

6413 Orchard Avenue: Preliminary Plan No. 120110280, Site Plan No. 820120160

 Marco Fuster, Senior Planner, Area 1, marco.fuster@montgomeryplanning.org, phone (301) 495-4521

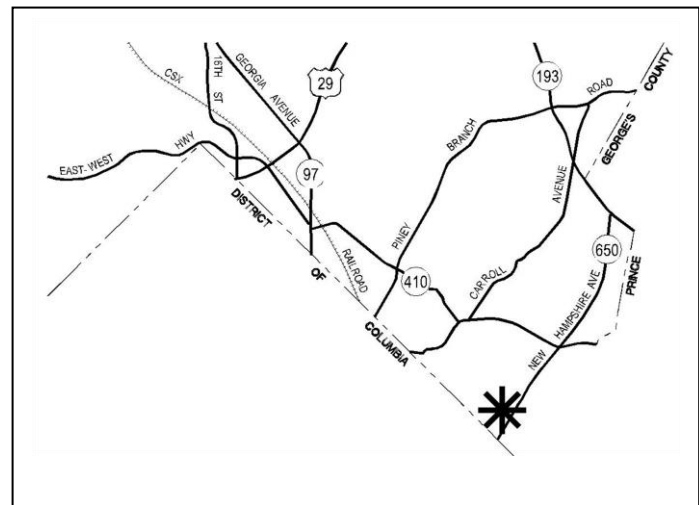
 Elza Hisel-McCoy, Supervisor, Area 1, elza.hisel-mccoy@montgomeryplanning.org, (301) 495-2115

 Robert Kronenberg, Chief, Area 1, robert.kronenberg@montgomeryplanning.org, (301) 495-2187

Description

Completed: 5.18.17

- One lot for 3,978 square feet of wholly enclosed warehouse uses, and waiver for building setbacks allowed under Sections 59-C-18.213(a)3. of the Overlay Zone;
- Located on Orchard Avenue approximately 165 feet west of the intersection with Sligo Mill Road in the City of Takoma Park;
- 0.21 gross acres zoned CRT-2.25 C-1.5 R-0.75 H-50 and Takoma Park/East Silver Spring Commercial Revitalization Overlay (CROZ) in the Takoma Park Master Plan area;
- Applicant: Scott Siegal, Orchard Road Parcel B LLC;
- Accepted as complete on 6.8.11 (Preliminary Plan) and 8.17.12 (Site Plan)



Summary

- This Application is being reviewed under the C-2 and Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone (CROZ) development standards in effect on October 29, 2014, as permitted under Section 59.7.7.1.B.1 of the Zoning Ordinance.
- The proposal is to construct an enclosed warehouse building for a solar panel business.
- The site is located within the City of Takoma Park. The City Council voted on September 28, 2015, to approve, with conditions, the proposed development. On July 20, 2016, the City Council updated their approval to reflect a revised site design.
- The application includes a requested waiver under the CROZ for a building setback reduction under Section 59-C-18.213(a)3.
- Staff recommends APPROVAL of the application and the waiver, with conditions.
- Staff has received correspondence regarding the proposal.

SECTION 1: RECOMMENDATION AND CONDITIONS

Preliminary Plan No. 120110280

Staff recommends **approval** of Preliminary Plan No. 120110280. All site development elements shown on the Preliminary Plan stamped "Received" by the M-NCPPC on November 14, 2016 are required except as modified by the following conditions:¹

1. This Preliminary Plan is limited to 1 lot for a warehouse building up to 3,978 square feet.
2. Include the stormwater management concept approval letter and Preliminary Plan resolution on the approval or cover sheet(s).
3. The Planning Board accepts the recommendations of the City of Takoma Park Department of Public Works in its Right-Of-Way letter dated October 2, 2015, as modified by Takoma Park City Council Resolution 2016-23, 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 the City provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by City of Takoma Park.
5. The Planning Board accepts the recommendations of the City of Takoma Park Department of Public Works in its stormwater management concept letter dated March 1, 2012, 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 the City's Department of Public Works provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width as mandated by City of Takoma Park to the design standards imposed by all applicable road codes.
7. 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 approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

