLIT RAIL FENCE
EXISTING FOREST STAND
ON-SITE FOREST CLEARED

EXISTING AREAS OF BAMBOO
LIMITS OF DISTURBANCE
PROPOSED SIDEWALK
PROPOSED 10' CONTOUR
PROPOSED 2' CONTOUR
PROPOSED CURB
PROPOSED SEWER
PROPOSED WATER
PROPOSED STORM DRAIN
PROPOSED CATEGORY I FOREST
CONSERVATION EASEMENT &
EASEMENT BOUNDARY MARKER
AT SPLIT RAIL FENCE
EXISTING FOREST STAND
ON-SITE FOREST CLEARED

OFF-SITE FOREST CLEARED
ON-SITE FOREST SAVED
ON-SITE FOREST PLANTING AREA
(AFFORESTATION)
EXISTING TREE \leq 24" DBH
EXISTING TREE TO
BE REMOVED
EXISTING SIGNIFICANT TREE
24-29.5" DBH W/CRITICAL ROOT
ZONE (CRZ) SHOWN
PROPOSED 3-3.5" DBH NATIVE
SPECIES REPLACEMENT TREES AS
MITIGATION FOR REMOVAL OF
VARIANCE SPECIMEN TREES; SEE
LANDSCAPE PLAN FOR ALL DETAILS

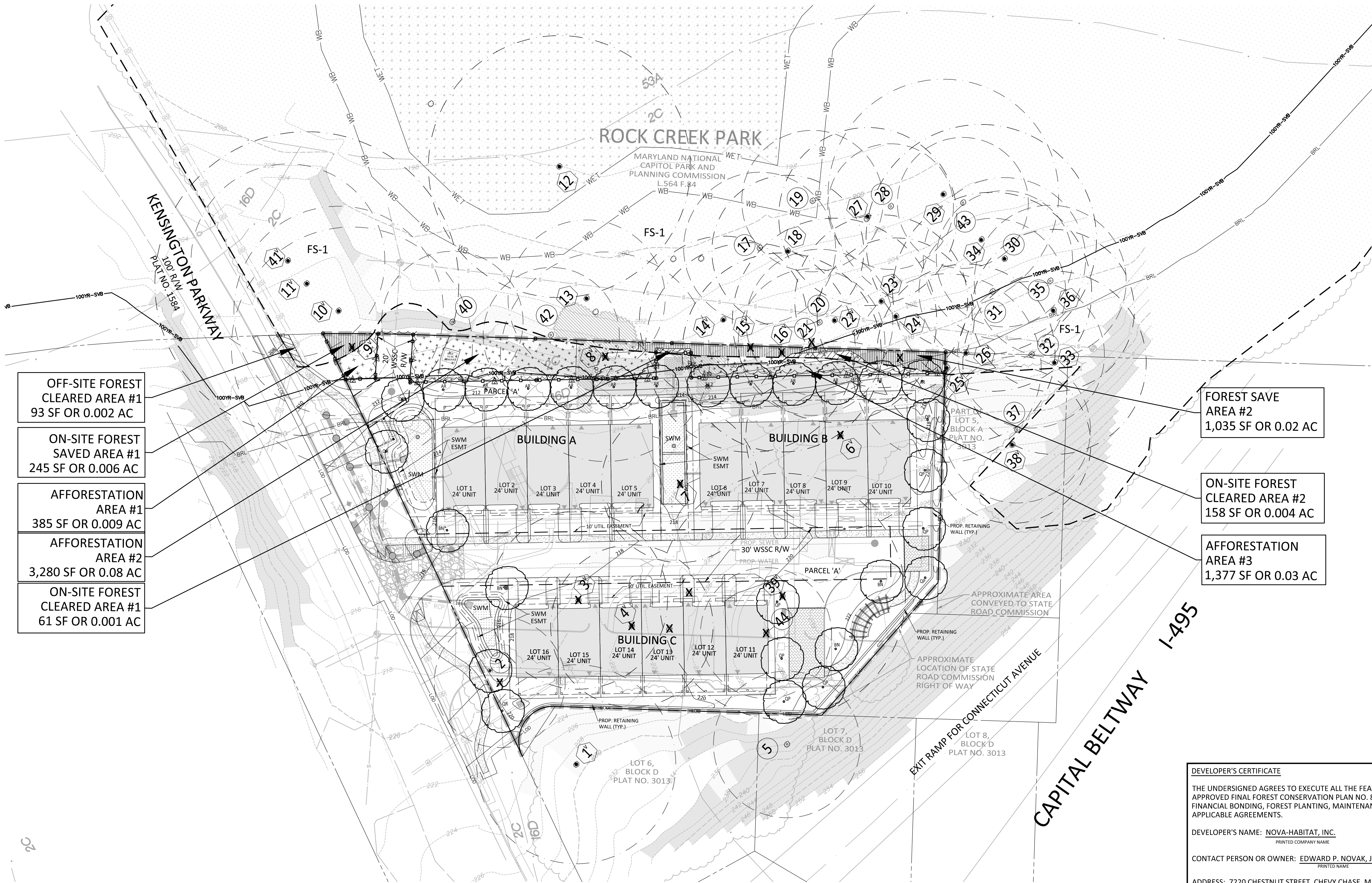
EXISTING SPECIMEN TREE
W/CRZ SHOWN
EXISTING SPECIMEN TREE FOR WHICH
A TREE VARIANCE REQUEST TO
IMPACT OR REMOVE THE TREE HAS
BEEN SUBMITTED WITH THIS PLAN

29
22

EXISTING SPECIMEN TREE
W/CRZ SHOWN

EXISTING SPECIMEN TREE FOR WHICH
A TREE VARIANCE REQUEST TO
IMPACT OR REMOVE THE TREE HAS
BEEN SUBMITTED WITH THIS PLAN

VICINITY MAP
SCALE: 1" = 2000'



OFF-SITE FOREST
CLEARED AREA #1
93 SF OR 0.002 AC

ON-SITE FOREST
SAVED AREA #1
245 SF OR 0.006 AC

AFFORESTATION
AREA #1
385 SF OR 0.009 AC

AFFORESTATION
AREA #2
3,280 SF OR 0.08 AC

ON-SITE FOREST
CLEARED AREA #1
61 SF OR 0.001 AC

FOREST SAVE
AREA #2
1,035 SF OR 0.02 AC

ON-SITE FOREST
CLEARED AREA #2
158 SF OR 0.004 AC

AFFORESTATION
AREA #3
1,377 SF OR 0.03 AC



SCALE: 1" = 30'

"FOR LOCATION OF UTILITIES CALL
8-1-1 or 1-800-257-7777 OR LOG ON TO
www.call811.com or http://www.missutility.net
48 HOURS IN ADVANCE OF ANY
WORK IN THIS VICINITY"

The excavator must notify all public utility companies with underground
facilities in the area of proposed excavation and have those facilities
located by the utility companies prior to commencing excavation. The
excavator is responsible for compliance with requirements of Chapter
36A of the Montgomery County Code.

LAYOUT: FCP-2, Plotted By: Paterno

Attachment 5

VIFA
ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS
VIFA MARYLAND, LLC
20251 CENTURY BOULEVARD SUITE #400
GERMANTOWN, MARYLAND 20874
PHONE: (301) 916-4100
FAX: (301) 916-2262
GERMANTOWN, MD. MCLEAN, VA.

PREPARED FOR:
NOVA-HABITAT, INC.
7220 CHESTNUT STREET
CHEVY CHASE, MD 20815
301.656.5901
EDWARD P. NOVAK, JR.

DESIGN CONSULTANTS

PLANNER/CIVIL ENGINEER/LA
VIFA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN MD, 20874
301.916.4100
JOSH SLOAN
SHERRY MITCHELL

ARCHITECT
LESSARD DESIGN, INC
8521 LEESBURG PIKE, #700
VIENNA, VA. 22182
571.830.1300
ALLISON PAUL

DATE	REVISIONS
11/09/15	INITIAL SUBMISSION
1/28/16	REVISED PER REVIEWER COMMENTS
2/12/16	REVISED PER REVIEWER COMMENTS
3/3/16	REVISED PER REVIEWER COMMENTS

PROFESSIONAL SEAL

I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED REGISTERED
LANDSCAPE ARCHITECT UNDER THE LAWS OF
THE STATE OF MARYLAND.
ROBERT M. COHEN, RLA LICENSE NO. 3082
EXPIRATION DATE: MAR. 15, 2017

CREEKSIDE

7TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 211NW04
TAX MAP: HP341

COMPOSITE
FINAL FOREST
CONSERVATION
PLAN
#820160050

DRAWN BY: NRP
DESIGNED BY: DK / NRP
DATE ISSUED: 3/3/2016

SHEET
NO. FCP-2

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE
APPROVED FINAL FOREST CONSERVATION PLAN NO. 820160050 INCLUDING
FINANCIAL BONDING, FOREST PLANTING, MAINTENANCE, AND ALL OTHER
APPLICABLE AGREEMENTS.

DEVELOPER'S NAME: NOVA-HABITAT, INC.
PRINTED COMPANY NAME

CONTACT PERSON OR OWNER: EDWARD P. NOVAK, JR.
PRINTED NAME

ADDRESS: 7220 CHESTNUT STREET, CHEVY CHASE, MD 20815

PHONE: 301-656-5901

SIGNATURE: _____ DATE: _____

Resolution No.:	<u>18-209</u>
Introduced:	<u>July 14, 2015</u>
Adopted:	<u>July 14, 2015</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: DOT Docket No. AB744
Abandonment – Glenmoor Drive
Rolling Hills Subdivision, North Chevy Chase

Background

1. By letter dated December 12, 2014 from Miller, Miller & Canby on behalf of its client, Nova Habitat (the "Applicant"), a request was made for the County to abandon a portion of Glenmoor Drive in the Rolling Hills Subdivision of North Chevy Chase. The portion of the 60-foot wide right-of-way for which abandonment is sought runs easterly from its intersection with Kensington Parkway approximately 250 feet to its terminus. It adjoins property owned by or under contract to the Applicant.
2. A Public Hearing to consider the abandonment proposal was held on April 1, 2015 by the designee of the County Executive.
3. Verizon did not respond within 60 days and therefore, concurrence is presumed.
4. Washington Suburban Sanitary Commission consent conditioned upon being granted a right-of-way 20-feet wide for a 6-inch water main currently in the subject right-of-way.
5. Washington Gas consent conditioned upon being granted an easement for facilities currently within the subject right-of-way.
6. PEPCO did not respond within 60 days and therefore, concurrence is presumed.
7. The Montgomery County Police Department did not respond within 60 days and therefore, concurrence is presumed.
8. The State Highway Administration had no objection.

9. The Montgomery County Planning Board approved the abandonment request conditioned upon the following:
 - a) Applicant must submit preliminary plan and record plat applications to consolidate the right-of-way into adjacent lot(s) while meeting all requirements of Section 49-63(c)(1) and Chapters 50 and 59 of the Montgomery County Code.
 - b) Recordation of plat must occur prior to the completion date established by the County Council resolution granting the abandonment.
 - c) Applicant must provide a utility plan and a public utility easement for the existing utilities proposed to remain or relocated onto adjacent Lots 1 to 4 controlled by the Applicant.
10. The Department of Transportation (DOT) recommended approval of the abandonment request conditioned upon the following:
 - a) Applicant must grant any necessary public utility easements; and
 - b) Applicant must assume maintenance responsibilities for the existing storm drain system within the proposed abandonment area and up to and including the corresponding drainage to the southeast corner of Glenmoor Drive and Kensington Parkway.
11. The Department of Fire and Rescue Services had no objection.
12. The County Executive recommends approval of the proposed abandonment.

