



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAR 16 2016

MCPB No. 15-162
Site Plan No. 82003007B
Century
Date of Hearing: February 18, 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on March 17, 2003, the Planning Board approved Site Plan No. 820030070, Century Technology Campus at Cloverleaf Center, for a total of 499,000 square feet of office space, which included 156,500 square feet of new commercial office space and 342,500 square feet of existing office space, on 55.81 acres of I-3 zoned-land, located on Century Boulevard, opposite Cloverleaf Center Drive ("Subject Property"), in the Germantown Policy Area and 1989 Germantown Master Plan area; and

WHEREAS, on December 14, 2010, the Planning Board, by Corrected Resolution MCPB No. 10-153 (original MCPB No. 09-157), approved Site Plan No. 82003007A for 510,702 square feet of general office and 21,000 square feet of accessory storage uses, on the Subject Property; and

WHEREAS, following the approval of Site Plan No. 82003007A, the Subject Property was rezoned from I-3 to TMX-2 and then from TMX-2 to CR-2.0: C-1.25 R-1.0 H-145T in the Germantown Transit Mixed Use Overlay Zone;

WHEREAS, on August 12, 2015, Century Technology Campus, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plans to replace the approved development with a mixed-use project consisting of 160 townhouse units, 28 two-over-two units, 300 multi-family units, 303,000 SF of new office uses, 85,000 SF of hotel and 49,420 SF of existing office uses, on the Subject Property in the 2009 Germantown Employment Area Sector Plan ("Sector Plan") area; and

Approved as to
Legal Sufficiency

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WHEREAS, the application to amend the site plan was designated Site Plan No. 82003007B, Century (“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 February 4, 2016, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on February 18, 2016, 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 February 18, 2016 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Presley, seconded by Commissioner Fani-Gonzalez, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82003007B for Phase 1 development with 160 townhouse units, 28 two-over-two units, and 300 multi-family units (including 12.5% MPDUs), 303,000 SF of new office uses, 85,000 SF of hotel and 49,420 SF of existing office uses, on approximately 57.6 gross acres with the following conditions:¹

Conformance with Previous Approvals

1. Previous Conditions

All conditions imposed by the approval of Site Plan No. 82003007A in Planning Board Resolution MCPB No. 10-153 dated December 14, 2010, are superseded by the conditions contained herein.

2. Sketch Plan Conformance

The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320160020 as listed in the MCPB Resolution No. 15-160.

3. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan Amendment No. 12002095B as listed in the MCPB Resolution No. 15-161.

Environment

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.

4. Forest Conservation & Tree Save

The Applicant must comply with the conditions of the approved Final Forest Conservation Plan No. 82003007B.

- a. The Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Forest Conservation Plan and demonstrated on the Easement Tracking Exhibit. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition requiring sediment control permit, clearing, or grading on the Subject Property. The Liber Folio for the easement must then be referenced on the record plat.
- b. The Applicant must provide financial surety to the M-NCPPC Planning Department for the 5.97 acres of new forest planting prior to the start of any demolition requiring sediment control permit, clearing, or grading on the Property.
- c. The Applicant must submit a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel prior to the start of any demolition requiring sediment control permit, clearing or grading on the Property.
- d. Prior to the issuance of the first building permit for the Subject Property, the Applicant must install permanent Category I Conservation Easement signage along the perimeter of the conservation easements.
- e. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.
- f. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
- g. All planting on the forested berms, as shown on the Forest Conservation Plan sheet FCP-04, must be completed prior to the release of the 120th townhouse building permit, which represents 75% of the total number of townhouse units.
- h. All other forest plantings must be completed within two (2) years of the first Multi-family building permit release.
- i. Applicant must submit and have approved by M-NCPPC an invasive species management plan for all forest conservation areas prior to Certified Site Plan.
- j. The Applicant shall revise the configuration of previously recorded Category I conservation easements; via abandonment of all the current Category I conservation easements and recordation by deed of all new of Category I conservation easements on the Subject Property. The final Category I conservation easement area onsite must match the easement tracking exhibit and the Final Forest Conservation Plan. All new easements must be recorded prior to the abandonment.

