



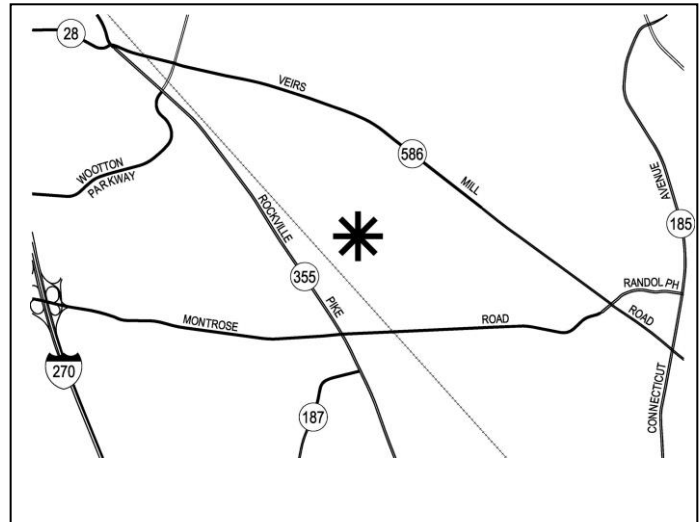
Parklawn North: Limited Preliminary Plan Amendment 12011030A and Limited Site Plan Amendment 82011009C

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Completed: 7/8/13

Description

- Modification of the conditions of approval of the Preliminary and Site Plans regarding the timing of the off-site trail construction due to significant delays in establishing the trail alignment;
- Modification to the parking and public use space;
- Located at 5601 Fishers Lane, on the north side of Fishers Lane approximately 1,000 feet east of the intersection with Twinbrook Parkway;
- On approximately 12.96 gross acres of land in the TMX-2 zone, within the Twinbrook Sector Plan area;
- Applicant: Parklawn North Lot, LLC
- Submittal: June 14, 2013



Summary

- Staff recommends approval of the proposed limited Preliminary Plan amendment and limited Site Plan amendment with conditions.
- This amendment was filed to modify the conditions of approval of the Preliminary Plan and Site Plan regarding the timing of the required off-site trail construction due to significant delays in establishing the trail alignment and to make slight modifications to parking and public use space.
- Staff has not received any correspondence from noticed parties as of the date of this report.

SITE CONTEXT AND DESCRIPTION

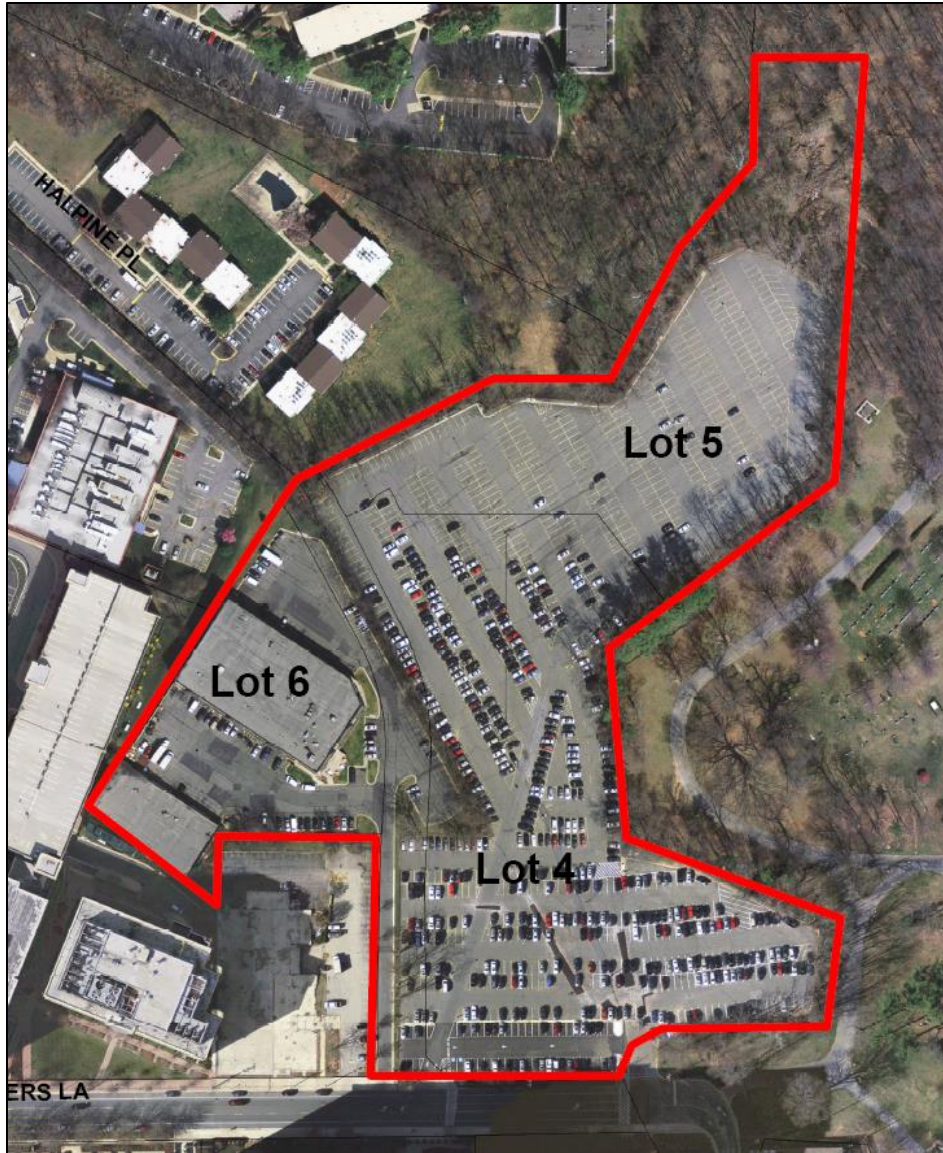
The approximately 12.96-gross acre Subject Property ("Property") is located at 5601 Fishers Lane, which is located on the north side of Fishers Lane, approximately 1,000 feet east of the intersection with Twinbrook Parkway. The Property is surrounded by TMX-2-zoned commercial uses to the west and south, an R-200-zoned cemetery to the east, and R-30-zoned multi-family housing to the north. Numerous commercial and residential uses are within close proximity.

The entire Sector Plan area is within the Twinbrook Metro Station Policy Area. Rock Creek Park is less than ¼ mile to the northeast and the Twinbrook Metro Station is approximately ½ mile to the west.



Vicinity Map

The property is identified as lots 4, 5, 6 and Outlot A, Block I of Washington Rockville Industrial Park. Lot 4 is currently being improved with a government office building and lot 5 is currently being improved with a garage and surface parking. The garage is near completion and is expected to be in operation in the near future.



Site Aerial View

PROJECT DESCRIPTION

Previous Approvals

Preliminary Plan

Preliminary Plan 120110300 was approved on August 9, 2011 for 60,132 square feet of commercial office uses and 520,000 square feet of general office uses on 3 lots and 1 outlot. As part of the project's requirement to satisfy its Policy Area Mobility Review mitigation requirements, the approval has a condition that a hiker-biker trail be constructed before any use-and-occupancy permits are issued for the site.

Site Plan

Site Plan 820110090 was approved on August 9, 2011 for 520,000 square feet of office development.

The Site Plan was amended, 82011009A, on December 13, 2012 to extend the limit of disturbance area in the forest conservation plan and to make minor adjustments on the site throughout the plan. The Site Plan also has a condition regarding timing of the hiker-biker trail.

Plans under Review

Site Plan

Site Plan 82011009B is a proposed administrative Site Plan amendment currently under Staff review. The amendment proposes adding security features to the site. These features will not impact the character of development nor alter the approved height, floor area ratio (FAR), setbacks, or public use space requirements.

Proposal

The Applicant is requesting to modify condition No. 4.b of the Preliminary Plan and condition No. 10 and H of the Site Plan. These conditions are related to the timing of the hiker-biker trail's construction. The Applicant also wants to make minor modifications to the surface parking on lot 5. The amount of public use space will be slightly reduced in order to make the changes to the parking.

Hiker-Biker Trail Conditions

The Applicant has experienced major delays in receiving the necessary permits and approvals from various public agencies and private parties. These delays have been mostly due to unforeseen challenges in finding a preferred alignment that is agreeable to the public agencies and private parties involved in the approval of the trail location. The Applicant is requesting that the Preliminary and Site Plan be modified to allow more time to construct the trail without preventing the office building from going into operation as scheduled.

Both the Preliminary and Site Plans require that the hiker-biker trail be constructed before the use and occupancy permit is issued for the office building. On the Site Plan, this requirement is enforced through condition No. 10 of the Site Plan resolution and through the development program on the Certified Site Plan itself. On the Preliminary Plan it is enforced through condition 4.b. The Applicant is proposing to modify these conditions to require that the application for the trail be filed and bonded by the time the use-and-occupancy permit for the office building is released rather than actually constructed. The conditions also state that the trail will need to be constructed within three years of the use-and-occupancy permit's release.