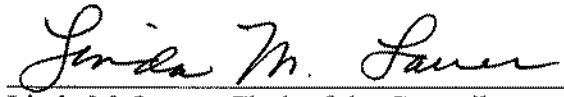
Action

The County Council for Montgomery County, Maryland, finds that the portion of Glenmoor Drive running easterly from its intersection with Kensington Parkway approximately 250 feet to its terminus in the Rolling Hills Subdivision of North Chevy Chase proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment subject to the following conditions which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. The Applicant must grant any public utility easements;
2. The Applicant must assume maintenance of the existing storm drain system within the proposed abandonment area, including the corresponding drainage system on the southeast corner of Glenmoor Drive and Kensington Parkway;
3. The Applicant must submit a Preliminary Plan and record plat application to consolidate the right-of-way into the adjacent lots while meeting all requirements of Section 49-63 (Council Approval of an Abandonment), Chapter 50 (Land Subdivision) and 59 (Zoning) of the Code (2004);

4. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area; and
5. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

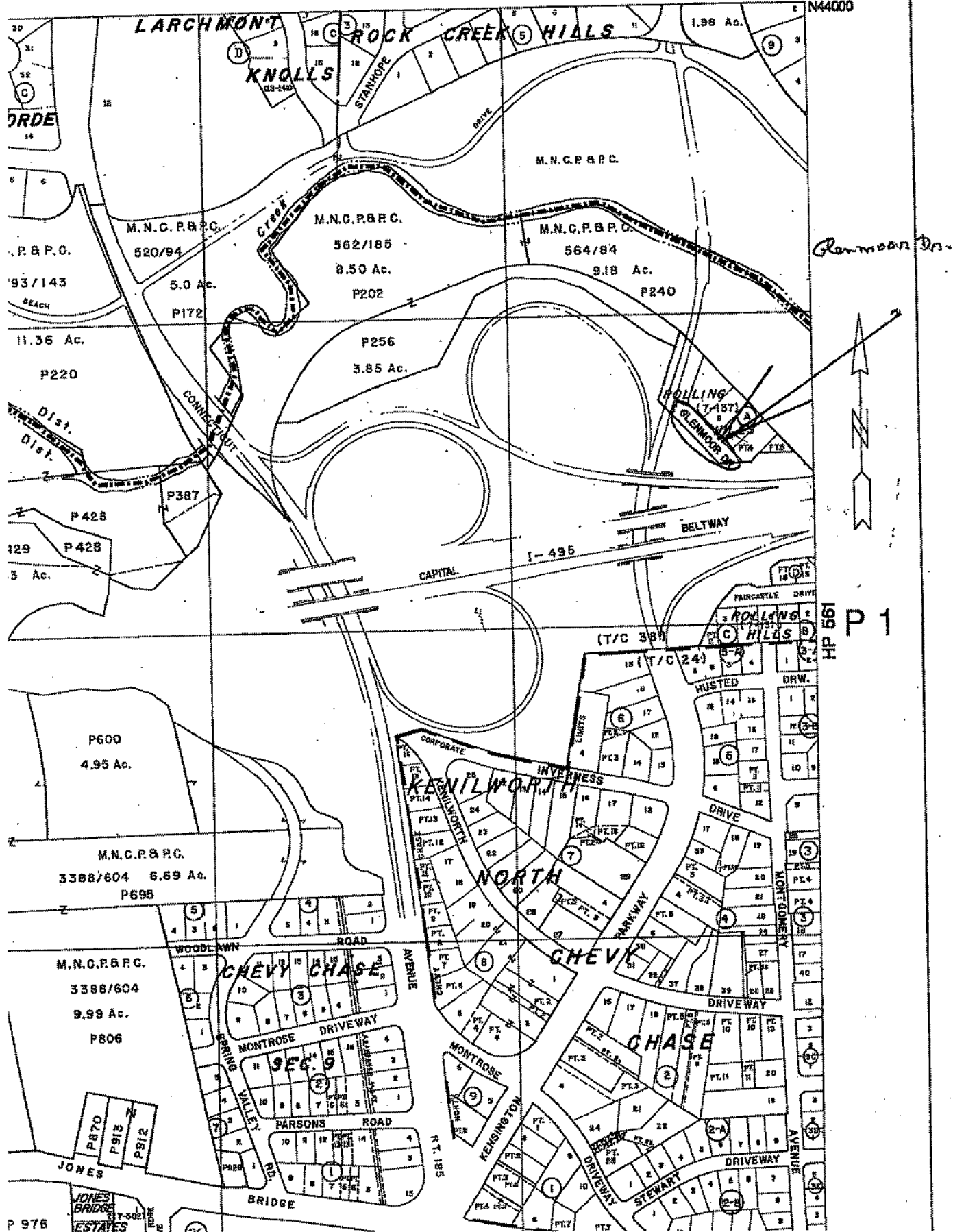
This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council



H 4





February 12, 2016

Amy Lindsey
Area 2 Planning Division
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

**Re: Forest Conservation Tree Variance Request
Creekside
Chevy Chase, MD
Preliminary Forest Conservation Plan 120160130
VIKA # VM1890B**

Dear Ms. Lindsey:

On behalf of our client, Nova-Habitat, Inc., we are submitting this Tree Variance Request to comply with the Natural Resources, Title 5, Section 5-1607 of the Maryland Code that requires the Applicant to file for a variance to impact the critical root zone (CRZ) or remove trees that either have a diameter-at-breast-height (DBH) of 30" or greater, or trees that are 75% of the diameter of the county champion for that species if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

This Tree Variance Request is accompanying NRI/FSD 420160290 for the subject property and Preliminary Forest Conservation Plan 120160130, submitted concurrently with Preliminary Plan 120160130 and Site and Final Forest Conservation Plans 820160050.

The site is currently developed with four single-family homes and a short, isolated section of Glenmoor Drive, which has been abandoned by the County Council; it is proposed to be redeveloped with a townhouse community. A total of twenty-one (21) specimen trees with DBH of 30" or greater will be impacted by the proposed residential development with nine (9) trees identified for removal and twelve (12) trees to be preserved.

Table 1, below, lists the Variance specimen trees proposed for removal as they are identified on the Preliminary Forest Conservation Plan and provides their respective proposed impacts.

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 ✧ Germantown, Maryland 20874 ✧ 301.916.4100 Fax 301.916.2262
Tysons, VA ✧ Germantown, MD ✧ Washington, DC

www.vika.com

Table 1

#	Botanical Name	D.B.H. (Inches)	Condition	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
3	<i>Quercus rubra</i>	34	Good	8,171	8,171	100.00	REMOVE
4	<i>Quercus rubra</i>	32	Good	7,238	7,238	100.00	REMOVE
6	<i>Acer saccharinum</i>	37	Good	9,677	9,677	100.00	REMOVE
7	<i>Quercus rubra</i>	30	Good	6,362	6,362	100.00	REMOVE
8	<i>Liriodendron tulipifera</i>	40	Good	11,310	9,416	83.26	REMOVE
9	<i>Platanus occidentalis</i>	46	Good	14,957	6,307	42.17	REMOVE
15	<i>Liriodendron tulipifera</i>	40	Good	11,310	5,107	45.16	REMOVE
16	<i>Liriodendron tulipifera</i>	38	Fair	10,207	4,768	46.71	REMOVE
39	<i>Acer saccharinum</i>	47	Good	15,615	15,615	100.00	REMOVE

The Assessment below was performed by VIKa Maryland, LLC at the time of the field work for the NRI as a visual, and at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

1) Tree # 3

34" Red Oak (*Quercus rubra*): Tree 3 is a lawn tree adjacent to a driveway in the front yard of an existing single family home on Glenmoor Drive.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for the construction of the townhomes.
- **Disposition:** Tree 3 is specified to be removed.

2) Tree # 4

32" Red Oak (*Quercus rubra*): Tree 4 is a lawn tree in the same front yard as Tree 3 of an existing single family home on Glenmoor Drive.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for the construction of the townhomes.
- **Disposition:** Tree 4 is specified to be removed.

3) Tree # 6

37" Silver Maple (*Acer saccharinum*): Tree 6 is a lawn tree in the rear yard of an existing single family home on Glenmoor Drive.

Field Condition: Good

- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for the construction of the townhomes.
- **Disposition:** Tree 6 is specified to be removed.

4) Tree # 7

30" Red Oak (*Quercus rubra*): Tree 7 is a lawn tree in the rear yard of an existing single family home on Glenmoor Drive.

Field Condition: Good

- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree lies entirely within the project limits of disturbance for the construction of the townhomes at the site of one of the two proposed stormwater management facilities.
- **Disposition:** Tree 7 is specified to be removed.

5) Tree # 8

40" Tulip Poplar (*Liriodendron tulipifera*): Tree 8 is a lawn tree in the rear yard of an existing single family home on Glenmoor Drive.

Field Condition: Good

- **Proposed CRZ Impact:** Severe at 83.26%. This tree is located within +/- 12 feet of the project limits of disturbance for the grading of the townhome lots at the northern property line. In addition this tree is directly adjacent to the LOD for the removal of the invasive bamboo. The area surrounding this tree is proposed to be planted and placed in a category I easement.
- **Disposition:** Tree 8 is specified to be removed.

6) Tree # 9

46" Sycamore (*Platanus occidentalis*): Tree 9 is in the forested corner of the side yard of the existing single family home at Glenmoor Drive that fronts on Kensington Parkway.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 42.17%. The small area of preserved woods in which this tree is located is placed in a category I easement that is to be planted. Despite saving that wooded area and creating the easement, the impacts to tree 9 from sidewalk and utilities, most notably the storm drain along the western property line that is being replaced, are too great to save this tree.
- **Disposition:** Tree 9 is specified to be removed.

7) Tree # 15

40" Tulip Poplar (*Liriodendron tulipifera*): Tree 15 is a lawn tree in the rear yard of an existing single family home on Glenmoor Drive.

Field Condition: Good

- **Proposed CRZ Impact:** Severe at 45.16 % as the tree is located near the northern property line within +/- 10 feet of the project limits of disturbance for the grading of the steep slopes.
- **Disposition:** Tree 15 is specified to be removed.

8) Tree # 16

38" Tulip Poplar (*Liriodendron tulipifera*): Tree 16 is a lawn tree in the rear yard of an existing single family home on Glenmoor Drive.

Field Condition: Good

- **Proposed CRZ Impact:** Severe at 46.71% as the tree is located within +/- 14 feet of the northern property line and +/- 4 feet of the project limits of disturbance for the grading of the steep slopes.
- **Disposition:** Tree 16 is specified to be removed.



9) Tree # 39

47" Silver Maple (Acer saccharinum): Tree 39 is a lawn tree in the front yard of an existing single family home on Glenmoor Drive directly adjacent to the driveway.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Severe at 100% as this centrally located tree is located entirely within the project limits of disturbance for the construction of the townhomes.
- **Disposition:** Tree 39 is specified to be removed.

Table 2, below, lists the Variance specimen trees specified to be preserved, as they are identified on the Preliminary Forest Conservation Plan and provides the respective proposed impacts.

