

AUG 13 2009



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

MCPB No. 09-87
Site Plan No. 820090170
Project Name: Safeway Store #2848
Date of Hearing: July 23, 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, on April 13, 2009, Safeway, Inc., ("Applicant") filed an application for approval of a site plan to replace of an existing 25,568 square-foot supermarket with a new 43,097 square-foot supermarket ("Site Plan" or "Plan") on 1.98 acres of land in the C-2 and Arlington Road District Overlay zones, located in the southwest quadrant of the intersection of Bradley Boulevard and Arlington Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820090170, Safeway Store #2848 (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 13, 2009, 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 staffs of other governmental agencies, on July 23, 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 July 23, 2009, the Planning Board approved the Application subject to conditions on the motion of Commissioner Alfandre; seconded by Commissioner Presley; with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson, and Presley voting in favor.

Approved as to
Legal Sufficiency:

A handwritten signature in blue ink, appearing to read "Tracy G. Davis".

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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. 820090170 to replace of an existing 25,568 square-foot supermarket with a new 43,097 square-foot supermarket on 1.98 gross acres in the C-2 and Arlington Road District Overlay zones, subject to the following conditions:

Environment

1. Forest Conservation & Tree Save

The proposed development must comply with the conditions of the approved forest conservation plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

2. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated May 6, 2009, unless amended and approved by the Montgomery County Department of Permitting Services.

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 use and occupancy certificate, 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 the final use and occupancy certificate the Applicant must provide to staff a written report, for public record purposes only, 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.

Parks, Open Space, & Recreation

4. Maintenance of Public Amenities

- a. The Applicant is responsible for maintaining all publicly accessible amenities, except as modified below.
- b. The Applicant must coordinate with the Bethesda Urban Partnership and the Bethesda Arts and Entertainment District for the programming of the storefront Public Art Display Panels on the Bradley Boulevard façade.

Transportation & Circulation

5. Transportation

- a. The Applicant must limit the site plan to a supermarket of up to 43,097 square feet.
- b. The Applicant must replace the bike racks proposed in the ground-level garage with at least 3 bike lockers for employees located in a safe, well-lit area.
- c. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the Bethesda Transportation Management Organization. The Traffic Mitigation Agreement must be fully executed prior to certification of the site plan.

6. Pedestrian Circulation

- a. The Applicant must provide the full Bethesda Streetscape Standard improvements, including brick pavers, street lighting, and street trees, along the site frontage on Arlington Road.
- b. The Applicant must provide the full Bethesda Streetscape Standard improvements, including brick pavers and street trees, along the site frontage on Bradley Boulevard, as well as, subject to SHA approval, street lighting and undergrounding of utility lines.
- c. The Applicant must provide benches and incidental street furniture along the sidewalk of both Bradley Boulevard and Arlington Road, as illustrated on architecture sheets A1.01 and A1.02.

Site Plan

7. Public Amenity

- a. As illustrated on the Certified Site Plan, the Applicant must provide an on-site Bike Station along the Arlington Road building frontage and storefront Public Art Display Panels along the Bradley Boulevard façade. Final location and details will be determined at Certified Site Plan.
- b. The Applicant must participate actively with Bethesda Urban Partnership in a public/private effort to beautify the Capital Crescent Trail retaining wall opposite the site on the east side of Arlington Road.
 - i. No later than the issuance of the final use and occupancy permit, the Applicant must make a contribution of seed capital to the Bethesda Urban Partnership (BUP), in an amount not less than \$5,000, towards BUP's initial administration of the solicitation of public art proposals and the selection of an artist and design.
 - ii. The Applicant will coordinate with BUP regarding continued active participation in the realization and maintenance of this public art

work, providing appropriate additional financial or in-kind contributions.

- iii. The Applicant will not be responsible for the solicitation of a design, the selection of an artist, or obtaining the necessary approvals through the Bethesda Arts and Entertainment District, Parks Department, Arts Trust, and/or other regulating agencies.

