



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

MCPB No. 13-06  
 Site Plan No. 820120190  
 Hanover Shady Grove  
 Date of Hearing: January 17, 2013

FEB 14 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 May 22, 2012, the Planning Board, by Resolution MCPB 12-14 approved Sketch Plan No. 320120020 that would create two mixed-use buildings with up to 452,152 square feet of development for residential uses on 6.92 gross acres of CR1.5 C1.5 R1.5 H100 zoned-land, located on Parcels R-R and T-T in the Hanover Shady Grove Executive Center on the north side of Research Boulevard approximately 500 feet east of the intersection with Omega Drive ("Subject Property"), in the *Great Seneca Science Corridor Master Plan* ("Master Plan") area; and

WHEREAS, on June 13, 2012, Hanover R. S. Limited Partnership on behalf of Shady Grove Investors I, LLC & Shady Grove Investors II, LLC ("Applicant"), filed an application for approval of a site plan for 452,211 square feet of residential uses in two mid-rise multi-unit buildings limited to up to 366 units on 6.92-acres of CR1.5 C1.5 R1.5 H100 zoned-land, located on the Subject Property; and

WHEREAS, the Applicant requested one modification to the binding elements approved with the Sketch Plan and Staff requested one modification to the binding elements approved with the Sketch Plan<sup>1</sup>; and

WHEREAS, the Applicant's site plan application was designated Site Plan No.820120190, Hanover Shady Grove ("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 Planning Board, dated January 4, 2013, setting forth its analysis of and

<sup>1</sup> 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 Applicant has requested removal of Transit Access Improvements as a public benefit, to be replaced by Energy Conservation, and Staff requested adding a bike sharing station to the development as a Major Public Facility.

Approved as to  
 Legal Sufficiency

*[Handwritten Signature]* 1/30/13  
 MNCPPC Legal Department

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recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 17, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820120190 for 452,211 square feet of residential development in two mid-rise, multi-unit buildings for up to 366 mid-rise units on the Subject Property, subject to the following conditions:<sup>2</sup>

1. Sketch Plan Conformance

The development must comply with the applicable binding elements and conditions of Sketch Plan 2320120020 approved by the Planning Board by Resolution dated May 22, 2012, as amended by this Site Plan 820120190.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approved Resolution for Preliminary Plan 11986186A, including any amendments approved by the Planning Board.

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:

- a. Major Public Facilities (Bike Sharing Station)
- b. Transit Proximity,
- c. Affordable Housing,
- d. Dwelling Unit Mix,
- e. Enhanced Accessibility for the Disabled,
- f. Structured Parking,
- g. Public Open Space,
- h. Exceptional Design,
- i. BLTs,
- j. Energy Conservation,

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<sup>2</sup> 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.

- k. Tree Canopy, and
- l. Vegetated Area

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 buildings, except as noted below. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

4. Transportation – Pedestrian and Bicycle Facilities

The Applicant must provide 149 bicycle parking spaces as follows:

- a. For the public bike parking spaces, 20 bicycle parking spaces with inverted-U bike racks, or approved equivalent such as the Bike Sharing Station to be located within the Civic Green.
- b. For the private bike parking spaces, a total of 129 secured bike parking spaces or bike lockers where 67 spaces are located in Building 1's garage and 62 spaces are located in Building 2's garage and in a well-lit area near the elevator or the entrance.
- c. Final location and facility details to be determined by certified Site Plan.

5. Moderately Priced Dwelling Units ("MPDUs")

- a. The development must provide 13.6 percent MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated December 13, 2012.
- b. An Agreement to Build between the Applicant and DHCA must be executed prior to the release of any building permits.

6. 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. Indoor Fitness Facility (at Building 1);
- c. 1 Swimming Pool (at Building 1);
- d. 19 Picnic/Sitting Areas; and a
- e. Pedestrian Sidewalk System.

7. 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, and benches/sitting areas. Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

8. Architecture

The final exterior architectural character, proportion, materials (including such materials as simulated stone and Hardie board or other cementitious siding), and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

9. 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.

10. 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. The "Civic Green" must be completed within 12 months of completion of Building 1.
- 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 M-NCPPC inspection and approval of all applicable environmental protection devices.

- e. The development program must provide 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.

#### 11. 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 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, as required by Staff.
- d. Ensure consistency of all details and layout between architecture, site, landscape, and forest conservation plans.