Table 2

#	Botanical Name	D.B.H. (Inches)	Condition	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
1	Fagus grandifolia	38	Good	10,207	2,306	22.59	SAVE
10	Platanus occidentalis	40	Good	11,310	1,793	15.85	SAVE
11	Liriodendron tulipifera	58	Good	23,779	4,347	18.28	SAVE
13	Acer saccharinum	30	Good	6,362	668	10.50	SAVE
14	Liriodendron tulipifera	32	Good	7,238	1,484	20.50	SAVE
22	Liriodendron tulipifera	39	Good	10,751	2,649	24.64	SAVE
23	Liriodendron tulipifera	33	Good	7,698	597	7.76	SAVE
24	Liriodendron tulipifera	30	Good	6,362	728	11.44	SAVE
25	Liriodendron tulipifera	36	Good	9,161	2,072	22.62	SAVE
26	Liriodendron tulipifera	34	Good	8,171	912	11.16	SAVE
38	Liriodendron tulipifera	30	Good	6,362	143	2.25	SAVE
41	Liriodendron tulipifera	37	Good	9,677	525	5.43	SAVE

The Assessment below was performed by VIK A Maryland, LLC at the time of the field work for the NRI as a visual, and at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

10) Tree # 1

38" American Beech (*Fagus grandifolia*): Tree 1 is off-site tree in the wooded berm that separates Glenmoor Drive from the 495 Beltway off-ramp in the State Highway right-of-way.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 22.59% as the tree is located within +/- 29 feet of the project limits of disturbance for the grading and proposed retaining wall at the western property line.
- **Disposition:** Tree 1 is specified to be preserved.

11) Tree # 10

40" Sycamore (*Platanus occidentalis*): Tree 10 is off-site in Rock Creek Park at the northwest corner of the subject property.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 15.85% as the tree is located within +/- 8 feet of the project limits of disturbance at the northern property line.
- **Disposition:** Tree 10 is specified to be saved

12) Tree # 11

58" Tulip Poplar (*Liriodendron tulipifera*): Tree 11 is off-site in Rock Creek Park at the northwest corner of the subject property north of Tree 10.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 18.28% as the tree is located within +/- 28 feet of the project limits of disturbance at the northern property line.
- **Disposition:** Tree 11 is specified to be saved.

13) Tree # 13

30" Silver Maple (*Acer saccharinum*): Tree 13 is off-site in Rock Creek Park north of the subject property.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Limited at 10.5% as the tree is located within +/- 24 feet of the limits of disturbance for the removal of the invasive bamboo in the category I easement.
- **Disposition:** Tree 11 is specified to be saved.

14) Tree # 14

32" Tulip Poplar (*Liriodendron tulipifera*): Tree 14 is off-site in Rock Creek Park near the middle of the subject property.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 16.97% as the tree is located within +/- 26 feet of the project limits of disturbance near the northern property line.
- **Disposition:** Tree 14 is specified to be saved.

15) Tree # 22

39" Tulip Poplar (*Liriodendron tulipifera*): Tree 22 is off-site in Rock Creek Park near the middle of the subject property.

- **Field Condition:** Good

- **Proposed CRZ Impact:** Moderate at 24.64% as the tree is located within +/- 16 feet of the project limits of disturbance for the grading of the steep slopes along the northern property line.
- **Disposition:** Tree 22 is specified to be saved.

16) Tree # 23

33" Tulip Poplar (*Liriodendron tulipifera*): Tree 23 is off-site in Rock Creek Park east of Tree 22.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Limited at 7.76% as the tree is located within +/- 33 feet of the project limits of disturbance for the grading of the steep slopes along the northern property line.
- **Disposition:** Tree 23 is specified to be saved.

17) Tree # 24

30" Tulip Poplar (*Liriodendron tulipifera*): Tree 24 is off-site in Rock Creek Park east of Tree 23.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 11.44% as the tree is located within +/- 28 feet of the project limits of disturbance for the grading of the steep slopes along the northern property line.
- **Disposition:** Tree 24 is specified to be saved.

18) Tree # 25

36" Tulip Poplar (*Liriodendron tulipifera*): Tree 25 is located at the northeast corner of the site in woods on a portion of a lot from the original single family subdivision that was never developed and remains after the State Highway right-of-way was established.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Moderate at 22.62% as the tree is located within +/- 1 feet of the eastern property line and within 4.5' of the project limits of disturbance for grading the steep slopes and proposed utilities that run along the eastern property line.
- **Disposition:** Tree 25 is specified to be preserved.

19) Tree # 26

34" Tulip Poplar (*Liriodendron tulipifera*): Tree 26 is off-site in forest on the portion of Lot 5 from the original single family subdivision that remained after the State Highway right-of-way was established.

Field Condition: Good

- **Proposed CRZ Impact:** Moderate at 11.16 % as the tree is located within +/- 17 feet of the project limits of disturbance for grading of the steep slopes and proposed utilities that run along the eastern property line
- **Disposition:** Tree 26 is specified to be saved.

20) Tree # 38

30" Tulip Poplar (*Liriodendron tulipifera*): Tree 38 is off-site in forest to the east of the property in the State Highway right-of-way.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Limited at 2.25% as the tree is located within +/- 40 feet of the project limits of disturbance at the eastern property line.



- **Disposition:** Tree 38 is specified to be saved.

21) Tree # 41

37" Tulip Poplar (*Liriodendron tulipifera*): Tree 41 is off-site in Rock Creek Park north of Tree 11 at the northwest side of the subject property.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Minor at 5.81% as the tree is located within +/- 41 feet of the project limits of disturbance at the northern property line at the northwest corner of the site.
- **Disposition:** Tree 41 is specified to be saved.

Justification Narrative for Tree Disturbance

We submit the following rationale in support of the request for a Forest Conservation Tree Variance:

The 1.41 acre property is located at the northeast corner of Kensington Parkway and Glenmoor Drive in Chevy Chase, Montgomery County, Maryland. It is bordered by State Highway right-of-way to the south, Kensington Parkway to the west, Rock Creek Park to the north and State Highway right-of-way to the east. The Property was re-zoned from R-90 to the TF-12 Townhouse Floating Zone with Local Map Amendment H-101, July 2015 and the Glenmoor Drive right-of-way was abandoned as part of Abandonment No.AB744.

The site is currently developed with four single-family detached homes that were originally part of the Rolling Hills subdivision that was platted in 1951. The site was cut-off from the rest of the subdivision in the 1960's with the construction of the Capital Beltway. The proposed Preliminary and Site Plans will allow for the redevelopment of the four aging single-family detached homes into a new residential townhouse community to be known as Creekside. The project is designed to balance the natural and recreational amenities of Rock Creek Park with the site's close proximity to major down-county employment centers and transit infrastructure.

To grant the requested variance, the Planning Board must find that the request:

1. Describes the special conditions peculiar to the property which would cause the unwarranted hardship;
 2. Describes how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
 3. Verifies that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
 4. Provides any other information appropriate to support the request
-
1. The requested tree variance is necessary for implementation of this residential redevelopment project which has an approved NRI and Floating Zone Plan and is proceeding through the development approval process with the concurrent submission of Preliminary and Site Plans. The plan proposed no development in the 100-year floodplain and reforests and protects the stream valley buffer in conservation easements.

Not granting the requested variance is an unwarranted hardship because of the particular layout necessary to implement the Council-approved density with the rezoning and road



abandonment. This redevelopment density was found in the public interest in part because it increased housing near major employment centers, would result in improved stormwater management, and other environmental impacts could be mitigated for through new plantings. Finally, there are numerous constraints, including a floodplain, existing and proposed easements, and life-safety design issues that had to be considered when planning the site that necessitate impacts and removals of the trees, as described herein

2. The requested variance is based on plans being developed under the zoning approved through the County planning process not conditions or circumstances resulting from actions by the applicant. There are twenty (21) variance trees impacted or removed by the proposed residential redevelopment for which the Preliminary and Site Plans have been submitted for approval. Strict protection of all variance trees would deprive the applicant from making any significant changes to the site due to their location and the extent of their critical root zone. And, of course, significant changes are necessary to develop under the approved Floating Zone Plan. Through mitigation, however, the resulting development will provide more trees on site than currently exist improving long-term environmental benefits.

There are no conditions relating to land or building use, either permitted or non-conforming, on a neighboring property that have played a role in the need for this variance. A total of 0.01 acres of forest is being removed, 0.03 acres of forest is being preserved, 0.12 acres of forest is being planted in forest conservation easements in the stream valley buffer and twelve (12) of the twenty-one (21) impacted specimen trees are being preserved.

3. The current site is improved with four single-family homes and the Glenmoor Drive right-of-way. There is no stormwater management provided in the current condition. None of the specimen trees to be removed are within a special protection area (SPA) of watershed primary management area (PMA). Four of the ten specimen trees proposed for removal are located within the 100 year flood plain/stream valley buffer which will be forested and placed in category I forest conservation easements. The concept stormwater management plan incorporates environmental site design (ESD) to the maximum extent practicable (MEP), according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual. The plan provides stormwater treatment to the MEP of the project site through the use of three micro-bioretenention facilities. These facilities will provide treatment for 1.53 acres. Therefore, granting the variance to impact twenty (21) variance trees, removing nine (9) and preserving twelve (12), will not result in any violation of State water quality standards or degradation of water quality. In fact, no stormwater facilities currently exist on site and water quality will improve as a result of redevelopment.
4. As was found by the Planning Board and the County Council when they approved the rezoning and road abandonment, the project will provide much-needed housing near major down-county employment centers and commercial settings including NIH, Walter Reed, Bethesda CBD, White Flint, the Chevy Chase Lake Shopping Center, and the Kensington Town Center. The increased density is purposefully planned near existing transit infrastructure including the Metro, the Kensington MARC Station, and the proposed Connecticut Avenue Purple Line Station all within a short bike or Ride-On trip.

The proposed site layout reflects a traditional design where all the townhomes will front on a private street that bisects the community bracketed by community open space at each end with



an improved connection to Rock Creek Park. The architectural design will utilize natural materials to complement the parkland setting. The ten three-story townhomes on the north side of the private street that back to Rock Creek Park will feature walk-out basements and decks. The six four-story townhomes to the south will step back on the front façade to accommodate rooftop terraces overlooking the parkland, but will appear as three-story units when viewed from the street.

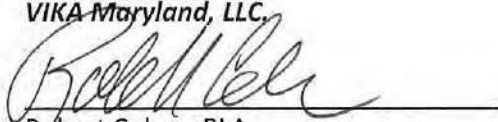
Existing on-site vegetation consists of several street trees along Glenmoor Drive and lawn trees in the yards of the homes of which nine are specimen trees (DBH 30" or greater). Directly adjacent to the site to the north is Rock Creek Park forest and to the east a small portion of the original subdivision that was never developed and is now woods. The subject property is long and narrow along an east-west axis with the only possible site access along the western property line from Kensington Parkway. Therefore, the proposed layout creates two rows of townhomes bisected by a central road. Five of the specimen trees to be removed are centrally located on the site and fall within the limits of disturbance for any new development. Different design scenarios that were considered did not preserve these trees due to their central location. The other four specimen trees to be removed are located along the edge of the north and northeastern property lines, with three of the trees on-site and one off-site in woods. These trees are impacted by proposed grading of the steep slopes and proposed storm drain outfalls along that northern property line necessary to accommodate the units per the approved Floating Zone Plan.