8. Architecture

- a. The constructed architectural elevations must be substantially similar to those included in the architectural drawing sheets received on June 19, 2009, as determined by Development Review, Montgomery County Planning Department, at the time of Building Permit review.
- b. By Certified Site Plan, the Applicant must provide, for staff review and approval, the final design layout and details for the:
 - i. Storefront Public Art Display Panels on Bradley Boulevard
 - ii. Bike Station located off Arlington Boulevard
 - iii. The covered seating area off Arlington Boulevard.
- c. The building entrance on the southern end of the Arlington Road façade must, as illustrated in the architecture drawings reference above,:
 - i. project from the building and
 - ii. be articulated in translucent material.

9. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite downlighting fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

10. Community Liaison Council

The Applicant must establish a Community Liaison Council (CLC), to include Safeway representatives, representatives of the residential communities adjacent to this site, and a representative from the People's Counsel, to meet at regular intervals to discuss the progress of the development and any issues arising therefrom.

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. All streetscape improvements, including site furnishings, to Bradley Boulevard and Arlington Road, as illustrated on the Certified Site Plan, must be completed before issuance of the project's use and occupancy permit.
- b. On-site public amenities, including the Bike Station and the Public Art Display Panels must be constructed and installed prior to use and occupancy permit.
- c. On-site lighting must be installed before issuance of the project's use and occupancy permit.
- d. All on-site landscaping must be completed within six months of the issuance of the project's use and occupancy permit, except the trees included in the landscape buffer along the western site boundary, which must be installed before the project's use and occupancy permit.
- e. The Applicant must specify phasing of pre-construction meetings, dedications, sediment/erosion control, or other features must be specified by Certified Site Plan.

12. Certified Site Plan

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

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the landscape plan stating that "M-NCPPC staff must approve all substitutions".
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.
- e. Provide confirmation of agreement with the Bethesda Urban Partnership for programming of the storefront Public Art Display Panels.
- f. Provide LEED-NC checklist.
- g. Coordinate with SHA regarding the feasibility of undergrounding the utility lines along the site frontage on Bradley Boulevard.

13. Noise Reduction Wall and Landscaping

Safeway must construct a masonry/concrete wall on its property along the western and southern property lines, with a maximum height of 6.5 feet. This wall's construction is subject to Safeway receiving adequate access easements, for construction, maintenance, and landscaping, from the Kenwood Forest Association (KFA), and KFA's removal of its existing stockade fence. In addition, Safeway will increase the planting size of the proposed Leyland Cypress trees planted in the western landscape buffer to 12 feet at a diameter of 3" caliper

(increased from 10 feet and 2.5" caliper), as well as donate to KFA a sum of \$5,000 for KFA's use to provide supplemental landscaping in the green area adjoining Safeway's western and southern property lines. The final details and design of the masonry/concrete wall and associated landscaping must be compatible with the proposed Safeway building façades and must be provided on the Certified Site Plan. The \$5,000 must be transferred to KFA, and the construction of the wall and installation of associated landscaping, must be completed prior to issuance of any use and occupancy permit for the supermarket.

BE IT FURTHER RESOLVED that all site development elements as shown on Safeway Store #2848 drawings stamped by the M-NCPPC on June 19, 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, which the Planning Board hereby adopts and incorporates by reference of the Staff Report, 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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The Site Plan meets all of the requirements of the C-2 and Arlington Road District Overlay zones and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed use is allowed in the C-2 Zone as modified by the Arlington Road District Overlay Zone and the site plan fulfills the purposes of the zone by expanding the variety of retail services available to the local area while maintaining compatibility with surrounding development within the maximum building height and density allowed by Zoning and recommended by the Sector Plan.

As the project data table on page 13 indicates, the site plan meets all of the development standards of both of the applicable zones. With respect to building

height, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to green space the proposed development provides greater than the minimum required.

Requirements of the C-2 and Arlington Road District Overlay zones

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 C-2 and Arlington Road District Overlay zones. 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

Gross Tract Area (square feet)	86,193
Previous Dedication (square feet)	11,363
Net Lot Area (square feet)	74,830
Max. Building Height (feet)	42
Min. Building Setbacks (feet)	
Bradley Boulevard	12
Arlington Road	8
Rear (per adj. R-30 Zone)	170
Side (per adj. R-30 Zone)	34
Min. Green Area (% of lot)	12
Floor Area Ratio (FAR)	0.5
Building Area (square feet)	43,097
Max. Parking Spaces	160

