

STAFF RECOMMENDATION



M. Weil

NCPC File No. MP046

MODIFICATION TO THE LITTLE FALLS STREAM VALLEY PARK GENERAL DEVELOPMENT PLAN

LITTLE FALLS STREAM VALLEY PARK

Montgomery County, Maryland

Submitted by the Maryland-National Capital Park and Planning Commission

June 30, 2011

Abstract

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has submitted a modification to the Little Falls Stream Valley Park General Development Plan to allow a pedestrian and vehicular access easement off of Little Falls Parkway to a privately-owned property known as the Hoyt Property. The land making up Little Falls Stream Valley Park was originally acquired by NCPC under its authority in the Capper-Cramton Act and is now owned by M-NCPPC. The proposed modification includes an access easement to the Hoyt Property, currently used as a cinder block distribution plant, to facilitate its redevelopment into a 29-unit luxury townhouse development. The 1.81-acre Hoyt Property is located between Little Falls Parkway and the Capital Crescent Trail, approximately 1,000 feet south of River Road. The easement will allow for the construction of an access road and bridge over a small portion of Little Falls Stream Valley Park, approximately 100 feet in length, to serve the proposed residential development. M-NCPPC granted a conditional approval of the easement at its February 16th, 2011 meeting pending a successful approval of the General Development Plan modification by NCPC.

Commission Action Requested by Applicant

Approval of a modification to the Little Falls Stream Valley Park General Development Plan, Pursuant to Section 1(b) of the Capper-Cramton Act.

Executive Director's Recommendation

The Commission:

Approves the modification to the Little Falls Stream Valley Park General Development Plan to allow an access easement between Little Falls Parkway and the Hoyt Property, identified as “Alternative C” in the Environmental Assessment prepared for the project, as shown on NCPC Map File No. 76.11(05.14)43370.

Requests that the applicant and the developer continue to coordinate with the community throughout the remainder of the local planning and zoning approval process.

Notes that any changes to the size or location of the easement following the local planning and zoning process may require further Commission review in accordance with Section 3(D) of NCPC’s Submission Guidelines; and therefore, the Commission **requires** the applicant prior to construction to submit such changes to NCPC staff to determine whether additional review is necessary.

* * *

PROJECT DESCRIPTION

Site

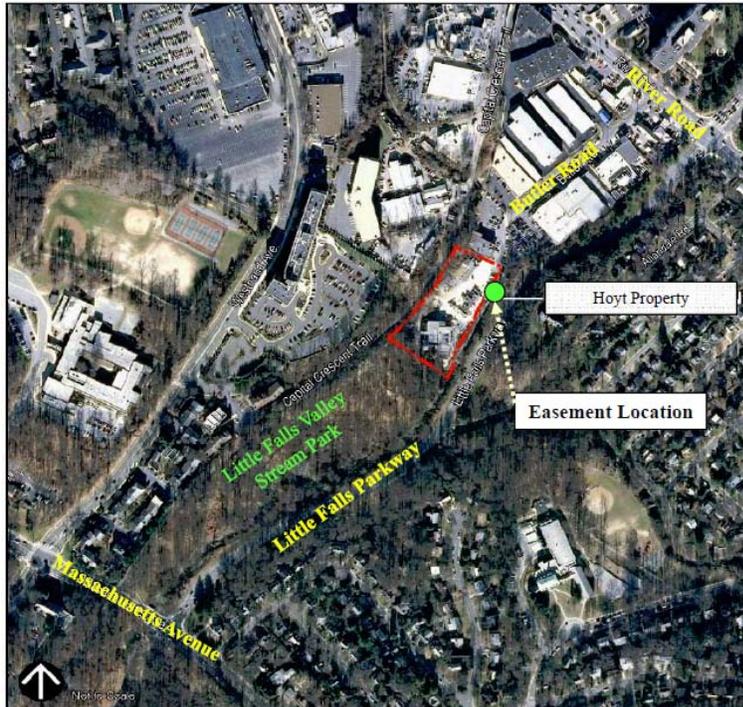


Figure 1: Project location and surrounding vicinity

Little Falls Stream Valley Park, formerly known as Little Falls Branch Park, occupies a narrow strip of land along portions of both banks of Willetts Branch and Little Falls Branch in Montgomery County, Maryland, from a point south of Bradley Boulevard to a point approximately three miles downstream in the vicinity of MacArthur Boulevard. The park is divided into two units with “Unit 1” encompassing the portion of the park located north of Massachusetts Avenue, and “Unit 2” encompassing the parkland south of Massachusetts Avenue. The parkland was originally acquired by NCPC under its authority provided by the Capper-Cramton Act¹. Ownership of the

¹ The Capper-Cramton Act of May 29, 1930, 46 Stat. 482 (as amended August 8, 1946 by 60 Stat. 960), authorizes funding for the acquisition of lands in the District of Columbia, Maryland, and Virginia for the park and parkway system of the national capital. The Act charged NCPC with acquiring property for the George Washington Memorial

land was subsequently transferred to the Maryland National Capital Park and Planning Commission (M-NCPPC), the current owner and applicant for the proposed modification to the Little Falls Stream Valley Park General Development Plan. The modification, which entails a request to permit an access easement through the Park to a privately-owned property, referred to as the Hoyt Property, in order to facilitate its redevelopment, is located in Bethesda, Maryland, Unit 1 of Little Falls Stream Valley Park (Figures 1 and 2).