#### 12. Pedestrian Bridge

Prior to release of the building permit for the pedestrian bridge that will connect the existing parking garage on Parcel S-S and the multi-family building on Parcel T-T, the site plan for Parcel S-S must be amended to include the pedestrian bridge.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Hanover Shady Grove drawings stamped by the M-NCPPC on December 11, 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 five binding elements and seven conditions of Sketch Plan 320120020 in MCPB Resolution No. 12-14, which may be modified at the time of site plan review under Section 59-C-15.43(d).

#### Public Benefit Change

At the request of the Applicant, the transit access improvements public benefit, originally approved with the Sketch Plan as a binding element, has been removed at the request of the Applicant because of right-of-way constraints and replaced by energy conservation as a public benefit. The Applicant has an energy model that has been implemented at other sites, and therefore, adding energy conservation as a fourth consideration in the Energy Category is consistent with their portfolio. With this modification to public benefits, the Planning Board finds that the project continues to meet the necessary findings under Section 59-C-15.43(c) that support the requested incentive density, and the public benefits are consistent with the priorities of the Master Plan.

- The project continues to meet the objectives, general requirements, and standards of Division 59-C-15 through compliance with the CR Zone.
- The Project continues to further the recommendations and objectives of the Master Plan and is in general conformance with the recommendations of the GSSC Design Guidelines.
- The buildings and open spaces remain compatible with existing nearby buildings, open spaces, and uses and are, in fact, unchanged by the modification to the binding elements.
- Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists remain enhanced by the proposed development, despite the removal of the transit access improvement public benefit. While the transit access improvements as originally proposed would have provided additional pavement markings and shelters for pedestrians and cyclists, right-of-way constraints would not have ensured that these improvements could be done adequately and safely.
- The project continues to provide the necessary public benefits as shown on the density summary table below and includes public benefits that address the general incentive and density considerations required by Section 59-C-15.83.
- The project may be built in two phases. Either of the phases will require completion of public benefits that are generally proportional to the proposed buildings. Approximately one-half of the open space, affordable housing, structured parking, exceptional design, tree canopy, BLTs, and energy conservation elements are required, whichever building is completed first.

*2. The Site Plan meets all of the requirements of the CR1.5 C1.5 R1.5 H100 zone.*

The Application must meet the following requirements of the CR Zone:

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

a. Uses

The approved use as multi-family residential with structured parking is permitted in the zone.

b. General Requirements

This Site Plan is substantially consistent with the Master Plan and the GSSC Design Guidelines. As part of the LSC North District, the development will:

- Provide in-fill residential development (page 48);
- Provide public benefits that improve connectivity and mobility, improve open spaces and the pedestrian-realm, and add to the diversity of 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 improvements to the local sidewalks and around the new buildings;
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhances 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 retail on adjacent properties, amenity space, and the pedestrian network; and are not separated by barriers (design guidelines, page 13);
- Encourage the use of sustainable building practices and site design to reduce energy use and stormwater runoff;
- Provide 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 to perimeter sidewalks (design guidelines, pages 22 & 45);
- Provide design excellence with innovative building materials and style (design guidelines, page 27); and
- Provide at least the minimum required number of bicycle parking spaces for residents and visitors.

c. Development Standards

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the CR1.5 C1.5 R1.5 H100 zone.

**Data Table**

1. Density of Development (maximum square feet per gross tract)			
	Total (CR)	Non-Residential (C)	Residential (R)
Allowed by the Zone	452,211	452,211	452,211
Approved with Sketch Plan	452,152	N/A	452,152
<b>Approved and Binding on the Applicant</b>	<b>452,211</b>	<b>N/A</b>	<b>452,211</b>

2. Height (maximum feet)	
	CR1.5 C1.5 R1.5 H100
Allowed by the Zone	100
Approved with Sketch Plan	70 for occupiable space 80 for design elements
<b>Approved and Binding on the Applicant</b>	<b>Building 1: 70</b> <b>Building 2: 80</b>

3. Public Use Space (minimum % of net lot)	
Required by the Zone	10%
Approved with Sketch Plan	20%
<b>Approved and Binding on the Applicant</b>	<b>19%</b>

4. Residential Amenity Space (minimum square feet per market rate unit)			
	Rate	Required	Approved and Binding on the Applicant
Indoor Amenity Space	20sf per unit up to 5,000sf	5,000	7,789 Provide area for each building with CSP <sup>3</sup>
Outdoor Amenity Space	20sf per unit up to 5,000sf	5,000	15,013 Provide area for each building with CSP

5. Minimum Bicycle Parking Spaces & Shower/Change Facilities				
Use	Required		Approved and Binding on the Applicant	
	Publicly Accessible	Private & Secure	Public	Private
Building 1- with 191 Units	10	67	10	67
Building 2 – with 175 units	10	62	10	62

**6. Parking (minimum spaces required)**

<sup>3</sup> CSP = certified site plan, must meet minimum.