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 buildings and structures of the proposed development are located so as to clearly define the street edges and public space along Bradley Boulevard and Arlington Road, providing attractive and activated streetscapes as envisioned by the Sector Plan. The location provides easy access to the building from adjoining sidewalks and parking. The architectural design successfully breaks up the massing of what is in essence a large unfenestrated, internally-focused building type by alternating a coordinated palette of materials to create a series of integrated pavilions along the street. This provides both visual interest and relief, both suggesting a variety of functions and celebrating the building's role as civic gateway to the CBD as envisioned in the Sector Plan. Staff finds the locations of the buildings and structures to be adequate and efficient.

b. Open Spaces

The primary open space for this urban infill supermarket is the sidewalk bounding the site on the north and east. This open space has been designed not only in the three dimensions of sidewalk treatments and attractive architecture previously discussed, but also in the fourth dimension that facilitates and rewards movement along the site by pedestrians, cyclists, and automobiles: storefront Public Art Display Panels on Bradley Boulevard will feature a revolving showcase of local artists' work; a bike station, featuring extra cycle parking, drinking fountains, and air pumps, along Arlington Road will provide a meeting place for Capital Crescent Trail users; and a financial contribution towards the beautification of the existing retaining wall on the opposite side of Arlington Road to help welcome visitors to the Bethesda CBD. These improvements to the open spaces on and around the site are very desirable, and more than adequate, safe, and efficient.

c. Landscaping, Lighting, and Recreation Facilities

The project's landscaping consists primarily of street trees along the site boundaries on both Bradley Boulevard and Arlington Road, in accordance with the Bethesda Streetscape Standard, including the brick pavers, street lighting, and the undergrounding of utility lines. Additionally, along the

site's western boundary with an existing residential development, the proposal will augment the existing significant tree screening and wooden fence with a solid border of evergreen trees. On-site lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. There are no recreation facilities required for this site plan, but benches and bicycle facilities are provided. The landscaping and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

d. Vehicular and Pedestrian Circulation

The adjacent sidewalks, expanded to a minimum width of 15 feet, provide pedestrian access and adequately and efficiently integrate this site into the surrounding area. Bicycle access to the site, particularly from the adjacent Capital Crescent Trail, is encouraged through the location of a sheltered "bike station", with bike racks, drinking fountains, and air pumps. The vehicular circulation design efficiently directs traffic into the site with minimal impacts to pedestrian circulation, while specifically discouraging cut-through traffic at the nearby intersection. This balance of design with the site, the recommendations of the Sector Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

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

The proposed two-story supermarket is compatible with the adjacent and confronting commercial as well as residential uses. The existing commercial development around the intersection of Bradley Boulevard and Arlington Road consists of a single-story service station, a three-story commercial building with ground-floor retail, a four-story office building, and a one-story front-loaded strip shopping center. The residential uses, located behind this initial ring of commercial development, range from two- to three-story buildings, including one-family detached, one-family attached, and multi-family dwelling units. The intersection at the center of this Arlington Road District is a commercial intersection and the proposed expansion of the existing supermarket use is both appropriate and desirable.

For the most proximate residential units, to the west, the proposed building height, in concert with the proposed setback from that property, will have a negligible impact on the residential property's continued access to light and air. Noise generated by customers accessing the site by car will be mitigated not only

by the existing board-on-board fence on that residential development's property, but also by enclosure and partial burial of the structured parking and a new retaining wall on the supermarket property to help to deflect and contain the noise. Visual impacts of the new building on the adjoining development, which some may deem adverse, will continue to be mitigated by a line of tall trees on the residential development's property and will be bolstered by another layer of quick-growing evergreen trees on the subject property.

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.*

As conditioned, the Site Plan will meet all applicable requirements for Forest Conservation.

The stormwater management concept consists of on-site water quality control. On-site recharge is not required because this is a redevelopment project.

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the Planning Board in this matter 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 13 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).

* * * * *

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 Alfandre, seconded by

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Commissioner Cryor, with Commissioners Hanson, Alfandre, and Cryor voting in favor of the motion, and with Commissioner Wells-Harley abstaining and Commissioner Presley absent, at its regular meeting held on Thursday, July 30, 2009, in Silver Spring, Maryland.

A handwritten signature in cursive script, reading "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board