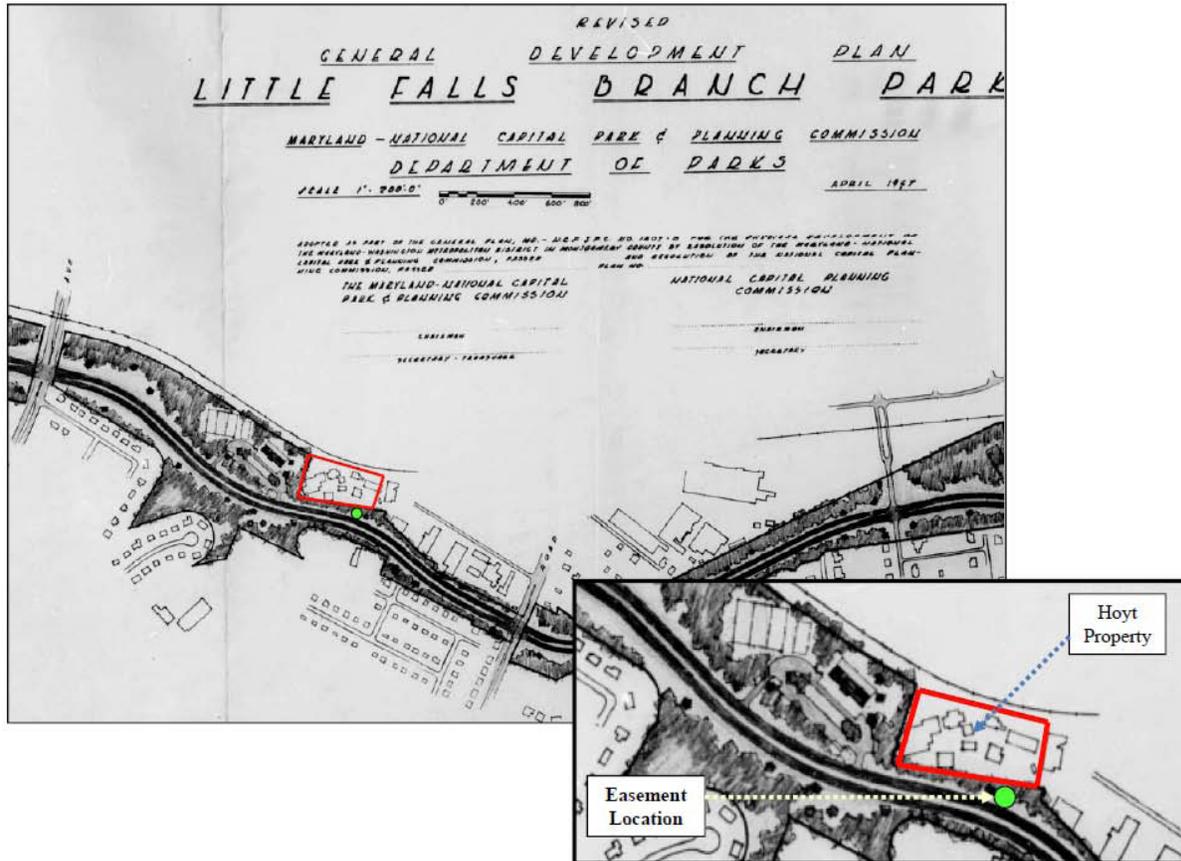


Figure 2: Little Falls Branch Stream Valley Park Plan (1957) showing Hoyt Property and specific location of proposed modification

Background

NCPC originally approved the General Development Plan for Little Falls Branch Stream Valley Park in June, 1957 (Figure 3) and since then has approved several modifications as shown in the following list:

- Little Falls Branch Parkway road connection with Hillandale Road, south of Bradley Boulevard (June, 1957);

Parkway; stream valley parks in Maryland and Virginia; and the park, parkway, and playground system of the District of Columbia. The Act also requires that development of the acquired land conform to plans approved by NCPC.

- Additional park access roads (October, 1958);
- Extension of Arlington Road from Bradley Boulevard to the Little Falls Parkway (June, 1962);
- Preservation the park’s natural state by eliminating several projects including: the widening of Little Fall Parkway from a two-lane to a four-lane road; burying Little Falls Branch stream as an underground culvert; and constructing several playing fields and parking lots (July, 1978);
- Hiker-biker trail route/easement (June, 1979);
- Extension of hiker-biker trail route/easement across a portion of the Dalecarlia Reservoir to MacArthur Boulevard (November, 1983).

As shown in Figure 3, The 1982 Montgomery County Westbard Sector Plan proposes that the Hoyt Property be redeveloped for residential use with an access road to Little Falls Parkway.

Staff notes that M-NCPPC staff supports the proposed modification to the Little Falls Stream Valley Park General Development Plan and access easement request, and that M-NCPPC and the Montgomery County Planning Board have approved the easement request on the condition that it be approved by NCPC prior to execution of the contract for the easement. The final required approval needed to grant the easement is approval by NCPC subject to the 1930 Capper-Cramton Act.

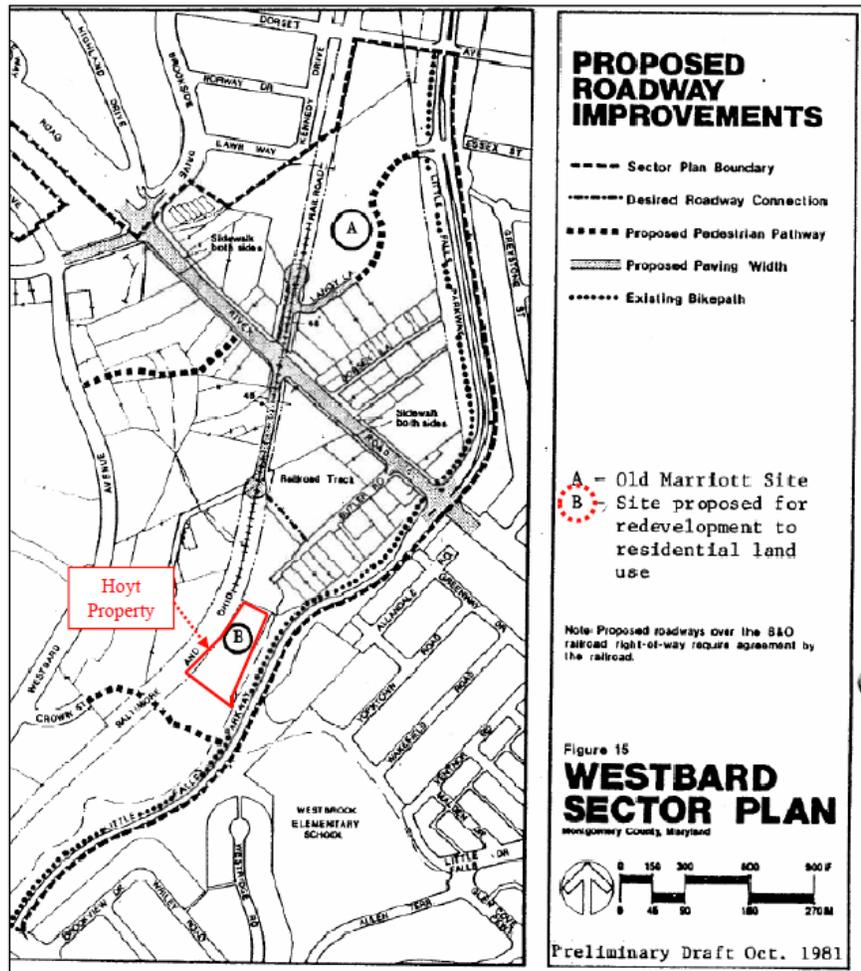


Figure 3: Montgomery County Westbard Sector Plan

Proposal

The proposed modification to the General Development Plan is necessary to allow an access easement, approximately 4,300 square feet in area, to a privately-owned property known as the

