



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

DEC 11 2013

MCPB No. 13-154  
Site Plan No. 820130110  
Camden Shady Grove  
Date of Hearing: October 31, 2013

**RESOLUTION**

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

WHEREAS, on February 2, 2012, Camden USA, Inc. ("Applicant"), filed an application for approval of a site plan for 498,072 square feet (1.5 FAR) of multi-unit residential development for up to 475 dwelling units and 5,000 square feet of commercial density (0.015 FAR) including at least 5 live/work units on 7.62 gross acres of CR2.0 C1.5 R1.5 H150 zoned land, located at the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive, Lot 7 of the DANAC Stiles Property ("Subject Property"), in the LSC North District Policy Area of the Great Seneca Science Corridor Master Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130110, Camden 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 October 21, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 31, 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 October 31, 2013 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Anderson, seconded by Commissioner Presley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley and Wells-Harley voting in favor.

Approved as to  
Legal Sufficiency

*Christina Sorent* 11/21/13

6787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

M-NCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130110 for up to 498,072 square feet (1.5 FAR) of multi-unit residential development for up to 475 units and 5,000 square feet of commercial density (0.015 FAR), including at least 5 live/work units on the Subject Property, subject to the following conditions.<sup>1</sup> All site development elements as shown on the site, landscape, and lighting plans received electronically by the M-NCPPC on August 20, 2013 are required except as modified below for the Subject Property.

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of Sketch Plan No. 320120050 approved by the Planning Board in MCPB Resolution No. 12-93 dated August 13, 2012.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approved Opinion for Preliminary Plan No. 119961120 and Preliminary Plan Amendment No. 11996112A in MCPB Resolution No. 12-153, including any subsequent 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, for each one. The public benefits must be provided in substantial conformance with the descriptions detailed in the findings below.

Each public benefit must be verified by Staff to be complete as required by the conditions listed for each prior to issuance of any use-and-occupancy permit for the associated phase, except as noted below. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

a. Transit Proximity

b. Transit Access Improvement

This improvement must be bonded before issuance of any above-grade building permit and constructed under the Development Program on the Certified Site Plan.

c. Wayfinding;

Exhibit must be included and approved with Certified Site Plan; final details of sign information may be modified with approval of Staff.

---

<sup>1</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.

- d. Dwelling Unit Mix
- e. Enhanced Accessibility for the Disabled  
Provide exhibit of tentative locations with Certified Site Plan with a note that final locations may change and public benefit to be confirmed by as-built drawings reviewed by Staff.
- f. Structured Parking
- g. Public Open Space  
This public benefit must be bonded before issuance of any above-grade building permit and constructed under the Development Program on the Certified Site Plan.
- h. Exceptional Design
- i. BLTs  
Purchase or payment of 0.8426 BLTs must be made before issuance of any above-grade building permit.
- j. Tree Canopy
- k. Vegetated Area
- l. Cool Roof

4. Transportation – Pedestrian and Bicycle Facilities

The Applicant must provide 112 bicycle parking spaces as follows:

- a. At least 12 public bicycle parking spaces with inverted-U bike racks, or approved equivalent, located in or near primary entrances and public use spaces in weather-protected areas.
- b. At least 100 private, secured bike parking spaces or bike lockers located in the garage in a well-lit area near the elevator or garage entrance.
- c. The final location of the publicly accessible and private secured bicycle parking spaces and the facility details will be determined by Certified Site Plan.

5. Transportation – Traffic Mitigation Agreement

- a. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (“MCDOT”) and the Planning Board for the Camden Shady Grove project to participate in the Greater Shady Grove Transportation Management Organization (“TMO”). The Traffic Mitigation Agreement must be executed prior to release of any building permit.
- b. The June 6, 2000 Trip Reduction Agreement for the entire DANAC Stiles project shall remain in force.
- c. The Applicant may obtain an acknowledgement from Staff and MDCOT that the 8% Trip Reduction Goal, set forth in the June 6, 2000 Trip Reduction Agreement, has been met because the conversion from non-

residential to residential density reduced by 27% the weekday AM peak hour trips, and because the Subdivision Staging Policy requires that credit be given for such a trip reduction.

