



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Date: May 25, 2017

Agenda Item No.: 3

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Robert Kronenberg, Chief, Area 1 *RAK*

VIA: Elza Hisel-McCoy, Supervisor, Area 1 *CH*
Kathleen A. Reilly, AICP, Coordinator, Area 1

Re: Supplemental Memo for Pooks Hill
Sketch Plan Amendment No. 32015006A and
Site Plan Amendment No. 81982098C

On September 22, 2016, the Planning Board held a public hearing for Sketch Plan Amendment No. 32015006A. The Project will create up to 631 units in two multi-family residential buildings to include 15% moderately priced dwelling units, underground structured parking and onsite amenities and leave the hotel in its existing condition. During the hearing, the Applicant requested that both applications be continued to allow them time to resolve outstanding issues identified by the Planning Board. These issues were resolved as follows:

- Removed proposed natural surface walking trail from Multi-Family Unit and maintained undisturbed proposed forest conservation area;
- Added one bocce court to central plaza on Multi-Family Unit;
- Removed two tennis courts from Stream Valley Buffer area on the Hotel Unit; and
- Added multi-sport turf field to Hotel Unit outside of Stream Valley Buffer.

Staff recommends approval of the revised Preliminary and Final Forest Conservation Plans. Staff recommends approval of the Sketch Plan Amendment and revised Site Plan Amendment with development conditions as amended.

cc: David Lieb, Associate General Counsel

SECTION 1: SUMMARY

On September 22, 2016, the Planning Board held a public hearing for Sketch Plan Amendment 32105006A and Site Plan Amendment 81982098C. At the Applicant's request the public hearing was continued to resolve outstanding issues. This supplemental memorandum focuses solely on the following outstanding issues identified by the Board:

- Removal of the existing tennis court on the Hotel unit from the Stream Valley Buffer (SVB); and
- Replacement of the proposed natural surface walking path on the Multi-family unit with a trail that meets the standards of the *Americans with Disabilities Act (ADA)*.

There were no outstanding issues identified with the Sketch Plan Amendment at the public hearing. A revised Site Plan Amendment was submitted which shows the complete removal of the tennis court from the Hotel Unit. A multi-practice turf field is now sited on the Hotel Unit, outside of the Stream Valley Buffer (SVB) close to the location of the former tennis courts. The natural surface walking trail has been removed from the Multi-Family Unit and replaced with one bocce court in the central plaza area between both proposed Multi-Family buildings.

Because the Planning Board did not approve either application at the September 22, 2016, public hearing all the previously recommended development conditions including revisions or new conditions since the September hearing are listed in the following section.

SECTION 2: RECOMMENDATION AND CONDITIONS

Sketch Plan Amendment No. 32015006A

Staff recommends approval of Sketch Plan Amendment No. 32015006A, Pooks Hill, for 905,250 square feet of development (including 96,849 square feet for MPDUs) to include a maximum of 548,808 square feet of multi-family residential uses within two new residential buildings including up to 631 multi-family units and 259,593 square feet of non-residential uses within the existing hotel building on one lot consisting of 19.38 gross acres, zoned CR 1.0, C 1.0, R 0.75, H 160. The following two development conditions supersede the previous conditions of Sketch Plan No. 321050060 in their entirety, all others remain in full force and effect:

1. Condition B.1 Density
The development is limited to a maximum total density 905,250 square feet including a maximum of 548,808 square feet of residential development in the residential buildings (plus 96,849 square feet of residential development for MPDUs per section 59.4.7.3.D.6.c.iii), including up to 631 multi-family dwelling units and a maximum of 259,593 square feet of existing commercial density in the hotel building.
2. Condition B. 3. Incentive Density
The development must be constructed with the public benefits listed below unless modifications are made under Section 59-7.3.3.1 at the time of Site Plan. Total points must equal at least 100 and be chosen from at least three categories as required by Section 59.4.5.4.A.2 as modified by Section 59.4.7.3.D.6.a.v. The requirements of

Division 59-4.7 and the *2015 CR Zone Incentive Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at time of Site plan approval.

- a. Transit proximity achieved through location within one mile of Grosvenor Metrorail Station.
- b. Diversity of Uses and Activities achieved through affordable housing.
- c. Quality of Building and Site Design achieved through below grade structured parking, architectural elevations, exceptional design.
- d. Protection and Enhancement of the Natural Environment achieved through building lot termination, vegetated wall, tree canopy, vegetated areas, vegetated roof and cool roof.

Site Plan Amendment No. 81982098C

Staff recommends approval of Site Plan Amendment No. 819820098C for up to 905,250 square feet of total development including up to 645,657 square feet of multi-family residential development within two new residential buildings for up to 631 multi-family residential units including 15% MPDUs on-site on approximately 6.0 acres (Multi-Family Unit) in the CR 1.0, C 1.0, R 0.75, H160 and 259,593 square feet of the existing Hotel Unit. All site development elements shown on the latest electronic version as of the date of this Staff Memorandum submitted via ePlans to the M-NCPPC are required except as modified by the following conditions which apply to the Multi-Family unit unless otherwise specified.

