



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

MCPB No. 12-138
Site Plan No. 820120130
Project Name: Mallory Square
Date of Hearing: January 24, 2013

FEB 4 2013

RESOLUTION

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

WHEREAS, on February 2, 2012, the Planning Board, by Resolution MCPB 11-108 approved Sketch Plan No. 320120010 that would create two mixed-use buildings with up to 837,147 square feet of development for residential uses with up to 10% of gross floor area for ancillary retail uses on 12.81 acres of CR1.5 C1.5 R1.5 H100 zoned-land, located in the southeast quadrant of the intersection of Omega Drive and Research Boulevard ("Subject Property"), in the *Great Seneca Science Corridor Master Plan* ("Master Plan") area; and

WHEREAS, on June 20, 2012, Woodfield/Meridian Shady Grove LLC ("Applicant"), filed an application for approval of a site plan to construct two new residential buildings with up to 800,000 square feet of total density with up to 3,500 square feet of non-residential uses and up to 796,500 square feet of residential uses with up to 682 units, including 13.63% moderately priced dwelling units ("MPDUs") on the Subject Property and Applicant requested two modifications to the binding elements approved with the Sketch Plan;¹ and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820120130, Mallory Square ("Site Plan" 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

¹ During site plan review, the Planning Board may approve amendments to the binding elements of an approved sketch plan in accordance with §59-C-15.43(d). The location of the vehicular access points have changed and Applicant has requested removal of Neighborhood Services as a public benefit.

Approved as to
Legal Sufficiency:

Carol Rubin / *1/24/13*

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

Planning Board, dated January 11, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 24, 2013, 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, on January 24, 2013, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss and Presley voting in favor, with Commissioner Wells-Harley being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820120130 for two new residential buildings with up to 800,000 square feet of total density with up to 3,500 square feet of non-residential uses (non-residential floor area may be increased to 7,000 square feet with Staff approval as long as the total density remains the same and capacity is available under GSSC Master Plan staging), and up to 796,500 square feet of residential uses for up to 682 units, including 13.63% MPDUs on the Subject Property, subject to the following conditions:²

1. Sketch Plan Conformance

The development must comply with the applicable binding elements and conditions of Sketch Plan 320120010 approved by the Planning Board by a Resolution dated February 2, 2012, except as amended by this Site Plan.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120120180.

3. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines, as amended, for each one. Each public benefit must be verified by Staff to be complete as required by the submittals listed for each, prior to issuance of any use-and-occupancy permit for the associated building, except as noted below. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

² 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.

- a. Major Public Facilities (Bike Sharing Station)
 - b. Transit Proximity
 - c. Affordable Housing
 - d. Structured Parking
 - e. Public Art
 - Provide payment of \$100,000 to the Arts and Humanities Council. 50% of the payment will be due prior to issuance of a core-and-shell building permit for the first building to be constructed on the site, and 50% of the payment will be due prior to issuance of any core-and-shell building permit for the second building to be constructed on the site.
 - f. Public Open Space
 - g. Exceptional Design
 - h. BLTs
 - Purchase or payment for 1.3024 Building Lot Terminations is required, with 50% of the purchase or payment due prior to issuance of any building permit for the first building to be constructed on site, and 50% of the purchase or payment due prior to issuance of any building permit for the second building to be constructed on the site. Documentation to be provided to Staff.
 - i. Tree Canopy
 - Provide as-built landscape plan showing tree locations and species with 15 year coverage and tabulation of total open space under canopy; may be completed in phases for open space around individual buildings. (Seasonal)
 - j. Cool Roof
 - Provide as-built roof plans showing coverage of roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
4. Transportation
The Applicant must provide a minimum of 224 bicycle parking spaces as follows:
- a. 200 private bike lockers or secured bicycle parking spaces, with 100 spaces located in each of the two garages in a well-lit area near the elevator or the garage entrance;
 - b. Two (2) non-residential spaces, one per building; and
 - c. Twenty-two (22) public bicycle parking spaces.
 - d. Final location and facility details to be determined by certified Site Plan.
5. Environment
- a. The Applicant must submit and receive Staff approval of a revised Forest Conservation Plan that specifies the location and species of the eight (3"

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 - b. Two (2) non-residential spaces, one per building; and
 - c. Twenty-two (22) public bicycle parking spaces.
 - d. Final location and facility details to be determined by certified Site Plan.
5. Environment
- a. The Applicant must submit and receive Staff approval of a revised Forest Conservation Plan that specifies the location and species of the eight (3"

caliper) native trees planted on-site as mitigation for the removal of three Section 22A-12(b)(3) variance trees.

