



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

MAY 17 2015

MCPB No. 15-42
Site Plan No. 820150010
Project Name: Gables White Flint
Date of Hearing: April 30, 2015

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

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

WHEREAS, on December 11, 2013, the Planning Board by Corrected Resolution MCPB No. 13-150, approved Sketch Plan No. 320130010 ("Sketch Plan"), establishing several binding elements, including a maximum total density of up to 521,000 square feet including, a maximum of 67,000 square feet of non-residential development on 5.21 gross acres of land zoned CR4 C2.0 R3.5 H250 and CR3 C1.5R2.5 H70, located at the northeastern intersection of Old Georgetown Road (MD 187) and Executive Boulevard ("Subject Property") in the White Flint Sector Plan ("Master Plan" or "Sector Plan"); and

WHEREAS, on July 30, 2014, LG Georgetown LLC ("Applicant"), filed an application for approval of a Site Plan for up to 490,000 square feet of residential development with up to 476 residential dwelling units, and up to 31,000 square feet of non-residential development on approximately 5.14 gross acres in the CR4 C2.0 R3.5 H250 and CR3 C1.5 R2.5 H70 Zones, on a portion of the Subject Property; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820150010, Gables White Flint (the "Application"); and

WHEREAS, on April 30, 2015, following review and analysis of the Application by the Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, date April 17, 2015, setting forth its

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date

4/23/15

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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

WHEREAS, on April 30, 2015, the Planning Board held a public hearing on the Application ("Hearing"); and

WHEREAS, 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 certified below.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820150010 for up to 476 residential dwelling units and up to 31,000 square feet of non-residential development, subject to the following conditions:

1. Sketch Plan Conformance

The development must comply with the applicable binding elements and conditions of Sketch Plan No. 320130010 approved by the Planning Board by a Corrected Resolution (MCPB No. 13-150) dated December 11, 2013, except as modified herein.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approved Preliminary Plan No. 120150010, unless amended and approved by the Planning Board.

3. Density Allocation

Prior to issuance of any core and shell building permits, the Applicant must obtain from the Planning Board approval of a Staging Allocation Request under the Staging Allocation Request Regulations (COMCOR 50.35.02.01.A) in the *White Flint Sector Plan Implementation Guidelines* (July 2011) approved by the Planning Board.

4. 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 Facility (Parking for Wall Park Redevelopment and a Bike Share Station)
- b. Transit Proximity
- c. Minimum Parking

- The Applicant must provide at least 524 but no more than 696 parking spaces. The Certified Site Plan must show a tabulation of the maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.
- d. Way Finding
 - Prior to the issuance of the first core and shell building permit, the final design for the wayfinding signage, locations and installation details must be approved by M-NCPPC Staff and Department of Permitting Services.
- e. Structured Parking
 - Include the proportionate number of parking spaces in the parking structure as shown on the Site Plan.
- f. Public Art
 - Prior to the issuance of the first core and shell building permit, all public art details must be approved by the Public Arts Trust Steering Committee.
- g. Exceptional Design
 - Construct the building and all site features with the visual and functional elements that enhance the character of the setting as shown on the Site Plan.
- h. Building Lot Termination
 - Prior to the issuance of any residential core and shell building permit, provide to the MNCPPC Staff proof of purchase, or pay for 1.021 Building Lot Termination.
- i. Energy Conservation and Generation
 - Prior to the issuance of the first core and shell building permit, an energy use/generation model with comparisons to average use/generation (in kwh) for the proposed building type based on the Department of Energy standard or as modeled by a LEED accredited professional must be provided to M-NCPPC Staff.
- j. Vegetated Wall
- k. Cool Roof
 - Prior to the issuance of the first core and shell building permit, 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.

5. Transportation

The Applicant must provide a minimum of 208 bicycle parking spaces in accordance with the development program. The final count, location of all bicycle parking spaces, and facility details, must be approved by M-NCPPC Staff and shown on the Certified Site Plan. The private spaces must be in a secured, clearly marked, well-lit area dedicated to long-term bicycle parking. The public

spaces must be provided with inverted-U racks installed in locations convenient to main building entrances.