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 32015006A and any amendments.

2. Noise Attenuation

- a. Prior to issuance of a building permit for each residential building, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. After construction is complete, and prior to issuance of final residential occupancy permits for each residential building, the Applicant must provide Staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accordance with the approved specifications for noise attenuation.
- d. If the Site Plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans and new noise attenuation features may be required.
- e. Prior to issuance of any Use and Occupancy Certificate for residents in each residential building, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

3. Forest Conservation

Prior to clearing, grading or demolition onsite, the Applicant must obtain approval of a revised Final Forest Conservation Plan (FFCP) from the Planning Department for the entire site. The FFCP must address the following:

- a. The Applicant shall make good faith efforts on plan revisions to minimize grading/disturbance within the CRZ of tree 7 and explore tree protection/stress reduction measures which could be reasonably implemented.
- b. All tree protection measures must be certified by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert.
- c. Further revise invasive control program and plan notes to specify approximate quantities of the supplemental plantings needed.
- d. Provide notes and specifications for demolition of existing pavement in proposed forest conservation areas.
- e. Demolition of the tennis courts and commencement of invasive species control program, installation of plantings, fence, and forest conservation signage on the Hotel Unit must be performed prior to issuance of Use and Occupancy certificate for Phase One on the Multi-Family Unit.

4. 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 letters dated February 5, 2016 and April 18, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letters, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of the Site Plan Amendment approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Open Space, Facilities and Amenities

5. Open Space, Facilities, and Amenities

- a. The Applicant must construct the streetscape improvements along the (Multi-Family Unit's frontage on Pooks Hill Road as shown on the Certified Site Plan.
- b. Prior to the issuance of any Use and Occupancy certificate, open space areas on the Multi-Family Unit must be completed in accordance with the phasing development as shown on the Certified Site Plan. Landscaping, however, may be installed after issuance of a Use and Occupancy certificate, but no later than the next growing season.

6. Recreation Facilities

- a. Prior to Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide at a minimum the following recreation facilities on-site in accordance with the phasing of development as shown on the Certified Site Plan: 13 picnic/sitting areas, one pedestrian system, one bocce court, two swimming pools, and two indoor fitness facilities.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Multi-Family Unit including, but not limited to pedestrian pathways, landscaping, hardscape, recreation facilities, and central plaza area.

8. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *2015 CR Zone Incentive Density Implementation Guidelines* for each one:

a. Transit Proximity

Prior to the release of any above grade building permits for development on the site exclusive of any sheeting and shoring permits, the Applicant must execute a Transportation Enhancement Agreement (TEA) with the Planning Board and MCDOT to provide a private shuttle service to either the Medical Center Metrorail station or the Grosvenor Metrorail station. The ultimate route to be determined by the Applicant.

b. Diversity of Uses and Activities

i. Affordable Housing/MPDUs

a. The Applicant must provide affordable housing units in accordance with the MPDU recommendations in Montgomery County's Department of Housing and Community Affairs' (MCDHCA) letter dated July 29, 2016, which the Planning Board accepts and hereby incorporates as conditions of the Site Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan Amendment approval.

b. Prior to issuance of any building permit, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

c. Quality Building and Site Design

i. Below Grade Structured Parking

The Applicant must provide structured parking in a below-grade structure as necessary to achieve 19.7 public benefit points using the following formula from the *Implementation Guidelines*: $[(A/P)/(A/R)]*10$, where A=the maximum allowed spaces, R=the minimum required spaces, and P=the proposed spaces.

ii. Architectural Elevations

The Applicant must design and construct the ground floors of each building to provide visibility into and out of terrace areas and ground floor space that are not residential units. Entrance doors must be generally placed as shown on the Certified Site Plan; allowing for possible minor shifts that may be necessary during the preparation of construction documents to coordinate with other binding elements.

iii. Exceptional Design

The Applicant must construct both buildings in a manner consistent with architectural elevations shown in the Certified Site Plan.

d. Protection and Enhancement of the Natural Environment

i. Building Lot Terminations

Before issuance of the any above-grade building permit, the Applicant must provide proof of purchase and/or payment of 0.075 BLTs equal to 28,967 square feet to the MCDPS.