5. Noise Attenuation

- a. Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer that specializes in acoustical treatment that:
 - i. the location of the noise mitigation techniques to attenuate current and/or future noise levels to no more than 60 dBA Ldn for areas of common outdoor activity in the townhouse portion of the Property are adequate.
 - ii. the building shell for residential dwelling units to be constructed within the projected ≥ 60 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. If any changes occur to the Site Plan after Certified Site Plan, which affect the validity of the noise analysis dated, November 9, 2015, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.
- c. Prior to Certified Site Plan, the Applicant must certify that they will construct the noise impacted units (Lots 1-59, 103-149, Condo 2/2 (a-e), and Condo 2/2 (a-n)) in accordance with the recommendations of the engineer that specializes in acoustical treatments.
- d. For any residential dwelling units to be constructed within the projected 60, dBA Ldn noise contour (Lots 1-59, 103-149, Condo 2/2 (a-e), and Condo 2/2 (a-n)), the Applicant must disclose in writing to all prospective residents that those units are impacted by transportation noise.

6. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated January 5, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Stormwater Management easements and facilities.

Public Use Space, Facilities and Amenities

7. Public Use Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 750,000 square feet of public open space (33% of net lot area) on-site.

- b. Before issuance of the Use & Occupancy Permit for the last floor of each multi-family building, all on-site amenities² associated with that building must be installed.
- c. Before issuance of the Use & Occupancy Permit for the last floor of Building A3, the Clubhouse, swimming pool, wading pool or Staff approved equivalent, and tot lot must be completed.
- d. Before issuance of the 1st Commercial Use & Occupancy Permit for the hotel, the open space and amenities fronting the hotel must be completed.
- e. Before issuance of the Use & Occupancy Permit for the last floor of the Office Buildings, the open space and amenities fronting each building, including public art, must be completed.
- f. Before issuance of the 120th townhouse building permit, which represents 75% of the total number of townhouse units, the exercise trail and associated amenities must be completed. The natural surface trail to be delineated after the stormwater management facility conversion.
- g. Prior to the release of the 159th townhouse building permit, which represents 99% of the total number of townhouse units, the open space on Century Boulevard and associated amenities must be completed.
- h. All public and common open space areas, including those with or without amenities, within each sub-Phase (I-A, I-B, I-C), shall be completed when each respective Phase is completed.

8. 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:

a. *Transit Proximity (30 points)*

The Subject Property is abutting the master-planned Corridor Cities Transitway (CCT) station on Century Boulevard, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. The Site Plan qualifies for the full 30 points as provided in the Zoning Ordinance for CR-zoned properties that are abutting or confronting a master-planned transit station.

b. *Connectivity and Mobility*

i. Through Block Connections (10 points)

The Applicant must provide two pedestrian connections within the townhouse cluster that are open-air, at least 15 feet wide, open to the public at least between 8 AM and 9 PM, and with enhanced landscaping and light bollards, as shown on the Certified Site Plan.

² On-site amenities include, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and recreation amenities.

ii. Wayfinding (8 points)

The Applicant must install informational signs, directional signs, and interpretive signs directing pedestrians and bicyclists to the sculptural Art Piece, the Clubhouse amenity area, the major open space area with nature and exercise trails in the northeast corner of the site and along I-270, the future CCT station, office and hotel plaza and lawn area, as shown on the Certified Site Plan.

c. *Quality of Building and Site Design*

i. Public Open Space (20 points)

The Applicant must provide a minimum of 20 percent of the net lot area as public open space in excess of the minimum open space requirement of the zone.

ii. Public Art (15 points)

The Planning Board accepts the recommendations of the Art Review Panel as described in their letter dated October 7, 2015 and hereby incorporates them as conditions of approval. The Applicant must provide for and install the public art concept designed by artist Judy Moore, as presented to the Planning Board's Art Review Panel on September 16, 2015, and illustrated in the Certified Site Plan. Any significant changes to the concept must be presented to the Art Review Panel and may require a Site Plan Amendment.