Strike Preliminary Plan Resolution Condition 4.b:

Construct at least 5,500 linear feet of an 8-foot-wide (or equivalent of 4,374 linear feet of a 10-foot wide) hiker-biker trail/sector planned, B-2, shared use path with the final alignment approved by the Department of Parks prior to Certified Site Plan. This shared use path must be under construction (i.e. under permit and bond) prior to issuance of any use-and-occupancy permits.

Modify Preliminary Plan Resolution Condition 4.b:

Construct approximately 5,500 linear feet of an 8-foot-wide (or equivalent of 4,374 linear feet of a 10-foot wide) B-2, shared use path. The length of B-2 may be reduced by the equivalent cost of the bridge over the stream and segments of the boardwalk. A combination is also permissible, subject to staff review, to mitigate the required 55 PAMR trips. The final alignment must be approved by the Department of Parks prior to certified site plan. Construction of the trail must be completed within 3 years of the issuance of the use-and-occupancy permit for the office building.

Strike Current Site Plan Resolution Condition 10:

Final agreements and Staff approval for construction of the hiker/biker trail must be obtained prior to approval of the Certified Site Plan. A final forest conservation plan must be approved prior to clearing and grading and the trail must be constructed prior to issuance of any use-and-occupancy permit for the proposed office building.

Replace Site Plan Resolution Condition 10:

10. Conditions on the Hiker/Biker Trail Construction Schedule

- a. Prior to issuance of the use-and-occupancy permit for the office building (the garage use-and-occupancy permit may be issued independent of the trail permit process):
 - i. The Applicant must submit the Joint Federal/State wetlands, floodplains, and waterways permit application to the Maryland Department of the Environment.
 - ii. The Applicant must submit the park construction permit application to the Department of Parks.
 - iii. The Applicant must post a performance bond for construction of the trail.
- b. A final forest conservation plan must be approved prior to clearing and grading.
- c. Construction of the trail must be completed within 3 years of the issuance of the use and occupancy permit for the office building.

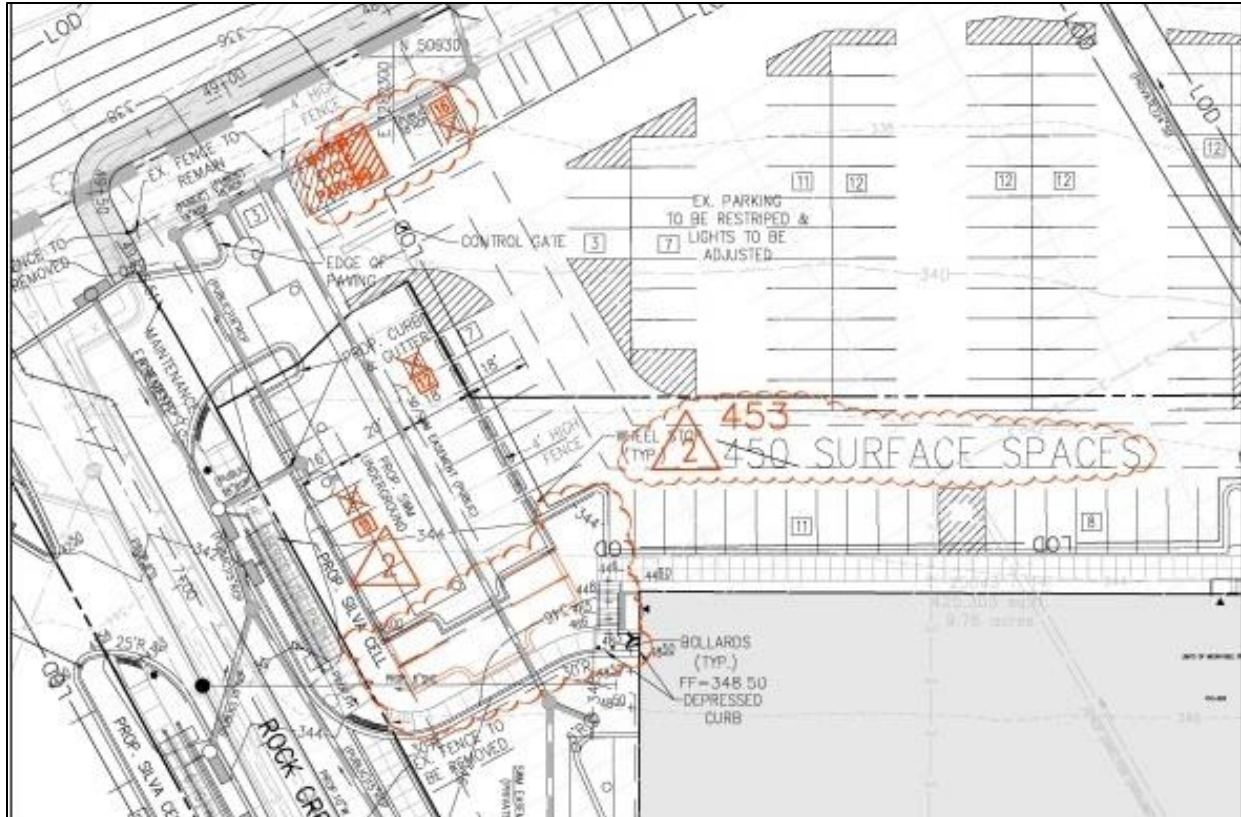
Add Site Plan Resolution Condition 11G:

The Applicant must update the development program to reflect the hiker/biker trail construction requirements as enumerated in condition 10.

Parking Alterations and Public Use Space Reduction

The Applicant is proposing slight alterations to the parking configuration and a slight increase in parking spaces. These modifications will accommodate the reduction in parking caused by a security barrier being proposed in 8201109B. If approved, Site Plan 82011009B would reduce the current surface parking on lot 5 from 452 spaces to 450 spaces and bring the total parking down from the originally approved 1,207 spaces to 1,205 spaces. Site Plan 82011009C, however, would replace those two spaces and add one more for a total of 453 spaces and bring the total parking spaces up to 1,208.

These modifications to the parking will reduce the on-site public use space from 50,155 square feet or 22% of the area to 49,036 square feet or 21.5% of the area. This still exceeds the 20% minimum public use space requirement in the TMX-2 zone.



Site Plan Amendment C Detail

Additional Proposed Modifications

Typographical Error in the Preliminary Plan Resolution

The original staff report for 120110300 contained a typo in the narrative on building height. This was corrected in the staff report addendum dated July 14, 2011, but the correction didn't carry over to resolution. On page 5 of the Preliminary Plan resolution the building height in the narrative is listed as 110 feet, not the 125 feet listed correctly elsewhere on approved plans/data tables and in the Site Plan resolution. This correction has been incorporated into the resolution for this amendment.

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements and as of the date of this report Staff has not received correspondence from any community members.

ANALYSIS

Development Standards

Site Plan 82011002C is under the optional method of the TMX-2 Zone. The only development standards changed by this amendment are a slight decrease in the amount of public use space provided and a slight increase in the amount of provided parking spaces.

Applicable Development Standards – TMX-2 Zone

| Development Standards | Required | Pending Site Plan 82011002B | Proposed Site Plan 82011002C |
|---|----------|--------------------------------|---------------------------------|
| Minimum Public Use Space (percent of net lot area) (59-C-14.243) | 20% | 22% | 21.5% |
| Minimum Off-Street Parking Spaces Required (59-C-14.214) | 1,204* | 1,205 | 1,208 |

*Uses the 2.1 spaces/1,000 sq.ft. rate permitted in the TMX-2 zone for non-governmental tenants. The waiver for this rate was granted by Site Plan 820110090. The government tenant prefers this rate but the zone allows for a 1.5 space/1,000 sq. ft. rate for government tenants.

Master Plan

The proposed modifications to the Preliminary Plan and Site Plan do not affect the previous findings of conformance with the Twinbrook Sector Plan recommendations for the site.

Transportation and Circulation

Policy Area Mobility Review

Preliminary Plan No. 120110300 and Site Plan No. 820110090 satisfied the “Policy Area Review” test under the *2009-2011 Growth Policy* and its Policy Area Mobility Review (PAMR). As a condition of its July 2011 Planning Board approval, 215 new peak-hour trips had to be mitigated by implementing an on-site traffic mitigation program and constructing 5,500 linear feet of an 8-foot wide off-site trail/bike path and 200 linear feet of off-site sidewalk.

The off-site trail/bike path would mitigate 55 (of the 215) PAMR trips that equates to a minimum of \$621,500 (55 PAMR trips times \$11,500 per PAMR trip). According to the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, every 100 linear feet of 8-foot wide bike path equates to one PAMR trip.