- ii. Vegetated Wall
The Applicant must install and maintain a vegetated wall that covers at least 30 percent of the blank wall along the service driveway for the North Tower which is visible from Pooks Hill Road.
- iii. Tree Canopy
The Applicant must protect tree canopy with at least 15 years of growth on at least 25 percent of the on-site green area.
- iv. Vegetated Area
The Applicant must install plantings in a minimum of 12 inches of soil covering at least 5,000 square feet which does not include stormwater management facilities or vegetated walls on the north residential building wall facing the service entry drive.
- v. Vegetated Roof
The Applicant must install a vegetated roof on each residential building with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment and cool roof, as shown on the Certified Site Plan.
- vi. Cool Roof
The Applicant must provide a roof on each building 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.

Transportation & Circulation

- 9. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 11, 2016, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Site Plan approval.
- 10. The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MSHA”) in its letters dated May 3, 2016 and June 8, 2016, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MSHA, provided that the amendments do not conflict with other conditions of the Site Plan approval.
- 11. The Applicant must provide a total of six (6) short-term public bicycle parking racks (equivalent to 12 bicycle parking spaces) to be installed near the main residential entrances to each multi-family building and the secure long term private bicycle parking spaces to be installed internal to each multifamily building in accordance with the phasing of development as shown on the Certified Site Plan.
 - i). Specific details and location of all bicycle parking spaces must be shown on the Certified Site Plan.
 - ii) The two hundred (200) long -term bicycle spaces must be distributed evenly across both residential buildings and must be installed prior to issuance of a Certificate of Use and Occupancy for each phase of development as shown on the Certified Site Plan.

Adequate Public Facilities

12. The Applicant must enter into a Transit Enhancement Agreement (TEA) with the Planning Board and MCDOT to memorialize efforts to increase non-auto driver mode share and must execute the TEA prior to the release of any above grade building permits for development on the site exclusive of any sheeting and shoring permit. The TEA must include transit enhancement measures that have been recommended by MCDOT and agreed to by the Applicant.
 - a. The Applicant must provide a private shuttle service, connecting the Multi-Family Unit with either the Medical Center Metrorail Station or the Grosvenor Metrorail Station the ultimate route to be determined by the Applicant for the life of the Project. The shuttle must operate no less frequently than 30-minute headways during the weekday morning and evening peak periods.
 - b. The shuttle vehicle and timetable must be operational and published prior to issuance of the Certificate of Use and Occupancy for the first building.
13. The Adequate Public Facility (APF) review for the Site Plan will remain valid for one-hundred twenty (120) months from the date of mailing of the Planning Board resolution.

Site Plan

14. Building Height

The Multi-Family development is limited to the maximum height of 160 feet.

15. Landscaping

- a. Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities for each building must be installed in accordance with the phasing of development as shown on the Certified Site Plan.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

16. Lighting

- a. Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. Deflectors will be installed on all proposed up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

17. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a 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 as required by Section 59-7.3.4. G.1. 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 plant material, on-site lighting, recreational facilities, site furniture, retaining walls, and paths and associated improvements.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

18. 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.

19. 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. Ensure consistency of all details and layout between Site and Landscape Plans.
- b. Coordinate with Staff on any necessary minor plan revisions, clarifications, and corrections within the Final Forest Conservation Plan.
- c. Submit a lighting plan for each rooftop deck and for the multi-sport turf field.
- d. Include the stormwater management concept approval letters, development program, Sketch Plan Amendment and Site Plan Amendment resolutions on the approval or cover sheet(s).
- e. Modify the Site Plan Amendment Data Table to include acreage for the Hotel Unit.
- f. Revise Forest Conservation Plan to reflect location of the stormdrain easement outfall pipe on the Hotel Unit to include planting types, amounts and notes per the Applicant's Exhibit submitted April 24, 2017.

SECTION 3: PROJECT ANALYSIS

This Project was continued from the Planning Board public hearing of September 22, 2016. The Planning Board requested that the Applicant resolve the following outstanding Site Plan Amendment issues identified during the public hearing:

- Removal of the existing tennis court on the Hotel unit from the Stream Valley Buffer (SVB); and
- Replacement of the proposed natural surface walking path on the Multi-Family unit with a trail that meets the standards of the *Americans with Disabilities Act (ADA)*.

There were no outstanding issues identified with the Sketch Plan Amendment at the public hearing.

Site Plan Amendment

The Applicant revised the Site Plan Amendment to:

- Remove two dilapidated tennis courts from SVB on the Hotel Unit;
- Replace two tennis courts on the Hotel unit with a multi-sport turf field outside of the SVB area;
- Remove the natural surface walking trail and associated gate on the Multi-Family unit;
- Remove stairs from the central plaza area that connects to the natural surface walking trail;
- Place the entire area for the trail into an undisturbed proposed forest conservation easement; area; and
- Add a bocce court to the central plaza area.

Figure 1 shows the Applicant's overall changes to the entire property proposed by the revised Site Plan Amendment. Figure 2 is the Applicant's rendering of the Multi-Family Unit with the removal of the natural surface trail and addition of the bocce court.