- a) Prior to the issuance of the first building permit for the nonresidential portion of the Property, the Applicant must submit engineering drawings, certified by a structural engineer, regarding the construction of the artwork(s) to the Arts & Humanities Council of Montgomery County ("AHCMC") and MCDPS. The drawings must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners to ensure adequate safety and proper inspection by AHCMC and MCDPS. The Certified Site Plan must include a note referencing the aforementioned drawings.
- b) The appropriate signage should also be clearly visible on-site, specifically identifying the title of the piece, artist name, materials, completion date, and overall dimensions.
- c) Prior to final inspection of the public artwork(s), the Applicant must submit to the Public Art Coordinator at the Maryland – National Capital Park and Planning Commission (M-NCPPC) at least three images of the artwork(s) on-site and information regarding the 1) associated project number, 2) title of the piece, 3) date of completion, 4) description of materials used, and 5) address. This information will be added to the existing inventory of the public artworks throughout the County (<http://www.mcatlas.org/art/>).

d. *Protection and Enhancement of the Natural Environment*

i. Building Lot Termination ("BLT") (11.5 points)

The Applicant must provide proof of purchase and/or payment of 1.32 BLTs to the MCDPS prior to the issuance of building permit(s) for density in excess of the base 0.5 FAR (1,256,899 square feet) of combined construction of residential and commercial square footage. Prior to release of each building permit, the Applicant must submit to MCDPS a certified running tabulation of the individual building square footage and the cumulative total square footage against the 0.5 FAR. If the available Site Plan density is subsequently reduced pursuant to a Site Plan Amendment, the BLT requirement may be reduced accordingly.

ii. Vegetated Roof (5 points)

The Applicant must install a vegetated roof on Buildings C1, D, and E with a soil depth of at least 8 inches and covering more than 33% of the total roof, excluding space for mechanical equipment, as shown on the Certified Site Plan.

9. 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: one (1) indoor fitness facility, one (1) swimming pool, one (1) wading pool or Staff approved equivalent, ten (10) picnic/sitting areas, one (1) play lot, three (3) tot lots, one (1) open play area with a minimum of 5,000 SF, a bike system, a pedestrian system, and nature trails.
- c. The Applicant must allow access to the pool facilities to all future residents of the development, including the townhouse units, two-over-two units, and multi-family units.
- d. The Applicant must provide a minimum of 3 fitness stations, 4 outdoor musical play structures, and a junior half basketball court along the exercise trail in rear of the Property.
- e. The Applicant must provide a minimum of 3 butterfly boxes and 3 bird boxes along the natural surface trail in the northeast corner of the Property.
- f. The Applicant must provide a total of 3 trellis structures, one at each entrance to the natural surface trail and exercise path.
- g. The Applicant must provide a minimum of 2 pet stations in the open space on Century Boulevard and adjacent to the future transit stop.

10. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to pedestrian pathways, landscaping, lighting, hardscape, recreation facilities, site amenities, and public open space.

Transportation & Circulation

11. Transportation

- a. The Applicant must construct the private internal streets to applicable Montgomery County structural standards as specified in Preliminary Plan No. 12002095B and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards. The structural standards must be shown on the Certified Site Plan. Before the release of bond or surety, the Applicant must provide DPS Zoning and Site Plan Enforcement Section (Z&SPE) staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.
- b. Prior to issuance of the 30th building permit for the townhomes fronting Private Street C (Stohl Run Way), which represents 85 percent of the total number of units fronting Street C, Street C must be opened to traffic. Prior to the issuance of the building permits for the last stick of townhouses fronting Private Street C, Private Street C cannot be used for construction staging, material storage, and operations.

12. Public Road Right-of-way

The Planning Board accepts the recommendations of the MCDPS Right-of-Way Permitting Section in its letter dated January 7, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Permitting Right-of-Way Section may amend if the amendments do not conflict with other conditions of Site Plan approval.

13. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 182 long-term (private) and 20 short-term (public) bicycle parking spaces.
- b. The private spaces must be on-site in a secured, well-lit bicycle room adjacent to the covered parking area, and the public spaces must be inverted-U racks installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.
- c. Prior to the issuance of the first use and occupancy permit for the first floor in Buildings A1-A5, the Applicant must complete the bike rooms in each respective building, as shown on the Certified Site Plan.
- d. Prior to the issuance of the first use and occupancy permit for the first floor in Building A2, the Applicant must install six bicycle parking spaces (inverted U rack or design approved by the MCDPS) in the location as shown on the Certified Site Plan.
- e. Prior to the issuance of the first use and occupancy permit for the first floor in Building A3, the Applicant must install six bicycle parking spaces (inverted U rack or design approved by MCDPS) within 20 feet of Building A3.

