



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-108
 Sketch Plan No. 320120010
 Project Name: Mallory Square
 Date of Hearing: November 3, 2012

RESOLUTION

WHEREAS, pursuant to Section 59-C-15.42 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on July 21, 2011, Woodfield/Meridian Shady Grove, LLC ("Applicant"), filed an application for approval of a sketch plan that would create two mixed-use buildings with up to 837,147 square feet of development for residential uses and up to 10% of gross floor area for ancillary retail uses, on 12.81 gross acres of CR1.5 C1.5 R1.5 H100-zoned land, located at the southeast quadrant of the intersection of Omega Drive and Research Boulevard ("Property" or "Subject Property") in the Great Seneca Science Corridor Master Plan ("Master Plan" or "GSSC Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320120010, Mallory Square (the "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated October 21, 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 Planning Board staff ("Staff") and the staff of other governmental agencies, on November 3, 2011, the Planning Board held a public hearing on the Application; and

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

WHEREAS, on November 3, 2011, the Planning Board approved the Application subject to certain conditions, on the motion of Commissioner Anderson, seconded by

Approved as to
 Legal Sufficiency:

1/19/12

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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Commissioner Wells-Harley; with a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor, 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 approved Sketch Plan No. 320120010 for two mixed-use buildings with up to 837,147 square feet of development for residential uses and up to 10% of gross floor area for ancillary retail uses, on 12.81 gross acres of CR1.5 C1.5 R1.5 H100-zoned land on the Property, subject to the following binding elements and conditions:

A. Binding Elements. The following site development elements are binding under Section 59-C-15.43(d):

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The proposed development is limited to a maximum total of 837,147 square feet of residential development, with up to 10% of the floor area for commercial uses. The final amount of residential and commercial floor area and the final number of dwelling units will be determined at site plan; but a minimum of two retail bays must be provided and maintained as commercial space for a minimum length of time to be determined during site plan review.

2. Height

The proposed development is limited to a maximum height of 70 feet for occupiable space; provided however, architectural design elements of the development are allowed to a maximum height of 90 feet.

3. Incentive Density

The proposed development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(c); total points must equal at least 100 points and be chosen from at least 4 categories as required by Section 59-C-15.82(a); the requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed.

- a. Transit proximity
The Applicant proposes 20 points for proximity to master-planned stations for the Corridor Cities Transitway, Level 2 transit stations.
 - b. Connectivity and Mobility
The Applicant proposes 10 points from the Connectivity and Mobility category, which is achieved through providing basic services that will result in at least 10 different basic services within ¼ mile. Complete analysis will be required per the Zoning Ordinance and Design Guidelines during site plan review.
 - c. Diversity of Uses and Activities
The Applicant proposes 12 points from the Diversity of Uses and Activities category, which is achieved through provision of 13.5% MPDUs.
 - d. Quality Building and Site Design
The Applicant proposes 39 points from the Quality Building and Site Design category, which is achieved through provision of structured parking (9 points), additional public open space (20 points), and exceptional design (10 points).
 - e. Protection and Enhancement of the Natural Environment
The Applicant proposes 25 points from the Protection and Enhancement of the Natural Environment category, which is achieved through the purchase of Building Lot Terminations (BLTs) (5 points) and provision of tree canopy (10 points) and a cool roof (10 points).
4. Building Lot Terminations (BLTs)
Prior to release of a building permit for each building, the Applicant must provide proof of purchase and/or payment for the required BLTs equal to a pro-rated share of the square footage requested with the building permit.
 5. Moderately Priced Dwelling Units (MPDUs)
The proposed development must provide MPDUs in accordance with Chapter 25A and, additionally, any incentive density MPDUs above 12.5% under Condition 3 of this Sketch Plan approval.
 6. Transportation Planning comments
At the time of Preliminary Plan, the Applicant must:
 - a. Satisfy the Local Area Transportation Review (LATR) test by submitting a traffic study and providing feasible intersection improvement(s) for any analyzed intersection that exceeds its congestion standard.