8. The record plat must show necessary easements.
9. Before issuance of any building permit, the Applicant must obtain a Park Permit from the Department of Parks to address the following issues, which may be revised or modified by the Parks Department without having to amend this condition:

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- a. Removal of any encroachments associated with fencing, walls, and dumped debris adjacent to the Subject Property.
 - b. Access requirements associated with the cleanup/removal of encroachments.
 - c. Requirements for proposed storm drain utility installation within the Parkland including recordation of any required easement.
 - d. Provide depths/elevations/inverts of the proposed stormdrain and restore the drain elevation information which had been deleted from the plans.
 - e. All tree protection specifications and measures required to protect Park trees, including a reduction in LOD where feasible.
 - f. Restoration plantings for any disturbed areas within the Park.
 - g. Mitigation for any trees removed from the Parkland.
 - h. Work shall be accessed, performed and staged from the Subject Property to the extent possible.
 - i. The removal of encroachments and any re-grading & restoration work associated with the Parkland must be performed prior to final inspection/building use and occupancy. If the timing of plantings is not seasonally appropriate (at the discretion of Parks Staff) then the Park plantings may be installed within the next growing season.
10. Prior to recordation of any plat, Site Plan No. 820120160 must be certified by MNCPPC Staff.
 11. No clearing or grading of the site, or recording of plats prior to Certified Site Plan approval.
 12. Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.

Site Plan No. 820120160

Staff recommends approval of Site Plan 820120160 for 3,978 square feet of commercial uses, as well as the requested waiver for reduced building setback. All site development elements shown on the Site Plans stamped “Received” by the M-NCPPC on November 14, 2016, and building elevation received on May 1, 2017, are required except as modified by the following conditions:²

Conformance with Previous Approvals & Agreements

1. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan No. 120110280.

Transportation & Circulation

2. Transportation
 - a. The Applicant must limit future development on the site to a 3,978 square foot warehouse.
 - b. The Applicant must provide and install a sidewalk on the north side of Orchard Avenue from Sligo Mill Road to the existing driveway at 6411 Orchard Avenue. The exact location, design and construction of which must comply with requirements set forth by the City of Takoma Park Department of public works.
3. Fire and Rescue
The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section 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.

² For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

Site Plan

4. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown in the Certified Site Plan set.
- b. The maximum building height is 30 feet, as measured from the building height measuring point on the Certified Site Plan.
- c. The Applicant must provide a minimum of 22.6 percent of the lot as Green Area.

5. Lighting

- a. Before issuance of the any building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for commercial development.
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination.
- d. Illumination levels must not exceed 0.5 footcandles (fc) at any Property line abutting City roads and residential properties.

6. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit for new construction, 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 as required by Section 59-7.3.4.G.1. of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, paving, outdoor furniture, outdoor recreational facilities, and other improvements associated with the public open space.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

7. Development Program

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

8. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. The final design and location of the sidewalk referenced in condition 2.b must be shown on the Site Plans.
- b. Include the final forest conservation exemption approval letter, stormwater management concept approval letter, development program, and the Preliminary Plan and Site Plan resolutions on the approval or cover sheet(s).
- c. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."

- d. Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the City of Takoma Park.”
- e. Modify data table to reflect development standards approved by the Planning Board.
- f. Ensure consistency of all details and layout between Site and Landscape plans.
- g. Revise landscape and lighting plans to address the following:
 - i. Increase the size of the plantings beds to appropriately accommodate and sustain the proposed shade trees.
 - ii. Revise the planting plan to reflect the Park plantings.
 - iii. Coordinate with Planning Staff on necessary refinements to the planting specifications.

SECTION 2: SITE DESCRIPTION

Site Vicinity

The Subject site is located at 6413 Orchard Avenue approximately 165 feet west of the intersection with Sligo Mill Road in the City of Takoma Park (Subject Property or Property). To the east of the site are the commercial uses along New Hampshire Avenue. Otherwise the site vicinity is developed with residential uses, primarily single-family detached but with townhouse and garden apartments as well.