6. Environment

- a. Prior to conducting any land disturbing activity, the Applicant must purchase forest bank credits or pay a fee-in-lieu.
- b. Site inspections by M-NCPPC Staff must occur per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c. Final Sediment Control Plan must be consistent with the limit of disturbance shown on the Final Forest Conservation Plan.
- d. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector or the Parks Department construction permit.
- e. The Applicant must receive a Parks Department construction permit for any construction activity that occurs on the Wall Park/Kennedy Shriver Aquatic Center property.

7. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated December 16, 2014, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a. The Applicant must provide 12.5 percent MPDUs in accordance with an Agreement-to-Build with the Department of Housing and Community Affairs (DHCA), which must be executed prior to the release of any core and shell building permits.

8. Recreation Facilities

- a. Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b. The Applicant must provide at a minimum the following recreation facilities:
 - i. Five Picnic/Sitting areas;
 - ii. One Bike System;
 - iii. One Pedestrian System;
 - iv. One Swimming Pool;
 - v. One Indoor Community Space;
 - vi. One Indoor Exercise Room; and
 - vii. One Indoor Fitness Facility.

9. Maintenance

Maintenance of all on-site public use space is the responsibility of the Applicant and any successor (s) and assigns. This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with Applicant or any successor(s) and assigns and applicable agency. For the purpose of this condition, the term "Applicant and any successor (s) and assigns" means the owner or any successor (s) in interest to the Public Use Space that is responsible for common area maintenance, such as a homeowners association, a condominium association, or a merchants' association.

10. 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 M-NCPPC Staff.

11. Parking Garage

- a. Phase 2 of the Parking Garage will be financed by Montgomery County or the Parks Department, and will be constructed by Montgomery County, Parks Department, or by others, and will include up to 400 new parking spaces in the Parking Garage (the "Phase 2 Parking Garage") to accommodate replacement surface parking at the Eunice Kennedy Shriver Aquatic Center, parking for the future Recreation Center, or other public facilities.
- b. Upon completion of the Phase 2 Parking Garage, the Applicant must create a condominium structure through which approximately 400 spaces will be allocated to, and reserved for, public use as a separate condominium unit (the "Reserved Public Spaces"). Montgomery County, or its successors or assigns, or the Montgomery County Parks Department will have the option, to be exercised on or before December 1, 2026, to demand that the Applicant transfer the fee (ownership) interest of the Reserved Public Spaces to the County or its successor or assign at no cost to the County or its successor or assign, or the Montgomery County Parks Department.
- c. If the Reserved Public Spaces are not constructed and transferred to Montgomery County or the Parks Department, prior to December 1, 2026, the Site Plan condition requiring a Shared Parking Garage be constructed on the Gables' property will terminate.

12. Site Plan Surety and Maintenance Agreement

Prior to the issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-D-3.5 (d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to Streets A and B, plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of any building permit within each relevant phase of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d. The bond or surety for each block/phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each phase.

13. Development Program

The Applicant must construct the approved development in accordance with a development program approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Delineation of all construction phases and the related triggers for the release of various permits for each phase/portion of the approved buildings. Dedications, stormwater management, sediment and erosion control, afforestation and other features to be implemented for each phase prior to release of that portion of the building's Use and Occupancy Certificate.
- b. Prior to the release of a Use and Occupancy Certificate for each phase, streetscape improvements for realigned Executive Boulevard (Future Grand Park Avenue), Old Georgetown Road Market Street and Private Streets A and B, including paving, lighting, street furniture and tree planting for, and lighting adjacent to, each portion of a respective building in each phase must be installed. Landscape planning may wait until next growing season for each respective building. In the event that improvements along the Property's frontage for Market Street are not completed by the County prior to Applicant's Use and Occupancy application for a given phase, the Applicant must construct interim streetscape improvements which must be approved by M-NCPPC Staff and MCDOT Staff, along that frontage prior to the release of the Use and Occupancy Certificate. Such interim improvements will remain in place until such time as construction of Market Street is complete. Within ninety (90) days of the completion of Market Street, final paving, lighting, street furniture, tree planting and lighting will be installed by the Applicant. Landscape planting may wait until next growing season.

- c. On-site amenities including, but not limited to, recreation amenities and public use space adjacent to each building, must be installed prior to the release of any Use and Occupancy Certificate for the respective building.