The stream valley buffer (SVB) shown on the development plans is the 100 year floodplain (100YFP). All of the on-site SVB will be placed in category I easement and afforested except for the WSSC easement. In addition to the 0.12 acres of afforestation within the category I easements, to meet the project total afforestation requirement of 0.22 acres, the plan proposes 0.10 acres of fee-in-lieu payment.

Thank you for your consideration of this Tree Variance request. We believe that the supporting information provided with this letter justifies the variance to impact twenty-one (21) specimen trees, removing nine (9) of them and preserving the other twelve (12). If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,

~~Vika Maryland, LLC,~~



Robert Cohen, RLA

Project Landscape Architect



November 10, 2015

Peter Sands
Northfield Construction & Development
1156 15th Street, NW, Suite 1000
Washington, DC 20005

Traffic Noise Impact Analysis: Creekside
Report #5586

Dear Mr. Peter Sands,

Polysonics has completed a Traffic Noise Impact Analysis for the Creekside project located along I-495 and Kensington Parkway in Montgomery County, Maryland.

The Montgomery County Noise Guidelines stipulate a 65 dBA L_{dn} maximum noise level for outdoor recreation areas and 45 dBA L_{dn} for indoor areas.

We performed a 24-hour on-site traffic noise measurement. Forecasted traffic volumes and proposed grading information were used to determine future unmitigated noise contours for the site.

The results of the analysis indicate that future unmitigated traffic noise levels above 65 dBA L_{dn} will impact the rear yard of Lot 11.

In order to meet the Montgomery County Noise Guidelines, a noise barrier will be required. The barrier can consist of a 6 foot tall wood barrier around the perimeter of the rear yard of Lot 11.

Future unmitigated noise levels calculated at upper floor receiver locations indicate that Buildings A, B, and C (Lots 1 through 16) will be impacted by future unmitigated noise levels above 65 dBA L_{dn} , with the highest noise level reaching 77.6 dBA L_{dn} . Enhanced building materials such as modified windows, doors, and wall construction will be necessary for these impacted units.

Please let me know if you would like any further information.

Sincerely,
Polysonics Corp.

Christopher Karner
Consultant

Direct line: 540-341-4988 x-2102



POLYSONICS

Acoustics & Technology Consulting

TRAFFIC NOISE IMPACT ANALYSIS:
CREEKSIDE

MONTGOMERY COUNTY,
MARYLAND

REPORT #5586

PREPARED FOR: NORTHFIELD CONSTRUCTION & DEVELOPMENT

PREPARED BY: CHRISTOPHER KARNER

NOVEMBER 10, 2015

the sound of experience



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EXECUTIVE SUMMARY

Polysonics has completed a Traffic Noise Impact Analysis for the Creekside project located along I-495 and Kensington Parkway in Montgomery County, Maryland.

The Montgomery County Noise Guidelines stipulate a 65 dBA L_{dn} maximum noise level for outdoor recreation areas and 45 dBA L_{dn} for indoor areas.

We performed a 24-hour on-site traffic noise measurement. Forecasted traffic volumes and proposed grading information were used to determine future unmitigated noise contours for the site.

The results of the analysis indicate that future unmitigated traffic noise levels above 65 dBA L_{dn} will impact the rear yard of Lot 11.

In order to meet the Montgomery County Noise Guidelines, a noise barrier will be required. The barrier can consist of a 6 foot tall wood barrier around the perimeter of the rear yard of Lot 11.

Future unmitigated noise levels calculated at upper floor receiver locations indicate that Buildings A, B, and C (Lots 1 through 16) will be impacted by future unmitigated noise levels above 65 dBA L_{dn} , with the highest noise level reaching 77.6 dBA L_{dn} . Enhanced building materials such as modified windows, doors, and wall construction will be necessary for these impacted units.

Details of this study are provided herein.

MONTGOMERY COUNTY NOISE GUIDELINES

The Montgomery County Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development regulate traffic noise impact on residential developments. The noise guidelines are shown in Table 1.

TABLE 1: MONTGOMERY COUNTY TRAFFIC NOISE GUIDELINES

Maximum Guideline Value	Area of Application
55 dBA L_{dn}	Permanent rural areas and where residential zoning is 5 or more acres.
60 dBA L_{dn}	Residential areas of the county where suburban densities predominate. Noise attenuation is recommended to allow attainment of this level.
65 dBA L_{dn}	This guideline is applied to the urban ring, freeway, and major highway corridors. Noise attenuation is strongly recommended to achieve this level.
45 dBA L_{dn}	Interior noise level guideline. Applicable if a waiver of exterior noise guidelines is granted. Exterior noise levels exceeding the applicable guideline are to be attenuated by the building shell.

The outdoor limits apply to outdoor recreational activity areas such as rear yards.

We performed a review of the Montgomery County Areas of Application for Exterior Noise Guidelines for Residential Areas and Other Noise Sensitive Land Uses. The map is used to determine which guideline to apply to the site.

The site location on the map is shown in Figure 1 in the Appendix. Based on the site location and the language shown in Table 1, Polysonics determined that the noise guideline for the site is 65 dBA L_{dn} .

MEASURED NOISE CONDITIONS

On October 7th and 8th, 2015, Polysonics conducted a 24-hour traffic noise measurement at the project site to determine current traffic noise impact from I-495, Kensington Parkway, and the nearby exit ramps. The traffic noise measurement was made at one location on the property with two different heights, designated as M1 (5øhigh) and M2 (13øhigh) on Figure 2.

The instrumentation used for the survey included two Bruel & Kjaer Type 2238 Integrating Sound Level Meters. These instruments are capable of measuring noise levels and calculating statistical results over the measured time period. The units meet ANSI S1.4 standards for Type I Sound Level Meters and were calibrated prior to the measurement survey, traceable to National Institute of Standards and Technology (NIST). All measurements were made in the standard dBA metric, which best simulates human hearing and is in accordance with Montgomery County guidelines.

L_{eq} is a metric describing the average noise level measured over a given time period. One-minute L_{eq} s were measured and logged into the instrument. The one-minute L_{eq} results from the 24-hour traffic noise measurement can be seen in Figures 3 and 4.

The L_{eq} is used to determine the Day-Night average noise level, L_{dn} . L_{dn} is a 24-hour, time-averaged noise level with a 10-dBA "penalty" added during the nighttime hours of 10:00 p.m. to 7:00 a.m. to account for human sensitivity to noise at night. The Montgomery County noise guidelines are written in terms of L_{dn} .

The measured L_{dn} at the measurement location is shown in Table 2.

TABLE 2: 24-HOUR NOISE SURVEY RESULTS

Measurement Location	Measured L_{dn}
M1	67.6 dBA
M2	68.3 dBA

No precipitation or period of wind exceeding 10 mph was reported by the weather station at Montgomery County Airpark during the measurement.

TRAFFIC NOISE MODEL

Noise levels were calculated using the Federal Highway Administration's Traffic Noise Model (TNM) Version 2.50.

TNM is a three-dimensional computer model that is used to determine traffic noise impact to surrounding areas of interest. The model considers factors such as topography, type of vehicle, and vehicle speed. The average noise level is calculated at selected receiver points. TNM has been adopted by Montgomery County, MDOT, and FHWA.

We performed evening rush-hour traffic counts at the site from 5:11 p.m. to 6:11 p.m. on Wednesday October 7th, 2015. The results from the on-site measurements during this time were compared to a calibration model in TNM, which used the exact same inputs as observed during our traffic counts (speed, vehicle classification, geographic location, etc.).

It is generally accepted that if the calibration model is within 3 dB, the calibration is acceptable. Once calibrated, the same model can then be used with present and future Average Daily Traffic (ADT) values to predict and evaluate the traffic noise levels of various scenarios.

The results from the calibration model were between 0.2 (M1) and 1.3 (M2) dB above the on-site measurements. With this excellent agreement between the model and measured results, TNM can be used to accurately predict future noise levels.

The 2015 and 2040 Average Annual Daily Traffic (ADT) volumes were obtained from the Maryland State Highway Administration. Vehicle classification percentages were obtained from the Maryland State Highway Administration GIS map of 2014 traffic counts where available (I-495 and MD-185 NB to I-495 WB Ramp) and our traffic counts (Kensington Parkway and I-495 WB to MD-185 Ramp). The percent of nighttime traffic was obtained from our traffic noise measurements.

The roadway information shown in Table 3 through 6 was used to analyze traffic noise levels adjacent to the site.

TABLE 3: INPUT PARAMETERS – I-495

Parameter	TNM Input
Vehicle Speed	55 mph
2015 ADT	213,500
2040 ADT	226,900
Autos	91.2%
Medium Trucks	5.2%
Heavy Trucks	2.5%
Buses	0.9%
Motorcycles	0.2%
Percent Nighttime Traffic	17%

TABLE 4: INPUT PARAMETERS FOR KENSINGTON PARKWAY

Parameter	TNM Input
Vehicle Speed	25 mph
2015 ADT	2,100
2040 ADT	2,300
Autos	95.0%
Buses	2.5%
Motorcycles	2.5%
Percent Nighttime Traffic	17%

TABLE 5: INPUT PARAMETERS FOR MD-185 NB TO I-495 WB RAMP

Parameter	TNM Input
Vehicle Speed	25 mph
2015 ADT	4,800
2040 ADT	5,400
Autos	91.0%
Medium Trucks	7.1%
Heavy Trucks	1.0%
Buses	0.9%
Motorcycles	0.9%
Percent Nighttime Traffic	17%

TABLE 6: INPUT PARAMETERS FOR I-495 WB TO MD-185 RAMP

Parameter	TNM Input
Vehicle Speed	35 mph
2015 ADT	13,700
2040 ADT	14,500
Autos	91.0%
Medium Trucks	7.1%
Heavy Trucks	1.0%
Buses	0.9%
Motorcycles	0.9%
Percent Nighttime Traffic	17%

A grid of receivers was placed at 5 feet above the ground (representative of the height of a human ear), 15 feet above the ground, and 35 feet above the ground for the existing 2015 and future 2040 model.

For the existing 2015 traffic model, current topography and 2015 traffic volumes were utilized. For the future 2040 traffic model, future topography and traffic data were used.

The current and future topography, proposed building locations, and the locations of the roadways were obtained from the 1890-V-BASE.dwg and 1890200.dwg files obtained from Vika Maryland, LLC on October 13, 2015 and the 1890200_GRA.dwg file obtained from Vika Maryland, LLC on October 20, 2015.

Detailed inputs for TNM are available upon request.

OUTDOOR NOISE IMPACT

The Montgomery County Noise Guidelines state that impact occurs if traffic noise levels exceed 65 dBA L_{dn} in outdoor recreational activity areas at this site location. Outdoor recreational activity areas include the ground floor rear yards.

The 2015 noise contours can be seen in Figures 5 through 7.

The 2040 noise contours can be seen in Figures 8 through 10.

As can be seen in Figure 8, the future ground level 65 dBA L_{dn} contour can be seen impacting the rear yard of Lot 11.

BARRIER ANALYSIS

In order to meet the Montgomery County Noise Guidelines, noise mitigation will be required for the impacted outdoor areas.

Polysonics proposed a 6-foot high solid wood fence placed along the rear of Lot 11. The barrier location and elevations can be seen in Figure 11.

Since the noise levels need to be reduced by at most 3 dB, a wood fence will suffice. Per the HUD Noise Guidebook, the barrier needs to have at least a 13 dB reduction (or STC 13) to effectively reduce noise levels at the site. A detail of a wood fence capable of meeting STC 13 can be seen in Figure 12.

The mitigated 2040 ground level noise contours can be seen in Figure 13.