The Property is adjacent to a commercial yard storing construction materials to the north, and an open storage yard of construction materials and parking is located to the east. An enclosed warehouse space is located across the alley to the southeast. Immediately to the south is an office building with an approved Site Plan (82003032B). Sligo Mill Overlook Neighborhood Park is located across Orchard Avenue and a Conservation Park owned by MNCPPC is located immediately west of the site. The Prince Georges County line is approximately 500 feet away on the opposite side of New Hampshire Avenue.



Figure 1-Aerial View

Site Analysis

The Subject site is currently occupied by a warehouse use and exterior parking/storage areas. The Property is generally flat and entirely paved with compacted gravel. Previous grading and other activities on the Subject Property have resulted in fences, retaining walls and dumped debris encroaching into the adjacent parkland (the encroachments will be addressed by the conditions of approval and the Park Permit requirements discussed further below). The Conservation Park along the western boundary provides a screening buffer for the adjacent townhomes. The parkland also extends northwards and protects a nearby stream valley. The associated stream valley buffer does not extend into the Subject Property. The subject site is within the Lower Sligo Creek Mainstem watershed which is Use I³ watershed and a tributary to the Anacostia River. There are no known historic properties or features on or near the site.

The site is zoned CRT-2.25 C-1.5 R-0.75 H-50 and is in the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone. Since the application was submitted before October 29, 2014, it is being reviewed under the development standards of C-2 and the CRO Zones.

SECTION 3: PROJECT DESCRIPTION

Proposal

Subdivision, Uses and Density

The development would create one lot from an existing part of parcel for 3,978 square feet of commercial uses, a 30-foot tall warehouse structure for a solar panel business.