- b. The Applicant must submit a Certificate of Compliance for the purchase of off-site reforestation/afforestation credit in an approved forest mitigation bank which must be approved by the Planning Department Associate General Counsel's office and recorded in the Montgomery County Land Records prior to any clearing and grading occurring on site.
6. Moderately Priced Dwelling Units (MPDUs)
 - a. The development must provide a minimum of 13.63 percent MPDUs in accordance with an Agreement to Build with the Department of Housing and Community Affairs ("DHCA").
 - b. The MPDU Agreement to Build must be executed prior to the release of any building permits.
 7. Recreation Facilities

The Applicant must provide at least the following recreation facilities for each building as shown on the Site Plan, conforming to the Recreation Guidelines approved by the Planning Board in September 1992:

 - a. Indoor Community Space;
 - b. Swimming Pool;
 - c. Pedestrian System;
 - d. Indoor Fitness Facility; and
 - e. Four Picnic/Sitting Areas.
 8. Maintenance

Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.
 9. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.
 10. Financial Security and Agreement

Prior to issuance of first building permit within each relevant phase of development, the Applicant must provide a performance bond(s) or other form of financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

 - a. The Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.

- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, exterior site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The Bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

11. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the certified Site Plan. The development program must include the following items in the phasing schedule:

- a. Demolition of existing buildings may commence prior to approval of the certified Site Plan.
- b. Street lamps and sidewalks adjacent to each building must be installed prior to release of any use-and-occupancy permit for the respective building. Street tree planting may wait until the next growing season.
- c. On-site amenities including, but not limited to, recreation amenities and public use space amenities adjacent to each building, must be installed prior to release of any use-and-occupancy permit for the respective building.
- d. 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 Staff inspection and approval of all applicable environmental protection devices.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

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 Plan approval, stormwater management concept approval, development program, inspection schedule, and Planning Board Resolution approving this Site Plan on the approval or cover sheet.
- b. Remove unnecessary sheets.

- c. Make corrections and clarifications to details, incentive density calculations, recreation facilities, labeling, data tables, and schedules.
- d. Ensure consistency of all details and layout between architecture, site, and landscape plans.

BE IT FURTHER RESOLVED, that all site development elements as shown on Mallory Square Site Plan, stamped by The M-NCPPC on January 4, 2013, and the landscape and lighting plans and architectural plans stamped by The M-NCPPC on August 22, 2012, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the 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. *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.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the binding elements and conditions of Sketch Plan No. 320110030, which may be modified at the time of site plan review under Section 59-C-15.43(d).

There are two modifications to the binding elements with this Site Plan.

- a. The location of the vehicular access points has changed since approval of the Sketch Plan. The access points to the site were limited to two entrances for each building: to the garage and loading areas from B-9 and to the garage and visitor parking area from Research Boulevard. Vehicular access to the site is now limited to one entrance for each building, with all entrances to the garage, visitor parking area and loading areas for each Building being accessed only from B-9. As required under Section 59-C-15.43(c), the Planning Board finds that the circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists continue to be enhanced by the proposed development, and the Project provides a finer street grid for cars, pedestrians, and bicyclists to increase mobility options and disperse traffic and provides garage and loading entrances to both buildings on a newly constructed business district street, thereby alleviating congestion from Research Boulevard or Key West Avenue.

None of the other elements under Section 59-C-15.43(c) are affected by this modification.

- b. The public benefit, Neighborhood Services, originally approved by the Sketch Plan has been removed per the Applicant's request because the details of the Site Plan show that the criteria for these benefits cannot be met. The Application does qualify, however, for an alternative public benefit, Public Art and is conditioned on payment of \$100,000 to the Arts and Humanities Council.

The Planning Board finds the removal of the Neighborhood Services public benefit and the addition of the Public Art public benefit does not alter the Sketch Plan findings under Section 59-C-15.43(c).