The off-site trail/bike path is recommended in the *Twinbrook Sector Plan* as the shared use path, B-2, connecting Wilkins Avenue Extended (Business District Street, B-16) through Rock Creek Park to Veirs Mill Road (MD 586). The Applicant originally proffered a wider 10-foot wide shared use path. For a two-foot wider bike path, every 80 linear feet of 10-foot wide bike path equals to one PAMR trip.

Since 2011, the alignment of the trail/bike path was changed due to environmental constraints reducing the linear distance from 5,500 linear feet to approximately 4,750 linear feet and the width of the shared use path from 10 to 8 feet. Besides the cost of constructing the at-grade shared use path itself, there were other unexpected costs for a bridge over a stream and segments of boardwalk to maintain an ADA-compliant path grade. Their construction costs are significantly more per linear feet than originally anticipated for the at-grade shared use path with the costs as follows:

1. Approximately 60 linear feet of bridge length would cost approximately \$60,000
2. Approximately 40 linear feet of boardwalk length would cost up to approximately \$28,000

The subtotal cost of \$88,000 is equivalent to 8 PAMR trips that would reduce the 55-PAMR-trip mitigation for the off-site trail/shared use path to 47 remaining PAMR trips.

The approximately 4,750 linear feet of at-grade shared use path is then reduced by approximately 100 linear feet of bridge and boardwalk and equal to approximately 4,650 linear feet of at-grade path. The approximately 4,650 linear feet of at-grade path (at one PAMR trip per 100 linear feet) rounds up to the 47 remaining PAMR trips. Thus the PAMR test is still satisfied for the current trail/shared use path design.

Environment

At the time of approval of Preliminary Plan 120110300 and Site Plan 820110090, it was determined that a separate Forest Conservation Plan would be required for the trail since it was offsite, and the exact location of the trail was yet to be determined. Therefore, the proposed modifications do not affect any of the previous findings.

FINDINGS

Preliminary Plan

As discussed above, all previous findings for Preliminary Plan 120110300 as approved by the Planning Board remain valid. The approved validity period also remains unchanged.

1. The Preliminary Plan substantially conforms to the master plan.
Staff finds that the revision does not materially change the existing approval for uses and square footage. The Property is currently limited to a total of for 60,132 square feet of commercial office uses and 520,000 square feet of general office uses on 3 lots and 1 outlot in the TMX-2 Zone. This amendment makes no changes to these limitations.
2. Public facilities will be adequate to support and service the area of the proposed subdivision.
The development of this site continues to be bound to the density and uses approved with the original approval. The finding of Adequate Public Facilities, including fire and rescue access, roads, water and sewer remains valid for the square footages approved.

3. The size, shape, width and orientation of the proposed lots are appropriate for the location of the subdivision and for the uses contemplated.
The lots are of the appropriate dimensions with respect to size, shape, width and orientation to accommodate the uses expected to occur on this property. The proposal remains in conformance with all applicable sections of the Subdivision Regulations.
4. The Application satisfies all the applicable requirements of the Montgomery County Forest Conservation Law, Chapter 22A of the Montgomery County Code.
The original approval by the Planning Board included provisions to satisfy the requirement of Chapter 22A as shown on the approved preliminary forest conservation plan. The Property continues to be bound by the conditions of the approved forest conservation plan. Category I easements, in accordance with that plan, will be shown on the record plats.
5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.
This finding is based on the fact that the Montgomery County Department of Permitting Services approved a stormwater management concept for the entire site at the time of the original Preliminary Plan approval. This amendment does not change the elements of that concept.

Based on the findings discussed above, Staff recommends approval of this limited Preliminary Plan amendment.

Site Plan

The proposed modifications to the Site Plan do not alter the overall design character of the approved Site Plan. Staff recognizes that the construction of the trail will take longer than originally expected and agrees with the Applicant that more time should be allotted for its completion. Staff supports the revised versions of the Site Plan conditions.

The minor changes to parking and the reductions in public space are still within the requirements of the TMX-2 zone. The modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, open space, landscaping, or lighting.

Based on these findings, Staff recommends approval of this limited Site Plan amendment.

Attachments

- Attachment A: Parklawn North 820110090 Resolution
- Attachment B: Parklawn North 82011009A Resolution
- Attachment C: Parklawn North 120110300 Resolution
- Attachment D: Illustration of Parklawn North Trail Realignment- under consideration

AUG 9 2011



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-70
Site Plan No. 820110090
Project Name: Parklawn North
Date of Hearing: July 21, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on April 14, 2011, Parklawn North Lot, LLC ("Applicant") filed an application for approval of a Site Plan for 520,000 square feet of additional office development, including up to 1,000 square feet of ancillary retail use ("Site Plan" or "Plan") on 12.96 acres of TMX-2-zoned land, located on Fishers Lane approximately 1,000 feet east of Twinbrook Parkway ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820110090, Parklawn North (the "Application"); and

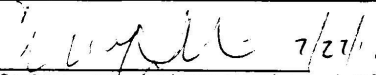
WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 8, 2011, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 21, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 21, 2011, the Planning Board approved the Application subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 4-0, Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board

Approved as to
Legal Sufficiency:  7/27/11
8787 Georgia Avenue, N-NSRPP Legal Department 10 Chairman's Office: 301.495.4600 Fax: 301.495.1320
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

AUG 9 2011



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Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4600 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

APPROVES Site Plan No. 820110090 for 520,000 square feet of additional office development, including up to 1,000 square feet of ancillary retail use on 12.96 acres of TMX-2-zoned land, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan 120110300, unless amended and approved by the Planning Board.

2. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification, or county-approved equivalent, for the proposed building. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any building permit, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of any building permit the Applicant must provide to staff a written report from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost.

3. Site and Landscape Plans

- a. Ensure the streetscape details continue the established streetscape in site plan 82001025B and C for Wilkins Avenue Extended (B-16) and Fishers Lane with the following elements:
 - i. Washington Globe pedestrian lights;
 - ii. Canopy trees in tree pits (30' O.C); and
 - iii. 2-3/8" Balcon Uni-Décor Unit Pavers, Tudor Blend and 4"X8"x2-3/8" Balcon, Holland Stone Pavers, stacked bond header at the intersection of Fisher's Lane and B-16, an eight-foot wide concrete shared-use path on the east side of B-16, and a six-foot wide concrete sidewalk on the west side of B-16.
- b. Provide an alternative plant list for substitutions of plant material due to availability.
- c. Provide improved pedestrian crossing of the driveway and loading areas along the east side of Wilkins Avenue per Staff approval.
- d. An alternative design for the retail kiosk must be provided to serve as a gazebo or shelter if a retail tenant cannot be found.

4. Transportation

The Applicant must provide five inverted-U bike racks within 50 feet of the main entrance and 25 secured bike storage units (such as secured storage areas or lockers) in the parking garage in a well-lit area near the garage's exit or entrance. The final location and type of bicycle parking must be approved by Staff prior to certified site plan.

5. Environment

- a. Applicant to submit and obtain staff approval of a revised final forest conservation plan prior to submission of certified site plan to correct the following deficiencies:
 - i. Correct numbers on Final FCP detail sheets to agree with the numbers on the composite Final FCP.
 - ii. Applicant must sign the Final FCP prior to final approval
- b. Applicant to submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.
- c. Applicant to include in the landscape plan 3 native canopy trees of at least 3" dbh in mitigation for the removal of variance tree V-1.
- d. When a development application is submitted for Lot 5:
 - i. All impervious surfaces are to be removed from the stream buffer on Lot 5 and the area restored with forest;
 - ii. The applicant must develop and implement off-site stream restoration as recommended in the Twinbrook Master Plan; and
 - iii. Provide shade trees for any remaining surface parking spaces or drives, as well as permeable pavers, planting strips or bioretention areas to achieve the Sector Plans environmental recommendations.
- e. Applicant must submit and obtain approval of a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) and Forest Conservation Plan for the hiker/biker trail required for this development.

6. Lighting

- a. All new private on-site down-lighting fixtures must be changed, where necessary, to full or partial cut-off fixtures;
- b. Deflectors must be installed on any new up-lighting fixtures causing potential glare or excess illumination onto the Parklawn cemetery site;
- c. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development;
- d. Illumination levels from on-site lighting shall not exceed 0.5 footcandles (fc) at any property line abutting County road rights-of-way or residentially-zoned land;

- e. The height of the light poles, including the mounting base, shall not exceed the height shown in the Certified Site Plan.

7. Clearing and Grading

The Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan

8. Maintenance

The Applicant is responsible for maintenance of on-site landscaping, hardscapes, and amenities.