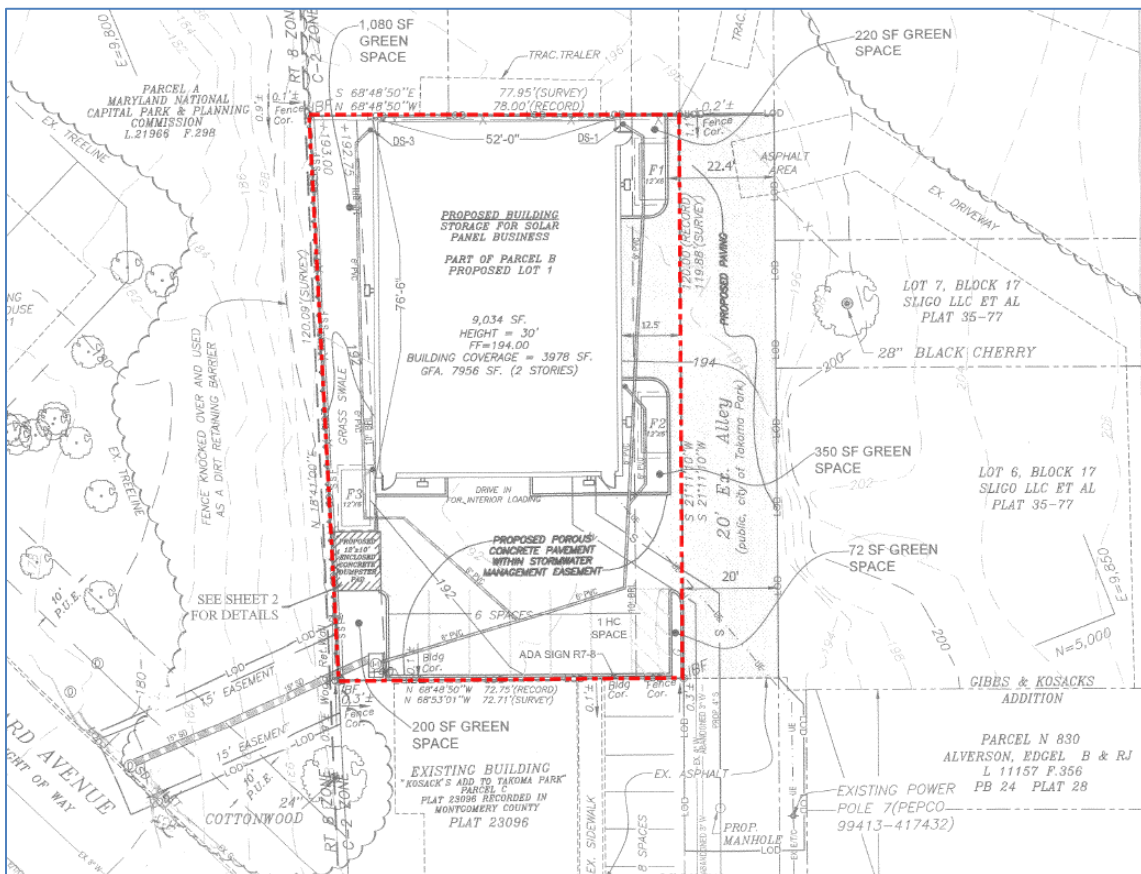


Figure 2 - Site Plan

³ Use I: WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE. Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; and industrial water supply.

Buildings

The proposed building will be a single-story, 30'-tall warehouse building of concrete block with and corrugated metal siding.



Figure 3 – Schematic Elevations

Open Space

The proposed green area covers 22.6% of the 9,034 sf lot and features canopy trees in the parking islands, foundation plantings near the building and a grass swale that is part of the storm water management features. Site lighting is designed to provide adequate onsite lighting without adversely affecting the surrounding residents and other uses. No site lighting is proposed along the western side of the building thereby avoiding excessive glare or light spillover to the nearby townhouses.

Circulation

The access is proposed from an existing 20' wide alley extending from Orchard Avenue. The alley is currently recorded but is not entirely improved; the Applicant will pave the portion of the alley fronting the site.

Requested waiver

The site is located in the Takoma Park/East Silver Spring CROZ, which provides that the Planning Board may, in the course of site plan review, grant flexibility for certain development standards (Section 59-C-18.213).

Section 59-C-18.213(a)3 allows the Board to reduce building setbacks to accomplish master plan objectives. The Zoning Ordinance requires a 20' rear setback on the Property. To maximize the usability of the site, the Applicant is requesting a reduction in the rear setback from 20' to 10'.

These requested waivers will be discussed further in the Site Plan Findings section below.

Community Outreach

The Applicant has met all proper signage, noticing, and submission meeting requirements. The City of Takoma Park acted on the original proposal, via a resolution dated September 28, 2015, and on a revised proposal, via a resolution dated July 20, 2016 (Attachment C). The City has also forwarded citizen correspondence which includes, but is not limited to, concern on the building material, height, noise generation, adequate parking, and extension of the alley (Attachment D). The concerns are addressed by the revised plans and the recommended conditions of approval.

SECTION 4: PRELIMINARY PLAN ANALYSIS AND FINDINGS

Master Plan Conformance

The site is located within an area defined by the 2000 *Takoma Park Master Plan* (the Master Plan) as the Maryland Gateway at Eastern and New Hampshire Avenues. The area was identified as appropriate for less-intensive commercial activity with recommendations to provide for residential transitions and preservation of existing open space.

This site was identified in the Master Plan as Site 10 (page 60) and had specific recommendations related to its land use and development. These recommendations related to the site's proximity to an existing residential area and its unpermitted use as a storage area for construction materials. As such, while the Master Plan supported the continuation of commercial use on the site, it also supported code enforcement on the sites open areas (page 62). Additionally, the Master Plan recommended that any development on the site limit its impact on nearby residential areas.

Furthermore, the Master Plan calls for the urban forestry concepts to be applied inside and out of the Parks to improve the quality of the urban ecosystem (page 77). This site is located within a sensitive environmental area and all care should be taken to address any potential impact to the areas ecosystem. This would include remediating existing physical conditions that may negatively impact the areas tree canopy and/or steep slopes.