14. 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. Provide the cross-section and design standards for Private Street A and B.
- b. Along Private Street A:
 - i. Illustrate how the bio-retention planting, underneath each residential entry, will fill their cavities and provide a visually pleasant streetscape condition.
 - ii. Provide more groundcover at the north side of each bio-retention planting and residential entry and between the columns.
- c. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, and Site Plan resolution of the approval in the Certified Site Plan set.
- d. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- e. Make corrections and clarifications to recreation guidelines, labeling, and data tables, including residential amenity space.
- f. Ensure consistency of all details and layout between architecture, site plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest electronic version of Gables White Flint drawings submitted to M-NCPPC as of the date of the Staff Report, April 17, 2015, 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 finding of its Staff as presented at the Hearing and in the Staff Report, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County 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 subject to the binding elements and conditions of

the Sketch Plan, which may be modified at the time of site plan review under Section 59-C-15.43 (d) of the Zoning Ordinance.

During site plan review, the Planning Board may approve amendments to the binding elements of an approved sketch plan.

- a. Amendments to the binding elements may be approved, if such amendments are:
 - i. Requested by the applicant;
 - ii. Recommended by the Planning Board staff and agreed to by the applicant; or
 - iii. Made by the Planning Board, based on a staff recommendation or its own initiative, if the Board finds that a change in the relevant facts and circumstances since sketch plan approval demonstrates that the binding element either is not consistent with the applicable master or sector plan, or does not meet the requirements of the zone.
- b. Notice of proposed amendments to the binding elements must be identified in the site plan application if requested by the applicant, or in the final notice of the site plan hearing recommended by Planning Board staff and agreed to by the applicant.
- c. For any amendments to the binding elements, the Planning Board must make the applicable findings under Section 59-C-15.43 (c) in addition to the findings necessary to approve a site plan under Section 59-D-3.

The Applicant has modified the public use space in the approved Sketch Plan No. 320130010. Public use space along Executive Boulevard has been removed, while the public use space along Market Street has been enhanced with new seat walls, water walls and enlarged stairs. Further, the total points have been adjusted to accommodate for changes in the gross land area. The Planning Board approves these modifications since they are consistent with the overall approved Sketch Plan.

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.*

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 residential and retail uses are permitted uses in the CR zone. No limited or special exception uses are proposed.

b. General Requirements

The approved development is consistent with the White Flint Sector Plan and the White Flint Urban Design Guidelines:

- Gables Residential is within the Metro West District, Block 2: Wall Local Park, in the Approved and Adopted (2010) *White Flint Sector Plan*. The Sector Plan notes that the “land area remaining after the intersection realignment of Old Georgetown Road and Executive Boulevard will be reconfigured into rectangular blocks in sizes more conducive to redevelopment” (p.29). Further, the “area should be primarily residential in character and use” (p.29). The approved development will be built on a reconfigured rectangular block as recommended by the Sector Plan.
- Building heights at 70 feet will define Old Georgetown Road, realigned Executive Boulevard (future Grand Park Avenue) and Market Street.
- The creation of Market Street and realigned Executive Boulevard (future Grand Park Avenue) are consistent with the Sector Plan.
- Market Street (LB-3) and Old Georgetown Road (LB-1) are roadways with recommended shared use paths as part of the Sector Plan bikeway network. A shared use path along realigned Executive Boulevard is included in White Flint West Workaround CIP (No. 501506) and it will be implemented by the County. The approved Preliminary Plan No. 120150010 will dedicate rights-of-way to accomplish the bikeway recommendations.
- Enhanced streetscapes along realigned Executive Boulevard (future Grand Park Avenue), Market Street and Private Streets A and B will provide the main public use spaces in the development. These public use spaces are consistent with the Sector Plan and White Flint Urban Design Guidelines.
- The approved development will provide an energy efficient development along with vegetated roofs, bioswales and bioretention areas that will further implement the Sector Plan’s environmental recommendations.
- The Approved White Flint Urban Design Guidelines for each district in the Sector Plan provides open space, streets and building recommendations. Specific to this development, the Guidelines recommend that public use spaces should be located to reduce extended periods of shadow; open spaces should be defined by building walls; buildings should create a consistent street wall along public streets; and locate and size buildings to minimize shadow impacts on streets and public use spaces. Most of the public use space along Market Street and Street A are open but segments of the East building do overlap with public use spaces along Street B. A

consistent street wall occurs for most of the development, including along Old Georgetown Road and realigned Executive Boulevard.

c. Development Standards

The development will comply with all development standards as shown in the data tables below.