	Required	Approved and Binding on the Applicant
Per Unit Mix	469	627

d. Public Benefits

The development will provide numerous public benefits with proportional incentive density points according to:

- The recommendations, objectives, and priorities of the Master Plan;
- The CR Zone Incentive Density Implementation Guidelines and the GSSC Design Guidelines;
- The size and configuration of the tract;
- The relationship of the Site Plan to adjacent properties;
- The presence or lack of similar public benefits nearby; and
- Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit.

In accordance with the Zoning Ordinance, Section 59-C-15.82, the Site Plan proposes the following four public benefits categories to satisfy the requirements: Transit Proximity; Diversity of Uses & Activities; Quality of Building and Site Design; and Protection and Enhancement of the Natural Environment.

Major Public Facilities (Bike Sharing Station)

Although a bike sharing station was not specifically recommended in the Master Plan, the Planning Board may approve up to 70 points if the facility or improvement provides the community with a resource that is at least as beneficial as other recommended major facilities in the applicable master or sector plan, and the facility or improvement is beyond those required to meet adequate public facilities requirements.

No other major public facilities are recommended by the Master Plan on or near the Subject Property. The Planning Board found that the Bike Sharing Station will provide a resource that will become increasingly beneficial as density in the area increases, bike trails and lanes are added, and transit is implemented. A bike sharing station at this location will provide increased access and mobility, help fulfill NADMS goals, and help increase the health and welfare of the community. There is no LATR or PAMR requirement for this development. Therefore, the Planning Board approved the 5 points for this major public facility as recommended by Staff and agreed to by the Applicant.

Transit Proximity

The Project is eligible for 20 points because greater than 75% of the Subject Property is within ½ mile of a CCT Station, a Level 2 transit facility. The Planning Board approves Applicant's request for the maximum 20 points because development near transit facilities encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions.

#### Affordable Housing

Affordable housing or MPDUs above the minimum number of units required, but not more than 15 percent of all units, entitles the Applicant to 12.0 incentive density points for each 1 percent increase in MPDUs. Any fraction of 1 percent increase in MPDUs entitles the Applicant to an equal fraction of 12.0 points.

The Site Plan includes 13.66% MPDUs. The Planning Board approves granting 13.92 incentive density points because the Project is providing more than an additional 1 percent of MPDUs, and the Master Plan encourages the provision of housing to improve the area's jobs-housing balance, and it recommends a range of housing options to help meet County housing goals, including MPDUs and workforce housing (page 23).

#### Dwelling Unit Mix

The Planning Board approves 5 points for integrating a mix of residential unit types with at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units. As prescribed by the Incentive Density Guidelines, to achieve the full 10 points, a greater minimum number of each unit type must be provided.

#### Enhanced Accessibility for the Disabled

The Planning Board approves Applicant's request for 6.55 incentive density points for constructing dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.

#### Structured Parking

Up to 20 points may be granted for placing parking within an above or below-grade structure. In this case, most of the parking will be within two above-grade structures; (one currently exists on an adjacent site, and the other will be constructed as part of the Subject Project). The Planning Board approves Applicant's request for 10 points for the reasons outlined in the Applicant's Supplemental Narrative:

"The existing conditions of the Shady Grove Executive Center include an under-utilized parking garage dedicated to one office building and a separate surface parking lot (located on a portion of the Hanover site) dedicated to another office building. As part of the design of the Hanover site, the Project (a) will utilize the excess parking in the existing garage, sharing parking with the office workers and connecting the existing garage to one of the Project's residential buildings via a two-level resident sky bridge; and (b) will redevelop the existing surface parking as the basement level of a new, to-be-constructed structured parking garage that will serve the second residential building of the Project. "

The GSSC Master Plan Urban Design Guidelines make the following recommendations for parking (page 28):

“The Plan recommends a strong pedestrian orientation for future development, reducing the amount of surface parking lots by:

- Reducing parking requirements and using structured parking and/or shared parking.
- Relieving smaller properties from self-park requirement.”