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

There are several requirements of the CR zones that must be met by this Application:

- Uses;
- General Requirements;
- Development Standards; and
- Special Regulations for the Optional Method of Development (Public Benefits).

a. Uses

The proposed uses – residential and office – are permitted uses in the zone.

b. General Requirements

The development is substantially consistent with the Master Plan and the GSSC Design Guidelines. As part of the Life Science Center North District, the Project will:

- Provide mixed-use infill with residential uses and pedestrian-oriented local retail facilities (page 48);
- Provide public benefits that improve connectivity and mobility, through construction of master-planned Road B-9, open space and pedestrian-realm improvements, and add to the diversity of uses and activities, through construction of affordable housing above the minimum required and open space (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 (page 53); and
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (pages 26-30).
- Create 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);
- Provide a new business district street with wide sidewalks, street trees, lighting, amenities, and parallel parking (design guidelines, pages 14 & 44);
- Provide 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);
- Provide design excellence with innovative building materials and style (design guidelines, page 27); and
- Place parking within a structure faced with residential and retail uses (design guidelines, pages 18-19) and locate entrances and exits along business district streets (page 29); and
- Provide at least the minimum required number of bicycle parking spaces for residents and visitors.

c. Development Standards

The Application will comply with all development standards of the zone.

d. Public Benefits

The development will provide numerous public benefits with proportional incentive density points approved by the Planning Board supported by more detailed formulae set forth in the Staff Report.

Transit Proximity

This project is eligible for 20 points because 96% of the project's total tract area is within ¼ mile and ½ mile of two Level 2 CCT Stations.

Affordable Housing

MPDU units above the minimum number of units required, but not more than 15 percent of all units, entitles the Applicant to 13.6 incentive density points because the Project is providing an additional 1.1 percent of MPDUs.

Structured Parking

Up to 20 points may be granted for placing parking within an above – or below - grade structure. In this case, the majority of the parking is within the above-grade structure and the Planning Board approves 9.9 points.

Public Art

Up to 15 points may be granted for installing public art reviewed for comment by, or paying a fee accepted by, the Arts and Humanities Council. The Applicant has elected to make a payment on behalf of the Public Arts Trust (the Trust) in lieu of installing public art. The Planning Board grants 10 points for this public benefit.

Public Open Space

Up to 20 points may be granted for providing or making a payment for open space in addition to the minimum public use space required. The project proposes to provide 20.1 percent of public open space, which is 10.1 percent more than the 10 percent required. The Planning Board grants 20 points for this public benefit.

Exceptional Design

Up to 10 points can be granted for building or site design whose visual and functional impacts enhance the character of a setting and for development that meets all six of the criteria outlined in the Commercial-Residential Zones Incentive Density Implementation Guidelines. The Planning Board grants 5 points because the project meets the following four criteria:

- *creates a sense of place and serves as a landmark*

The public open space creates a strong sense of place that residents and non-residents alike can enjoy. These spaces will serve as local gathering places and provide passive and active spaces for sitting, relaxing, dining, strolling, and social engagement. In particular, the key corner of Omega and Key West is designed with place-making amenities so that it will become a landmark in the neighborhood using landscaping, hardscape materials and streetscape. Site furnishings, shade, color, and lighting will be integrated within the open spaces to create a unique and interesting place for year-round use and enjoyment by patrons, employees, and residents.

- *introduces new materials, forms, or building methods*

The project introduces new forms, in particular along the sides of the buildings where stoops and doors allow direct access from the dwelling units to allow residents to more easily inhabit the provided open spaces. The project also includes retail spaces on the road between the two buildings. Furthermore, the architecture changes building facades to make the buildings appear as if there are multiple buildings on the site that were built over a period of time and not one homogenous building, and by providing a building that is unique in form to this area.

- *uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable*

Mallory Square is a new residential project with supporting retail that improves the existing site by changing the design of the site from an automobile oriented suburban office building site to a pedestrian friendly, urban, transit oriented, and mixed-use design. This project is an urban infill project that provides housing within walking distance of jobs and near the bus lines to the Metro. It densifies the suburb of which it is a part by providing additional affordable housing, a mix of multi-family unit types, density within ½ mile of three proposed CCT stations.

The project's design creates a neighborhood that offers pleasurable and desirable experiences for the residents and non-residents. The project provides an innovative solution to the jobs/housing imbalance in the planning area. The site design hides parking from view, creates an urban and pedestrian oriented and friendly streetscape, creates public open space and urban streetscapes and places the buildings on the site in such a way that they address the streets as an urban project.