As seen in Figure 13, Lot 11 is no longer impacted by the 65 dBA L_{dn} noise contour, meeting the Montgomery County Noise Guidelines.

INDOOR NOISE IMPACT

The Montgomery County Noise Guidelines state that a noise impact occurs if indoor noise levels due to traffic at the buildings exceed 45 L_{dn} . Indoor limits apply to noise sensitive spaces inside residential living units such as bedrooms, living rooms, dens, etc.

A residential unit of standard construction is expected to reduce exterior noise levels to interior levels by 20 dBA without modification. Therefore, residential units located outside the 65 dBA L_{dn} noise contour are expected to meet the required interior noise level of 45 dBA L_{dn} with standard construction.

Upper floor noise levels are typically higher than those at ground level, since the shielding effects of localized topography and the absorption offered by grass and vegetation are diminished with height above the ground.

The upper level 2040 L_{dn} contours can be seen in Figures 9 and 10.

As can be seen in Figures 9 and 10, the highest noise impact of the site is at 77.6 dBA L_{dn} . Therefore, the expected interior noise level is 57.6 dBA L_{dn} , above the 45 dBA L_{dn} limit.

Any house impacted by the 65 dBA L_{dn} noise contour will require building shell modifications. As can be seen in Figure 10, this includes all of the buildings. Enhanced building materials (such as modified windows, doors, and wall construction) will be necessary for the residences.

Recommended STC ratings of materials for impacted units are listed in Table 7.

TABLE 7: ESTIMATED STC RATINGS FOR IMPACTED UNITS

Noise Impact	Lots	Building Element	Standard Ratings
70 dBA L_{dn}	1 ó 6, 14 ó 16	Walls	36 - 45 STC
		Windows and Doors	30 - 36 STC
75 dBA L_{dn}	7 - 13	Walls	45+ STC
		Windows and Doors	36 - 40 STC

A wall rating of STC 36 is a typical vinyl structure. A wall rated STC 45 is achieved with Resilient Channels, Genie Clips, or the use of HardiPlank. Ratings higher than STC 45 will require a masonry façade, such as brick or stone.

We recommend that a Building Shell Analysis and review of architectural floor plans for proposed residential buildings be performed. A Building Shell Analysis will allow us to determine the exact STC ratings for the exterior walls, windows, and doors required to meet the indoor requirement of 45 dBA L_{dn} .

Due to the high noise levels present at the rear of Building C, Polysonics would discourage the use of the NanaWall shown in the Schematic drawings. NanaWall does not have any posted STC ratings and it would be difficult to achieve high ratings on any operable glass wall. The noise at the south façade of these buildings is significant and specialty acoustic products will be required. Sliding glass doors with high STC ratings are possible, as are curtain walls with glass doors, but high STC Ratings are not likely possible with an operable glass wall system.

RESULTS AND CONCLUSIONS

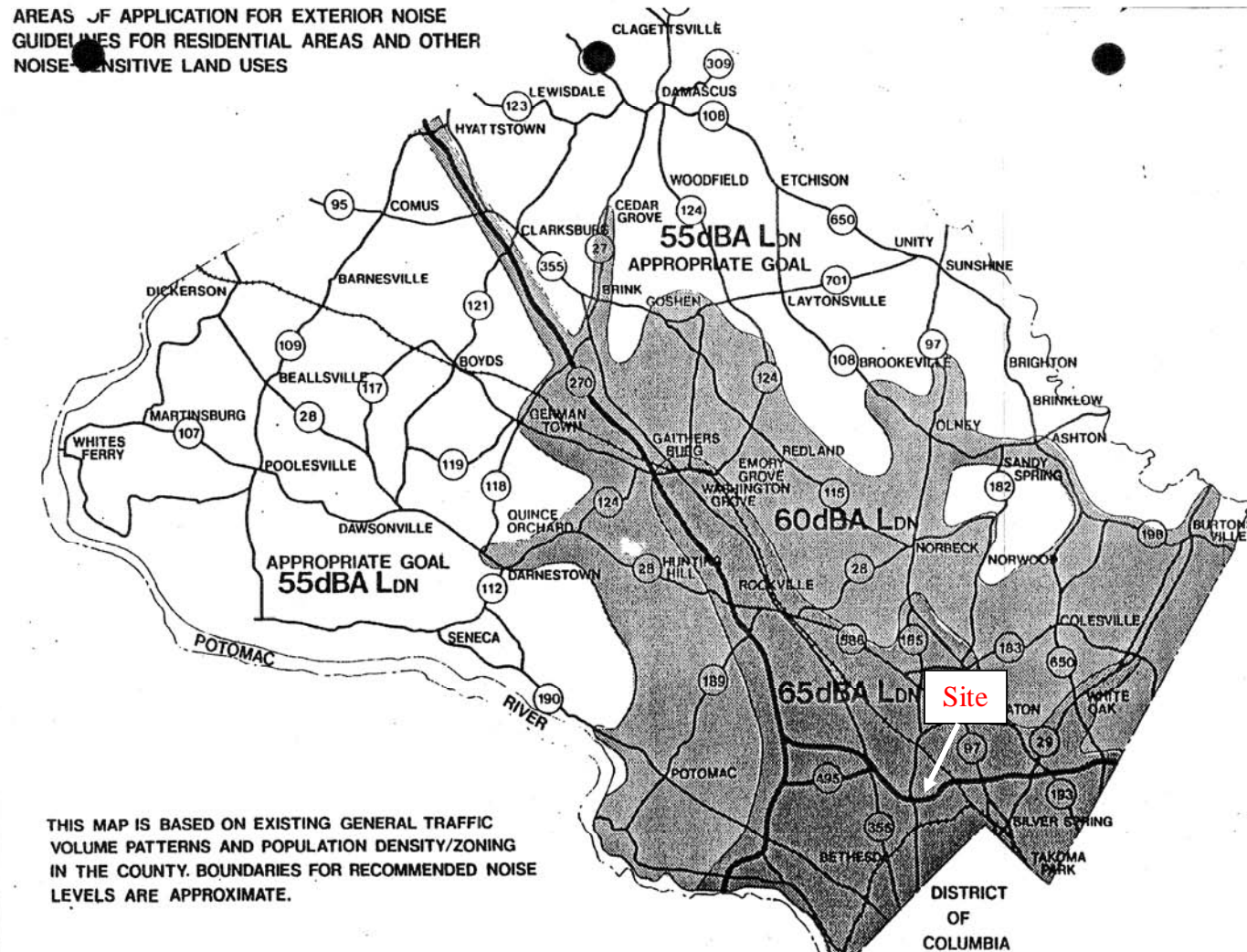
- The Montgomery County Noise guideline for outdoor recreational activity areas at the site is 65 dBA L_{dn} .
 - The sound levels within the rear yard of Lot 11 will exceed the Montgomery County Noise Guidelines.
 - In order to meet the Montgomery County Noise Guidelines, a 6 foot noise barrier will be required along the rear yard of Lot 11.
- The Montgomery County Noise guideline for indoor residential noise levels at the site is 45 dBA L_{dn} .
 - The facades of buildings A, B, and C (Lots 1 through 16) will be impacted by noise levels 70 dBA L_{dn} and higher.
 - Enhanced wall construction and acoustically rated windows and doors will be required for all units.

APPENDIX

DEFINITION OF ENVIRONMENTAL NOISE TERMS

- * Acoustics ó The science of sound.
 - * Ambient Noise ó A composite of all background noises.
 - * A-Weighted Sound Level (dBA) ó The sound level in decibels using a frequency filter similar to human hearing.
 - * Decibel (dB) ó A logarithmic scale of sound level.
 - * Direct Sound ó Sound that is emitted from the noise source, not including any reflected sound.
 - * Time Average Sound Level (L_{eq}) ó The average of the sound pressure levels (dBA) measured during some specified time period. In this case, the standard is one hour.
 - * Noise ó Unwanted sound.
 - * Peak Hour Equivalent Noise Level ($L_{eq(peak\ hour)}$) ó The energy equivalent A-weighted continuous sound level compared to a one-hour varying noise level.
 - * Sound Pressure Level (SPL) or (L_p) ó Ten times the common logarithm of the ratio of the square of the sound pressure under consideration to the square of the standard reference pressure of 20 μ Pa. The quantity so obtained is expressed in decibels.
- $$SPL = 10 \log_{10} \left(\frac{p^2}{p_{ref}^2} \right)$$
- * Sound Transmission Class (STC) ó A rating system for noise reduction through partitions.
 - * Unmitigated Noise Contour: ó A line of equal sound level.
 - * Vibration ó The oscillation of a medium or an object.