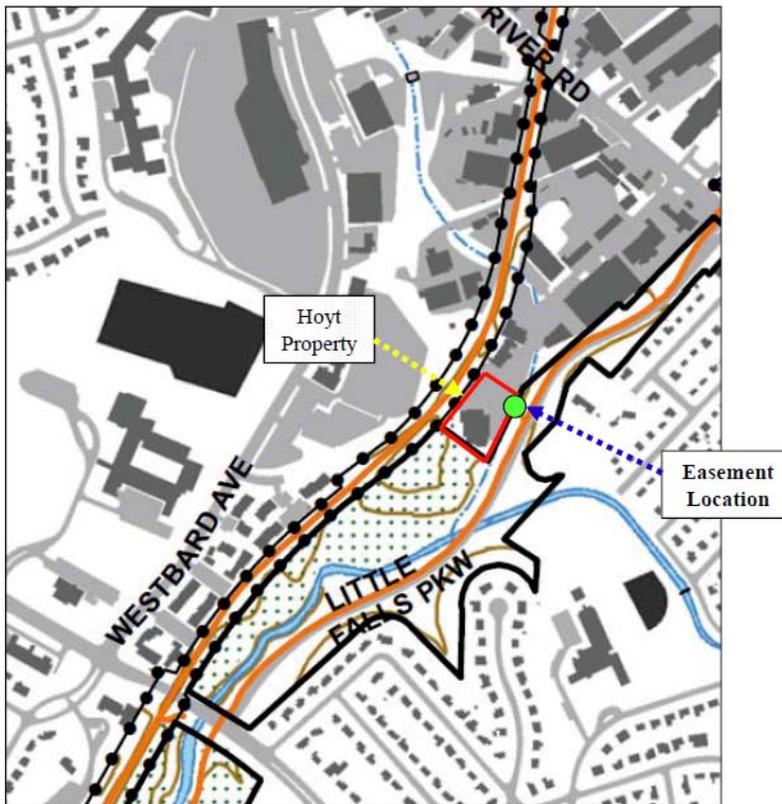


Figure 4: Project Vicinity Map and Location of the Hoyt Property

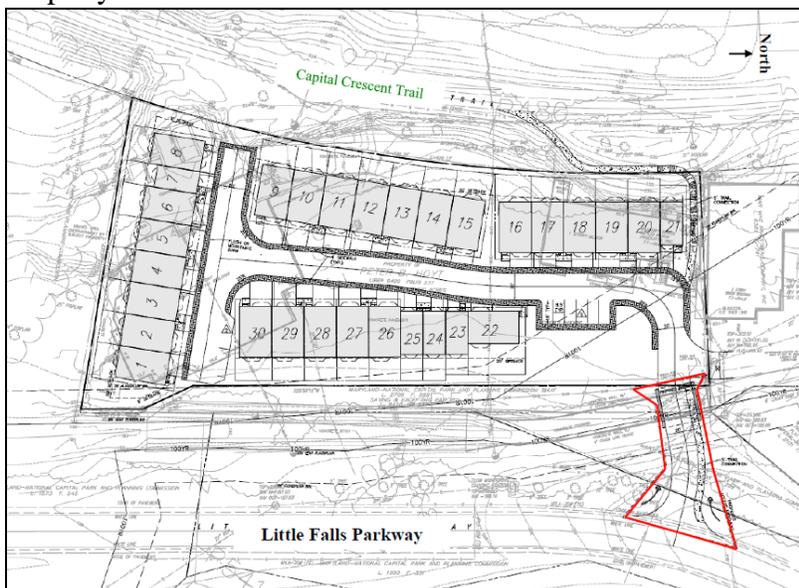


Figure 5: Current site plan for Hoyt Property redevelopment and proposed location of access easement

Property development and Little Falls Parkway. The proposed bridge (over Willet Branch) and access road. The bridge will have a stone veneer to help blend in with the development’s park setting (Figure 6).

Hoyt Property, a 1.81-acre property situated between Little Falls Parkway and the Capital Crescent Trail approximately 1,000 feet south of River Road (Figure 4). Currently, the Hoyt Property is occupied by the Bethesda Cinder Block Manufacturing Company; it is proposed to be redeveloped into a residential development containing approximately 30 townhouses (Figure 5). Currently, the Hoyt Property is essentially land-locked with access made possible by way of an existing easement across the parking lot of the private property to the northeast which leads out to Butler Road. The access easement that would result from the proposed modification would provide direct pedestrian and vehicular access from the Hoyt Property to Little Falls Parkway. The proposed development will also include an internal roadway system, parking spaces, walkways, landscaping, and a low-impact stormwater management system.

The approximately 95-foot long, 45-foot wide easement (4,275 total square feet in area) will cross M-NCPPC parkland, including Willet Branch stream, and be used to construct an access road and bridge to provide a direct connection between the Hoyt

Although the Hoyt Property is located relatively close to the Parkway, there is currently no direct roadway access to the local public street system. Rather, the only roadway access is from the northeast via Butler Road, which connects to River Road just west of the Little Falls Parkway-River Road intersection. Butler Road serves an industrial complex containing numerous warehouses, storage units, auto body shops, and other light industrial uses, and as such is not appropriate to serve as the proposed residential development's primary access road. In addition, Butler Road stops short of actually reaching the Hoyt Property, terminating at the parking lot of the adjacent private property, an auto body repair shop.



Figure 6: Proposed development access road and bridge

According to information provided by the applicant, the current cinderblock manufacturing use encroaches several feet into M-NCPPC property, along most of the property's length. To correct this condition, the developer of the Hoyt Property has committed to restoring the area currently encroached upon (approximately 7,900 square feet) to a more natural, re-vegetated, pervious condition and return it to the County as parkland. The redevelopment of the Hoyt Property will significantly increase the amount of pervious surface on the site compared to the existing industrial use. The property currently has approximately 5,300 square feet (6.7%) of pervious surface. The new development will have approximately 24,000 square feet of pervious surface, in addition to the aforementioned 7,900 square feet of land reclaimed as parkland for the County, resulting in a total pervious area of 39.9%.