- f. Prior to the issuance of any commercial use and occupancy permit for Buildings C, D, and E, the Applicant must complete the bike room in each building that can accommodate the number of bicycle parking spaces specified on the Certified Site plan.
- g. Prior to the issuance of any commercial use and occupancy permit for Buildings C and D, the Applicant must install four bicycle parking spaces (inverted U rack or design approved by MCDPS) at each building within 50 feet of the main door facing Private Street D.

Density & Housing

14. Density

The Phase I development is limited to a maximum 0.53 FAR consisting of 902,530 SF of residential uses and 437,420 SF of non-residential uses. Residential uses include 160 townhouse units, 28 two-over-two units, and 300 multi-family units. Non-residential uses include an 85,000 SF hotel (120 keys), 303,000 SF of new office and 49,420 SF of existing office space.

15. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA") in its letter dated January 29, 2016, and hereby incorporates them as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DCHA, provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a. The development must provide 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Sector Plan.
- b. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and DHCA must be executed.

Site Plan

16. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the latest approved architectural drawings included in the Certified Site Plan, as determined by M-NCPPC Staff.
- b. The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- c. The Applicant must provide multiple direct ingress/egress points for the multi-family buildings from Century Boulevard and Street A, as shown on the Certified Site Plan.

17. Landscaping

The Applicant must install the landscaping associated with each phase no later than the next growing season after completion of each phase and site work.

18. Lighting

- a. Before issuance of any above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNA) recommendations in effect on the date of this Resolution for a development of this type.
- b. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

19. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or use-and-occupancy permit for each block/phase of development, the Applicant must enter into a separate Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.k.4 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: entrance signage features; decorative and security fencing; plant materials; on-site lighting; exterior site furniture; all recreation and playground equipment/features; artwork; retaining walls; railings; private roads, streets, and alleys; curbs; gutters; sidewalks; specialty pavers; group mailboxes; and associated improvements within the relevant phase of development.
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release 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 Certified Site Plan sheets depicting the limits of each phase.

20. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

21. 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 approval letter, stormwater management concept approval letter, development program, Sketch Plan resolution, Preliminary Plan resolution and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Show all recreation and site amenities approved on the site and landscape sheets.
- f. The Applicant must provide an additional half-court basketball court in the immediate proximity of the multi-family buildings prior to Certified Site Plan.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Century, Site Plan No. 82003007B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are 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 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. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
 - a. *satisfies any previous approval that applies to the site;*

The Site Plan Amendment, covering Phase 1 of the ultimate development, conforms to all binding elements and conditions of approval of Sketch Plan No. 320160020, which was approved by the Planning Board on February 3, 2016

[MCPB Resolution No. 15-160]. The Site Plan was reviewed concurrently with an amendment to the approved Preliminary Plan. Subsequent site plan(s) will be filed in the future when the remaining phase(s) of the development are ready to move forward.

b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;

This section is not applicable as the Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 4.5. Commercial/Residential Zones

Development Standards

The Phase 1 Site Plan is approximately 51.68 net acres zoned CR-2.0 C-1.25 R-1.0 H-145T in the Germantown Transit Mixed Use Overlay Zone. The following table, shows the Application's conformance to the development standards of the zone and the overlay zone.

Site Plan Project Data Table			
Section	Development Standard	Permitted/Required	Approved by the Planning Board
59 – 4	Gross Tract Area (sq. ft.)	n/a	2,513,798
	Previous Dedications	n/a	262,588
	Net Tract Area	n/a	2,251,210
4.5.4.B.2 .b	Max. Density		
	CR2.0, C1.25, R1.0, H145T		
	Commercial (FAR/GFA)	1.25/3,142,248	0.17/437,420
	Residential (FAR/GFA)	1.0/2,513,798	0.36/902,530
	TOTAL (FAR/GFA)	2.0/5,027,596	0.53/1,339,950
	Commercial Density (sq. ft.)		
	Building C1 (Office)		159,000

