



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

DEC 23 2014

MCPB No. 14-122
Site Plan No. 82012013A
Mallory Square
Date of Hearing: December 18, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-7.1.2, the Montgomery County Planning Board is authorized to review site plan applications; and


WHEREAS, under Section 59-7.7.1.B.1 of the Zoning Ordinance, this site plan is being reviewed under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on February 4, 2013, by Resolution MCPB No. 12-138, the Planning Board approved Site Plan No. 820120130, to construct two new residential buildings with up to 800,000 square feet of total density, including 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 12.81 acres of CR1.5 C1.5 R1.5 H100 zoned-land, located between Omega Drive, Research Boulevard, and Key West Avenue ("Subject Property"), in the Great Seneca Science Corridor Master Plan ("Master Plan") area; and

WHEREAS, on October 14, 2014, Woodfield Investments ("Applicant") filed an application for approval of an amendment to the previously approved site plan in order to amend the development program, specifically Condition Nos. 3 and 11 originally approved with Site Plan No. 820120130, to clarify both the development program phasing schedule and the timing of delivery of certain public benefits associated with the approved buildings; and

WHEREAS, Applicant's application to amend the site plan was designated Limited Site Plan No. 82012013A ("Site Plan," "Amendment" 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 December 8, 2014, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:  12/8/14
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WHEREAS, on December 18, 2014, 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 hereby approves Site Plan No. 82012013A, by modifying Condition Nos. 3 and 11 as follows:¹

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 or in the Development Program pursuant to Condition No. 11. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

- a. Major Public Facilities (Bike Sharing Station)
- b. Transit Proximity
- c. Affordable Housing
- d. Structured Parking
- e. Public Art
 - Provide final 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

¹ 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.

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.

11. Development Program

The Applicant must construct the development in accordance with a development program, which must include the following items in the Phasing Schedule. Any change to the Phasing Schedule must be approved by the Planning Board:

- 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 in accordance with the Phasing Schedule provided in the Development Program. 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 in accordance with the Phasing Schedule provided in the Development Program.
- 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. Phasing for installation of on-site landscaping and lighting.
- f. Phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

BE IT FURTHER RESOLVED, that all other site plan conditions and findings of approval for Site Plan No. 821020130 remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED, that all site development elements as shown on the Mallory Square drawings stamped by the M-NCPPC on May 29, 2013 shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*

This Amendment modifies and clarifies the Development Program originally approved with Site Plan No. 820120130 and associated conditions of approval. As originally approved, Site Plan No. 820120130 required the Applicant to complete all amenities associated with the two approved buildings prior to issuance of any use-and-occupancy permits. The Applicant and agencies did not anticipate the need to allow the amenities, and the corresponding release of permits, to be phased to match the construction sequence of the two buildings.

Each of the two buildings is a large structure with more than one section and related courtyards. They will be constructed in sections, and each section will have use-and-occupancy permits associated with those individual sections. The new timing and triggers for the release of use-and-occupancy permits will allow the Applicant to lease the units and begin generating revenue as the sections are completed, instead of waiting until the entire building is complete.

This new phasing is reflected in the amended conditions and is detailed in the modified Phasing Schedule of the Development Program, which ensures that the Site Plan's amenities will be constructed as associated units are being leased and occupied. The revised Development Program will also better facilitate monitoring of the Phasing Schedule by the Department of Permitting Services staff. The approved modifications do not alter the overall quantity of the required and approved amenities.

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

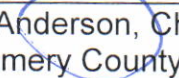
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 23 2014 (which is the date that this resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Commissioner Fani-Gonzalez, with Vice Commissioner Wells-Harley, voting in favor, and Chair Anderson and Commissioner Presley absent, at its regular meeting held on Thursday, December 18, 2014, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board