As part of a development agreement between the developer, Eakin-Youngentob Associates (EYA), Montgomery County, and the community, EYA has agreed to several conditions in exchange for the access easement, including (see Appendix A for a complete list of conditions):

- EYA will provide a “public access” easement to the Parks Department from Little Falls Parkway, through the Hoyt Property, to the Capital Crescent Trail;
- EYA will provide a “green landscape” easement to the Parks Department on the Hoyt property, which together with the public access easement previously mentioned, will be approximately equal in size to the easement across M-NCPPC land;
- All commercial traffic related to the new development will be required to access the site using Butler Road;
- The Little Falls Parkway access easement cannot be used for any other purpose other than to serve the residential development;
- EYA will pay Montgomery County a fee of \$500,000 for the easement to be used for community-serving purposes which could include invasive species mitigation at surrounding parks, improvements to the Capital Crescent Trail, and speed reduction measures on Little Falls Parkway.

PROJECT ANALYSIS

Executive Summary

The proposed modification to the Little Falls Stream Valley Park General Development Plan to allow for an access easement is critical to redeveloping the Hoyt Property into a residential use as the site currently has no direct access to the surrounding public street network. In analyzing M-NCPPC’s modification request NCPC staff took into consideration the potential direct, indirect, and cumulative impacts to the park that could occur as a result of constructing the access road and the residential development.

Staff finds that the requested modification and associated access easement will result in minor impacts to the natural environment, requiring the removal of some immature vegetation according to the project Environmental Assessment (EA). Specifically, vegetation will be removed within the 4,300 square-foot easement area. The EA also identifies some potential indirect environmental impacts to the Park resulting from the redevelopment of the Hoyt Property, including: improved local water resources, reduced noise, and positive visual benefits to the Little Falls Stream Valley Park area. In addition, staff notes that the developer has agreed to several community-serving improvements such as a public access easement across the Hoyt Property connecting Little Falls Parkway and the Capital Crescent Trail, and a “green landscaped” easement, as previously mentioned. In addition, the EA also identified several negligible and beneficial direct and indirect environmental impacts resulting from the easement and/or residential development. A more detailed staff analysis regarding project-related environmental impacts to water resources, visual resources, and noise is included in subsequent sections of this report. Consequently, staff recommends that the Commission **approve the modification to the Little Falls Stream Valley Park General Development Plan to allow an access easement between Little Falls Parkway and the Hoyt Property, identified as “Alternative C” in the Environmental Assessment prepared for the project.**

Staff notes that a significant component of this project has been the coordination effort between Montgomery County, the developer (EYA), and the local community, including a group known as the Friendship Heights - Westbard Coordinating Committee (FH-WCC)². According to information provided to staff, the developer and FH-WCC have met on several occasions, in addition to other smaller neighborhood groups, to discuss the proposed residential development. Over the course of the past twelve months, community consultation and the County planning process have resulted in a final access easement agreement (Appendix A), which was officially approved by the Montgomery County Planning Board at a public meeting on June 16th, 2011. The County easement approval process included a public Planning Board³ meeting on January 20, 2011, in which the Board agreed with the Montgomery County Parks Department to recommend approval to the M-NCPPC, and subsequent approval by the M-NCPPC⁴ at a public meeting on February 16, 2011. As such, the project submission indicates that the Montgomery County easement approval process has now been formally completed, contingent upon approval of modification (reflecting the easement) to the General Development Plan for Little Falls Stream Valley Park by NCPC.

The project submission indicates that there continue to be several unresolved planning issues related to the development such as traffic and parking; the final location and design of the public access easement; the final location and design of the “green landscape” easement; and how the \$500,000 fee from the developer should be prioritized. The developer indicates that these issues will be resolved with the local community as the project’s site plan is finalized and the property is rezoned⁵ through the County process. As such, NCPC staff recommends **continued coordination between the current developer, Montgomery County, and the affected community to mitigate any other potential development impacts through Montgomery County’s site planning and rezoning process.**

EYA has conducted an Environmental Assessment to study the potential impacts of the proposed residential development. The EA includes four different alternatives which are described in the following list, and depicted in Figure 7.

- *No Action Alternative* – Hoyt property industrial use continues to operate, with no access easement to Little Falls Parkway;
- *Alternative A (Preferred Alternative)* – Hoyt property redeveloped as the proposed residential townhouse development, with an access easement (access road and bridge) located in the center of the eastern boundary of the property;

² The Friendship Heights – Westbard Coordinating Committee is an umbrella community organization that represents all of the civic association, homeowners associations, and neighborhoods surrounding the site.

³ The Montgomery County Planning Board recommended approval of the access easement for the proposed EYA residential development to the M-NCPPC, contingent upon a Board-approved finalized Easement Agreement, to be developed through consultation between EYA, County staff, and the community.

⁴ The M-NCPPC approved the access easement contingent on approval of the finalized Easement Agreement by the Montgomery County Planning Board.

⁵ The Hoyt property is currently zoned as I-1 (Light Industrial) and the proposed residential development will be zoned as RT-15 (Residential Townhouse; Minimum tract area of 40,000 square feet; 15 dwelling units per acre).

- *Alternative B* – Hoyt property redeveloped as the proposed residential townhouse development, with an access easement located on the southeast portion of the property;
- *Alternative C* – Hoyt property redeveloped as the proposed residential townhouse development, with an access easement located on the northeast portion of the property;

The EA considers and dismisses one other “action” alternative to construct the proposed residential development with access provided by extending Butler Road rather than providing direct access to Little Falls Parkway. However, this alternative was dismissed from further analysis since extending Butler Road is deemed to be not feasible based on several existing planning constraints with such an action.