1. Density of Development (square feet)			
	Total CR	Non-Residential (C)	Residential (R)
Maximum Allowed by Zones	694,689	347,344	560,552
Maximum Approved by Sketch Plan	557,000	67,000	490,000
Maximum Approved by the Site Plan	521,000	31,000	490,000

2. Building Height		
	CR-3 C1.5 R2.5 H70	CR-4 C2.0 R3.5 H250
Maximum allowed by zones	70	250
Approved by Sketch Plan	70	70
Approved by Site Plan	70	70

3. Public Use Space (% net lot)	
Minimum Required by Zones	10%
Minimum Approved with Sketch Plan	10%
Minimum Approved with Site Plan	11%

4. Residential Amenity Space (square feet per market rate unit¹)		
	Required	Approved²

¹ Amenity space is not required for Moderately Price Dwelling Units (MDPUs) on a site within a Metro Station Policy Area.

Minimum Indoor Amenity Space		
416 Market Rate Units	5,000 sq.ft.	5,000 sq.ft.
Minimum Outdoor Amenity Space		
416 Market Rate Units	5,000 sq.ft.	5,000 sq.ft.

5. Minimum Bicycle Parking Spaces				
	Required		Approved	
	Minimum Publicly Accessible	Minimum Private and Secured	Public	Private
East Building				
195 Residential Units	10	68	10	68
28,000 sq.ft. Non-Residential	4	2	4	2
Central Building				
182 Residential Units	10	64	10	64
3,000 sq.ft. Non-Residential	2	2	2	2
Western Building				
195 Residential Units	10	36	10	36
Total	36	172	36	172

² Indoor amenity area calculated at 20 sq.ft., up to 5,000 square feet maximum required; Outdoor amenity area calculated at 20 sq.ft per unit, 5,000 sq.ft maximum required, 400 sq.ft must adjoin indoor amenity space.

6. Parking			
	Maximum Allowed	Minimum Required	Approved
Approved with Sketch Plan	864	512	594
Proposed with Site Plan	696	524	574
Parking for Wall Park Redevelopment			400 ³

d. Public Benefits

The approved development will continue the public benefits approved with the Sketch Plan No. 320130010. The approved public benefits are:

- Major Public Facility (Parking for Wall Park Redevelopment and Bike Share Station)
- Transit proximity
- Minimum Parking
- Way Finding
- Structure Parking
- Public Art
- Exception Design
- Building Lot Termination (BLTs)
- Energy Conservation and Generation
- Vegetated Wall
- Cool Roof

The approved development will provide all of the approved public benefits. If the parking garage is not implemented as detailed in Site Plan Condition No. 11, the Sketch Plan will not achieve the minimum required points for an optional method development in the CR zone. Subsequently, if this occurs, the Applicant must provide additional public benefits to achieve the minimum required points.

The approved public benefits for the development are appropriate for the following reasons:

- They further the Sector Plan's recommendations and objectives;
- They implement the White Flint Urban Design Guidelines and follow the CR Zone Incentive Density Implementation Guidelines; and

³ The parking garage for Wall Park redevelopment will be implemented by Montgomery County or the Montgomery County Parks Department. The number of parking spaces could increase to 421 when parking spaces are reallocated.

- The presence or lack of similar public benefits nearby.

These public benefits fulfill the Sector Plan recommendations; achieve the criteria of the White Flint Implementation and Design Guidelines; and are appropriate given the size of the property.