- *Integrates low-impact development methods into the overall design of the site and building.*

The project integrates low-impact development methods by using bio-retention areas and incorporating them into the design to help create the park-like settings. The Applicant is committed to meeting the National Association of Home Builder's Green Bronze standard with the following features:

- Site Selection, reusing an site with an existing building and surface parking lots
- Provide future charging stations for Electric Vehicles
- Roof and Landscaping will reduce heat island effect

- Project will have water efficient landscaping
- MPE Systems will optimize Energy Performance
- Construction Waste Management practices will be followed by GC
- Recycled Content will be used
- Regional materials will be used
- Low-Emitting Material will be used
- Controllability of Lighting and HVAC systems will be optimized
- Daylight and Views will be optimized
- Owner will provide tenants with education about building systems to optimize tenant use of HVAC and Lighting

BLTs

All optional method developments in CR zones must achieve at least five points through purchase of BLTs as calculated by a formula established in the Ordinance, under section 59-C-15.856(a). The Applicant will purchase 1.3024 BLTs as required to receive the 5 points.

Tree Canopy

Up to 15 points may be granted for tree canopy coverage at 15 years of growth of at least 25% of the on-site open space. Incentive density of 10 points is appropriate for development that meets the requirements of the Zoning Ordinance. Coverage is calculated as 75 percent of 20-year canopy coverage under the M-NCPPC Trees Technical Manual.

Applicant will provide 22,814 square feet of tree canopy coverage at 15 years of growth; therefore, the 10 points requested by Applicant is appropriate.

Cool Roof

The Applicant proposes to meet the minimum solar reflectance index (SRI) for a flat roof with a minimum cool roof of 90% of the total available roof area, based on the guidelines that state, "On sites greater than one acre, incentive density of five points is appropriate for development that meets the requirements of the Zoning Ordinance". The Planning Board grants 5 points for this benefit.

The approved public benefits fulfill the priority recommendations of the Master Plan, meet the criteria of both the Implementation and Design Guidelines. They are appropriate for the size and configuration of the tract and enhance the site's relationship to adjacent properties. The individual benefits did not provide enhancements beyond the basic criteria for extra points established by the Zoning Ordinance or the Implementation Guidelines.

Major Public Facility

Up to 70 points are allowed for major public facilities. These may include “public transportation upgrades” and, if not recommended in a master plan, “the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major facilities recommended in the applicable master or sector plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by an applicable adequate public facilities requirement to complete the proposed development.”

This bike share station will provide a resource that will become increasingly beneficial as density increases, bike trails and lanes are added, and transit is implemented.

No other major public facilities are recommended by the Master Plan on or near the site. The Planning Board finds that the facility will be beneficial because it will provide increased access and mobility, help fulfill the Non Auto Driver Mode Share [“NADMS”] goal, and help increase health and welfare of the community. Therefore, five points have been granted for construction of the bike share facility.

Public Benefit	Maximum Points Permitted	Proposed Points [Sketch Plan]	Criteria	Points Recommended
Major Public Facilities Category				
Bike Sharing Station	70	NA[NA]	The facility or improvement provides the community with a resource that is at least as beneficial as other major facilities recommended in the applicable master or sector plan.	5
Transit Proximity Category				
Transit Proximity (Site ¼- ½ mile from Level 2 CCT Station.)	50	20 [20]	Greater than 75% of the of the subject site is within ½ mile of the CCT Station	20
Diversity of Uses and Activities Category				
Affordable Housing	NA	13.6 [12]	Project is providing 13.6% MPDUs; 1.1% over 12.5% = 13.6 points	13.6
Quality of Building & Site Design Category				
Structured Parking	20	9.9 [9]	Project provides 99% of parking spaces in above grade structures	9.9

Public Art	15	10 [0]	Project is providing a monetary payment on behalf of the Public Arts Trust.	10
Public Open Space	20	20 [20]	Project is providing 10.1% additional open space (above the 10% required)	20
Exceptional Design	10	7.5 [10]	5 points is appropriate for development that meets at least four of the exception design criteria.	5
<ul style="list-style-type: none"> ▪ Creates a sense of place and serves as a landmark (unique open space and landmark building); ▪ Introduces new materials, forms, or building methods (stepped floor plates, "table-top" street and sidewalk integration, and amphitheater steps and open space); ▪ Uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable (activating uses, minimized vehicular/pedestrian conflicts, integrated office/retail/entertainment/housing layout; and integrated public/private open spaces); and ▪ Integrates low-impact development methods into the overall design of the site and building (solar exposure to south, integrated LEED components and ESD facilities, efficient floor plate width and glazing features, low buildings to south of open space, and pedestrian-focused open space). 				
Protection and Enhancement of the Natural Environment Category				
BLTs	30	5 [5]	1 BLT per 20,000sf of 5% of incentive density	5
Tree Canopy	15	10 [10]	22,814sf tree canopy (25% of on-site open space.	10
Cool Roof	10	5 [10]	Project will provide a minimum of 90% cool roof of the total available roof area.	5
Total Points				103.50