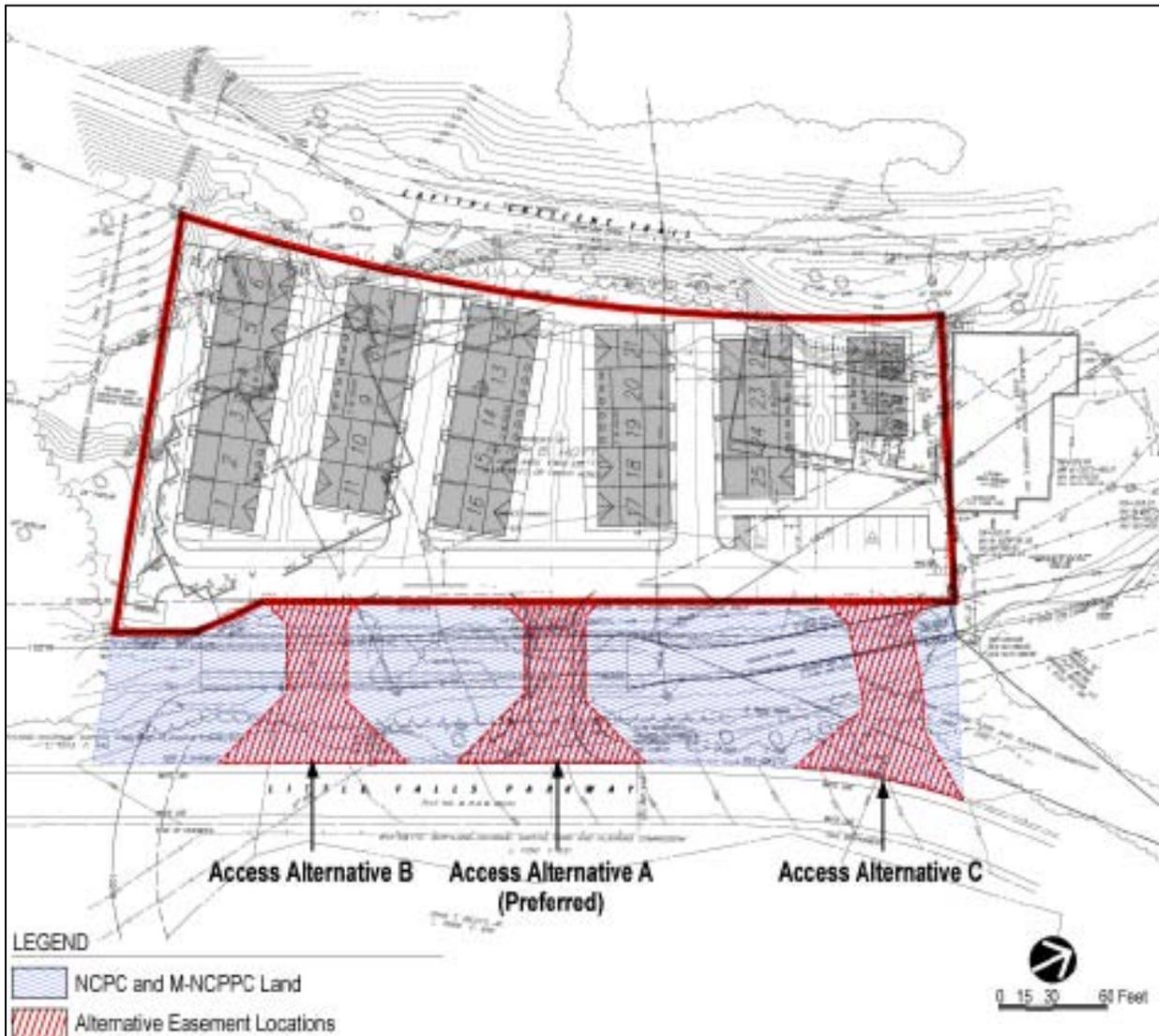


Figure 7: Alternative locations of proposed access easement analyzed in the project Environmental Assessment

Staff notes that since the completion of the EA, the County has indicated a preference for “Alternative C.” As such, the developer has expressed its intent to finalize the project site plan according to Alternative C and therefore staff has prepared its recommendation to the Commission based upon this alternative. However, considering that the local planning and zoning process for the Hoyt Property redevelopment is still ongoing and may result in changes to the easement, staff is recommending the Commission **note that any changes to the size or location of the easement following the local planning and zoning process may require further Commission review in accordance with Section 3(D) of NCPC’s Submission Guidelines; and therefore, require the applicant prior to construction to submit such changes to NCPC staff to determine whether additional review is necessary.**

Water Resources

The proposed General Development Plan modification and resulting easement will enable a proposed site redevelopment that significantly increases the amount of pervious surface on the Hoyt Property, from 5,300 square feet (6.7%) to approximately 24,000 square feet (33.2%). In addition, the project will “restore”⁶ and return 7,900 square feet of land located directly adjacent to the Hoyt Property (along the eastside) to the County, further increasing the amount of pervious surface in the park. Furthermore, the new proposed development will minimize stormwater runoff through Low Impact Development (LID) management techniques, in compliance with County and State requirements. In contrast, the existing use has no stormwater management



Figure 8: Photo of Willet Branch existing condition

facilities or capacity, which contributes to the degradation of local and regional water resources. Lastly, the developer has proposed to remove the existing concrete channel (Willet Branch) and restore the stream to a more natural condition as a potential off-site development-related improvement (Figure 8). These actions will improve the water resources in the Little Falls Stream Valley Park, Rock Creek Park watershed, and contribute positive benefits to the National Capital Region.

Visual Resources

The proposed General Development Plan modification/easement will allow the construction of an access road and bridge over Willet Branch. The proposed bridge will have a stone veneer to help make the structure more visually-compatible with its parkland setting and the developer has

⁶ The project submission states that existing pervious materials will be removed and the encroached-upon land (owned by M-NCPPC) will be landscaped as needed, and returned to its natural state.

proposed to improve Willet Branch's present degraded condition to a more natural state. Most significantly however, the easement will enable the construction of a new, more attractive residential development (townhouses and landscaping), which will be more attractive and visually-compatible with the surrounding parkland, than the existing industrial use. The change in land use will result in improved views from both the Little Falls Parkway and the Capital Crescent Trail, especially during the colder months, when the surrounding foliage is not as substantive.

Noise

According to the EA, with the exception of the short-term noise generated by the construction of the proposed development, long-term noise levels will generally decrease with the change in use from industrial to residential. In addition, the proposal indicates that all commercial truck traffic will be directed to utilize Butler Road to access the future development, as required by an agreement between the developer and the community, which will help minimize any direct local noise impacts generated from delivery traffic.

CONFORMANCE

Comprehensive Plan for the National Capital

The Comprehensive Plan for the National Capital (Comprehensive Plan) provides goals and policies that guide the Commission in evaluating and acting on plans and projects in the National Capital. Staff has evaluated the proposed General Development Plan modification for conformance with the Comprehensive Plan, in particular the Transportation and Parks and Open Space Elements. The following lists identify the policies that the project successfully meets:

Transportation Element

1. Encourage ridesharing, biking, walking, and other non-single-occupant vehicle modes of transportation...;
2. Support the development of a continuous system of trails for hikers and bikers in the region, with an emphasis on bicycle commuting.