- d. The Applicant acknowledges that the total existing non-residential square footage is equal to 367,681 square feet of Gross Floor Area within the entire DANAC Stiles project. Any remaining non-residential square footage, after the conversion of non-residential to residential, is waived, except for the 5,000 square feet of Gross Floor Area of non-residential (live/work) for the Camden Shady Grove site.
6. The Applicant must work with the Maryland Transit Administration ("MTA") to assure that the subject plans reflect the latest MTA alignment and design of the Corridor Cities Transitway ("CCT") along the west side of Diamondback Drive and its proposed station near the intersection with master-planned business district street, B-2.
7. The Applicant must show on the Certified Site Plan the entire cross-section of the adjacent streets and intersections including the CCT Station, curb cuts on the opposite site, and crosswalks and handicap ramps on all intersection legs.
8. Moderately Priced Dwelling Units ("MPDUs")
  - a. The development must provide 12.5 percent MPDUs on-site in accordance with an Agreement to Build with the Department of Housing and Community Affairs ("DHCA").
  - b. An Agreement to Build between the Applicant and DHCA must be executed prior to the release of any above-grade building permits.
9. Recreation Facilities
  - a. The Applicant must provide at least the following recreation facilities for the project, as shown on the Site Plan, conforming to the 1992 M-NCPPC Recreation Guidelines:
    - Indoor Community Space;
    - 2 Indoor Fitness Facilities;
    - 1 Swimming Pool; and
    - 4 Picnic/Sitting Areas.
  - b. In addition to the on-site facilities required by the Recreation Guidelines, the Applicant must provide:
    - 2 Outdoor Lounge Areas;
    - A Cyber Café; and
    - Connections to the local pedestrian and bicycle circulation systems.

10. 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.

11. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings received electronically by the M-NCPPC on August 20, 2013, as determined by Staff.

12. Financial Security and Agreement

Prior to issuance of first building permit within each relevant phase of development, the Applicant must provide a 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. The bond amount shall be calculated for the full cost of the CCT Station plaza at the annual rate of inflation plus 4% for each year of the duration of the bond. The cost estimate must include the calculations used for the annual rate of inflation plus 4% for each year of the anticipated duration of the bond.
- b. The amount of the bond or surety must include plant material, on-site lighting, recreational facilities, exterior site furniture, entrance piers and private roads within the relevant phase of development.
- c. Before issuance of any above-grade 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.

13. 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. Building phasing, if applicable.
- b. Removal of the existing parking lot, clearing, and grading must not occur before approval of the Certified Site Plan, Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all applicable environmental protection devices.
- c. Street lamps and sidewalks adjacent to each building must be installed before release of any use-and-occupancy permit for the respective building. Street tree planting may wait until the next growing season.
- d. On-site amenities including, but not limited to, on-site landscaping, lighting, recreation amenities and public use space amenities adjacent to the building, must be installed before release of any use-and-occupancy permit for any units, excluding space for a leasing office, for the respective building phase.
- e. For that area delineated as the "CCT Plaza" on the Certified Site Plan: construction of the transit access improvement and CCT plaza open space must be coordinated with the MTA and, to the extent possible, completed within 12 months of the date the DANAC CCT station opens for operation, but no longer than 24 months from that date.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

#### 14. Certified Site Plan

Before 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 sheets.
- b. Remove unnecessary sheets.
- c. Make corrections and clarifications as required by Staff including signage for each specific parking space type.
- d. The parking waiver for additional spaces above the maximum permitted amount based on the unit mix must be no more than the ratio as approved by this Resolution.
- e. Ensure consistency of all details and layout between architecture, site, landscape, and forest conservation plans.
- f. Provide all public benefits exhibits approved by the Planning Board on a separate sheet of the Certified Site Plan.