9. Performance Bond and Agreement

The Applicant is subject to the following provisions for surety as described in Section 59-D-3.5 of the Montgomery County Zoning Ordinance and Site Plan approval:

- a. The Applicant must provide a cost estimate from the landscape architect or landscape contractor indicating the installed costs of site plan elements such as but not limited to landscaping, lighting, recreation facilities, special paving, art work and site furnishings. The cost estimate should include a 10% inflation factor for the site plan elements to account for changes in price and materials and modifications to the approved plans.
- b. The Applicant must submit a Performance Bond or other satisfactory form of surety as approved by M-NCPPC to cover the installed costs of site plan elements such as but not limited to landscaping, lighting, recreation facilities, special paving, art work and site furnishings as shown and described in the cost estimate.
- c. The Applicant must execute an agreement for site plan elements in conjunction with the performance bond indicating the Applicant's agreement to install, construct and maintain the site plan elements.
- d. The Bond and agreement must be submitted and accepted prior to the release of the first building permit.

10. Parks

Final agreements and Staff approval for construction of the hiker/biker trail must be obtained prior to approval of the certified site plan. A final forest conservation plan must be approved prior to clearing and grading and the trail must be constructed prior to issuance of any use-and-occupancy permit for the proposed office building.

11. Development Program

The Applicant must construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Sidewalks, paths, and required related improvements within the rights-of-way must be completed prior to issuance of any use-and-occupancy permit;
- b. Site lighting and outdoor hardscaping associated with each structure must be completed before issuance of any use and occupancy permits;
- c. All on-site landscaping associated with each structure must be completed within six months of the issuance of any use and occupancy permits;
- d. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities associated with each building or parking area must be installed prior to release of any building occupancy permit;
- e. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices;
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features;

12. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Minor corrections and clarifications to site details and labeling;
- b. Ensure minimum parking lot landscaped area on Lot 4 is at least 5%;
- c. Changes addressing conditions above;
- d. Development Program, Inspection Schedule, Approved Forest Conservation Plan, and Site Plan Resolution.

BE IT FURTHER RESOLVED, that all site development elements as shown on Parklawn North drawings stamped by the M-NCPPC on June 8, 2011, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that

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.

This project has neither a development or diagrammatic plan nor a schematic development plan. This plan also does not have a separate project plan, although, as discussed in the resolution approving the preliminary plan, it does satisfy the standards for project plan approval.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

As required under Section 59-C-14.213, the Site Plan is consistent with the recommendations of the Twinbrook Sector Plan. Specifically, the density proposed on the properties is below 1.5 FAR when calculated over the gross tract area of lots 4 and 5; public use space has been provided at the end of Fishers Lane; pedestrian connections have been created; the street grid has been enhanced as much as possible given the limits of the property boundaries; and building heights have been stepped properly. Further recommendations of the Sector Plan concerning additional green space and stream restoration will be addressed by future redevelopment.

The Site Plan meets all of the dimensional requirements of the TMX-2 zone as demonstrated in the project Data Table below. The building height, density, and setbacks conform to the limits of the zone; the requirements for public use space exceed the minimum standards.

The partial parking waiver from 2.4 spaces per 1,000 square feet to a minimum of 2.1 spaces per 1,000 square feet is appropriate for this development. This parking reduction is the underlying reason for the 18% trip reduction proposed under the Local Area Transportation Review and is further supported by the proximity to transit, existing and proposed bicycle trails, and numerous services and amenities nearby for visitors and employees.

| Development Standard | Permitted/ Required | Proposed for Approval |
|---|---|---------------------------|
| Min. lot area (sf.) | 18,000 | 96,051 |
| Max. building height ¹ (feet) | N/A (143 per the Sector Plan) | 125 |
| Min. public use space (% of net lot area) | 20 | 22 on Lot 4 ² |
| Max. density of development (FAR) | 2.0 | 2.0 ³ |
| Min. building setbacks (ft.) | | |
| Adjacent to a single-family residential zone | 25 | 25 |
| From a public right-of-way | 0 | 5 |
| Min. parking lot setbacks (ft.) | | |
| Adjacent to R-200 | 12 | 12 |
| Min. parking (spaces) | 1360 | 1204 with partial waiver) |
| Min. parking lot internal landscaping (% of parking lot area) | 5 | 5 |
| BLTs | 12.5% of any density above 0.5 FAR = 4.96 | 4.96 |

¹ As measured from the building height measurement point established on the certified site plan.

² Public Use Space equal to a minimum of 20% of the net lot area on Lots 5 & 6 must be provided when redevelopment of these lots occurs.

³ The Sector Plan recommendation of a maximum 1.5 FAR for lots 4 & 5 together is also met; the proposed development for the combined lots is 1.14 FAR.

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

a. Locations of buildings and structures

The proposed buildings are located such that they will create an adequate, efficient, and safe area for this sector of Twinbrook. Further, the buildings are set on the property such that heights are stepped up towards the southern edge of the property confronting existing office buildings and away from the multi-family buildings to the north. Further redevelopment with a greater mix of uses and open spaces will only enhance these attributes.

b. Open Spaces

Open space in this site plan is limited to Lot 4 until Lots 5 & 6 redevelop. The proposed park area, however, provides an excellent opportunity to begin re-envisioning and revitalizing this area. This area will provide efficient seating and aesthetically pleasing open space to serve employees, trail users, and other passers-by. These areas are safely lit and visible. The foreseen additional development at this site will create greater opportunities and expectations for higher-quality open space.

c. Landscaping and Lighting

The proposed landscaping on the site consists primarily of several landscaped areas and planters around the buildings as well as street trees along Fishers Lane and Wilkins Avenue. The landscaping is adequate, safe, and efficient.

The lighting plan consists of contemporary-style pole and bollard fixtures throughout the open space and along pedestrian ways; additional lights will be provided along the streets. The lighting plan conforms to IESNA standards for site lighting and will provide adequate, safe, and efficient site illumination.

d. Recreation Facilities

This site plan does not have a residential component and is not required to provide recreation facilities.

e. Pedestrian and Vehicular Circulation Systems

The plan will significantly improve pedestrian and bicyclist circulation by providing sidewalks, paths, trails, and bike racks and lockers. All sidewalks will connect to existing sidewalk on adjacent properties providing access to parks, the Metro, bus stops, and area services and amenities. These facilities provide safe, adequate, and efficient pedestrian access.

Vehicular access will be provided solely from the proposed Wilkins Avenue, which will dead-end at the property boundary until the property to the north redevelops; turning movements will be accommodated by the driveways. With minor upgrades for pedestrian use, the access to parking, loading, and inspection areas provides a safe, efficient, and adequate vehicular circulation system.

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

The proposed buildings begin to create the Technology Employment Area envisioned by the Sector Plan. The use and structures are compatible with the similar surrounding buildings and are located at a distance from the multi-family residential buildings to the north.

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.*

The Preliminary and Final Forest Conservation Plans propose 0.11 acres of forest clearing and 1.03 acres of forest retention out of 1.14 total acres of forest contained on-site and in off-site disturbance areas. The plan requires a combined afforestation and reforestation of 1.45 acres. This requirement is to be satisfied with a combination of on-site reforestation (0.03 acres), off-site reforestation (0.76 acres), credit for landscape tree cover (0.16 acres), and payment of a fee-in-lieu (0.50 acres).

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

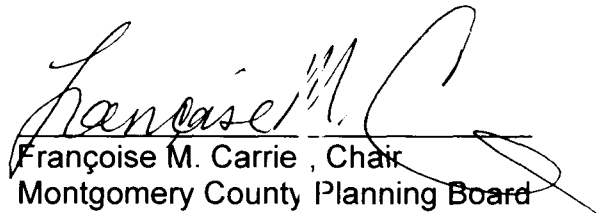
BE IT FURTHER RESOLVED, that the date of this Resolution is AUG 19 2011 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.


Françoise M. Carrie, Chair
Montgomery County Planning Board

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Rockville, MD 20850

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MCDPS-Zoning
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Plan Review
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Mr. Greg Nichols, Manager
MCDPS-Land Development
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Rockville, MD 20850

Mr. Michael Reahl, Manager
MCDPS-Sediment/Stormwater
Inspection and Enforcement
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Rockville, MD 20850

Mr. Ehsan Motazed
MCDPS-Site Plan Enforcement Mgr.
255 Rockville Pike, 2nd Fl
Rockville, Md 20850

Mr. Jay Beatty, Manager
MCDPS-Well and Septic
255 Rockville Pike, 2nd Fl
Rockville, MD 20850

Mr. Leroy Anderson, Manager
MCDPS-Right of Way Development
Inspection and Enforcement
255 Rockville Pike, MD 20850

Parklawn North
Item #4
Date 07-21-11
Speaker Sign-up Sheet

| No. | Name & Phone Number | Email | Organization & Address | Time |
|-----|------------------------|-------|---|----------|
| 1 | Anne Mead Applicant | | JBG/Parklawn North Lot LLC 7200 Wisconsin Avenue Bethesda, MD 20814 | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
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| 9 | | | | |
| 10 | | | | |
| 11 | | | | |
| 12 | | | TOTAL | 0 |



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DEC 19 2012

MCPB No. 12-140
Site Plan No. 82011009A
Parklawn North
Date of Hearing: December 13, 2012