The application conforms to the recommendations of the Master Plan for this site by constructing a low-intensity, residential-scale single-story commercial use on the site that minimizes impacts on adjacent residential development by limiting the height of the building, minimizing or eliminating light trespass from the site and, as conditioned, addressing the encroachments from fencing and debris on the adjacent Park land.

Transportation

The 6413 Orchard Avenue site currently has vehicular access on Orchard Avenue via a 20-foot wide public alley right-of-way. The project will improve the public alley to a 20-foot wide pavement width in accordance with City of Takoma Park standards. Once completed, the intersection of Orchard Avenue and the public alley will serve as a full-movement site entrance/ exit.

Pedestrian and bicyclist access to the site will be provided from Orchard Avenue via the public alley. Although there is a sidewalk along the south side of Orchard Avenue, opposite the site frontage, the sidewalk is missing a

link on the north side of Orchard Avenue between the public alley and Sligo Mill Road. Staff recommends that the Applicant construct this missing sidewalk link so that the site is integrated into the pedestrian sidewalk network. Furthermore, this sidewalk would connect with a master-planned sidewalk across 6450 New Hampshire Avenue (Preliminary Plan 12009021A/ Site Plan 820130080) to the sidewalk and transit network on New Hampshire Avenue. Transit service within a quarter mile of the site includes WMATA Metrobus route F4 on Eastern Avenue, NE and K6 on New Hampshire Avenue.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2000 *Takoma Park Master Plan* has the following master plan facilities along Property frontage:

- Orchard Avenue as a “shared roadway” for bicycles. This connection serves as a “main connection between the major regional bikeways and between important local destinations” (p.99, Map 24).

Adequate Public Facilities Review

A traffic statement (dated August 15, 2012 and revised December 13, 2014) was submitted for the subject application per the *LATR/TPAR Guidelines* because the proposed development is estimated to generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. Trip generation, summarize in Table 1, shows that the proposed development will generate two (2) morning peak-hour trips and three (3) evening peak-hour trips. Since the proposed development generates three or fewer peak-hour trips, the traffic impact is considered to be *de minimis* and therefore satisfies 2012-2016 Subdivision Staging Policy without making a TPAR payment. Staff concludes that the proposed development satisfies the *LATR and TPAR requirements* of the APF review and will provide safe, adequate, and efficient vehicular and pedestrian access.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
6413 ORCHARD AVENUE**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed Use						
7,956 square feet (Warehouse)	1	1	2	2	1	3

Source: Raztec Associates, Inc. Traffic Statement dated August 15, 2012, revised December 13, 2014.
(ITE LUC 150: Warehouse)

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

Compliance with Zoning Ordinance and Subdivision Regulations

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed above, the Application substantially conforms to the 2000 *Takoma Park Master Plan*. The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Master Plan. As evidenced by the Preliminary Plan, the site is sufficiently large to efficiently accommodate the proposed mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lot will be determined with approval of the site plan.

Environment

There are no environmentally sensitive features located within the site itself, such as streams, wetlands floodplains or associated buffers. There are no known rare, threatened, or endangered species on or near the site. However, there are forest resources within the Conservation Park located immediately adjacent to the western side of the Subject Property.

This Project is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed of 10,000 square feet. The Forest Conservation Exemption, application # 42014025E was confirmed on September 9, 2013 (Attachment A).

The offsite Conservation Parkland will be impacted for the proposed storm drain connection from the Subject Property through the park near the Orchard avenue frontage, and also to address the remediation of existing encroachments. However, once the encroachments are removed and the parkland has been appropriately regraded, mitigation plantings will be installed that will ultimately enhance the screening buffer over the existing conditions relative to the townhomes. The removal of encroachments and any re-grading & restoration work associated with the Parkland must be performed prior to the release of the building permit.