Sharing existing parking provides a better function of existing facilities through innovative design and the sky bridge connection between the existing garage and the building is an innovative solution.

#### Public Open space

The Planning Board approves Applicant’s request for 9 points for providing 30,143 s.f. of public open space in addition to the minimum 10% public use space required by the zone.

#### Exceptional Design

The Planning Board approves Applicant’s request for 10 points for exceptional design because that the Site Plan meets all six of the following criteria:

- *provides innovative solutions in response to the immediate context*

The Site Plan provides innovative solutions in response to the immediate context and existing development conditions through reuse of existing facilities, reducing to the extent possible the demolition of existing uses and the impact of entirely new construction. This allows the Applicant to deliver a compact and efficient infill site, consistent with the stated goals of the Master Plan.

The project provides a residential in-fill development in a mostly-developed office setting. It will also serve to complement recommendations in the Master Plan for the LSC transformation and implement the CR zone at the site that, as currently developed, is designed for the automobile. The project represents a transformational piece in the LSC North District; significant multi-family residential housing options and pedestrian-friendly features.

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

The public open spaces, a centrally located Civic Green and enhanced streetscapes, create a strong sense of place to which residents and non-residents will have access for enhanced quality of life.

- *enhances the public realm in a distinct and original manner*

The design of the buildings will define the spaces around them and create public spaces rather than stand as isolated buildings. Both buildings will have courtyards that create opportunities for recreational experiences and socializing in general. In addition to the Civic Green, the Project includes preservation of a 0.7-acre forested area adjacent to the Civic Green.

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

The Project features high-quality building materials such as stacked stone facades and unique design solutions intended to activate the streetscape. Some of the residential units will have street-level entrances and stoops, a design feature intended to generate residential activity at street-level. The Project will provide 8 units that meet ASHTA standards for accessibility to provide quality housing opportunities for an underserved segment of the population. The project lends itself to sustainability by incorporating an energy efficiency model the developer has used at other sites across the country. The Applicant will obtain LEED certification in an effort to reduce impacts to air quality.

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

The two multi-family residential buildings will be integrated with existing office development through shared infrastructures and pedestrian and vehicular circulation networks. This results in an in-fill development that promotes a live-work-play atmosphere. This project addresses the Master Plan objective to "Transform the LSC into a dynamic live/work community while ensuring growth opportunities for research, medical, and bioscience interests."

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

The Master Plan recommends "site design and construction options that minimize imperviousness," including "compact development" and "parking options such as reduced parking requirements and the use of structured parking and/or shared parking facilities." The project includes both structured parking and shared parking.

The stormwater concept approved for this Site Plan includes micro-biorention, planter boxes, retention of existing tree canopy and forest areas, and street tree and landscape plantings.

#### Building Lot Termination ("BLT")

All optional method developments in CR zones must achieve at least 5 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 0.7536 BLTs as required to receive the 5 points.

Tree Canopy

The Planning Board approves Applicant's request for 10 points for tree canopy coverage because the minimum of 25% coverage has been provided.

Vegetated Area

The Planning Board approves 5 points because the vegetated area meets the minimum requirements of the Zoning Ordinance.

Energy Conservation and Generation

The Planning Board approves Applicant's request for 15 points for exceeding the energy-efficiency standards for the building type by at least 17.5%

Public Benefit	Maximum Points Permitted	Proposed Points [Sketch Plan]	Criteria	Points Approved & Binding on Applicant
<b>Major Public Facility Category</b>				
Bike Sharing Station	70	Not proposed at Sketch Plan	Where not recommended in the applicable master or sector plan, up to 70 points if the facility or improvement provides the community with a resource that is at least as beneficial as other recommended major facilities in the applicable master or sector plan. Must be beyond those required by APF.	5
<b>Transit Proximity Category</b>				
Transit Proximity	20	20 [20]	Site within ¼ - ½ mile from Level 2 CCT Station.	20
<b>Diversity of Uses and Activities Category</b>				
Affordable Housing	12	13.48 [12]	Provision of 13.5% MPDUs; 1% over 12.5% = 12	13.92
Dwelling Unit Mix	10	5 [5]	Provision of at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, & 5% 3-or more bedroom units	5
Enhanced Accessibility for the Disabled (8 units)	20	6.53 [5]	Provision of at least 12 units that meet ANSI A117.1 Residential Type A standards.	6.55
<b>Quality of Building and Site Design Category</b>				
Structured parking	20	10 [10]	All but 31 of 627 spaces within above grade structure.	10
Public Open Space	20	20 [10]	Density for open space above the zone's requirements is granted on a sliding scale based on the % of the net lot area.	9