	Building D (Office) Building E (Hotel) Existing Fisher Building Total		144,000 85,000 <u>49,420</u> 437,420
	Residential Mix (DUs) Building A1 (Multi-family) Building A2 (Multi-family) Building A3 (Multi-family) Building A4 (Multi-family) Building A5 (Multi-family) Townhouses (Lots 1-160) 16-foot wide 20-foot wide 24-foot wide Two-over-Two's Total		60 85 45 40 70 46 77 37 <u>28</u> 488
	MPDUs (%/ units)	12.5%/ 61	12.5%/ 61
4.5.4.B.2	Max. Building Height (feet)	145	
.b	Building A1 (Multi-family) Building A2 (Multi-family) Building A3 (Multi-family) Building A4 (Multi-family) Building A5 (Multi-family) Building C1 (Office) Building D (Office) Building E (Hotel) Townhouses (Lots 1-160) Two-over-Two's		80 80 80 75 75 80 80 75 55 55
4.5.4.B.3	Minimum Setback (feet)		
	Principal Building Townhouse - Front - Side - Side, End unit - Rear, alley Multi-family/ Apartment - Front - Side - Rear, alley General (Office/Hotel) - Front - Side - Rear, alley	5 5 2 4 0 0 4 0 0 4	5 5 2 4 15 12 4 19 18 4
	Parking - Front		

Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the Form Standards, including active entrances, transparency, and blank walls. Buildings are located so that they provide a vertical edge and activation through main entrances and transparency to the adjacent streets and open spaces. The two office buildings and the hotel face onto open spaces with activating features, such as, public art, outdoor seating and game tables. The majority of the townhouse units face onto streets while some front onto open spaces with play equipment and seating areas. The multi-family buildings are oriented towards Century Boulevard and Street A with general building entrances on these facades as well as direct access from individual units at ground floor to these streets. The non-residential buildings have significant glass features at the ground-level for transparency. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

ii. Division 4.7. Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Phase 1 Site Plan provides the following phased public benefits to satisfy the requirements: Transit Proximity, Connectivity and Mobility, Quality of Building and Site Design, and Protection and Enhancement of the Natural Environment.

Phase 1 Site Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Approved with Sketch Plan	Requested	Approved by the Planning Board
4.7.3.B: Transit Proximity	30	30	30
4.7.3.C: Connectivity and Mobility			
Through Block Connections	20	10	10
Wayfinding	10	8	8
4.7.3.D: Diversity of Uses & Activities			
Small Business Opportunities	20	0	0
4.7.3.E: Quality of Building and Site Design			
Public Open Space	20	20	20
Public Art	15	15	15
4.7.3.F: Protection and Enhancement of the Natural Environment			
Building Lot Termination (BLT)	25	11.5	11.5
Vegetated Roof	15	5	5
TOTAL POINTS	155	99.5	99.5

Transit Proximity

The Subject Property is abutting the master-planned CCT station on Century Boulevard, which allows the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. The Planning Board approved the full 30 points as provided in the Zoning Ordinance for CR-zoned properties that are abutting or confronting a master-planned transit station.

Connectivity and Mobility

Through Block Connections: The Site Plan provides two safe and attractive pedestrian connections between streets within the townhouse cluster. One connects Century Boulevard to Street E on the townhouse cluster and terminates on a central pocket park. The other extends Street D off Century Boulevard through another pocket park to Street C and the various open spaces fronting the hotel and office buildings. These through block connections are open-air, at least 15 feet wide, and open to the public at least between 8 AM and 9 PM. Enhanced landscaping and light bollards are provided for orientation and safety. These attributes meet the criteria in the CR Zone Guidelines, and therefore, the Planning Board approved 10 points.

Wayfinding: The Site Plan has an elaborate wayfinding system orienting residents, workers and visitors throughout the 51.7-acre site to the sculptural Art Piece, the Clubhouse amenity area, the major open space area with nature and exercise trails in the northeast corner of the site and along I-270, the future CCT station, office and hotel plaza and lawn area. Given the size of the site, the wayfinding system encompasses a large number of signs including informational signs, directional signs, and interpretive signs. The Planning Board approved 8 points for designing and implementing a way-finding system that orients pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities using a large number of signs. Two additional points will be provided in Phase 2 when the remaining signs will be provided.

Quality of Building and Site Design

Public Open Space: The Site Plan provides 522,431 square feet of open space in excess of the minimum open space requirement of the zone. The additional open space is generally located in the northeast corner of the site and extending along I-270 in the buffer area between I-270 and the approved development. The open space is open to the public between sunrise and sunset; it is at least 35 feet wide; and it includes diverse site amenities that provide unique opportunities for recreation and environmental education. These include a paved exercise trail with 3 fitness stations, 4 outdoor musical play structures, and a junior half basketball court; a natural surface trail with interpretive exhibits, butterfly boxes and bird boxes. Trellis structures demarcate entrance locations for the natural surface trail and exercise trail. This large area of contiguous open space is well connected to

other areas of public open space and common open space to form a comprehensive network of open spaces. The Planning Board approved the full 20 points in this category based on the percentage of qualifying open space provided (522,431 square feet) over the net lot area (2,251,210 square feet).