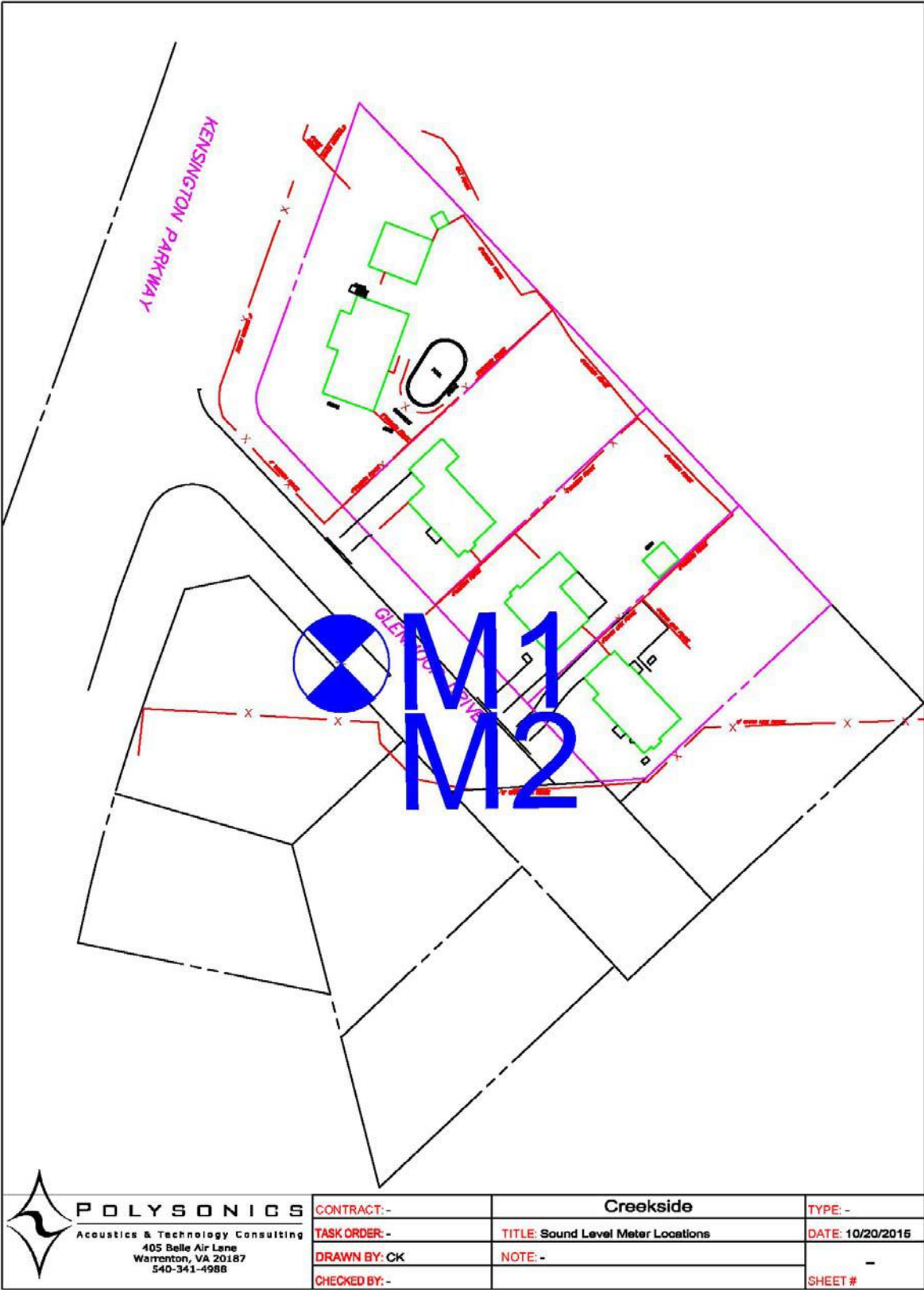
MONTGOMERY COUNTY NOISE GUIDELINE MAP

FIGURE 1: EXTERIOR NOISE GUIDELINES

POLYSONICS CORP

24-HOUR TRAFFIC NOISE SURVEY

FIGURE 2: SOUND LEVEL METER LOCATION



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FIGURE 3: 24-HOUR TRAFFIC NOISE SURVEY RESULTS – M1

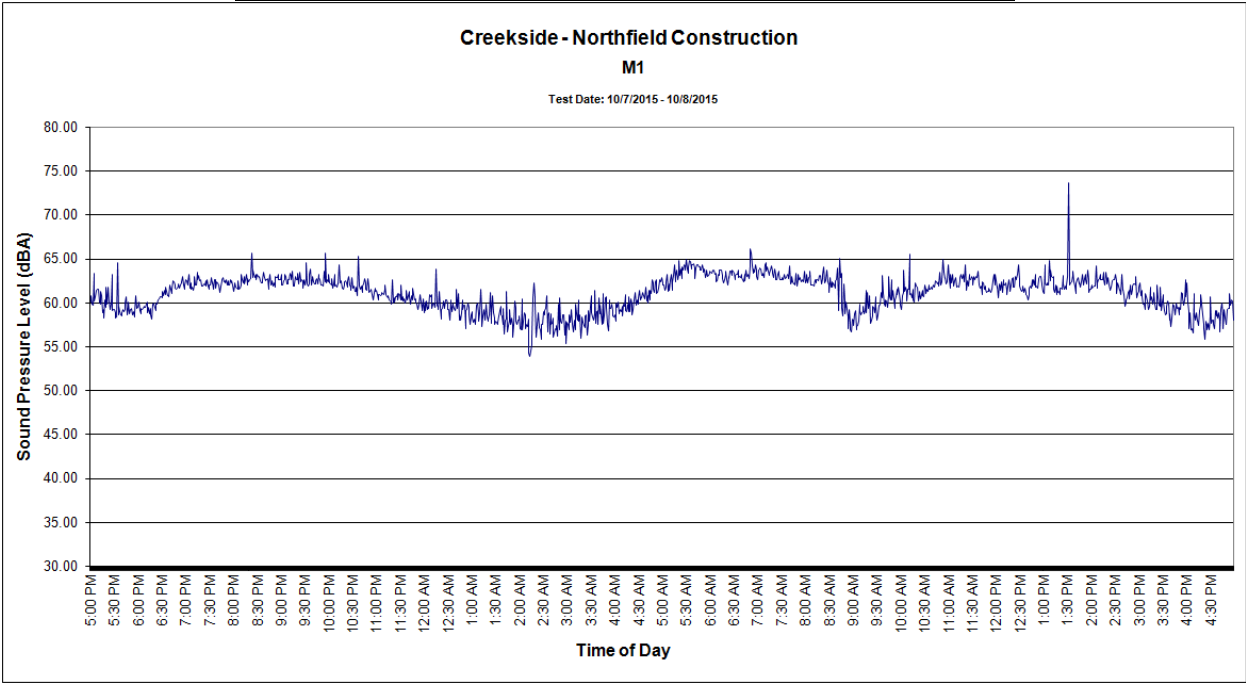
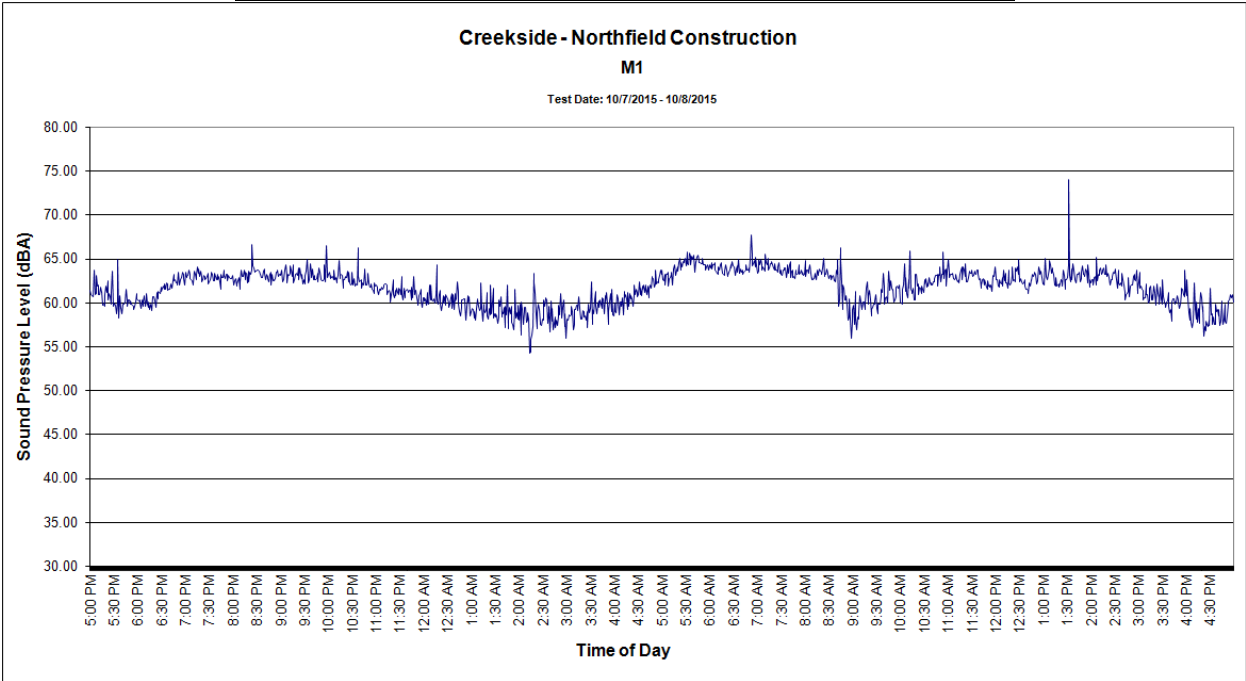
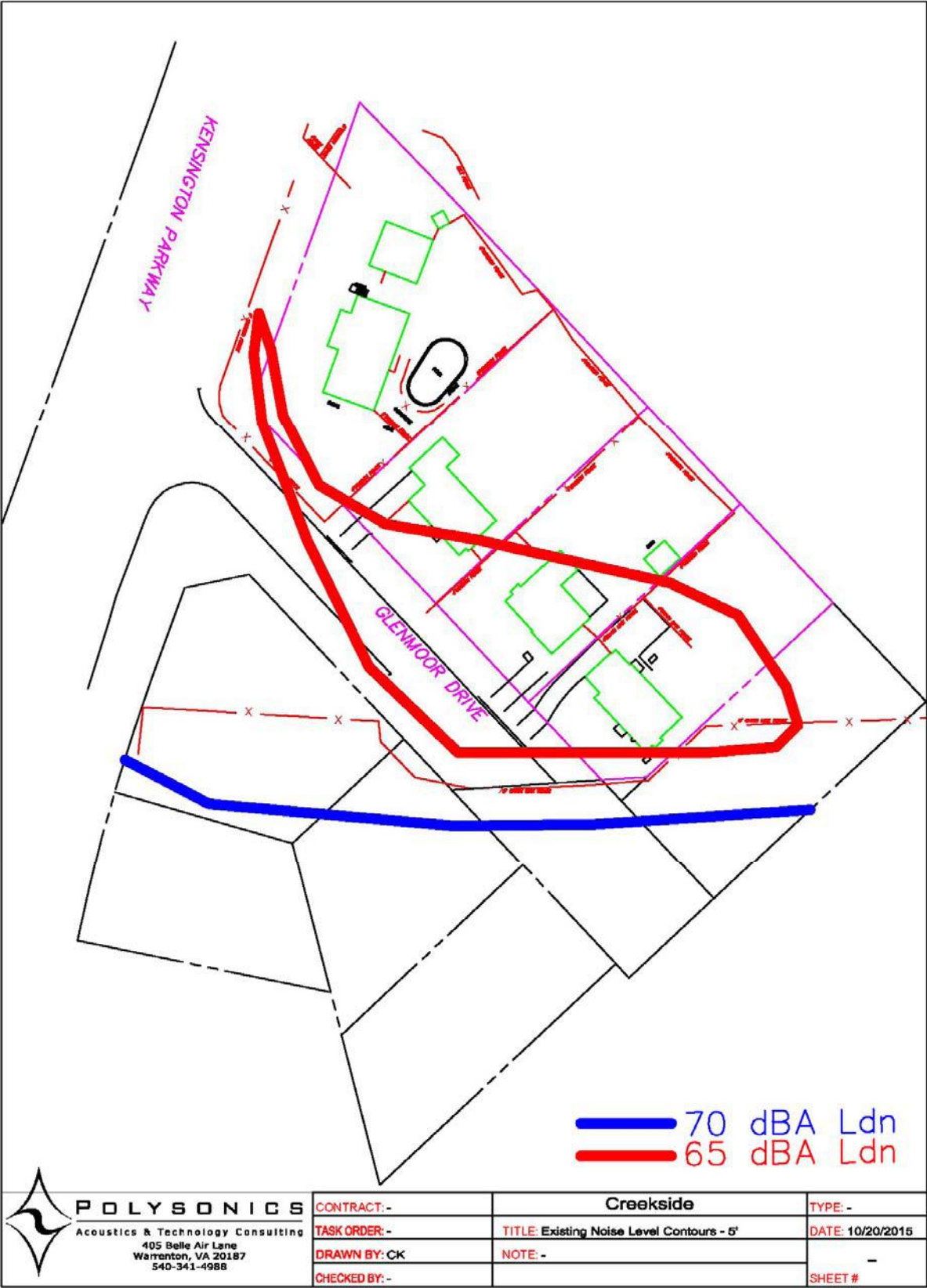