- g. All architectural exhibits are limited to a maximum height of 75 feet for occupiable space, and architectural design elements are limited to a maximum height of 85 feet.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Camden Shady Grove drawings stamped by the M-NCPPC on August 20, 2013, 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 No. 320120050 in MCPB Resolution No. 12-93. The Site Plan conforms to those binding elements and conditions.

2. *The Site Plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Application meets all applicable requirements of the CR2.0 C1.5 R1.5 H150 Zone, including:

a. Uses

The approved uses – dwellings and live/work units – are permitted in the CR Zone.

b. General Requirements

This Site Plan is substantially consistent with the Master Plan and the Great Seneca Science Corridor (“GSSC”) Design Guidelines (“Design Guidelines”). As part of the LSC North District, the Application will:

- Provide in-fill residential development (Master Plan, p. 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 a diversity of dwelling units, live/work units, and units with enhanced accessibility (Master Plan, p. 48);

- Improve vehicular and pedestrian connections through improvements to the local sidewalks and around the new buildings; the block defining the site is not overly large and the existing private streets serve the purpose of a finer street grid because they will be protected by public access easements (general Guideline);
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (Design Guidelines, pp. 11-30);
- 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, p. 13);
- Encourage the use of sustainable building practices and site design to reduce energy use and stormwater runoff (Design Guidelines, pp. 24-25);
- Provide street trees, lighting, and amenities (Design Guidelines, p. 14);
- Provide buildings as close to property lines as grades and easements allow with access from units to perimeter sidewalks (Design Guidelines, pp. 22 & 45);
- Provide design excellence with innovative building materials and style (Design Guidelines, p. 27); and
- Provide at least the minimum required number of bicycle parking spaces for residents and visitors (general Guideline).

c. Development Standards

The Subject Property will comply with all CR Zone development standards as shown in the data table. The Property is on 332,048 square feet of gross tract area zoned CR2.0 C1.5 R1.5 H150. The Applicant is using the CR Optional Method of Development. The following data table shows the Application's conformance to the development standards of the zone and the approved Sketch Plan. The CR Zone does not have any building setback requirements.

1. Density of Development (maximum square feet)			
	Total (CR)	Non-Residential (C)	Residential (R)
Allowed by the Zone	664,096	498,072	498,072
Approved with Sketch Plan	503,072	5,000 (minimum)	498,072
<b>Approved at Site Plan</b>	<b>452,211</b>	<b>5,000</b>	<b>498,072</b>

2. Height (maximum feet)	
Allowed by the Zone	150
Approved with Sketch Plan	75 for occupiable space
	85 for design



	elements
<b>Approved at Site Plan</b>	<b>75 for occupiable space</b>
	<b>85 for design elements</b>

<b>3. Public Use Space (minimum % of net lot area)</b>	
Required by the Zone	10%
Approved with Sketch Plan	10%
<b>Approved at Site Plan</b>	<b>21%</b>

<b>4. Residential Amenity Space (minimum square feet per market rate unit)</b>			
Type	Rate	Required	Approved and Binding on the Applicant
Indoor Amenity Space	20 sf per unit up to 5,000 sf	5,000 sf	<b>5,000 sf</b>
Outdoor Amenity Space	20 sf per unit up to 5,000 sf	5,000 sf	<b>5,000 sf</b>

<b>5. Minimum Bicycle Parking Spaces &amp; Shower/Change Facilities</b>				
Use	Required		Approved and Binding on the Applicant	
	Publicly Accessible	Private & Secure	Public	Private
Residential – 457 units	10	100	<b>10</b>	<b>100</b>
Non-residential – 5,000 sf	2	2	<b>4</b>	<b>2</b>

<b>6. Parking (minimum required/maximum permitted spaces)</b>		
	Required/Permitted	Approved and Binding on the Applicant
Per Unit Mix	367/611	<b>678<sup>2</sup></b>

Pursuant to Section 59-C-15.636, the Planning Board approves the Applicant's requested parking waiver because of the unit mix, which includes numerous 2- and 3-bedroom units, and the necessity to provide visitor, employee, and prospective