Public Art: The Site Plan includes a public art component that was reviewed for comment by the Art Review Panel on September 16, 2015. The art component will recognize the work and design of aircraft by Fairchild Industries, which was historically located on the Subject Property. The large-scale sculpture of a plane will be reminiscent of the Fairchild aircraft. The Planning Board approved the full 15 points to be attributed since the Public Art component fulfills the following goals:

- Achieves aesthetic excellence;
- Ensures an appropriate interaction between the art and the architectural setting in terms of scale, materials and context. The 30-foot tall by 21-foot wide sculpture effectively functions as a focal point at the terminus of Street B, while celebrating the history of the site. The public art component is set in a hardscape plaza with seating, which is appropriately landscaped and lit to emphasize the art piece.
- Ensures public access and invites public participation. The sculpture is located in a public plaza easily accessible from nearby sidewalks and highly visible as one enters the site. During the day, the sculpture will cast multiple blue airplane silhouettes on the ground level, which will move with the rotation of the earth. The playful and temporal nature of these shadows will invite public participation.
- Encourages collaboration between the artist and other project designers early in the design process. The Application has included the artist Judy Moore since the early design stages and has also been reviewed by the Art Review Panel early in the review cycle.
- Ensures long-term durability of permanent works through material selection, such as, polished stainless steel and blue resin;
- Increases public understanding and enjoyment of art through interpretive information. The sculpture will include an interpretative exhibit with information on the sculpture and history of the site;
- Contributes to a collection of commissioned art that is unique and fosters a positive community identity.

Protection and Enhancement of the Natural Environment

Building Lot Termination: The Applicant must purchase BLT easements in an amount equal to 50% of the incentive density floor area, per the Germantown Transit Mixed Use Overlay Zone (Section 59.4.9.9). One BLT must be purchased for every 31,500 square feet of gross floor area comprising the 50 percent incentive density floor area. With these parameters, the Applicant must purchase 1.32 BLTs for Phase I, which, at the ratio of 9 points for each BLT, yields 11.86 points for this

public benefit category. The Planning Board approved 11.5 points, in compliance with the Zoning Ordinance and the CR Zone Implementation Guidelines.

Vegetated Roof: The Planning Board approved 5 points for the vegetated roofs on Buildings C, D and E, which have a soil depth of at least 8 inches and cover more than 33% of the total roof, excluding space for mechanical equipment. The plant material selected include a mix of low-growing sedums and ground cover species.

iii. Division 6.1. Site Access

Vehicle, pedestrian, and bicycle access to the Subject Property is adequately and safely provided at three locations on Century Boulevard. The main access point is located opposite to existing Cloverleaf Center Drive, and the other two access points are to the north and south of the main entrance. Until the CCT is built, all three intersections will have full turning movements. After that time, the north and south intersections will likely become right-in/right-out only while the main intersection at Cloverleaf Center Drive will remain a full turning movement intersection. A network of internal streets accommodates vehicular, pedestrian and bicycle circulation to the new uses, parking areas, alleyways, open spaces and site amenities.

To facilitate inter-parcel connectivity, the Applicant is granting an access easement at the terminus of Street C towards the Property boundary to the south. Inter-parcel connections are key within these large parcels, especially when the CCT is built, because full movement intersections along Century Boulevard will be very limited.

iv. Division 6.2. Parking, Queuing, and Loading

Within the multi-family building cluster, vehicle parking is provided primarily with surface lots and a limited number of one-car garages lining Street A. Vehicle parking for the townhouse units and 2-over-2's is accommodated in garages, driveways, and on-street. Parking for the hotel and office uses is provided in surface lots. Long-term indoor bicycle parking is provided in the multi-family residential buildings along with outside short-term bicycle parking for visitors. Each non-residential building will also contain bike rooms and the appropriate bicycle amenities.

v. Division 6.3. Open Space and Recreation

The Site Plan has a 10 percent, or 225,121 square feet, open space requirement, which has to be provided as common open space for the townhouse units and public open space for the remaining buildings. The Site Plan provides a total of 752,618 square feet, or 33 percent, of the net area as open space, which is well

above the minimum requirement of the Zone. Common open space encompasses roughly 16 percent of the townhouse cluster area, and the majority is centrally located, bordered by streets or building lots. At least 50 percent of the required common open space is in one contiguous area only separated by a residential street. Public open space encompasses roughly 11 percent of the lots/parcels covered by other buildings.