The City of Takoma Park approved the stormwater management concept on March 1, 2012, for on-site water quality control via porous concrete pavement, a grass swale and the installation of Filterra structures. (Attachment B)

SECTION 5: SITE PLAN 820120160

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The finding does not apply as there is no development plan, diagrammatic plan, or project plan applicable to the site.

2. *The site plan meets all the requirements of the zone in which it is located.*

The use is allowed in the C-2 and the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zones and the Site Plan fulfills the purposes of the zone by providing a general commercial use for various types of retail, trades serving a regional or local area with a commercially zoned site.

The following data table indicates the development’s compliance with the Zoning Ordinance.

Project Data Table for the C-2/CROZ

Development Standard	Permitted/Required	Proposed for Approval
Lot Size	N/A	9,034 sf
Building Height (feet)	30’	30’
Building Setbacks (feet)		
Front	10’	10’
Rear	20’*	10’**
Side	0’	0’
Green Area (% of lot)	10%	22.6%
Floor Area Ratio (FAR)	1.5	0.44
Building Area (square feet)	13,551 sf	3,978 sf
Parking Spaces	6	6

* 20’ setback required based on reflecting the adjoining residential zone setback requirements.

** Waiver requested for setback reduction.

The Site Plan meets all of the development standards of the zone, with the exception of the rear building setback and the total number of required parking spaces.

Building setback

Section 59-C-18.213(a)3. allows the Planning Board to reduce building setbacks to accomplish master plan objectives. The requested reduction lowers the required rear building setback from 20 feet to 10 feet.

As discussed above, the site is located within an area defined by the 2000 *Takoma Park Master Plan* as the Maryland Gateway at Eastern and New Hampshire Avenues. The area was identified as appropriate for less-intensive commercial activity with recommendations to provide for residential transitions and preservation of existing open space.

Given the shape of the Property, and its relatively narrow width, a 20’ rear setback would overly restrict the usable portion of the Property. The restricted size and width of the site would not otherwise accommodate the desired building program. The reduced BRL would allow greater flexibility in accommodating the warehouse use.

The adjacent Property located on the southern Property line, at 6411 Orchard Avenue, maintains a rear BRL of 10’. Therefore a 10’ rear setback for the proposed building on the site would be compatible. Furthermore, the adjacent Conservation Parkland along with the proposed landscaping will appropriately buffer the adjacent townhouses from the proposed use, even with a reduced setback. However, the importance of appropriately addressing the existing parkland encroachments is emphasized by the buffering function as being included as part of the waiver justification.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The buildings and structures of the development are located off of the public alley, and are screened by the Conservation Park which is appropriate for the character envisioned by the Master Plan. As conditioned these locations provide easy access to the building from adjoining sidewalks and parking. The conditioned sidewalk extension will enhance the pedestrian connectivity to New Hampshire Avenue and associated mass transit by connecting to a master planned sidewalk. The locations of the buildings and structures to be adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The open space that is provided allows for some plantings of canopy trees that will shade the parking and traditional foundation planting areas are provided for the building. The open space is also used for stormwater management. Site lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. There are no recreation facilities required for this Site Plan. As conditioned, the open spaces, landscaping, and site details adequately and efficiently address the needs of the use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

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

The proposed commercial building is compatible with the adjacent and confronting commercial and residential uses. The Site Plan will continue smaller-scale commercial uses in this area of Takoma Park. The building is in scale with the nearby residential and commercial uses. Conditions regarding the adjacent parkland will further reinforce this relationship.

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

This Project is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed of 10,000 square feet. The forest conservation exemption, application 42014025E, was confirmed on September 9, 2013.

The City of Takoma Park approved the stormwater management concept on March 1, 2012, for on-site water quality control via porous concrete pavement, a grass swale and the installation of Filterra structures.

Conclusion

Staff recommends approval of the Preliminary and Site Plans, including the requested building setback waiver, subject to the above conditions.

ATTACHMENTS

- A. Forest Conservation Exemption
- B. Stormwater Management Approval
- C. City of Takoma Park Council Resolutions
- D. Correspondence