<sup>2</sup> Based on a waiver approved by the Planning Board regarding the maximum number of spaces under 59-C-15.636. In this case, there are 67 spaces above the maximum, resulting in an average of 1.47 spaces per unit. This represents a 9.9% increase in parking above the maximum permitted spaces given the unit mix.

tenant parking (with few nearby alternatives). The Applicant has demonstrated that other, similar multi-family residential developments managed by Applicant have a recurring need for parking spaces for development staff, guests, and prospective tenants. The Applicant has prepared guest parking and staff parking ratios demonstrating the need for non-resident parking exceeding the CR Zone maximum. Furthermore, the Planning Board approves the waiver because the building's design will completely integrate the parking structure so that all parking in it is exclusively for residents and only those non-residents who travel to the site for specific reasons.

d. Public Benefits

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

- The recommendations, objectives, and priorities of the Master Plan;
- The CR Zone's 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.

Pursuant to Section 59-C-15.92, to utilize the Optional Method of Development, the Subject Property must provide public benefits in at least four categories that achieve a minimum of 100 public benefit points. The Site Plan meets this requirement by providing 121 points of public benefits in five benefit categories: Transit Proximity; Connectivity and Mobility; Diversity of Uses & Activities; Quality of Building and Site Design; and Protection and Enhancement of the Natural Environment. The approved Public Benefits are detailed in the following data table:

Public Benefit	Maximum Points Permitted	Proposed Points	Criteria	Approved Points
<b>Transit Proximity Category</b>				
Transit Proximity	30	30	Site adjacent to Level 2 CCT Station	30
<b>Connectivity and Mobility Category</b>				
Transit Access Improvement	20	15	Design and construction of switch-back ramps integrated into open space directly adjacent to CCT Station platform	15

Wayfinding	10	5	Design and implementation of wayfinding system with at least 7 signs detailing area within at least ½ mile of the CCT station.	5
<b>Diversity of Uses and Activities Category</b>				
Dwelling Unit Mix	10	10	Provision of at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, & 5% 3-or-more-bedroom units; fulfills a Master Plan priority.	10
Enhanced Accessibility for the Disabled	20	6	Provision of 2% of units meeting ANSI A117.1 Residential Type A standards.	5
<b>Quality of Building and Site Design Category</b>				
Structured Parking	20	10	All parking spaces will be built within above-grade structure.	10
Public Open Space	20	8	Incentive density for open space above the Zone's requirements is granted on a sliding scale based on the % of the net lot area.	8
Exceptional Design	10	5	Incentive density of up to 5 points for development that meets at least 4 of 6 criteria and 10 points for development that meets all 6.	4
<b>Protection &amp; Enhancement of the Natural Environment Category</b>				
BLTs	30	5	Purchase/payment for 1 BLT per 20,000 sf of GFA for first 5% incentive density floor area.	5
Tree Canopy	15	11	Coverage of 25% of on-site open space with tree canopy at 15 years growth.	11
Vegetated Area	10	10	Installation of plantings in a minimum of 12 inches of soil covering at least 5,000 square feet of previously impervious surfaces.	10

Cool Roof	10	8	Roof must meet minimum Solar Reflectance Index.	8
<b>Total Points</b>	<b>205</b>	<b>123</b>		<b>121</b>

The following descriptions provide greater detail on the public benefits and incentive density points approved by this Resolution. The public benefits and incentive density points are approved with only slight modifications from the Sketch Plan regarding the calculations for tree canopy and vegetated area.

Transit Proximity

Under Section 59-C-15.852, the Planning Board may approve incentive density of up to 30 points for a development that is adjacent to a master planned, service level 2 transit stop. The Subject Property is not only adjacent to a proposed CCT station (level 2 transit), it dedicates a right-of-way for the station; therefore, the Subject Property is eligible for 30 points of incentive density. The Planning Board approves the full 30 points to spur development and increase the likelihood that a mix of uses in the area will become more financially viable.