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on August 9, 2011, the Planning Board, by Resolution MCPB No. 11-70 approved Site Plan No. 820110090, for 520,000 square feet of additional office development, including up to 1,000 square feet of ancillary retail use on 12.96 acres of TMX-2-zoned-land, located on Fishers Lane approximately 1,000 feet east of Twinbrook Parkway ("Subject Property"), in the Twinbrook Sector Plan ("Master Plan") area; and

WHEREAS, on November 1, 2012, Parklawn North Lot, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plan i) to amend the Final Forest Conservation Plan to accommodate the off-site hiker-biker trail approved under the previously approved site plan, and ii) to allow the following minor modifications on the Subject Property, all as shown on the Parklawn North drawings stamped "Received" by the M-NCPPC on October 15, 2012:

- Generator Addition: New generator pad to be installed behind building to the east to accommodate 4 emergency generators. Generator pad will have acoustical screen walls along the three sides.
- Stormwater Management ("SWM") Adjustments:
 - Relocate Bio-filter #4 from the generator pad footprint to the west side of the building;
 - Replace a bio-filter with a flow based storm filter to address runoff from the generator pad;
 - Reconfigure the two SWM facilities based on revisions to the bio-filter relocation;
 - Revise the storm drain network impacted by SWM revisions;
 - Add a new storm filter behind the building (on the north side of east wing).

Approved as to
 Legal Sufficiency: *[Signature]* 12/6/12
 8777 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
 M-NCPPC Legal Department
 www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

- Relocation of Transformers:
 - Relocate transformers and switch from Fishers Lane frontage to south side of the east wing of building;
 - Add asphalt access path for Pepco to the transformers from Fishers Lane (in the existing driveway footprint);
 - Adjust the plaza in the vicinity of the transformer access drive.
- Loading Dock Area Adjustments:
 - Re-configure the life safety generator behind the loading dock;
 - Add a grease trap in the loading dock area.
- Garage Area Pedestrian Improvement Adjustments:
 - Reconfigure the employee entrance path from garage to office building;
 - Add a pedestrian bridge from the garage 2nd floor to the office building's 1st Floor;
 - Add a new pedestrian entrance on the northeast corner of the garage (north face);
 - Reconfigure the sidewalk at the north-west corner of the garage.
- Eliminate the private sidewalk behind the garage, due to safety concerns.
- Add two underground chiller tanks behind building (on the North side of East Wing).
- Add 10' P.U.E. on portions of Rock Creek Mill Road and Fishers Lane.
- Add NIH bus shelter along Fisher's Lane.
- Increase parking spaces in garage from 669 to 678 and decrease spaces on Lot 6 from 83 to 77 spaces.
- Update information for Hiker-Biker Trail, including approximate length of trail; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82011009A, Parklawn North ("Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 29, 2012, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 13, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82011009A by adding the following conditions:¹

1. Recordation of a Certificate of Compliance Agreement for forest bank credits at an approved forest bank prior to issuance of any use and occupancy permit for the new office building.
2. Compliance with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan prior to issuance of any use and occupancy permit for the new office building.
3. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector prior to issuance of any use and occupancy permit for the new office building.
4. Modify Final Forest Conservation Plan and Site Landscape Plan to ensure consistency and move any plantings used for forest conservation credit out of stormwater management easements.
5. The Applicant must lower the screen panels around the generator pit to the east of the office building to a maximum of 6.5' from outside grade unless a height variance is granted by the Board of Appeals.

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project, and all other conditions of the previously approved Final Forest Conservation Plan for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that all site development elements as shown on Parklawn North drawings stamped "Received" by the M-NCPPC on October 15, 2012, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan in any manner that*

¹ For the purpose 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.

would affect the Board's original findings, and therefore, all findings not specifically addressed remain in effect.

2. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Amended Final Forest Conservation Plan has established that the new disturbance associated with the trail and off-site utility work results in an additional planting obligation of 0.87 acres. This requirement is to be satisfied with the purchase of off-site forest bank credits.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require CRZ impact to 31 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the following findings necessary to grant the Variance:

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

The proposed design has attempted to balance all of the competing factors that constrain the site. Given the intensity of the development and the requirement for construction of a hiker-biker trail through a forest, impacts to Protected Trees are to be expected. Since reasonable steps have been taken to minimize impact to Protected Trees, granting the Variance will not confer a special privilege to the Applicant.

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

The Board concurs that the Variance is based on the constraints of the site and the proposed development density, public facilities and amenities as recommended in the Sector Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

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

The Board concurs that the Variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

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

In this Variance request, all Protected Trees impacted are to be retained. Therefore, the Protected Trees will continue to intercept, filter and transpire stormwater, and the Board finds that granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for the Variance should be at a rate that approximates the form and function of the Protected Trees removed. In this Variance request, all Protected Trees impacted are to be retained; no mitigation is required for Protected Trees impacted but retained.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

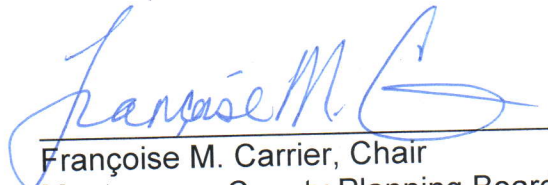
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 19 2012 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, December 13, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
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MR. ATIQ PANJSHIRI
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MS. CHRISTINA CONTRERAS
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MR. ALAN SOUKUP
MCDDEP-WATER RESOURCE
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MR. ESHAN MOTAZEDI
MCDPS-SITE PLAN ENFORCEMENT
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MR. GENE VON GUNTEN
MCDPS-WELL & SEPTIC
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3223 GRACE STREET, NW
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AUG 9 2011

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-69
Preliminary Plan No. 120110300
Project Name: Parklawn North
Date of Hearing: July 21, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on April 14, 2011, Parklawn North Lot LLC ("Applicant") filed an application for approval of a preliminary plan amendment to consolidate two recorded lots and one unrecorded parcel into three recorded lots and one outlot on approximately 12.96 acres of land in the TMX-2 Zone, located on the north side of Fishers Lane approximately 1,000 feet east of the intersection with Twinkbrook Parkway ("Property" or "Subject Property"), in the Twinbrook Sector Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120110300, Parklawn North ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated July 8, 2011, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on July 21, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 21, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 4-0, Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss absent.

Approved as to
Legal Sufficiency: *Carroll* 7/21/11
8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120110300 to create three recorded lots and one outlot on approximately 12.96 acres of land in the TMX-2 Zone, located on the north side of Fishers Lane approximately 1,000 feet east of the intersection with Twinbrook Parkway ("Property" or "Subject Property"), in the Twinbrook Sector Plan ("Sector Plan") area, subject to the following conditions:

1. Approval under this preliminary plan is limited to 3 lots and 1 outlot for 60,132 square feet of commercial office use to remain, and 520,000 square feet of general office space, including up to 1,000 square feet of ancillary retail use.
2. To satisfy the APF test and the 2009 approved and adopted *Twinbrook Sector Plan*, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and Montgomery County Department of Transportation, to be executed prior to issuance of any building permits,
 - a. Implement effective trip reduction measures that would result in limiting the number of site-generated trips by 18% or a maximum of 718 peak-hour trips within the weekday morning peak period and 631 peak-hour trips within the weekday evening peak period; and
 - b. Participate in the North Bethesda Transportation Management Organization.
3. The Applicant must construct Wilkins Avenue Extended (B-16) along the western property line for vehicular access to the proposed parking areas. Construction of Wilkins Avenue Extended must commence prior to issuance of any use and occupancy permits, with the pavement surface to be applied no more than six months afterwards.
4. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by mitigating 215 new peak-hour trips with the following measures:
 - a. Enter into the Traffic Mitigation Agreement described in Condition No. 2a above.
 - b. Construct at least 5,500 linear feet of an 8-foot-wide (or an equivalent of 4,374 linear feet of a 10-foot wide) hiker-biker trail/sector-planned, B-2, shared use path with the final alignment approved by the Department of Parks prior to certified site plan. This shared use path must be under construction (i.e., under permit and bond) prior to issuance of any use and occupancy permits.
 - c. Construct at least 200 linear feet of an off-site 5-foot-wide sidewalk on the opposite/west side of Wilkins Avenue Extended, B-16. The sidewalk would be part of the construction of Wilkins Avenue Extended. As recommended for Wilkins Avenue Extended, the off-site sidewalk must be under construction prior to issuance of any use and occupancy permits. As an alternative, the Applicant may construct an additional 200 linear feet

of the 8-foot wide hiker-biker trail/sector-planned, B-2, listed in condition 4.b.

