

**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 C<sup>1</sup>, 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 Act<sup>2</sup> 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

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<sup>1</sup>The 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.

<sup>2</sup> 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. 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.<sup>3</sup> 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.

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<sup>3</sup> 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)<sup>4</sup>, 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 16<sup>th</sup>, 2011. The County easement approval process included a public Planning Board<sup>5</sup> 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<sup>6</sup> 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 20<sup>th</sup> to May 20<sup>th</sup>, 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

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<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.<sup>7</sup> All comments submitted during the public review period were taken into consideration prior to making the FONSI determination.



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Marcel C. Acosta  
Executive Director

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<sup>7</sup>The 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 such changes to NCPC staff to determine whether additional review is necessary.