Transit Access Improvement

Under Section 59-C-15.853(e), the Planning Board may approve up to 20 points for transit access improvements. These improvements must provide access to a transit facility that, at a minimum, meets the County's accessibility standards. In this case, the proposed CCT station must be built roughly 8 feet below grade and would only be accessible by stairs or by walking (or rolling) to the intersection of Diamondback Drive and Decoverly Drive. Applicant will improve the accessibility of the CCT station by constructing switch-back ramps integrated into the open space directly adjacent to the station platform. This is an intensive and complicated improvement and implements an important Master Plan goal. Therefore, the Planning Board approves 15 points for construction of this Transit Access Improvement.

Wayfinding

Under Section 59-C-15.853(i), the Planning Board may grant up to 10 points of incentive density for the design and implementation of a wayfinding system. The Subject Property will include several signs at key intersections and at the CCT station providing directional signage to nearby amenities, bike routes, and transit facilities. At least 7 signs must be provided, each with a map depicting the area within at least a 1/2-mile radius of the CCT station. The maps must indicate directions to certain features as appropriate for the individual sign locations. This public benefit will encourage the Linking & Connecting goals of the Master Plan, and the Planning Board approves 5 points for implementation of the wayfinding system.

#### Dwelling Unit Mix

Under Section 59-C-15.854(e), the Planning Board may approve up to 10 points of incentive density for providing a dwelling unit mix that includes at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more- bedroom units. Under the C/R Zone's Incentive Density Implementation Guidelines ("Implementation Guidelines"), only 5 points should be granted for meeting the minimum unit mix and 10 points only for a greater mix (10% efficiency, 10% 1-bedroom, 10% 2-bedroom, and 7.5% 3-bedroom). The Site Plan provides the minimum unit mix necessary to achieve incentive density points for dwelling unit mix. Since diversity of housing is a specific Master Plan goal for this District, and because some of the dwelling units will be live/work, which further enhance the diversity of uses and activities within the Subject Property, the Planning Board approved the full 10 points for provision of this public benefit.

#### Enhanced Accessibility for the Disabled

Under Section 59-C-15.854(g), the Planning Board may approve up to 20 incentive density points for the construction of units that satisfy American National Standards Institute ("ANSI") A117.1 Residential Type A standards. The Implementation Guidelines recommend granting points on a sliding scale calculated as a percentage of complying units, with each percent of units worth 3 incentive density points. Like the dwelling unit mix, this Public Benefit helps fulfill a Master Plan goal and, in this case, 2% of the units will comply with ANSI A117.1 standards. The Planning Board therefore granted 6 points of incentive density.

#### Structured Parking

Under Section 59-C-15.855(b), the Planning Board may grant up to 20 points of incentive density if a development places parking within above- or below-grade structures. The Implementation Guidelines recommend awarding incentive density points for structured parking on a sliding scale, which takes into account the percentage of total on-site spaces in above- and below-ground parking structures. Below-ground parking spaces are eligible for increased points. Ninety-nine percent of the parking on the Subject Property will be provided within an above-grade structure, which will be wrapped by residential uses so that mitigation of visibility is not a concern. Accordingly, the Planning Board approves 10 points of incentive density for the provision of structured parking.

#### Public Open Space

Under Section 59-C-15.855(e), the Planning Board may approve up to 20 points of incentive density for the provision of public open space above the minimum required by the zone. The Implementation Guidelines recommends granting incentive density points for this public benefit on a sliding scale based on the percentage of the net lot area proposed as public open space. Applicant will provide 8% of the net tract area above the minimum 10% required by the zone as public open space. Additionally, this area is

near a CCT Station, which the Master Plan recommends an open space plaza of  $\frac{1}{4}$  to  $\frac{1}{2}$  acre. At the CCT Station alone, the Subject Property will include roughly 0.4 acres of public open space. Finally, the public open space also meets the accessibility, size, and activation criteria of the Implementation Guidelines. The Planning Board therefore approves 8 points of incentive density for this public benefit.