- d. If the linear feet of the shared use path and/or off-site sidewalk are ultimately less than specified above, the Applicant must mitigate the remaining PAMR trips by paying \$11,300 per PAMR trip based on the required payment in effect when the preliminary plan was filed.
5. The Applicant must work with MCDOT and the Planning Board staff and submit a queuing analysis of vehicles at the two intersections along Twinbrook Parkway with Fishers Lane and Parklawn Drive prior to certified site plan. The analysis shall include the implementation of future master planned roads such as B-16. MCDOT and Planning Board staff will determine if implementation of any necessary operational improvements to address the impact of this Project, limited to signal timing change and lengthening of storage lanes within the curb to curb width, must be initiated prior to issuance of any use and occupancy permit.
6. The Applicant must comply with the conditions of approval of the MCDOT letter dated June 18, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
7. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services ("MCDPS") stormwater management concept approval letter dated June 16, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
8. The Applicant must comply with the conditions of the Montgomery County Fire and Rescue ("MCFR") Services approval letter dated June 14, 2011. These conditions may be amended by MCFR, provided the amendments do not conflict with other conditions of the preliminary plan approval.
9. All retained and planted forest areas to be placed in a Category I Conservation Easement. The Category I Conservation Easements must be shown on the subdivision plat at recordation.
10. No clearing, grading, or recording of plats prior to certified site plan approval.
11. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined by the site plan.
12. The Adequate Public Facilities review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
13. The Applicant must provide a public utility easement up to ten feet if necessary parallel, contiguous, and adjacent to the rights-of-way of Wilkins Avenue and Fishers Lane.
14. All necessary easements must be shown on the Record Plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and

incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the sector plan.*

Twinbrook Sector Plan

The Approved and Adopted Twinbrook Sector Plan identifies the subject property as primarily in Area 5 of the Technology Employment Area; a small segment is in Area 4. The Sector Plan notes that these areas include a mix of office and laboratory uses, including a National Institutes of Health (NIH) facility and other federal agencies.

Property Recommendations

The majority of the Subject Property is within Area 5 of the Technology Employment Area. The Sector Plan recommends the following for this site:

- Route the proposed extension of Wilkins Avenue away from the stream valley buffer.
- Provide stream restoration or off-site mitigation to minimize the impact of redevelopment.
- Create a public use space at the eastern end of Fishers Lane to mirror the public open space proposed at the western end in Twinbrook Station.
- Create pedestrian connections through this site that connect with the proposed shared use path connection to the north (on Viers Mill Road).
- Development and building heights should be compatible with adjacent garden apartments.

Most of the Sector Plan's recommendations are incorporated into the Applicant's plans, including the provision of a public use space at the end of Fishers Lane; pedestrian connections made through the site; and the extension of Wilkins Avenue away from the stream valley buffer. Additional Sector Plan requirements will have to be met when the remainder of the subject property redevelops.

Urban Design for Technology Employment Area

Several design guidelines are established for the subject area, including:

- Step buildings down from a maximum of 143 feet along Fishers Lane and Parklawn Drive to approximately 60 feet along the northern edge of the planning area to establish compatibility with the existing garden apartments.
- Buildings should be of varied height and character.
- Streetscapes should be provided along all streets, particularly along Parklawn Drive and Fishers Lane.
- Orient buildings to the street and parking to the rear or side.

- Provide a major public open space along Parklawn Drive, and at the eastern end of Fishers Lane, to mirror the public open space proposed at the western end in Twinbrook Commons located adjacent to the Twinbrook Metro Station. The public use spaces should include pervious surfaces.
- Create an extension of Washington Avenue across Parklawn Drive to Fishers Lane, lined with street oriented buildings and streetscaping.
- Build the extension of Wilkins Lane with streetscaping and sidewalks.

The submitted plans will implement many of the design principles in the Sector Plan. Buildings are oriented towards Fishers Lane and Wilkins Avenue Extended; a new public open space is at the terminus of Fishers Lane; and a new extension of Wilkins Avenue has sidewalks and new streetscape.

Building Heights

The proposed building height at 110 feet is consistent with the Sector Plan's recommendations for the Technology Employment Area. The Plan recommends the "tallest buildings along Parklawn Drive and Fishers Lane with a maximum building height of 10 to 12 stories or 143 feet."

Density

As proposed, the total development at 1.14 FAR is consistent with the Plan's development limit of 1.5 FAR for the subject area. Individual lots, however, may exceed this average within the limits of the TMX-2 zone.

Street Network

The submitted plans illustrate Wilkins Avenue extended from Fishers Lane to Halpine Hamlet, the adjacent multi-family development, with a 60' right-of-way. This is consistent with the Sector Plan. The Plan recommends that "all segments of the road include bicycle and pedestrian facilities and be built using green design elements, such as bio-swales and other techniques to address stormwater management."

The Sector Plan also states that Wilkins Avenue Extension (B-16) will occur in segments and is dependent on several properties redeveloping, including the subject site. It states that "the middle link, from Fishers Lane through the Plan area's northeast corner, should meet any security needs and minimize environmental impacts. It provides access to redevelopment on that site and continues a through connection." The Application is consistent with this requirement.

Pedestrian Network

The Sector Plan makes several recommendations for the pedestrian network, including:

- A local network of sidewalks lining Twinbrook streets, but also makes regional connections with paths and sidewalks to Metro and to regional park trails.
- Construct streetscaped sidewalks throughout the Plan area. They should be eight to 10 feet wide, set off the curb, and buffered with street trees.
- Redevelopment projects should devise a streetscape plan that includes bicycle facilities, and coordinates all aspects of the street and building relationship to create pedestrian safety, comfort, and convenience.

The proposed development will improve the pedestrian environment in Twinbrook by extending Wilkins Avenue, creating a new trail connection to Upper Rock Creek and Viers Mill Road, and providing additional streetscape improvements on public streets.

Bikeway Network

The Sector Plan recommends a new Class I Shared Use Path (B-2) for Area 5 connecting to Rock Creek Regional Park. This connection is recommended as a public amenity as well as a bikeway connection. The bikeway network on page 17 of the Plan illustrates a shared use path through Lot 5, which is very steep on the north side of the property. The Plan notes an objective to “provide a connection north through the Plan area into parkland, Rock Creek Park, and to Veirs Mill Road” and to “establish a network of bikeways within the Plan area that connect to the regional bike route system, including access via the proposed shared use path from the north end of the Plan area connecting to Rock Creek Park and Veirs Mill Road.” The applicant has agreed to construct this shared use path as an off-site amenity since the topography of the northern portion of Lot 5 is steep, and the connection illustrated in the Sector Plan through Lot 5 would be difficult to achieve.

Environment

The Sector Plan’s environmental goal is “to move beyond the benefits of location through green building and site design.” Specifically, the Plan recommends:

- Increase the amount of pervious surface to improve the quality and reduce the quantity of stormwater run-off, mitigate heat island effects, and contribute to a green and pedestrian-friendly environment.
- A significant portion of paved area should be shaded through trees within five years of occupant or paved with reflective materials.
- Street trees should be spaced and sized to create 30% percent canopy coverage on redeveloped areas, and open space should be planted and substantially pervious.

As submitted, the environmental recommendations of the Sector Plan for this development phase are not yet fully achieved. But that is a function of the phasing of the development. The surface parking lot on Lot 5, which currently contains 465 spaces, should remove all stream-valley impacts and should include additional shade

trees to improve canopy coverage, planting strips, and permeable pavers that reduce stormwater runoff. These considerations must be addressed when Lot 5 is redeveloped.

Therefore, the Board finds the proposed development is in substantial conformance with the Sector Plan.

- 2. Public facilities will be adequate to support and service the area of the proposed subdivision.*

Site Location and Vehicular Site Access Points

The site is located on the north side of Fishers Lane approximately 1,000 feet east of Twinbrook Parkway, with vehicular access points to the proposed parking areas from the future Wilkins Avenue Extended.

Sector-Planned Transportation Demand Management

The subject commercial site is located within the boundary of the North Bethesda Transportation Management District. As recommended on page 32 of the Sector Plan, the Applicant must support the established North Bethesda TMD as specified in the 1992 approved and adopted North Bethesda/Garrett Park Master Plan. Further, the Applicant is required to participate in the North Bethesda Transportation Management Organization to assist the County in achieving and maintaining its non-auto driver mode share goals.

Available Transit Service

The Twinbrook Metrorail Station is a walking distance of approximately 2,200 feet from the subject site. Ride-On route 93 operates on Fishers Lane; Ride-On routes 26, 44, and 45 operate on nearby Twinbrook Parkway. All of these Ride-On routes connect to the Twinbrook Metrorail Station.

Sector-Planned Roadways and Bikeways

In accordance with the 2009 approved and adopted Twinbrook Sector Plan, the classified roadways and bikeways are as follows:

1. Fishers Lane is designated as an arterial, B-1, with a recommended 80-foot right-of-way, a share use path, LSP-1, and a sector-planned "major pedestrian connection" between Twinbrook Parkway and business district street, B-16. The Applicant's plan shows the shared use path along their property frontage on Fishers Lane.
2. The shared use path, B-2, between Wilkins Avenue Extended, B-16, and Veirs Mill Road. The Applicant is proposing to construct part of this shared use path off-site as a PAMR improvement.