Parks and Open Space Element

1. Protect and enhance the green landscape and park-like character provided by trees, grass, and other native plant materials in the National Capital Region by removing invasive species and replanting with native species;
2. Improve the quality of water in the Anacostia and Potomac Rivers to allow for both restored natural habitats and increased recreational use;
3. Encourage local jurisdictions to minimize - through planning, regulation, and careful design - the impact of development that is visible from parkways.

Consistency with Local Plans and Policies

The proposed General Development Plan modification to allow an access easement is consistent with the local County plan as stated in the M-NCPPC's official resolution approving the proposed access easement, dated February 16, 2011. The resolution states that "the Development Site is currently zoned 1-1 and is occupied by a distribution center for the Bethesda Cinder Block Manufacturing Company. The approved 1982 Westbard Sector Plan encourages a townhouse development on the Development Site and indicates a possible access road off Little Falls Parkway to serve the encouraged development."

In addition, M-NCPPC staff drafted a memorandum, dated January 7, 2011, to provide NCPC staff with background for the proposed redevelopment project and easement, which provides a good summary of the M-NCPPC staff perspective as follows.

Parks Concerns

Parks staff is generally reluctant to dispose of or permit private use of park property, such as allowing entrance roads to be built across parkland to facilitate private development. Staff was concerned about the precedent-setting implication of granting the requested access easement and the impact of a private entrance driveway on Little Falls Parkway and Little Falls Stream Valley Park.

Potential impact of the private driveway on parkland and public benefits associated with the proposed development were carefully reviewed and analyzed by Parks staff. The Planning Department's Community Based Planning staff and Environmental Planning staff were consulted to verify the Sector Plan recommendations on the property and the environmental benefits associated with the proposed development.

Staff determined that this request is unique in that the property is landlocked, the proposed use and access were recommended by the approved Sector Plan, and redevelopment of the site will enhance the natural environment of the surrounding parkland and communities. To further justify the easement, Parks staff asked the developer to provide a number of public amenity projects as discussed in the section below. EYA has agreed to either implement or provide funding for the projects.

National Environmental Policy Act (NEPA)

Pursuant to the Council on Environmental Quality (CEQ) regulations and NCPC's Environmental and Historic Preservation Policies and Procedures, the developer prepared an EA to analyze the potential environmental impacts that could result from the proposed General Development Plan modification and the Hoyt Property redevelopment. In addition to a No Action Alternative, the EA analyzes three development alternatives described as "Access Alternative A," "Access Alternative B," and "Access Alternative C", with difference access easement locations. The EA identifies Access Alternative A as the preferred alternative. Each of the three development alternatives takes into consideration the redevelopment of the Hoyt Property with similar proposed on-site features such as parking; public access easement between

Little Falls Parkway and the Capital Crescent Trail; a landscaped green easement; and various Low Impact Development (LID) features. The EA also considered, but ultimately dismissed from further analysis, one other action alternative to provide access to the Hoyt Property by extending Butler Road. This alternative was dismissed because it was deemed infeasible based on existing planning constraints.

The EA analyzed 12 environmental impact topic areas. These topic areas are generally categorized as: geology and soils; water resources; floodplains; biological resources; air quality; visual resources; cultural resources; land use and zoning; socioeconomics; traffic and transportation; solid waste and hazardous materials and waste; and noise, including mitigation of any potential impacts. The EA cites potential short-term, minor, adverse impacts to geology and soils; biological resources; air quality; traffic and transportation; and noise, resulting from construction-related activities. These impacts will be at least partially mitigated through compliance with applicable local regulations and local community/County project coordination. Following construction, the EA indicates that long-term, minor, adverse impacts will occur to biological resources; air quality; visual resources; cultural resources; and traffic and transportation. These impacts will be mitigated through re-planting, development design, compliance with applicable local regulations, coordination with the County/local community, and a funding agreement for several environmental restoration programs. Lastly, the EA indicates that the proposed development will have several long-term beneficial impacts to water resources; floodplains; biological resources; visual resources; land use and zoning; socioeconomics; solid waste and hazardous materials and waste; and noise.

The EA was made available for public review and comment on NCPC's website for a period of 30 days. The comment period concluded with NCPC receiving comments from three separate private individuals. Upon review of the comments received, NCPC staff determined that all of the public comments have been adequately addressed in the project EA, which shows only minor, short- and long-term, adverse impacts related to these impact categories. The EA also includes adequate mitigation for these projected impacts, and some of the concerns such as public safety, traffic, and viewshed impacts will be further mitigated as the site plan is refined through the Montgomery County zoning process. NCPC concluded its NEPA responsibility with a signed Finding of No Significant Impact (FONSI) with the full consideration of all comments submitted during the public review period.

National Historic Preservation Act (NHPA)

Pursuant to Section 106 of the National Historic Preservation Act, NCPC consulted with the Maryland State Historic Preservation Officer (SHPO) regarding the approval of the modification to the development plan to allow an access road easement (Undertaking). No historic properties have been identified on the site as the buildings were constructed in 1968 and are not eligible for the National Register of Historic Places. In addition, the ground disturbance at the site is significant and there is no potential for intact archaeological resources. NCPC determined that the Undertaking would have no adverse effects to historic properties and the SHPO concurred with this determination.

CONSULTATION

The proposed project has been subject to the public review processes of M-NCPPC and the Montgomery County Planning Board as previously described. The County planning process resulted in a final access easement agreement (Appendix A), which was officially approved by the Montgomery County Planning Board on June 16th, 2011. The County easement approval process included a public Planning Board meeting on January 20, 2011, in which the Board agreed with the Montgomery County Parks Department to recommend approval to the M-NCPPC, and subsequent approval by the M-NCPPC at a public meeting on February 16, 2011. In addition, the proposed townhouse development and easement were analyzed in an Environmental Assessment, dated April 14th, 2011. The project submission indicates that the County, EYA, and the community will continue to refine the development plan through the ongoing local planning and zoning process.