The remaining open space in excess of the 10 percent requirement of the zone is counted as a public benefit supporting the requested incentive density. As discussed in Finding d-ii) above, this amounts to 522,431 square feet of open space or 23 percent of the net lot area.

The Site Plan meets the active and passive recreation needs of the future residents by providing the following on-site recreation facilities: indoor fitness facility, swimming pool, wading pool, picnic/sitting areas, play lot, tot lots, open play areas, a bike system, a pedestrian system, and nature trails, in accordance with the MNCPPC Recreation Guidelines. Additionally, the Site Plan also provides site amenities that enrich the recreation opportunities provided and add uniqueness to the project. These include fitness stations, outdoor musical play equipment, junior half basketball court, butterfly boxes and bird boxes along the rear of the site and the environmentally sensitive areas; and pet stations and specimen boulders in the transit plaza. At the Hearing, the Planning Board required that the Applicant provide an additional half-court basketball court in the immediate proximity of the multi-family buildings prior to Certified Site Plan. All of these facilities will be provided in Phase 1, which will enable future residents to lead an active and healthy lifestyle.

vi. Division 6.4. General Landscaping and Outdoor Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that site amenities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The landscaping provided serves the following purposes: screening and buffering between different uses within the Project; canopy coverage and shade for roads, parking areas and open spaces; and beautification of open spaces, entryways and through block connections. The light fixtures will provide enough illumination to create safe environments, but not so much as to cause glare, while respecting the pedestrian scale.

As shown in the Development Standards table, the Phase 1 Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The MCDPS Stormwater Management Section approved the stormwater management concept on January 5, 2016. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of micro-bioretenion, planter boxes, bioswales, green roofs and two surface sand filters.

ii. Chapter 22A, Forest Conservation.

The Application is in compliance with the Environmental Guidelines and Forest Conservation Law. The Planning Board approves the final Forest Conservation Plan ("FCP") as part of the Site Plan with conditions.

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420063560 for the Subject Property was originally approved on August 10, 2006 and was recertified on March 2, 2009. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Property contains 4.25 acres of forest, and 98 trees greater than 24" diameter at breast (DBH), a stream, wetlands, and associated environmental buffers in the northern corner of the Subject Property.

The Application includes a trail which runs around the Subject Property providing connectivity between the residential and natural areas. A portion of this trail network is within the Stream Valley Buffer (SVB). This portion of the trail within the SVB will be a natural surface trail with no impacts to the natural grade of the Subject Property. The trail is shown on the approved FCP within the Category I conservation easement and will be field located to determine the best route while following the general alignment shown. The natural surface trail as shown on the FCP is consistent with the Environmental Guidelines and provides for important connectivity and amenities for future residents.

The Subject Property has a previously approved FCP dating November 18, 2009 in association with the original Site Plan #820030070. This Application contains an amended FCP that will clear 0.70 acres of forest and retain 3.04 acres of forest. The acreage of forest onsite differs from the approved NRI/FSD due to the deduction of easements not being developed as part of the Application. A

complete list of easements and deductions is shown on page 1 of the FCP, but includes pre-existing WSSC, Pepco, SRC, and Storm Drain Easements. The FCP generates a 5.71 acre planting requirement. The planting requirement is generated because the project is clearing below the conservation threshold set under the MPD land use category of 20% net tract area. The Applicant is meeting the entire planting requirement on-site with 5.97 acres of forest planting.

The Amendment has no new impacts to any trees 30" DBH or larger and does not generate the requirement for a Variance.