FIGURE 4: 24-HOUR TRAFFIC NOISE SURVEY RESULTS – M2



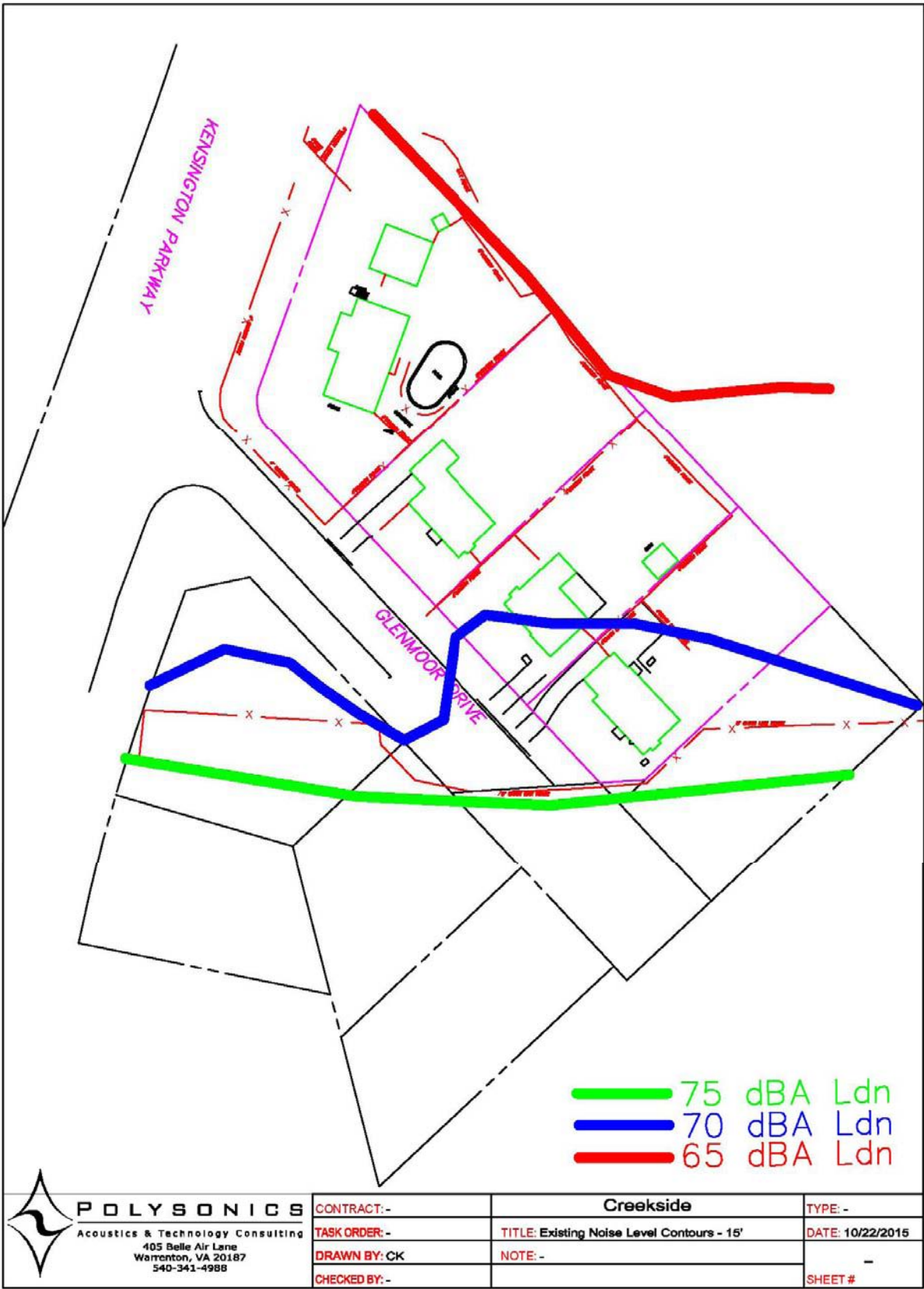
2015 NOISE CONTOURS

FIGURE 5: 2015 5 FOOT NOISE CONTOURS



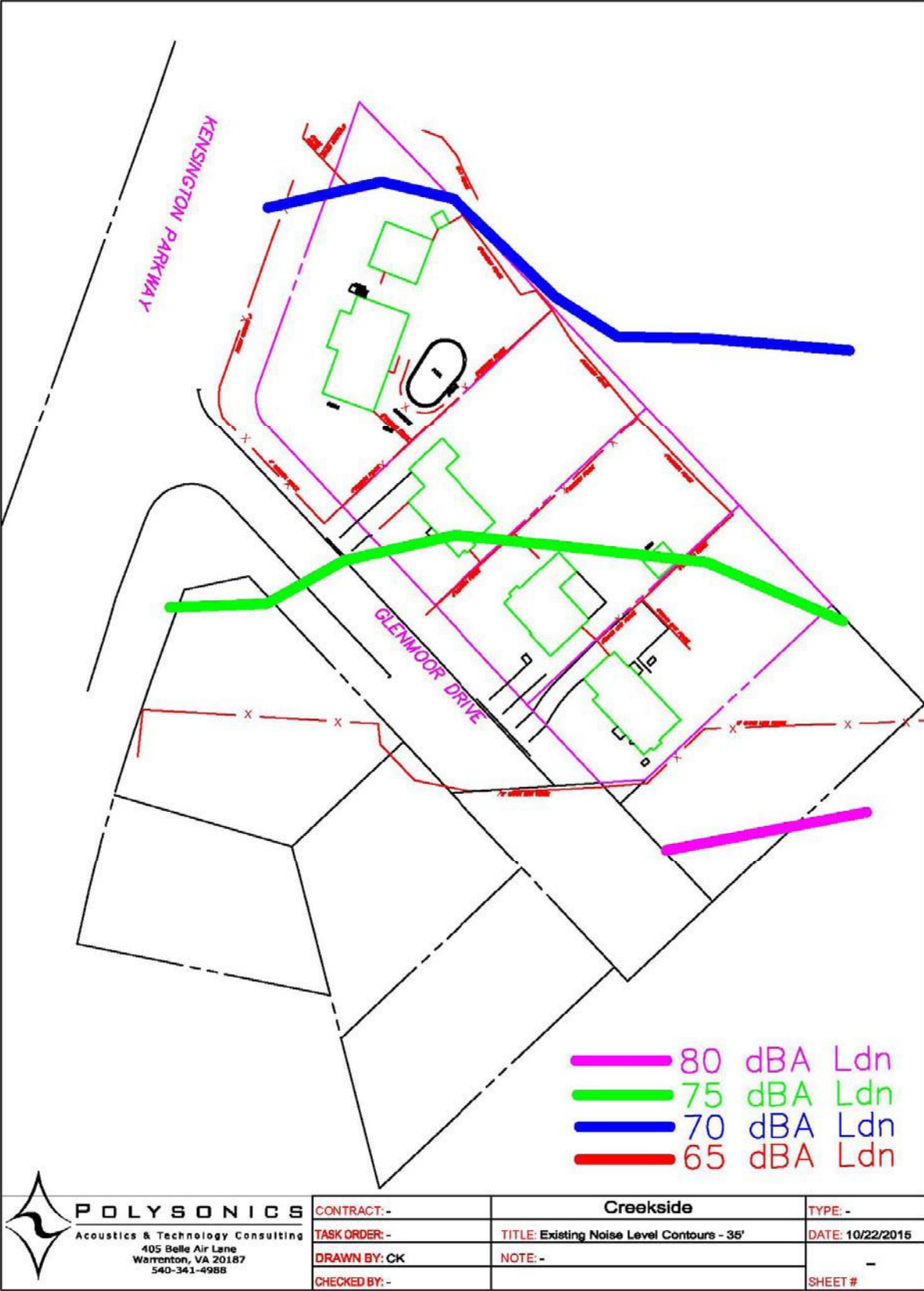
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FIGURE 6: 2015 15 FOOT NOISE CONTOURS



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FIGURE 7: 2015 35 FOOT NOISE CONTOURS