NCPC File No. MP046

**MODIFICATION TO THE GENERAL DEVELOPMENT PLAN
TO ALLOW FOR AN EASEMENT
LITTLE FALLS STREAM VALLEY PARK**

Montgomery County, Maryland

Finding of No Significant Impact

JUN 30 2011

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR, Parts 1500-1508), and the National Capital Planning Commission's Environmental and Historic Preservation Policies and Procedures, I have evaluated the proposed modification to the General Development Plan for Little Falls Stream Valley Park for Access Alternative Easement C¹, located in Bethesda, Maryland as shown on NCPC Map File No. 76.11(05.14)43370, and the April, 2011 Environmental Assessment (EA), and I have determined that the modification as proposed, will not have a significant impact on the human environment. All public comments submitted during the public review period were taken into consideration prior to making the FONSI determination.

Proposed Action

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has submitted a modification to the General Development Plan for Little Falls Stream Valley Park in Montgomery County, Maryland. The land was previously acquired by NCPC under the Capper-Cramton Act² and is now under the jurisdiction and title of M-NCPPC. The modification proposes an access road easement to allow for the redevelopment of a property (known as the Hoyt property) from a cinder block distribution plant into a 29-unit luxury townhouse development. The 1.81-acre Hoyt property is located between Little Falls Parkway and the Capital Crescent Trail, approximately 1,000 feet south of River Road, directly adjacent to another light industrial use. The requested easement will allow the developer to construct an access road and two-lane bridge over the M-NCPPC parkland, approximately 95 feet in length

¹The Executive Director's Report notes that any changes to the size or location of the easement following the local planning and zoning process may require further Commission review in accordance with Section 3(D) of NCPC Submission Guidelines; and therefore, the Commission requires the applicant prior to construction to submit any such changes to NCPC staff to determine whether additional review is necessary.

²The Capper-Cramton Act of May 29, 1930, 46 Stat. 482 (as amended August 8, 1946 by 60 Stat. 960), authorizes funding for the acquisition of lands in the District of Columbia, Maryland, and Virginia for the park and parkway system of the national capital. In the past, NCPC was charged with acquiring property for the George Washington Memorial Parkway; stream valley parks in Maryland and Virginia; and the park, parkway, and playground system of the District of Columbia. The Act also requires that the development of the acquired land conforms to plans approved by NCPC.

and 45 feet wide, to intersect with Little Falls Parkway as the major non-commercial access point for the proposed development.

The M-NCPPC prepared an EA, which NCPC has adopted, to analyze the potential environmental impacts that could result from the proposed General Development Plan modification (to allow an access easement) and the Hoyt property development impacts.³ In addition to a No Action Alternative, the EA analyzes three development alternatives described as “Access Alternative A,” “Access Alternative B,” and “Access Alternative C”, with difference access easement locations. The EA identifies Access Alternative A as the preferred alternative. However, following revisions to the project design, and further consultation with Montgomery County, the site plan was revised to reflect Access Alternative C as the development’s access to Little Falls Parkway; the modified site plan is currently being refined in preparation for the planned property rezoning.

Each of the three development alternatives includes the redevelopment of the Hoyt property with the proposed 29-unit townhouse development (with four Moderately-Priced Dwelling Units), with similar proposed on-site features such as parking; public access easement between Little Falls Parkway and the Capital Crescent Trail; a landscaped green easement; and various Low Impact Development (LID) features. The EA considers and dismisses one other “action” alternative to construct the proposed residential development with access provided by extending Butler Road rather than providing direct access to Little Falls Parkway. This alternative is dismissed because extending Butler Road is deemed infeasible based on existing planning constraints.

Standard for evaluation

Under NEPA, the Council on Environmental Quality (CEQ) regulations, and NCPC Environmental and Historic Preservation Policies and Procedures, an environmental assessment is sufficient and an Environmental Impact Statement need not be prepared if the environmental assessment supports a finding that the federal action will not significantly affect the human environment. The regulations of the Council on Environmental Quality define “significantly” as used in NEPA as requiring consideration of both context and intensity of impacts as noted by 40 CFR §1508.27.

Potential Impacts

There will be no significant environmental impacts as a result of the proposed action. The EA does, however, identify several areas where there will be short- and long-term minor to moderate adverse impacts caused by the proposed action, and possible ways to mitigate these impacts. The EA also indicates that there will be several beneficial impacts as a result of the proposed action. As previously mentioned, the EA identifies Access Alternative A as the preferred alternative. However, following revisions to the project design, and further consultation with Montgomery County, the site plan has been revised to reflect Access Alternative C as the development’s roadway access. NCPC is issuing this FONSI based on the impacts identified for Access Alternative C.

³ The Environmental Assessment is incorporated by reference into this Finding of No Significant Impact.

The EA analyzed 12 environmental impact topic areas. These topic areas are generally categorized as: geology and soils; water resources; floodplains; biological resources; air quality; visual resources; cultural resources; land use and zoning; socioeconomics; traffic and transportation; solid waste and hazardous materials and waste; and noise, including mitigation of any potential impacts.

The EA cites potential short-term, minor, adverse impacts to geology and soils; biological resources; air quality; traffic and transportation; and noise, resulting from construction-related activities. These impacts will be at least partially mitigated through compliance with applicable local regulations and local community/County project coordination. Following construction, the EA indicates that long-term, minor, adverse impacts will occur to biological resources; air quality; visual resources; cultural resources; and traffic and transportation. These impacts will be mitigated through re-planting, development design, compliance with applicable local regulations, coordination with the County/local community, and a funding agreement for several environmental restoration programs. Lastly, the EA indicates that the proposed development will have several long-term beneficial impacts to water resources; floodplains; biological resources; visual resources; land use and zoning; socioeconomics; solid waste and hazardous materials and waste; and noise.

Public Involvement

Prior to submission to NCPC, the developer (EYA) and the local community, including a group known as the Friendship Heights - Westbard Coordinating Committee (FH-WCC)⁴, met on multiple occasions to discuss the proposed residential development. Over the course of the past twelve months, community consultation and the County planning process have resulted in a final access easement agreement, which was officially approved by the Montgomery County Planning Board at a public meeting on June 16th, 2011. The County easement approval process included a public Planning Board⁵ meeting on January 20, 2011, in which the Board agreed with the Montgomery County Parks Department to recommend approval to the M-NCPPC, and subsequent approval by the M-NCPPC⁶ at a public meeting on February 16, 2011. As such, the project submission indicates that the Montgomery County easement approval process has now been formally completed, contingent upon approval of modification (reflecting the easement) to the General Development Plan for Little Falls Stream Valley Park by NCPC.