Exceptional Design	10	10 [10]	Incentive density of 5 points for development that meets at least 4 of 6 criteria and 10 points for development that meets all 6.	10
<b>Protection &amp; Enhancement of the Natural Environment Category</b>				
BLTs	30	5 [5]	Purchase/payment for 1 BLT per 20,000sf of 5% (301,435 sf incentive density*0.05/20,000) = 0.7536	5
Tree Canopy	15	15 [10]	Coverage of 25% of on-site open space with tree canopy at 15 years growth.	10
Vegetated Area	5	5 [5]	Installation of plantings in a minimum of 12 inches of soil covering at least 5,000 square feet of previously impervious surfaces.	5
Energy Conservation & Generation	15	Not proposed at Sketch Plan	Project will maintain 75% of the structural system of the existing building.	15
<b>Total Points</b>				<b>114.47</b>

The Planning Board finds that the approved public benefits fulfill the priority recommendations of the Master Plan, meet the criteria of both the Implementation and Design Guidelines, are appropriate for the size and configuration of the tract; and enhance the site's relationship to adjacent properties. The Applicant will provide public benefits from at least 4 categories equal to greater than 100 points, the final numbers to be determined prior to approval of the certified Site Plan.

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

a. Landscape and Lighting Plan

The landscape plan includes a mixture of deciduous, evergreen and ornamental trees for shade and softening the effect of a site where office buildings were constructed as long as two decades ago. The landscape plan will serve to transform the area into a more aesthetically- pleasing, green environment including large and medium shrubs, dwarf shrubs and ground cover.

The lighting plan will include ornamental street/pedestrian light poles with enclosed-Luminaire design light fixtures along the perimeter of the two buildings, the sidewalk system, and in the Civic Green, as well as building-mounted wall sconces; bollards, and building-level directional lights. The lighting plan will meet industry standards to provide safe pedestrian and vehicular circulation systems during evening hours.

b. Pedestrian and Bicycle Facilities

The Site Plan includes 5-foot wide sidewalks along the Research Boulevard and Omega Drive frontages. Within the site, new or upgraded sidewalk connections are provided along the internal north-south road from Research Boulevard and east-west road. The internal pedestrian circulation is ADA-compliant with handicapped ramps or at-grade sidewalk crossings, including across the garage vehicular access points. Pedestrian crosswalks must be provided as required by MCDOT. As conditioned, the Site Plan meets the requirements of Section 59-C-15.62 for bicycle parking spaces.

c. Open Spaces

The Site Plan includes a 9,259-square foot, centrally located Civic Green. The Civic Green will be easily accessible to residents of both buildings and their guests, and non-residents who work in the nearby offices. Each building will have a private courtyard with outdoor features including a swimming pool (Building 1), sitting and picnic areas, and lounging areas (the latter near the swimming pool). Building 2's courtyard will have a double-sided outdoor fireplace and barbeque grill center with outdoor furniture.

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

All surrounding, developed properties in the immediate area were C-2 zoned when developed with office buildings in the 1980's and 1990's. Height limitations of three-stories or 42 feet are associated with the C-2 zone. The project represents infill development for multi-family residential housing that will complement the developed office buildings by providing employees an option of living near their places of employment.

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 development is subject to the Chapter 22A, Montgomery County Forest Conservation Law. All forest conservation requirements are being met through the approval of Preliminary Plan No. 11986186A. As conditioned, this Site Plan must comply with the conditions of that preliminary plan.

b. Stormwater Management

Stormwater Management Concept Plan approval was issued by DPS on June 27, 2012. Environmental-Sensitive Design (ESD) methods will be provided on-site.

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

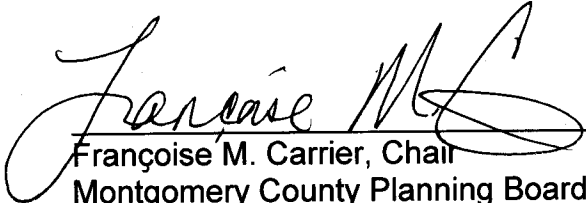
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 4 2013 (which is the date that this resolution is mailed to all parties of record); and

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 Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, January 17, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board