- b. Satisfy the Policy Area Mobility Review (PAMR) test by making required transportation improvements or contributing the required fee.
- c. Enter into a Traffic Mitigation Agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the Greater Shady Grove Transportation Management District (TMD).
- d. Make required dedications or reservations and enter into any necessary covenants for additional right-of-way along Key West Avenue, Omega Drive, Research Boulevard, master-planned Road B-9, and master-planned Road B-10 to the master plan recommended widths.
- e. Provide or request waivers for all necessary truncations.
- f. Provide necessary pedestrian crosswalks, median refuges, handicapped ramps, and street lighting along the site frontage of each abutting right-of-way.
- g. Provide master-planned bike lanes, paths, and sidewalks along the site frontage of each abutting right-of-way.
- h. Provide private secure bicycle parking spaces for employees and residents and public bike racks as required by 59-C-15.62(a).

7. Future Coordination for Preliminary and Site Plan

The following must be addressed when filing a preliminary or site plan:

- a. Alignment of master-planned Road B-10
- b. Underground wet and dry utilities.
- c. Fire and Rescue access and facility details.
- d. Master-planned Road B-9 streetscape details.
- e. Demonstration of how each public benefit meets the Ordinance and Guideline requirements.
- f. Implementation of transportation improvements.
- g. Implementation of stormwater management with Environmental Site Design methods to the maximum extent practicable.
- h. Compliance with forest conservation law.
- i. Consideration of building-to-street interface to maximize activation and safety.
- j. Consideration of ways to ensure public use space will be accessible, inviting, and safe.
- k. Focus on energy efficiency in site design, building orientation, and building design features.
- l. Consideration of shadows on primary public use spaces.
- m. Address concerns raised by the MCDOT in their letter dated October 14, 2011.

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 (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.42, the Montgomery County Planning Board finds that as conditioned herein, the elements of the sketch plan specified in Section 59-C-15.42(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS:

1. *The sketch plan meets the objectives, general requirements, and standards of this Division 59-C-15.*

Objectives of Section 59-C-15.2. The proposed development will:

- “Implement the policy recommendations of the applicable sector plan” by providing the residential uses, service amenities, pedestrian circulation routes, public roads, and public benefits encouraged by the sector plan;
- “Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses” by replacing the vacant office building and surface parking lots with a residential building, structured parking, and ancillary retail;
- “Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities” by providing additional affordable housing, a mix of multi-family unit types, density within ½ mile of three proposed CCT stations, access to the LSC recreation loop, basic-service retail space, and public open space and streets;
- “Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors” by building within the envelope established by the zone with a mix of uses at a scale of development similar to existing and allowed buildings adjacent to the site, which may build up to 72 feet in the O-M Zone, 15 stories in the H-M Zone, 110 feet in the LSC Zone, and 100 feet in the CR Zones;
- “Allow an appropriate balance of employment and housing opportunities” by providing housing, including 13.5% MPDUs, and small business employment opportunities; and
- “Provide public benefits that will support and accommodate density above the standard method limit” through the public benefits listed within these findings that meet the requirements of the Zoning Ordinance and standards of the Implementation Guidelines.

General Requirements of Section 59-C-15.6. The proposed development will:

- Be substantially consistent with the GSSC Master Plan and substantially conform to the GSSC Design Guidelines by:
 - Creating public use spaces that allow for active and passive recreation; are visible and usable; have a strong relationship to

- adjacent retail, amenity space, and the pedestrian network; and are not separated by barriers (Design Guidelines, page 13);
- Providing a new business district street with wide sidewalks, street trees, lighting, amenities, and parallel parking (Design Guidelines, pages 14 & 44);
- Providing buildings as close to property lines as grades and easements allow with access from units and retail to perimeter sidewalks (Design Guidelines, pages 22 & 45);
- Providing design excellence with innovative building materials and style via further development through the site plan process (Design Guidelines, page 27); and
- Placing parking within a structure faced with residential and retail uses (Design Guidelines, pages 18-19).
- Provide at least the minimum required number of bicycle parking spaces for residents and visitors, as determined by the final unit count and commercial space approved with the site plan; and
- Provide parking spaces between the minimum required and maximum allowed, as determined by the final unit count and commercial space approved with the site plan.

