



AUG 6 2009

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

MCPB No. 09-69
Site Plan Amendment No. 82001025C
Project Name: Fishers Place at Twinbrook Metro
Date of Hearing: June 18, 2009

MONTGOMERY COUNTY PLANNING BOARD

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, The Planning Board previously approved the Site Plan, 820010250, on September 20, 2001, for 715,200 gross square feet of development on 11.82 acres of I-1-zoned land, located on Twinbrook Parkway and Fishers Lane, north and east of the intersection of Twinbrook Parkway and Fishers Lane ("Property" or "Subject Property"), which included "placeholder" areas for the two buildings shown in the Application (as hereinafter defined); and

WHEREAS, on June 28, 2002, the Applicant submitted a Site Plan Amendment, 82001025A, that never went to the Board; and

WHEREAS, on October 2, 2008, Applicant submitted Site Plan Amendment No. 82001025B that provided for the temporary use of 5615 Fishers Lane as overflow parking for the Twinbrook Metro, which the Planning Director approved on November 21, 2008, as an Administrative Amendment; and

WHEREAS, on October 3, 2008, JBG/Twinbrook Metro, LLC, ("Applicant") filed an application for approval of an amendment to the site plan to provide for the development of the two buildings, one with 150,000 square feet of office uses, and another with 112,300 total square feet including 1,200 square feet of retail and 111,100 square feet of office uses, ("Site plan" or "Plan") on the Property; and

WHEREAS, Applicant's site plan application was designated Site Plan Amendment No. 82001025C, Fishers Place at Twinbrook Metro (the "Application"); and

Approved as to
Legal Sufficiency:

Carol Rubin 510

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 8, 2009, 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 Staff and the staffs of other governmental agencies, on June 18, 2009, 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 June 18, 2009 the Planning Board approved the Application subject to conditions on the motion of Commissioner Robinson; seconded by Commissioner Alfandre with a vote of 3-1; Commissioners Alfandre, Hanson, and Robinson voting in favor, Commissioner Cryor voting against, and Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 82001025C for two buildings, one with 150,000 square feet of office uses, and another with 112,300 total square feet including 1,200 square feet of retail and 111,100 square feet of office uses, on 11.82 gross acres in the I-1 zone, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the Resolution for Preliminary Plan 11999043C, as adopted by the Planning Board, unless otherwise amended and approved by the Planning Board.

2. Site Plan Conformance

The proposed development must comply with the conditions of the Site Plan 82001025B as approved, unless modified by this amendment.

3. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. 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.

4. Site and Landscape Plans

- a. The combined built area of 5615 Fishers Lane and 12709 Twinbrook Parkway, when combined with the built area of the existing buildings included in the original Site Plan, may not exceed the overall maximum development area specified in Preliminary Plan Amendment 11999043C.
- b. Applicant must provide, for staff approval and inclusion in the Certified Site Plan, an interim landscape plan for the second phase of 12709 Twinbrook Parkway.
- c. Applicant must provide, for staff approval and inclusion in the Certified Site Plan, final details for the landscape elements, including raised planters, bollards, seating elements, etc., for the public space in front of 5615 Fishers Lane.
- d. Applicant must provide an alternative plant list for substitutions of plant material due to availability.
- e. Applicant must construct full streetscape along site frontage consistent in appearance with that installed per Site Plan 820010250, but installed per the Bethesda Streetscape standard detail.

5. Lighting

- a. All private on-site down-lighting fixtures must be full cut-off fixtures;
- b. Deflectors must be installed on all up-lighting fixtures causing potential glare or excess illumination;
- c. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development;
- d. The height of the light poles, including the mounting base, shall not exceed the height shown in the Certified Site Plan;

6. 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. Sidewalk and required related improvements along Twinbrook Parkway and Fishers Lane must be completed as building construction is completed;
- b. Site lighting and outdoor hardscaping must be completed before issuance of any use and occupancy permits;
- c. All on-site landscaping 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, 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 and Sediment Control Plan;
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

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 and green space.

9. 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. Details for all custom paving, seat walls, and other elements of the landscape and hardscape plans;
- c. Development Program, Inspection Schedule, Approved Forest Conservation Plan, and Site Plan Resolution;
- d. Final Green Space location diagram, including internal parking lot landscaping and green areas;

BE IT FURTHER RESOLVED that all site development elements as shown on Fishers Place at Twinbrook drawings stamped by the M-NCPPC on June 3, 2009, 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 set forth in the Staff Report, 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 development plan.