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2040 NOISE CONTOURS

FIGURE 8: 2040 5 FOOT NOISE CONTOURS



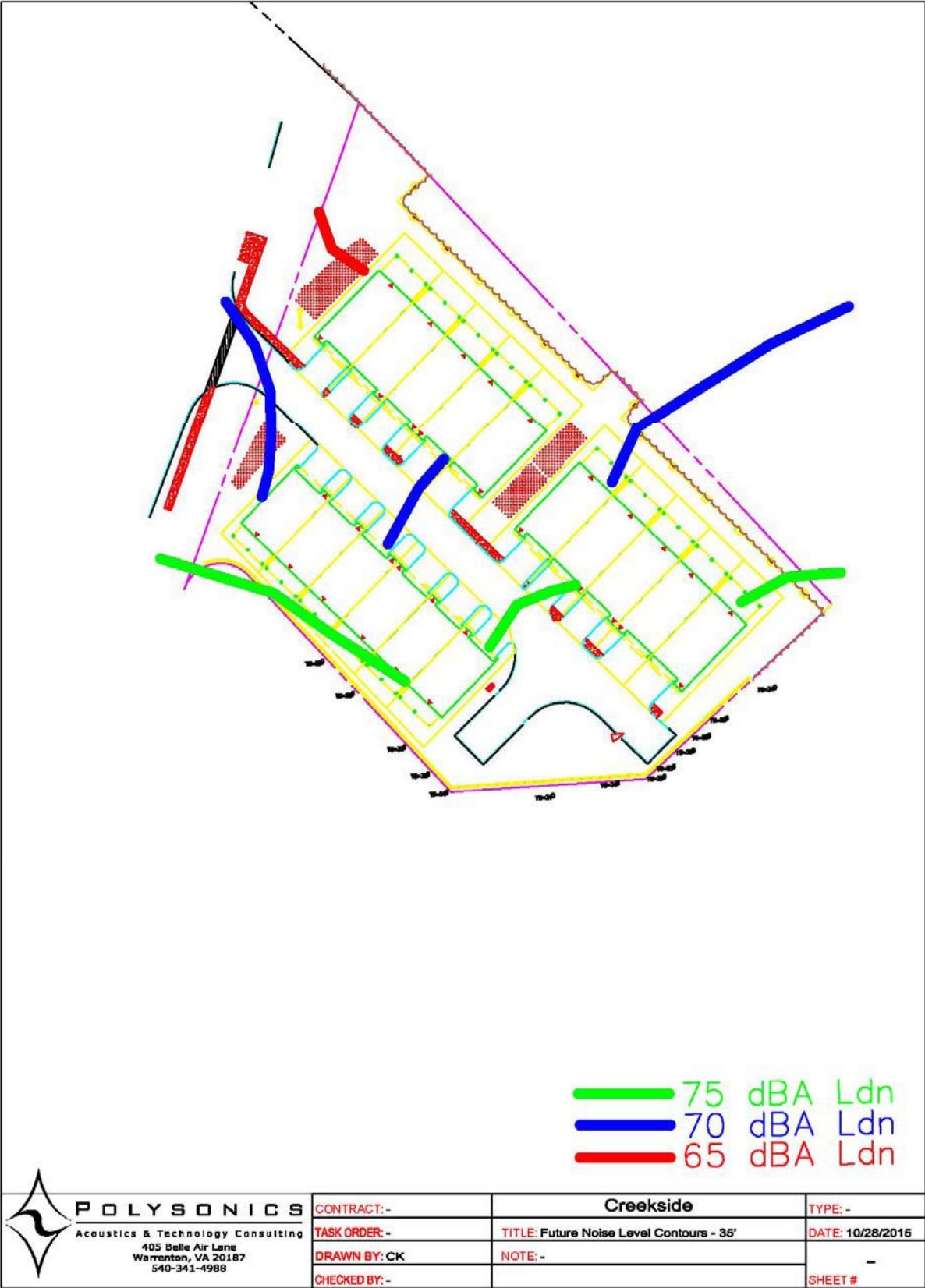
POLYSONICS CORP

FIGURE 9: 2040 15 FOOT NOISE CONTOURS



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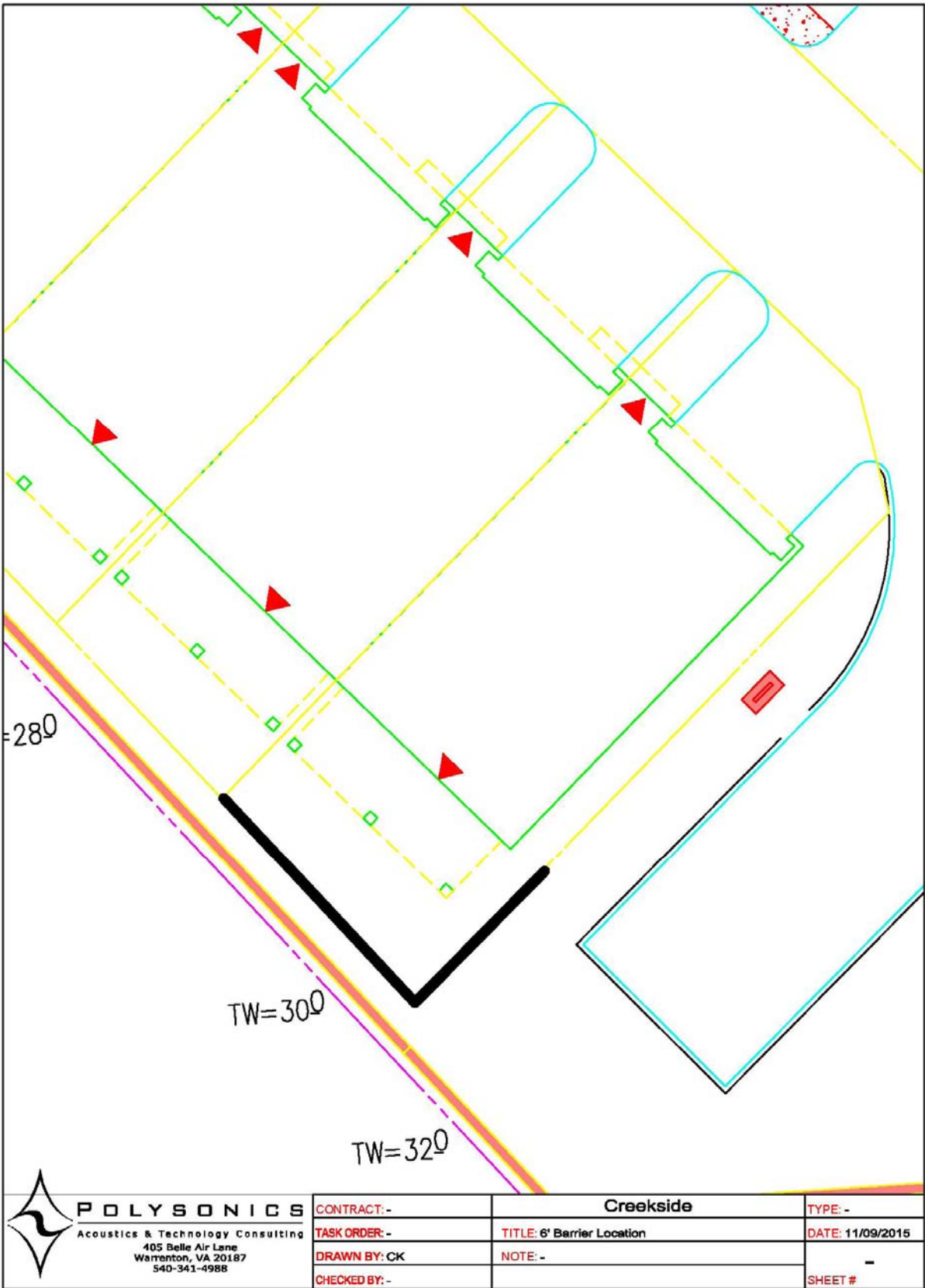
FIGURE 10: 2040 35 FOOT NOISE CONTOURS



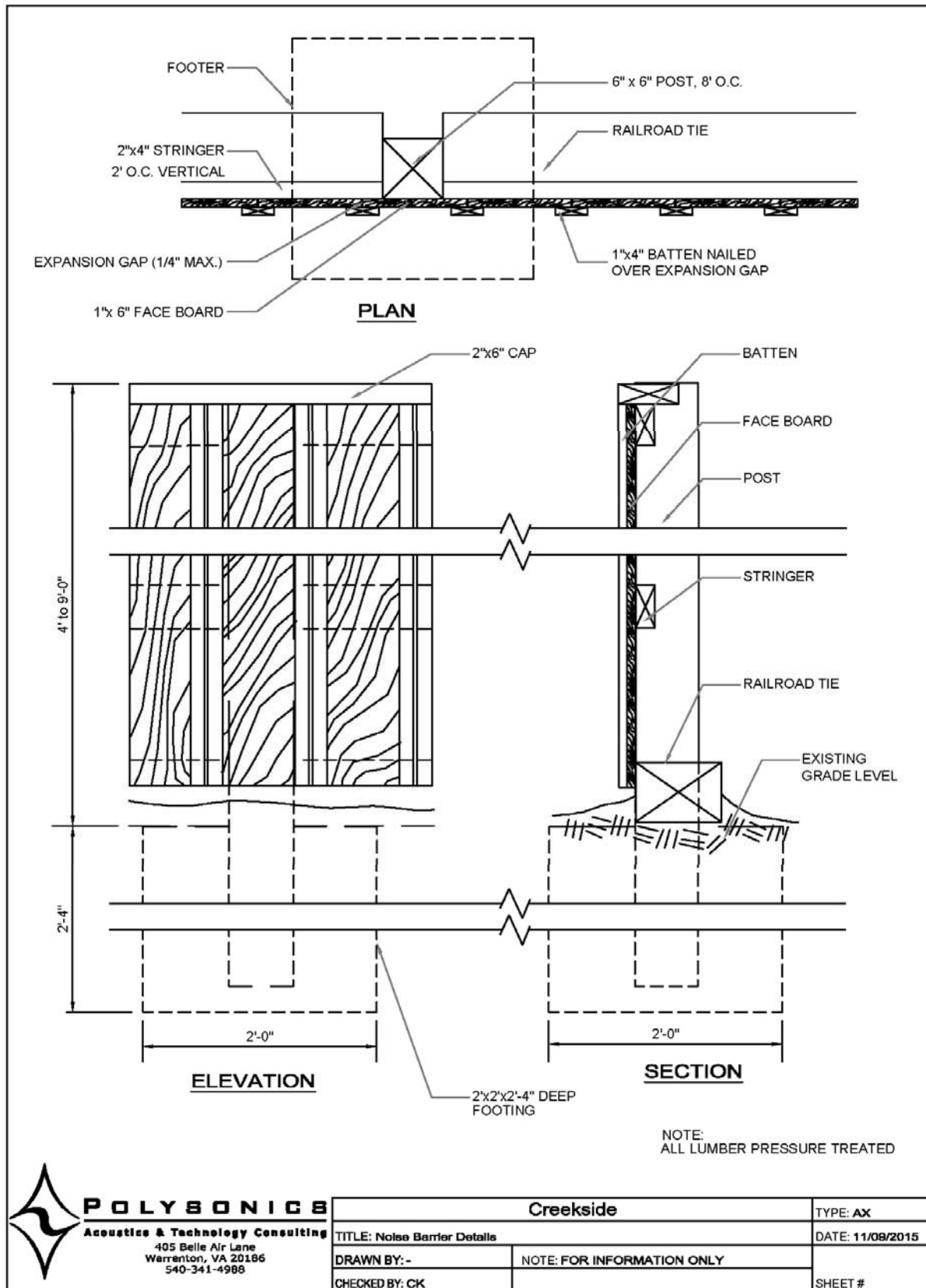
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BARRIER ANALYSIS

FIGURE 11: BARRIER LOCATION



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FIGURE 12: BARRIER DETAIL

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FIGURE 13: 2040 MITIGATED 5 FOOT NOISE CONTOURS



POLYSONICS CORP



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 9, 2016

Ms. Sherry Mitchell
Vika Maryland LLC
20251 Centruy Blvd. Suite 400
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
for Creekside
Preliminary Plan #: 120160130
SM File #: 280195
Tract Size/Zone: 1.4 ac.
Total Concept Area: 1.4 ac.
Lots/Block: 1-4 / A
Parcel(s): NA
Watershed: Rockcreek

Dear Sherry:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept/site development plan for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 3 Enhanced MicroBioretention Facilities.

The following **item(s)/condition(s)** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. While the proposed subdivision does not propose to subdivide portions of the delineated 100-year floodplain and therefore it is technically acceptable, it does propose to create residential townhouse properties that will be substantially within the 25-foot floodplain buffer. Placement of properties within the 100-year floodplain buffer as proposed will likely encourage encroachment into the floodplain and reduce the ability of those homeowners to make further improvements to those affected properties. Development of the floodplain buffer will result in environmental impacts that cannot be mitigated through application of stormwater management practices. This project will require a Floodplain District Permit for storm drain outfall into the floodplain and all other work in the floodplain buffer.
2. Should a seasonal variation of the groundwater or any other situation make the construction of the Enhanced MicroBioretention Facilities not practicable, this Stormwater Management Concept would be invalidated. This would require a revision to this concept, but the remaining site area not utilized by buildings or site features may not be enough to accommodate required Stormwater Management.

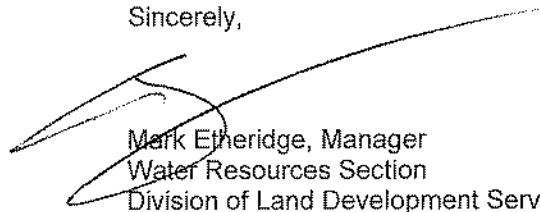
Ms. Sherry Mitchell
February 9, 2016
Page 2 of 2

3. The proposed design utilizes the only remaining undeveloped space for stormwater management via Enhanced MicroBioretention Facilities. Design and Geotechnical Engineers' options are that facilities will provide required Stormwater Management, but will also require all facilities within 10' of proposed units to be completely surrounded by proposed structural walls designed to prevent infiltration along the facility sides and therefore protect. These walls must be design to withstand overburden pressure of surrounding soils and units while the enhanced Micro Bioretention facilities are empty for maintenance.
4. An engineered sediment control plan must be submitted for this development.
5. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
6. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
7. **This approval supersedes the letter of approval written on February 5, 2016.**

This list may not be all-inclusive and may change based on available information at the time.

If you have any questions regarding these actions, please feel free to contact Bill Musico at 240-777-6340.

Sincerely,



Mark Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me WJM

cc: C. Conlon
SM File # 280195

ESD Acres:	1.4
STRUCTURAL Acres:	0.0
WAIVED Acres:	0.0



FIRE MARSHAL COMMENTS

DATE: 18-Feb-16
TO: Rob Cohen
Vika, Inc
FROM: Marie LaBaw
RE: Creekside
820160050

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **18-Feb-16** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

DPS-ROW CONDITIONS OF APPROVAL

Attachment 10
February 17, 2016

820160050 Creekside

Contact: Sam Farhadi at 240 777-6333

The following site/ landscaping plan files address our DRC comments:

- **“07-SITE-820160050-003.pdf V6”** uploaded on/ dated **“2/12/2016”**;
- **“08-LL-820160050-001.pdf V6”** uploaded on/ dated **“2/12/2016”**;