As a part of this Amendment, the Applicant has requested to revise the configuration of previously recorded Category I conservation easements on the Subject Property. The Applicant is removing 0.46 acres of Category I conservation easement. The Applicant is mitigating the removal of easement by creating an additional 1.15 acres of new Category I conservation easement onsite. All of the new easement areas will be planted as part of this Amendment. The Applicant has provided an easement tracking exhibit, which shows all area of Category I conservation easement to be retained, removed, and created onsite.

iii. Noise

A Roadway Noise Impact Analysis was prepared for the Subject Property and the results provided in a report dated October 20, 2015 and a subsequent addendum dated November 9, 2015. A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas. The Montgomery County "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" stipulate a 60 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

Due to the noise reduction provided by the townhomes surrounding the outdoor areas, roadway noise levels in the two playgrounds located on the interior of the site will be below 60 dBA Ldn, with the exception of a small portion of the southern playground where noise levels will slightly exceed 60 dBA Ldn. Under the current site design, further mitigation for the site's public outdoor activity areas is not recommended.

The Noise Analysis for this Property indicates that future unmitigated traffic noise levels above 60 dBA Ldn will impact the residential areas of the Subject Property. Ten of the two-over-two's and 106 townhouses will be exposed to future roadway noise levels above 60 dBA Ldn. While noise impact upon these units will be above the recommended outdoor noise level of 60 dBA Ldn, compliance with Montgomery County's residential 45 dBA Ldn interior noise level requirement can

be achieved through modifications to building construction and using enhanced building materials.

Depending upon the noise level specific to each impacted unit, modifications may include increased window/door STC ratings and slight adjustments to exterior wall construction. Further analysis is required to determine the exact mitigation designs necessary, which will be established once a builder has been selected and architectural plans (building elevations, window/door schedule, unit plans) for available units are available (see condition 5a).

In addition to the modifications to building construction, the Applicant is also providing varying height (up to 10 feet) forested berms along I-270. The forested berms will help both with noise reduction at the ultimate buildout but also provide some physical and psychological noise reduction during the interim between the initial buildings and final site buildout.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Phase 1 Site Plan provides safe, well-integrated parking, circulation patterns, building massing, open spaces and site amenities. Buildings are adequately oriented to front onto streets or open spaces with parking in the rear. Building locations and massing create a vertical edge to streets, which effectively re-enforce the circulation patterns both for pedestrians and vehicles. The Application provides a well-connected network of streets that give access to buildings, parking areas, alleyways, open spaces and site amenities.

The diverse open spaces and site amenities provided are well integrated into the Site Plan to create unique opportunities for recreation and leisure while adding distinctiveness to the project. For instance, on Century Boulevard across from the future CCT transit stop, the open space includes pet stations and specimen boulders. At the terminus of Street B, the open space includes a large-scale public art piece. In front of the hotel and the adjacent office building, the open spaces consist of a large lawn area and a plaza with seating and game tables. Within the townhouse cluster, the common open space areas are centrally located and include a range of play structures with seating. These open spaces are complemented by a large area of open space in the rear of the Subject Property which features amenities with an environmental education component such as interpretive exhibits, butterfly boxes and bird boxes. Trellis structures demarcate entrance locations for the natural surface trail and exercise trail. Along the exercise trail, the project features fitness stations, musical play structures and a junior half basketball court. Collectively, the open spaces and site amenities enable a diverse range of activities that enhance the usability of the spaces and distinctiveness of the project.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Phase 1 Site Plan substantially conforms with the recommendations of the 2009 Germantown Employment Area Sector Plan by creating a mixed use development centered on the future CCT station, with employment uses along I-270, and street-oriented development along Century Boulevard.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As fully discussed in Preliminary Plan No. 12002095B, the Phase 1 development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Phase 1 Site Plan is compatible with existing adjacent development in terms of building heights, access points, and setbacks. The Site Plan includes two 5-story office buildings and one 5-story hotel building towards the rear of the site to maximize visibility from I-270 as recommended in the Sector Plan. At the corner of Century Boulevard and Cloverleaf Center Drive extended (Street B), the Application provides a large open space area with a 5-story multi-family building and 2-over-2 units framing it, which will be further densified with the Phase II development. The uses and massing at this location is compatible with the future transit stop. The three access points to the project off Century Boulevard are located opposite to existing access points on adjacent properties, which creates a compatible vehicular circulation pattern. Additionally, the project provides an access easement for a future inter-parcel connection along the southern Property boundary, which will improve connectivity with the adjacent development to the south.

The building setbacks provided conform to the zoning ordinance and establish compatibility with existing development, which typifies the more traditional development pattern with office buildings surrounded by parking areas and located away from streets.

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 § 59-7.3.4.H; 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 _____ (which is the date that this Resolution is mailed to all parties of record); and **MAR 16 2016**

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 Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, March 10, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board