#### Exceptional Design

Under Section 59-C-15.855(f), the Planning Board may approve up to 10 points of incentive density for building or site design with visual and functional impacts that enhance the character of the setting. The Implementation Guidelines establish 6 criteria for evaluating the exceptional design public benefit and recommend that an application meet at least five of these criteria to achieve the full 10 incentive density points. The Planning Board concludes that the Site Plan meets three of these criteria:

1. Provides an innovative solution in response to the immediate context by, in this case, creating a site design that accommodates and integrates a transit station below grade with public space and pedestrian and bicycle routes;
2. Creates a sense of place by serving as a landmark through the architectural treatment at the corner of Key West and Diamondback and the distinct design vocabulary and amenities provided at the station open space; and
3. Enhances the public realm in a distinct and original manner through turning a difficult context with evolving variables into an asset through unique landscape design, integration of various unit types (bedroom mix, enhanced accessibility units, and live/work units), and construction of a street-focused building in a currently suburban environment.

Since only half (3 out of 6) of the criteria have been satisfied, the Planning Board approves 4 of the 10 possible points for this benefit.

#### BLTs

Under Section 59-C-15.856(a), the Planning Board may approve up to 30 points of incentive density for the purchase of BLT easements, of which 5 points are mandatory. In the CR zone, an applicant may earn its mandatory BLT incentive density points by purchasing BLT easements in an amount equal to 5% of the incentive density floor area of the development at a rate of 1 BLT per 20,000 square feet. The Applicant will provide the BLTs as required and the Planning Board approves 5 required points for this public benefit.

#### Tree Canopy

Under Section 59-C-15.856(d), the Planning Board may approve up to 15 points of incentive density for tree canopy coverage at 15 years growth over 25% of the on-site open space. The important sustainability goals of improving air and water quality as well as protection of biodiversity are enhanced by tree canopy. The Site Plan depicts a

slightly larger area of tree canopy coverage than was shown in the Sketch Plan, which awarded Applicant 10 points of incentive density for tree canopy. For devoting a larger area to tree canopy in this Site Plan, and because no underground structures are involved and the conceptual landscape design shows large planting areas, the Planning Board approves 11 points for this public benefit.

#### Vegetated Area

Under Section 59-C-15.856(e), the Planning Board may approve up to 10 points of incentive density for installation of plantings meeting certain criteria, including coverage of at least 5,000 square feet. The Sketch Plan proposed 8 incentive density points for a vegetated area of 8,500 square feet not included in the required public use space, the proposed public benefit open space, or any easements. The Site Plan increases this area to 10,000 square feet due to design changes, and the Planning Board approves 10 points for this public benefit.

#### Cool Roof

Under Section 59-C-15.856(g), the Planning Board may approve up to 10 points for the construction of a cool roof with a minimum solar reflectance index ("SRI"). The Applicant proposes to meet the minimum SRI for a flat roof. As seen in the aerial photograph of the area, the District is dominated by dark roofs, parking lots, and roads; decreasing the heat island effect and making a more energy efficient building are encouraged by the sustainability goals of the Master Plan. For this reason, and because the Subject Property includes such a large building, the Planning Board approves 8 points of incentive density for this benefit.

The Planning Board finds that the proposed 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.

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

- a. Buildings and Structures

The building is located in an adequate, safe and efficient manner on Lot 7. Its location will create a streetscape along Diamondback Drive and Key West Avenue where no such feature currently exists. Parking for residents and non-residents will be self-contained in a garage. The future CCT Station will be nearby and separated by a plaza to connect the two structures. The building location within the DANAC Stiles property represents in-fill development that

will give employees working at the adjacent offices a housing option to live near their places of employment.

b. Open Spaces

The Application includes a large plaza adjacent to the CCT Station and adequate, safe, and efficient open space around the perimeter of the site and within internal, private amenity areas. These areas will support healthy activity and social interaction in contrast to the rather sterile environment in the surrounding office developments.