3. Wilkins Avenue Extended is a business district street, B-16, with a recommended 60-foot right-of-way, “bike lane or a shared use path”, B-1, and a sector-planned “major pedestrian connection” between Fishers Lane and the shared use path, B-2. The Applicant is proposing to construct a shared use path along Wilkins Avenue Extended, instead of the bike lanes, to provide a Sector-Planned “major pedestrian connection.”

Pedestrian and Bicycle Facilities

Pedestrian facilities would not be adversely impacted by the proposed office building. The Applicant’s plan shows proposed pedestrian and bicycle facilities that include a shared use path along business district street, B-16, as discussed in the Sector-Planned Roadways and Bikeways section above.

The Applicant will provide the required bicycle racks in front of the building main entrance and bicycle storage in the garage on their certified site plan.

Local Area Transportation Review

Table 1 below shows the number of peak-hour trips generated by the proposed land use during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Table 1: Proposed Site-Generated Peak-Hour Trips

| Proposed 520,000 square feet of General Office Use | Site-Generated Peak-Hour Trips | |
|--|--------------------------------|---------|
| | Morning | Evening |
| No. of Trips using LATR & PAMR Guidelines formulas | 876 | 769 |
| Proposed 18% Reduction of Traffic Impact | 158 | 138 |
| Net Site-Generated Peak-Hour Trips | 718 | 631 |

A traffic study was submitted to satisfy the Local Area Transportation Review (LATR) test because the proposed land use generates 30 or more peak-hour trips within the weekday morning and evening peak periods. Table 2 below shows the calculated Critical Lane Volume (CLV) values from the traffic study for the analyzed intersections where the CLV increased is more than 5 CLVs when adding the site-generated trips. Table 2 includes the CLV values for all the traffic conditions:

1. Existing.
2. Background (trips generated from approved but un-built developments).
3. Total (traffic generated by the previously-approved land uses) without the 18% trip reduction.
4. Total with the 18% trip reduction.

Table 2: Calculated Critical Lane Volumes at the Analyzed Intersections

| Analyzed Intersection | Peak Hour | Traffic Condition | | | |
|-------------------------------------|-----------|-------------------|------------|-------|-------------------|
| | | Existing | Background | Total | Total Reduced 18% |
| Twinbrook Parkway & Ardennes Avenue | Morning | 824 | 903 | 1,002 | 984 |
| | Evening | 975 | 1,136 | 1,254 | 1,233 |
| Twinbrook Parkway & Fishers Lane | Morning | 633 | 709 | 922 | 884 |
| | Evening | 892 | 1,031 | 1,324 | 1,271 |
| Twinbrook Parkway & Parklawn Lane | Morning | 867 | 1,129 | 1,288 | 1,259 |
| | Evening | 1,210 | 1,503 | 1,624 | 1,602 |
| Parklawn Lane & Wilkins Avenue | Morning | 279 | 350 | 359 | 357 |
| | Evening | 381 | 448 | 499 | 490 |
| Twinbrook Parkway & Chapman Avenue | Morning | 740 | 1,012 | 1,224 | 1,186 |
| | Evening | 975 | 1,309 | 1,429 | 1,407 |
| Fishers Lane & Site Driveway | Morning | ----- | ----- | 876 | 718 |
| | Evening | ----- | ----- | 770 | 631 |

All of the CLV values for all the analyzed intersections were less than the 1,800 congestion standard for the Twinbrook Policy Area in all traffic conditions and, thus, the LATR test is satisfied. In order to qualify for the 18% trip reduction, the Applicant is conditioned to sign a trip mitigation agreement that caps the trip generation rates at 18% below the calculated trip generation for the site. The TMAg will have a monitoring system to ensure the trips will be maintained at 18% below typical trips generated from this office building.

Policy Area Mobility Review (PAMR)

Under the current Growth Policy, the PAMR test requires the applicant to mitigate 30% of the 718 new peak-hour trips generated by the proposed office building within the weekday morning peak period, which equals mitigation of 215 trips. The Applicant proposes to satisfy PAMR as given in Table 3 below:

Table 3: Proposed PAMR Mitigation

| | |
|--|----------------|
| Proposed 520,000 square feet of General Office Use | New PAMR Trips |
| Net Site-Generated Peak-Hour Trips from Table 1 | 718 |
| PAMR Mitigation Requirement of 30% | 215 |
| Proposed 18% Reduction of Traffic Impact | 158 |
| 5,500 linear feet of 8-foot wide bike path | 55 |
| Minimum 200 linear feet of five-foot wide sidewalk | 2 |
| Sum of Mitigated PAMR Trips | 215 |

Based on the 18% trip reduction, and the construction of the 5,500 linear feet of bike path and a minimum of 200 feet of sidewalk, the proposed Application satisfies the PAMR requirements of the APF review.

Intersection Operation Analysis and Necessary Improvements

MCDOT identified the following queuing problems at two nearby intersections, Twinbrook Parkway and Fishers Lane and Twinbrook Parkway and Parklawn Lane, based on the results of the submitted traffic study.

1. Twinbrook Parkway and Fishers Lane, southbound (Twinbrook Parkway) left turn lane:
 - This left-turn lane is 125 feet long, but, the projected demand is 455 vehicles per hour in the weekday morning total traffic condition.
 - The lane length may need to be increased to prevent the projected left turn volume from spilling into the through lanes of Twinbrook Parkway.
2. Twinbrook Parkway and Fishers Lane, northbound (Twinbrook Parkway) combined through/right-turn lane:
 - The storage capacity of this lane is 340 feet long between this intersection with Fishers Lane and the next intersection with Parklawn Drive. The projected demand, however, is 831 vehicles per hour in the weekday morning total traffic condition.
 - The queue of projected demand may extend past the next intersection with Parklawn Drive.
3. Twinbrook Parkway and Fishers Lane, westbound (Fishers Lane) approach lanes:
 - For the combined through and left-turn movements, the projected demand is 803 vehicles per hour in the weekday evening total traffic condition.
 - For the exclusive right-turn lane, this lane is 375 feet long, but the projected demand is 466 vehicles per hour in the weekday evening total traffic condition, The projected demand is considered to be large when combined with the adjacent through and left-turn volumes.
 - The right-turn lane may have to be extended so that the motorists turning right would not be blocked from reaching the exclusive right-turn lane by the queue of through vehicles on Fishers Lane.
4. Twinbrook Parkway and Parklawn Drive, southbound (Twinbrook Parkway) left-turn lane:
 - This lane is 125 feet long, but the projected demand is 468 vehicles per hour in the weekday morning total traffic condition and 499 vehicles per hour in the weekday evening total traffic condition.

- The lane length may need to be increased to prevent the projected left turn volume from spilling into the adjacent through lane of Twinbrook Parkway.

The Montgomery County Department of Transportation recommended, and this approval requires, a queuing analysis that may result in operational intersection improvements. In the Twinbrook Metro Station Policy Area (MSPA), a queuing analysis can be required as specified in Section IV.F, "Finding for Inadequate Facilities", "Queuing Analysis" on page 26 of the July 2010 Local Area Transportation Review and Policy Area Mobility Review Guidelines:

"In addition to CLV analysis, staff may require queuing analysis. The general acceptable practice for evaluating queue length in CBD's and MSPA's..."

However, in the submitted traffic study, the traffic volumes projected on the intersection approaches above are based on the following:

1. The background and total traffic conditions that represent the worst-case full build-out of background developments including the large mixed-use development on the adjoining Twinbrook Metrorail Station site. However, not all background developments typically are fully built-out in the future.
2. The existing street network without the recommended build-out of the sector-planned street network that includes Wilkins Avenue Extended, B-16. As discussed in Preliminary Plan Condition No. 3 and shown on the submitted plans, the Applicant will be constructing a segment of Wilkins Avenue Extended that ultimately connects between Fishers Lane and Twinbrook Parkway. This connection could result in diverting existing and future motorists from the two intersections of Twinbrook Parkway with Fishers Lane and Parklawn Lane. Thus, the possible queuing problems could be relieved along Twinbrook Parkway.

As conditioned, the Applicant's transportation engineer must prepare and submit queuing analyses prior to submission of the certified site plan for the following traffic conditions:

1. The existing traffic condition.
2. The projected total traffic condition with the worse-case build-out of background developments in addition to the proposed development on the existing street network.
3. The projected total traffic condition with the worse-case build-out of background developments in addition to the proposed development on the build-out of the sector-planned street network.