As shown in the Data Table below, the sketch plan meets the Development Standards of Section 59-C-15.7:

<i>Development Table for the CR1.5 C1.5 R1.5 H100 Zone</i>		
Development Standard	Required/Allowed	Approved
Max. Density (FAR)		
Total	1.5	1.5
Residential	1.5	Up to 1.5
Commercial	1.5	Up to 10% of gross floor area
Max. Height (feet)		
	100	70/90 ¹
Setbacks		
	n/a	n/a
Min. Public Use Space (% of net lot)		
	10	10
Min. Residential Amenity Space		
Indoor	5,000sf	5,000sf
Outdoor	5,000sf	5,000sf

¹ 70 feet for occupiable space; 90 feet for architectural design elements.

2. *The sketch plan furthers the recommendations and objectives of the GSSC Master Plan.*

The GSSC Master Plan has several specific recommendations satisfied by this project. As part of the Life Science Center North District (LSC North), the proposed development will:

- Provide the balance of jobs and housing opportunities by providing residential uses that will serve the largely employment-based uses within the life sciences center (Master Plan page 23);
- Provide mixed-use infill with residential uses and pedestrian-oriented local retail facilities (Master Plan page 48);
- Provide public benefits that improve connectivity and mobility, through construction of master-planned Road B-9 and provision of basic retail services, open space and pedestrian-realm improvements, and add to the diversity of uses and activities, through construction of affordable housing above the minimum required, open space and new uses (Master Plan page 48);
- Provide a finer grid and improve vehicular and pedestrian connections, through construction of master-planned Road B-9 and improvements to the sidewalks along each of the property's frontages (Master Plan page 53); and
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (Master Plan pages 26-30).

3. *The sketch plan achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses.*

The buildings and open spaces proposed for the development are compatible with existing nearby buildings, open spaces, and uses; no proposed development is in the pipeline on adjacent properties. This compatibility is achieved through:

- Similar massing envelopes, although with more articulation and diversity of materials;
- Modest heights, comparable to other built and allowed development which may build up to 72 feet in the O-M Zone, 15 stories in the H-M Zone, 110 feet in the LSC Zone, and 100 feet in the CR Zones on surrounding properties;
- Creation of defined streetscapes and open spaces that will begin to transform the pedestrian environment and network;
- Replacement of surface parking with internal structured parking creating a stronger relationship between buildings, sidewalks, and streets;

- Addition of a complimentary mix of uses; and
 - Strong definition of blocks that will also begin to transform the suburban, auto-oriented framework of land use in the area.
4. *The sketch plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are all enhanced by the proposed development. Specifically, this sketch plan provides:

- A finer street grid for cars, pedestrians, and bicyclists to increase mobility options and disperse traffic;
 - Off-street loading areas for the residents on a newly constructed business district street alleviating congestion from Research Boulevard or Key West Avenue;
 - Access to the main residential lobbies at existing traffic signals or mid-block at the safest points feasible;
 - Increased parking for bicycles;
 - Improved sidewalks, amenities, and open spaces from pedestrians and bicyclists;
 - Sufficient parking within new structures for residents and along the proposed business district street for shoppers or visitors; and
 - Sufficient area left clear of buildings, major improvements, or important amenities for proper dedication for public roads, which will be finalized during preliminary plan review.
5. *The sketch plan proposes an outline of public benefits that supports the requested incentive density.*

The following public benefit table proposed by the Application provides benefits that:

- "Take into consideration the recommendations, objectives, and priorities of the Master Plan" by providing the diversity of housing and basic services, general sustainability measures, and connectivity improvements that are encouraged;
- "Meet the standards of the Implementation Guidelines and Design Guidelines for the Master Plan" by providing the proper calculations and concentrating on the Guidelines' focus on streets, design excellence, and transformation of the suburban development pattern;
- "Are appropriate for the size and configuration of the tract" by taking advantage of the large site and concentrating on open space and environmental benefits;

- “Adequately address the relationship of the proposed development to the adjacent property” by providing open space along the proposed dedication that will work as a through-block connection if the road is not built or as future streetscape if the road is built;
- “Consider the presence or lack of similar public benefits nearby” through provision of open spaces, affordable housing, structured parking, and basic services that are lacking in this area; and
- “Provide enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit,” which will be developed and assessed during preliminary and site plan reviews.

<i>Detailed Public Benefit Table</i>	
Public Benefit	Points Requested
Transit Proximity Category	
¼ - ½ mile from Level 2 CCT Station	20
Greater than 75% of the subject site is within ½ mile of a CCT Station.	
Connectivity & Mobility Category	
Neighborhood Services	10
The proposed development must provide basic services that will result in at least 10 different basic services within ¼ mile. Complete analysis will be required per the Ordinance and Guidelines during site plan review.	
Diversity Category	
Affordable Housing	12
Provision of 13.5% MPDUs; 1% over 12.5% = 12 points.	
Quality Design Category	
Structured Parking	9
99% of parking within above grade structure, final points established during site plan review.	
Public Open Space	20
Provision of 13% additional open space (above the 10% required).	
Exceptional Design	10
Provision of site and building design that meets the criteria of the Ordinance as further defined by the Guidelines, to be finalized during site plan review.	
Environmental Category	
BLTs	5
Purchase/payment for BLTs: $((575,787\text{sf incentive density} \cdot 0.05) / 20,000) = 1.44$ BLTs	
Tree Canopy	10
Coverage of 25% of on-site open space with tree canopy at 15 years of growth.	
Cool Roof	10
All non-vegetated roofs with a slope at or below 2:12 must have a minimum solar reflectance index (SRI) of 75; those flatter must have a minimum SRI of 25.	
Total	106

The proposed development must be constructed with the public benefits approved by this Resolution, except that the Applicant may adjust the percentage or type of public benefits shown on the Public Benefits Table of the Sketch Plan during site plan review as long as the total equals at least 100 percent of the

incentive density required by section 59-C-15.82. The Applicant may eliminate, add, or modify individual public benefits if the Planning Board finds that any changes continue to support the findings required by the zone.

6. *The sketch plan establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The proposed development may be built in two phases. Either of the phases will require construction of master-planned Road B-9 and completion of public benefits that are generally proportional to either building. Approximately one-half of the open space, affordable housing, structured parking, neighborhood services, design elements, tree canopy, cool roof, and BLTs are required by whichever building is completed first. Likewise, any streetscape improvements and uses will be equally shared by any phasing plan. Thus, no particular provisional phasing plan is required at this stage of design. A full development program to establish phasing of the elements required by this Application will be developed and analyzed during preliminary and site plan reviews.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this sketch plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the Master Plan. If Planning Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the Master Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to it must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Master Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Master Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to

further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320120010, Mallory Square, stamped received by M-NCPPC on September 20, 2011 and October 20, 2011 are required except as modified herein; and

BE IT FURTHER RESOLVED that the date of this Resolution is FEB 2 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).

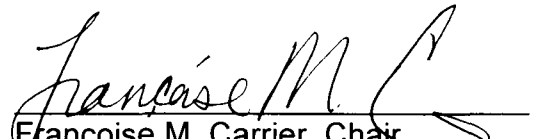
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CERTIFICATION

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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with

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Commissioner Presley abstaining, at its regular meeting held on Thursday, January 26, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board