c. Landscaping and Lighting Plan

The landscape plan includes a mixture of deciduous, evergreen, and ornamental trees as well as flowers, shrubs, and seasonal color, transforming the area into a more aesthetically-pleasing, green environment. The interior spaces and public open spaces will have adequate, safe, and efficient landscaping for year-round enjoyment and comfort. The Lighting Plan includes a variety of area and pedestrian lights meeting industry standards to provide adequate, safe, and efficient pedestrian and vehicular circulation systems during evening hours.

d. Recreation Facilities

The Subject Property will contain a network of sidewalks and shared use trails on the Subject Property's perimeter for connections to existing and planned recreation features nearby, including the LSC Loop to the north. Recreation features internal to the building include a courtyard on the west side with in-ground swimming pool, pool-side brick patio/lounge with tables (some with umbrellas), lounge chairs, floating wood benches, a cyber café, picnic and sitting areas, and a gas grill. On the east side of the building is a plaza area with a raised lawn for outdoor recreation, including gas grills, floating benches, picnic and sitting areas, a dog water fountain, and a water fountain feature.

e. Vehicular and Pedestrian Circulation

Residents and non-residents using the parking garage will access the garage via either the north private road from Decoverly Drive or the west private road from Key West Avenue. There will be limited vehicular access at the west side of the building in the vicinity of the round-about between the west and north private roads. When the CCT Station and plaza are constructed, the vehicular access from the Diamondback Drive intersection with the private



road will be permanently closed. Under the Site Plan, automobile circulation will be adequate, safe, and efficient.

The Site Plan includes adequate, safe, and efficient sidewalks and trails with widths from 8 feet to 10 feet along each road frontage connecting to a greater circulation system. Bike facilities will be provided for residents and visitors as required by the Zone.

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

Surrounding, developed properties in the immediate area are CR-zoned and currently dominated by an office park setting with existing office buildings on Lots 4 and 6 with heights of approximately 40 feet. However, Lot 6 is redeveloping a former surface parking lot into a 45-foot high parking garage structure. The parking garage is for employees at the existing office buildings on Lots 4 and 6. Existing development to the north and across Decoverly Drive includes townhouse and multi-family units. The townhouse units are closest to Decoverly Drive and have building heights of approximately 30 feet. To the east side of Diamondback Drive is the developed Financial Industry Regulation Authority ("FINRA") campus, to the south of Key West Avenue is the National Cancer Institute campus and the Regional Institute for Children and Adolescents ("RICA") building. The buildings to the east (FINRA and RICA) are built at heights similar to the buildings on Lots 4 and 6 of the DANAC Stiles property. The Subject Property 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. The Application is limited to a maximum height of 75 feet for occupiable space, and architectural design elements are limited to a maximum height of 85 feet. In light of the CR zoning of the surrounding area, the height, structure, and use is compatible with existing and proposed adjacent 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 Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. All forest conservation requirements are being met through the approved Final Forest Conservation Plan for the DANAC Stiles property, Site Plan No. 82000180 and all subsequent amendments.

b. Stormwater Management

Montgomery County Department of Permitting Services approved a Stormwater Management Concept Plan for the Subject Property on April 4, 2012. Environmental-Sensitive Design (ESD) methods will be used on-site.

c. Environmental Guidelines

The Site Plan complies with the M-NCPPC Environmental Guidelines. The Subject Property does not contain any environmental features such as 100-year floodplain, non-tidal wetlands and wetland buffers, streams and stream buffers, steep slopes or rare, threatened and endangered species. The Subject Property is not located within a Special Protection Area (SPA) identified in the Guidelines.

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

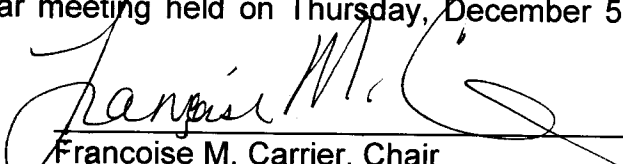
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 11 2013 (which is the date that this resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, December 5, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board