If the queuing results in an adverse intersection operation, any improvement should consider the following:

1. Whether an operational intersection improvement to relieve a future queuing problem may be detrimental to the existing intersection operation.
2. Whether the operational intersection improvement would encourage auto-driver trips within the Twinbrook Sector Plan area and therefore be counter to the Sector Plan's transportation goal under "Area Wide Recommendations:Connections," which states:

"The Plan's proposed density and use changes must be supported by connected systems of sidewalks, paths, bike routes, and streets to make Metro truly accessible. In this relatively small plan area, attention to detail will help create effective connections that are essential to making Twinbrook a functioning residential and commercial transit-oriented community."

MCDOT should consider the impact of potential improvements to address queuing problems on the streetscape. Where operational improvements are needed, they must be under permit and bond before release of any use and occupancy permit.

Therefore, the Board finds that the proposed plan satisfies the LATR and PAMR tests. The Board also finds that with the proposed dedication and improvements vehicle and pedestrian access and circulation of the subject property will be safe, adequate, and efficient.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed office building. The site is served by public water and sewer. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses, and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) which has determined that the property has adequate access for emergency vehicles. The preliminary plan application does not include any residential uses.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lots have been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lots are appropriate for their location within the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Inventory

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the site was approved on Feb. 18, 2011. There are 0.86 acres of stream buffer on the property, of which 0.68 acres are forested. There are no wetlands or floodplains on the project site. Therefore, the Board finds this plan complies with the Montgomery County Environmental Guidelines.

Forest Conservation

For purposes of Forest Conservation, the net tract area is 16.10 acres, which includes the 12.68-acre site plus 3.42 acres of off-site disturbance. The Preliminary and Final Forest Conservation Plans propose 0.11 acres of forest clearing and 1.03 acres of forest retention out of 1.14 total acres of forest contained on-site and in off-site disturbance areas. The plan requires a combined afforestation and reforestation of 1.45 acres. This requirement is to be satisfied with a combination of on-site reforestation (0.03 acres), off-site reforestation (0.76 acres), credit for landscape tree cover (0.16 acres), and payment of a fee-in-lieu (0.50 acres).

The Applicant is requesting a variance for disturbance of four specimen trees along the western boundary. One tree, a 30-inch diameter black cherry (*Prunus serotina*), will be highly impacted by grading for the nearby parking structure, and will be removed. The location of the parking structure cannot be reasonably altered to save this tree. The remaining specimen trees are on the adjacent Parklawn Cemetery property. The protocol for determining a critical root zone (CRZ) results in a circle drawn from the center of the tree to a diameter equaling 1.5 feet for each inch of trunk diameter. In reality, tree roots do not always grow equally all around a tree. In this case, the area of critical root zone being impacted is all currently covered by existing surface parking. The likelihood of critical root mass existing beneath the surface parking is unlikely. Instead, most of the root systems for these trees are more likely located in the soil of the woodland and lawn on the cemetery property. Therefore, disturbance of the critical root zone on the subject property is not likely to significantly damage these trees. Tree protection measures, including root pruning and tree protection fencing, should be sufficient to allow these trees to be saved. A detailed analysis of the variance request and findings is provided below.

As noted, forest conservation requirements for the hiker-biker trail associated with this development will be satisfied in a separate NRI/FSD and Forest Conservation Plan.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The applicant submitted a variance request on March 17, 2011 for the impacts/removal to trees with the proposed layout. The applicant proposes to remove 1 tree that is 30 inches and greater, DBH, and to impact, but not remove, 3 others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 4: Trees to be removed or potentially removed

| Tree Number | Species | DBH | Status |
|-------------|------------------------|-----|---------------|
| V-1 | <i>Prunus serotina</i> | 30” | To be removed |

Table 2: Trees to be affected but retained

| Tree Number | Species | D.B.H | CRZ Impact | Status |
|-------------|-----------------------|-------|------------|--------|
| V-2 | <i>Acer saccharum</i> | 36” | 22.4% | Save |
| V-3 | <i>Acer saccharum</i> | 30” | 7.4% | Save |
| V-4 | <i>Juglans nigra</i> | 36” | 38.8% | Save |

Unwarranted Hardship Basis

The proposed development is in accordance with both the intent and recommendations of the Sector Plan and the TMX-2 zone, both of which are intended to create higher density uses in the vicinity of the Twinbrook Metro Station. The Sector Plan recommends both transportation infrastructure and public amenities for this site that impose additional constraints on development here. These recommendations include a large plaza along the building frontage with Fishers Lane, and the master planned right-of-way for B-16 to the west. The site is further constrained by the 25’ BRL along the eastern property line, the proposed storm drain, and existing trees along the eastern property line. These factors combine to push back the building and garage on the site to accommodate the plaza and roadway, with the unavoidable consequence of impacting the variance trees. Not allowing the removal of Variance tree No. 1 and the impacts to Variance trees 2-4 would require major changes to the proposed

development program, which is generally consistent with the Sector Plan. The Board finds that this hardship warrants a variance.

Mitigation for Trees Subject to the Variance Provisions

There is one tree proposed for removal as a result of the proposed development. There will also be some disturbance within the CRZ of another 3 trees but they are excellent candidates for safe retention.

Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, the Board is requiring that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 30 caliper inches of trees removed, the required mitigation will be three native canopy trees with a minimum size of 3" dbh. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage. The Board therefore requires the addition of three native canopy trees with a minimum size of 3" dbh to the landscape plan.

The trees subject to this variance to be impacted but retained are excellent candidates for safe retention and will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on May 26, 2011. On June 10, 2011, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

- a. Will not confer on the applicant a special privilege that would be denied to other applicants.

The proposed design has attempted to balance all of the competing factors that constrain the site. While variance tree # 1 will need to be removed, impacts to the other variance trees have been limited and as a result we believe they will be preserved. Given the intensity of the development, impacts to variance trees are minimal. It is the Board's opinion that all reasonable steps have been taken to minimize impacts to variance trees, and that granting the variance will not confer a special privilege to the applicant.

- b. Is not based on conditions or circumstances which are the result of the actions by the applicant.

Upon review, the Board concurs that the requested variance is based on the constraints of the site and the proposed development density and amenities as recommended in the Master Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

- c. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

The Board concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

- d. Will not violate State water quality standards or cause measurable degradation in water quality.

DPS has approved a stormwater management concept, dated June 16, 2011 for the proposed project. Currently, there are no storm water management facilities provided for the site. The SWM Concept Plan incorporates a variety of Environmental Site Design (ESD) practices including micro-biofiltration facilities, grass swales and green roof. Runoff that cannot be captured and treated using ESD practices will be detained in underground storage vaults, treated and then discharged back into the existing storm drain system. This will dramatically improve the existing condition of uncontrolled and untreated runoff from the site. The topography of the site requires that the proposed storm drain be located between the garage and the variance trees along the eastern property line. Every effort has been made to ensure that this drain is located as close to the garage as possible, thereby minimizing the impact on the variance trees. Therefore, the Board concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

The Board approves the applicant's request for a variance from Forest Conservation Law to remove one tree that is 30 inches and greater, DBH, and to impact, but not remove, 3 others that are considered high priority associated with the site. The variance approval is incorporated into the Planning Board's approval of the final forest conservation plan.

Based on the analysis above and as conditioned, the Board finds the preliminary plan satisfies the requirements of the Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan approval meets MCDPS' standards.*

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept for the site on June 16, 2011. The stormwater management proposes to meet required stormwater management goals via five micro-biofilters, four Silva Cells, a partial green roof, and three storage-based structural filtration facilities. Non-rooftop disconnect is being used to treat the offsite bike path.

6. *The proposed subdivision and site plan satisfy the standards of Sections 59-D-2.42 and 2.43.*

Under the TMX zone, an optional method of development project may forego the requirement to obtain separate project plan approval if at the time of preliminary plan the Board finds that the standards of Sections 59-D-2.42 and 2.43, which govern project plan approval, are met. The requirements for project plan approval have been analyzed through this preliminary plan and the accompanying site plan. As required by Section 59-D-2.42, based on the considerations listed in Section 59-D-2.43, and further discussed in the site plan approval for this development and elsewhere in this resolution, the Board finds that as conditioned the proposed development complies with the zoning and sector plan, is compatible with surrounding existing and proposed development, will not overburden existing or programmed public facilities, and meets applicable forest conservation and water quality protection standards. Moreover, the proposed development will be more efficient and desirable than a standard method development because it will provide amenities that would not otherwise be provided, and will realize master plan goals of increased employment, open space, and connectivity improvements that would not otherwise be achieved.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

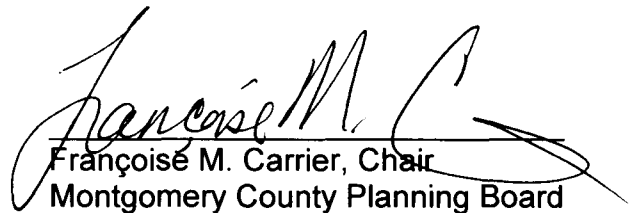
BE IT FURTHER RESOLVED, that the date of this Resolution is AUG 9 2011 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

Proposed New Trail Segment

Original Trail Alignment

Attachment D