Pursuant to the Council on Environmental Quality (CEQ) regulations and NCPC's Environmental and Historic Preservation Policies and Procedures, the developer conducted an Environmental Assessment of the proposed easement and development, and submitted the draft EA for NCPC review in April, 2011. The EA was made available for public review and comment on NCPC's website from April 20th to May 20th, 2011 (30 days). The comment period concluded with the NCPC receiving three sets of comments from three separate private individuals. In particular, the comments expressed concern about inadequate public involvement related to

⁴ The Friendship Heights – Westbard Coordinating Committee is an umbrella community organization that represents all of the civic association, homeowners associations, and neighborhoods surrounding the site.

⁵ The Montgomery County Planning Board recommended approval of the access easement for the proposed EYA residential development to the M-NCPPC, contingent upon a Board-approved finalized Easement Agreement, to be developed through consultation between EYA, County staff, and the community.

⁶ The M-NCPPC approved the access easement contingent on approval of the finalized Easement Agreement by the Montgomery County Planning Board.

Montgomery County; the development's compatibility with the adjacent parkland and the Capper-Cramton Act; viewshed, vegetation, and water resource impacts to Little Falls Stream Valley Park; and public safety, traffic, and viewshed impacts to Little Falls Parkway. NCPC staff subsequently contacted these members of the community to investigate their concerns.

NCPC believes that all of the public comments have been adequately addressed in the project EA, which shows only minor, short- and long-term, adverse impacts related to these impact categories. The EA also includes adequate mitigation for these projected impacts, and some of the concerns such as public safety, traffic, and viewshed impacts will be further mitigated as the site plan is refined through Montgomery County's re-zoning process. Furthermore, the proposed development may require further Commission review if the developer makes any future changes to the size or location of the easement.⁷ All comments submitted during the public review period were taken into consideration prior to making the FONSI determination.



Marcel C. Acosta
Executive Director

APPENDIX A



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC 10-32

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission ("Commission") is authorized by Article 28, Section 5-111 of the Annotated Code of Maryland to sell, convey, transfer, lease, or exchange any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, EYA, a developer who specializes in urban-infill townhome development, desires to develop a townhouse subdivision in Westbard located near Little Falls Stream Valley Park Unit 1 on a 1.81-acre development site, known as Hoyt Property (the "Development Site") located between Little Falls Parkway and the Capital Crescent Trail, approximately 1,000 feet south of River Road in Montgomery County, Maryland; and

WHEREAS, EYA submitted a request to the Montgomery County Department of Parks (the "Parks Department") for the Commission to grant an easement that is approximately 95 feet in length over existing parkland directly off Little Falls Parkway (the "Easement") to provide access to the Development Site as a result of the Development Site lacking any direct vehicular access to a public street; and

WHEREAS, the Development Site is currently zoned I-1 and is occupied by a distribution center for the Bethesda Cinder Block Manufacturing Company. The approved 1982 Westbard Sector Plan encourages a townhouse development on the Development Site and indicates a possible access road off Little Falls Parkway to serve the encouraged development; and

WHEREAS, in addition to realizing the Sector Plan's vision, the replacement of the existing industrial use with a residential development will bring positive changes to the natural environment of adjacent parkland and communities; and

WHEREAS, the Montgomery County Planning Board received and considered a recommendation from staff of the Parks Department at its closed session meeting held on Thursday, December 16, 2010, to grant the requested easement subject to certain conditions including EYA implementing, or making financial contributions to, certain public amenity projects as requested by the Parks Department to enhance the surrounding community and parkland and to offset any impact of the access road; and

WHEREAS, at a public meeting held on Thursday, January 20, 2011, the Montgomery County Planning Board agreed with the staff recommendation and recommended to the Maryland-National Capital Park and Planning Commission the granting of the requested access easement to EYA subject to the terms and conditions set forth herein since the subject parkland required for the Easement is no longer needed for park purposes or other authorized purposes.

NOW THEREFORE BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission hereby approves the granting of the Easement to EYA subject to the following terms and conditions since the subject parkland that is required for the Easement is no longer needed for park purposes or other authorized purposes:

1. In exchange for the Easement, EYA shall implement, or make financial contributions to, certain public amenity projects as requested by Parks staff to enhance the surrounding community and parkland. The public amenity projects may include, but not be limited to:
 - a. A stream restoration project to naturalize the existing concrete channel along the eastern frontage of the property; and
 - b. A non-native invasive species management program for designated areas within Little Falls Stream Valley Park and the Capital Crescent Trail as part of natural habitat restoration efforts for the parks; and
 - c. A trail renovation/maintenance project to refurbish the four-foot-wide shoulder of the Capital Crescent Trail; and
 - d. Installation of radar speed display signs along Little Falls Parkway as a traffic calming measure.

Some of the above-referenced public amenity projects may be modified or replaced with other suitable projects depending on the timing of development approvals of the proposed residential development and the schedule of individual amenity projects.

2. EYA shall contribute \$500,000 as consideration for the Easement which sums are to be used to implement the amenity projects referenced above according to the following schedule:
 - a. Twenty percent or \$100,000 prior to execution of the contract for the Easement;
 - b. Eighty percent or \$400,000, prior to either the issuance of a Park Construction Permit for the proposed residential development or the recording of the Easement, whichever is first to occur.
3. EYA shall enter into a contract with the Commission (the "Easement Contract") to establish terms of the easement and an implementation plan of the required public amenity projects prior to filing a Preliminary Plan of Subdivision application for the proposed residential development. The Easement Contract shall be subject to further review and approval by the Montgomery County Planning Board prior to becoming effective. The Easement shall not be effective prior to such review and approval by the Montgomery County Planning Board.
4. Approval of the Easement by the National Capital Planning Commission prior to execution of the contract for the Easement;

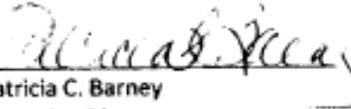
BE IT FURTHER RESOLVED, that in connection with the transactions contemplated herein, the Executive Director is authorized to execute and deliver, on behalf of the Commission, any and all such certificates, documents, and/or instruments, and to do or cause to be done, any and all such acts, as the Executive Director deems necessary or appropriate to make effective or to implement the intended

purposes of the foregoing resolutions, without limitation, and the taking of such actions shall be deemed conclusively to be authorized hereby.

* * * * *

Certification

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with Commissioners Parker, Carrier, Cavit, and Vaughns voting in favor of the motion, Commissioners Clark, Squire, Presley, and Alfandre being absent at its regular meeting held on February 16, 2011, in Silver Spring, Maryland.



Patricia C. Barney
Executive Director