2. *The Site plan meets all of the requirements of the I-1 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the I-1 zone as demonstrated in the Project Data Table. The building height, density, and setbacks conform to the limits of the zone.

Requirements of the I-1 zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the I-1 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standards
 Approved by the Board
 and Binding on the Applicant

Overall Site

Gross tract area (ac.)	11.82
Max. development density (sf.) – includes all buildings in the original Site Plan	738,560
Max. R&D density (sf.)	288,105
Max. office density (sf.)	444,915
Max. retail density (sf.)	5,540

Min. green area (sf.)	175,699
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5615 Fishers Lane

Max. total density (sf.)	112,300
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Max. office density (sf.)	111,100
Max. retail density (sf.)	1,200
Max. building height* (feet)	93.5
Max. building height (stories)	5+cellar
Min. building setbacks (ft.)	
Fishers Lane	29
Side	43
12709 Twinbrook Parkway	
Max. total density (sf.)	150,000
Max. office density (sf.)	150,000
Max. R&D density (sf.)	0
Max. building height* (feet)	70
Max. building height (stories)	4
Min. building setbacks (ft.)	
Twinbrook Parkway	16
Side	16
Max. Parking (spaces)	1,579

*as measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof.

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

a. Buildings and Structures

The proposed buildings are located directly along their adjacent streets, reinforcing the street edge and enhancing the pedestrian realm with activating entrances and uses and attractive spaces and landscaping. Both the use and the architectural design elements provide an adequate, safe, and efficient building on the subject site.

b. Open Spaces

The open spaces for the two buildings provide attractive and welcoming places of repose for both the building tenants and the general public. The space on Fisher's Lane provides an intimate setting to enjoy a shared lunch with colleagues at the adjacent eatery. Another space, near Twinbrook Parkway provides a seamless integration with the proposed building design and reinforces the functional and spatial relationship with its sister building to the south. The open spaces are adequate, safe, and efficient.

c. Landscaping and Lighting

The proposed landscaping, which includes foundation plantings and ornamental trees and grasses, reflects and reinforces the character of each the open spaces, providing as appropriate an intimate sense of enclosure and expressing a more spacious, tranquil feeling. The landscaping also improves the attractiveness of adjacent public and private sidewalks, improving the pedestrian experience. The landscaping is adequate, safe, and efficient.

The lighting plan consists of full cut-off site lighting that 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. Vehicular and Pedestrian Circulation

This plan improves the quality of an already extensive and inviting pedestrian circulation system between and along Twinbrook Parkway and Fishers Lane. Vehicular access to the site will come from Twinbrook Parkway and Fishers Lane, with parking accessed from the internal street system. The pedestrian and vehicular circulation systems are adequate, safe, and efficient.

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

The buildings are compatible with the constructed and planned development in the Technology Employment Area of the Twinbrook Sector Plan in terms of massing, scale, detailing, and layout.

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 site is entirely developed and contains no forest, streams, wetlands, steep slopes, or other environmentally significant features. The property is the subject of an approved forest conservation plan, which required 1.77 acres of afforestation. The afforestation requirement was met on-site with a credit for existing tree cover and proposed landscaping, totaling 1.92 acres. The proposed limits of disturbance in the subject application do not conflict with the approved forest conservation plan.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on April 25, 2001, and reconfirmed the approval on August 7, 2008. The stormwater management concept includes on-site water quantity control via underground storage and on-site water quality control via "stormfilter" and "stormceptor" structures.

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the 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 the date of this resolution is AUG 6 2009 (which is the date that this resolution is mailed to all parties of record); and

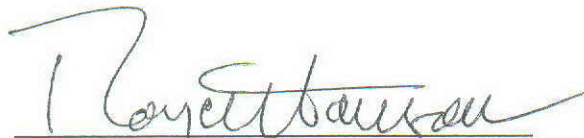
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland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

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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 Robinson, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, July 16, 2009, in Silver Spring, Maryland.

A handwritten signature in cursive script, appearing to read "Royce Hanson", written in black ink. The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

Royce Hanson, Chairman
Montgomery County Planning Board