Public Benefit	Total Points Approved for Sketch Plan No. 320130010	Measurement/Criteria	Points Approved for Site Plan No. 820150010
Major Public Facility			
Parking for Wall Park Redevelopment	17.24	This public benefit is dependent on a public-private partnership. If it is not implemented, per condition No. 11 in the Site Plan, the Applicant must provide additional public benefits to retain the minimum points for an optional method development.	17.55
Bike Sharing Location	5.00	This public benefit will be implemented in the development.	5.00
Transit Proximity			
Level 1	30.44	The project is within ½ mile from the Metro Station.	30.44
Connectivity and Mobility			
Minimum Parking	8.62	The project will provide 82% of maximum amount of parking.	8.90
Way Finding	5.00	The project will provide way finding signage to several public facilities and amenities in the area.	5.00
Quality Building and Site Design			
Structured Parking	10.82	Six-levels of structured parking will be provided.	13.45
Public Art	5.00	This project has incorporated public art at different locations.	5.00

Exceptional Design	2.50	2.50 points are appropriate since the development creates a sense of place; integrates low-impact development techniques; and uses design solutions for compact development.	2.50
Natural Environmental Protection and Enhancement			
Building Lot Termination	5.00	1 BLT per 20,000 sq.ft of 5% of incentive density	5.00
Energy Conservation and Generation	10.00	The project will achieve energy efficiency standards that exceed DOE standards by 10%.	10.00
Vegetated Wall	5.00	A green wall is provided on the structure garage.	5.00
Cool Roof	5.00	90% of development will provide this public benefit.	5.00
Total	109.62		112.84⁴

3. *The locations of buildings and structures, 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 the shopping center redevelopment as envisioned in the Sector Plan and White Flint Design Guidelines to provide street-oriented development, and taller buildings along major roads and closer to the Metro Station.

b. Open Spaces

The locations of open spaces are efficient, safe and adequate for the vacant property, surface parking lot and a portion of a public right-of-way as envisioned in the Sector Plan and White Flint Design Guidelines to provide unique open spaces, including active spaces for potential café areas or outdoor dining.

c. Landscaping and Lighting

⁴ Since the Sketch Plan approval, the VOB site, approximately 2,549 square feet has been removed from the development and prior street dedications from Old Georgetown Road increased by 15,325 square feet. These modifications have adjusted the points to 112.84.

The development will ensure that landscaping, lighting, and site amenities will be adequate, safe and efficient for year-round use by employees, visitors and residents. Site furnishings, specialty light and public art will be integrated into the development to create a unique place.

d. Recreation Facilities

The development achieves the active and passive recreation space required by the zone as shown in the tables above. The residential development will provide the following on-site recreation facilities:

Demand Calculations

	Number of Units	D1 Tots	D2 Children	D3 Teens	D4 Adults	D5 Seniors
Mid-RISE	476					
Total Units	476					
Total Demand		19.0	19.0	19.0	366.5	219.0
On-Site Supply		12.7	21.3	31.4	629.8	371.3
% Demand Met On-Site		66.8	111.8	164.9	171.8	169.6
Off-Site Supply		20.8	52.1	54.4	342.2	220.0
Total On-Site/Off-Site		33.5	73.3	85.8	972.0	591.3
% Demand Met On+ Off		176.0	385.2	450.7	265.2	270.0

Onsite Supply Calculations

Ref#	Description	No. Provided	D1 Tots	D2 Children	D3 Teens	D4 Adults	D5 Seniors
4.0	Picnic/Sitting	5	5.00	5.00	7.50	25.00	10.00
20.0	Bike System	1	0.95	1.90	2.86	54.98	21.90
21.0	Pedestrian System	1	1.90	3.81	3.81	164.93	98.53
24A	Swimming Pool	1	1.05	3.90	3.90	91.63	32.84
26A	Indoor Community Space	1	1.90	2.86	5.71	109.96	87.58
26B	Indoor Exercise	1	1.90	1.90	5.71	109.96	87.58

	Room						
27.0	Indoor Fitness Facility	1	0.00	1.90	1.90	73.30	32.84
Total			12.71	21.28	31.40	629.76	371.28

The development will take advantage of Wall Local Park/Montgomery County Aquatic Center recreational facilities, including:

- 1 Play Lot
- 1 Multi-age Playground
- 2 Picnic/Sitting Areas
- 1 Multi-purpose Court
- 1 Indoor Racquetball
- 1 Indoor Swimming Pool
- 1 Indoor Community Space
- 1 Indoor Fitness Facility

The development exceeds the required supply of recreation facilities based on the calculation methods in the Planning Board's Recreation Guidelines (1992). As indicated in the data above, the development will provide adequate, safe, and efficient facilities for future residents.

e. Pedestrian and Vehicular Circulation Systems

Market Street, realigned Executive Boulevard (future Grand Park Avenue) and Private Streets A and B will provide the main vehicular circulation for the development. Residential loading is located along Market Street and access to the parking garage is from the internal private streets.