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. Locations of buildings and structures

The locations of the buildings and structures are adequate, safe, and efficient for an infill development site that is envisioned by the Master Plan and the GSSC Design Guidelines to provide pedestrian-oriented blocks, street walls along sidewalks, and taller buildings and density near transit facilities.

b. Open Spaces

The locations of the open spaces are adequate, safe, and efficient for an infill development site that is envisioned by the Master Plan to include sidewalks complemented by strategically placed, unique, small open spaces and more centralized, adaptable, larger open spaces that will provide passive and active spaces for sitting, relaxing, dining, strolling, and social engagement.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that site amenities will be safe, adequate, and efficient for year-round use and enjoyment by patrons, employees, and residents. Site furnishings, shade, color, and lighting will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

d. Recreation Facilities

The development is exceeding the active and passive recreation space required by the zone. The development will provide the following on-site recreation facilities:

- 24 picnic/sitting areas (12 per building);
- 1 bike system
- 1 pedestrian system;
- 2 swimming pools (1 per building);
- 2 indoor community space (1 per building);
- 2 indoor fitness facilities (1 per building).

The development exceeds the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines and will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

e. Pedestrian and Vehicular Circulation Systems

Vehicular circulation will be enhanced through consolidated loading and garage entrances and creating smaller blocks. The vehicular access to the site is limited to two entrances for each building; the entrances to the garage, visitor parking area and loading areas for both Buildings A and B are accessed only from B-9. Most vehicular parking will be within structures with some along the western side of B-9 and at the main entrance lobbies. These circulation routes, access points, and loading movements have been reviewed to ensure minimal conflicts with pedestrians and that full build-out will be in line with the Master Plan and code requirements.

Pedestrian circulation, conversely, will be greatly improved along the street frontages and within the site. The new grid network of sidewalks and open spaces envisioned for this area will begin to be realized and bicycle and pedestrian amenities, such as benches, handicapped access, bike racks, shade trees, and bike lanes will be greatly improved. Pedestrian and bicycle access is provided at numerous points from perimeter sidewalks to individual units, the retail bays, and the main lobby entrances. Bicycle parking for residents and visitors will be provided within the parking structure and near building entrances.

This new network of sidewalks in and around smaller pedestrian-scaled blocks will provide adequate, safe, and efficient pedestrian and vehicular circulation systems.

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

The mixed-use buildings are compatible with existing uses regarding scale, massing, and height as reflected in the urban design and zoning recommendations of the Master Plan and the GSSC Design Guidelines. Compatibility is achieved through similar massing envelopes, although with more articulation and diversity of materials, and 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. There are no pending site plans adjacent to the proposed development.

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.*

a. Forest Conservation

The Site Plan is in compliance with Forest Conservation Law and M-NCPPC's Environmental Guidelines. The Planning Board approves the Final Forest Conservation Plan as part of the Site Plan as conditioned. The Planning Board approved a Section 22A-12(b)(3) variance with the Preliminary Forest Conservation Plan as part of Preliminary Plan No. 120120180.

b. Stormwater Management

A Stormwater Concept Plan was approved by DPS on March 29, 2012. The Site Plan proposes to meet stormwater management requirements through a variety of Environmental Site Design techniques, including micro-bioretenion facilities, planter box micro-bioretenion facilities, and pervious parking.

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

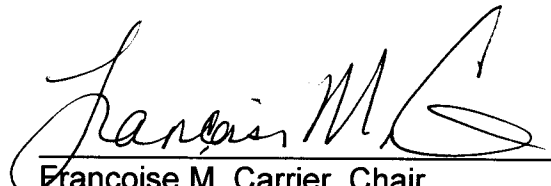
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 4 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, seconded by Commissioner Anderson, with Chair Carrier and Commissioners Anderson, Dreyfuss, and Presley voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, January 24, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board