Pedestrian circulation will improve along Market Street, Old Georgetown Road and realigned Executive Boulevard, including two shared use paths, street furnishings and bike racks. Streets A and B will also feature street trees, art, sidewalks and decorative street pavement. Intersections are designed to enhance walking and handicapped access, including minimize turning radii. Additional pedestrian circulation is provided by the two elevated walkways that link each segment of the development.

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

The development is compatible with existing uses regarding height, scale and massing as reflected by the Sector Plan recommendations, CR Zone, and the Urban Design guidelines. There are no other pending site developments in the immediate vicinity.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other law.*

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Subject Property on July 2, 2013. The Site contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, specimen trees, or rare, threatened or endangered species.

A. Forest Conservation

The development is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and the Planning Board approves a Final Forest Conservation Plan ("FFCP"). The site contains no designated forest areas. The Afforestation threshold for this site, plus required off-site disturbance, is 0.79 acres. The Applicant proposes to meet this requirement through payment of a fee-in-lieu, purchase of off-site forest bank credits, or a combination of the two.

Variance

The development will impact two specimen size trees: a 35-inch diameter-at-breast-height (dbh) tulip-poplar (*Liriodendron tulipifera*) tree on the Applicant's property and a 33-inch dbh pin oak (*Quercus palustris*) tree on the adjacent Wall Park property that is to be preserved.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's Critical Root Zone (CRZ) requires a variance. The Forest Conservation Law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request since the impact to two trees is considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. The variance sought permission to remove one tulip poplar tree and to impact 8% of the Critical Root Zone (CRZ) of one pin oak tree.

Unwarranted Hardship Basis

The development is in accordance with both the intent and recommendations of the Sector Plan, CR zone, and Sketch Plan No. 320130010 that anticipates a high density mixed-use project. In addition, the development is likely to include a parking structure that will support Wall Park's future redevelopment. The site is further constrained by its topography, which includes some significant slopes. A denial of the variance request would especially impinge on the Applicant's ability to provide space for the parking structure. For these reasons, the Planning Board concurs that the Applicant has a sufficient unwarranted hardship to consider a variance request.

Variance Findings

The Planning Board makes the following finding necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

The approved development design has attempted to balance all of the competing factors that constrain the site. Given the intensity of the development and the Sector Plan recommendations, impacts to the two variance trees are unavoidable. The Applicant has taken all reasonable steps

to minimize impacts. Granting the variance will not confer a special privilege to the Applicant.

2. *Is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The Planning Board finds that the variance is based on the constraints of the site and the proposed development density, public facilities and amenities as recommended in the Sector Plan, and not on conditions or circumstances which are the result of actions by the Applicant.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The Planning Board finds that the requested variance is a result of the proposed site design and layout on the Subject Property and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Planning Board finds that granting the variance will not violate State water quality standards or cause measurable degradation in water quality. The Montgomery County Department of Permitting Services (DPS) approved a stormwater management concept on December 22, 2014 for the Subject Property. The Stormwater Management Plan (SWM) concept plan incorporates Environmental Site Design (ESD) practices, including green roofs. Further, existing impervious surface area will not increase substantially from construction of this development, since the majority of the site is already paved. Finally, three trees will be planted in mitigation for the removal of the one specimen tulip-poplar tree, ultimately replacing the water quality function of the specimen tree lost to the development.

Mitigation for Trees Subject to the Variance Provisions

The Applicant must plant three native canopy trees of at least 3 inches caliper on site to replace the functions lost from removal of the 35-inch dbh tulip-poplar tree.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On January 30, 2015, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation.

B. Stormwater Management

The Montgomery County Department of Permitting Services (DPS) approved a stormwater management concept on December 22, 2014 for the Property. The Stormwater Management Plan (SWM) concept plan incorporates Environmental Site Design (ESD) practices, including green roofs.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and 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 Section 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAY 17 2015 (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 Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, April 30, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board