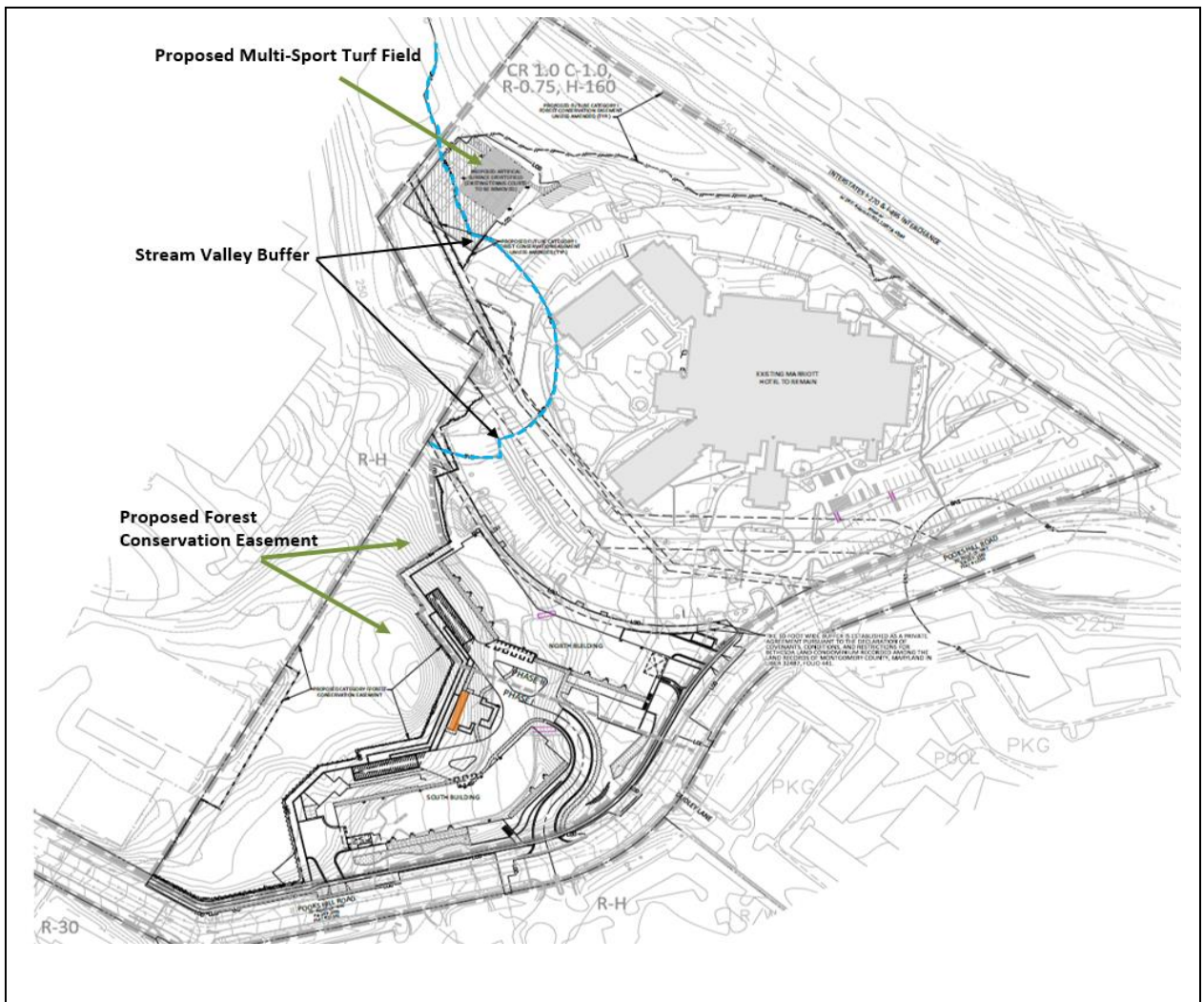


Figure 1: Revised Site Plan Amendment for Entire 19.38-acre property
(Proposed Bocce Court highlighted in orange)



Figure 2: Applicant's Rendering of Revised Site Plan Amendment for Multi-Family Unit

Environment

The revised Site Plan Amendment shows the removal of two dilapidated tennis courts from the SVB on the Hotel unit. The two tennis courts have been replaced with a multi-sport turf field located outside of the SVB. The tennis courts comprised approximately 13,794 square feet with approximately 5,450 feet within the SVB, while the proposed multi-sport turf field will be 5,600 square feet and completely outside of this critical SVB.

The turf field will be lighted however, the submitted lighting plan did not accurately reflect future lighting conditions at the western property line which abuts residentially zoned property. At the time of certified site plan review, the Applicant will need to submit a more complete lighting plan for staff review and approval.

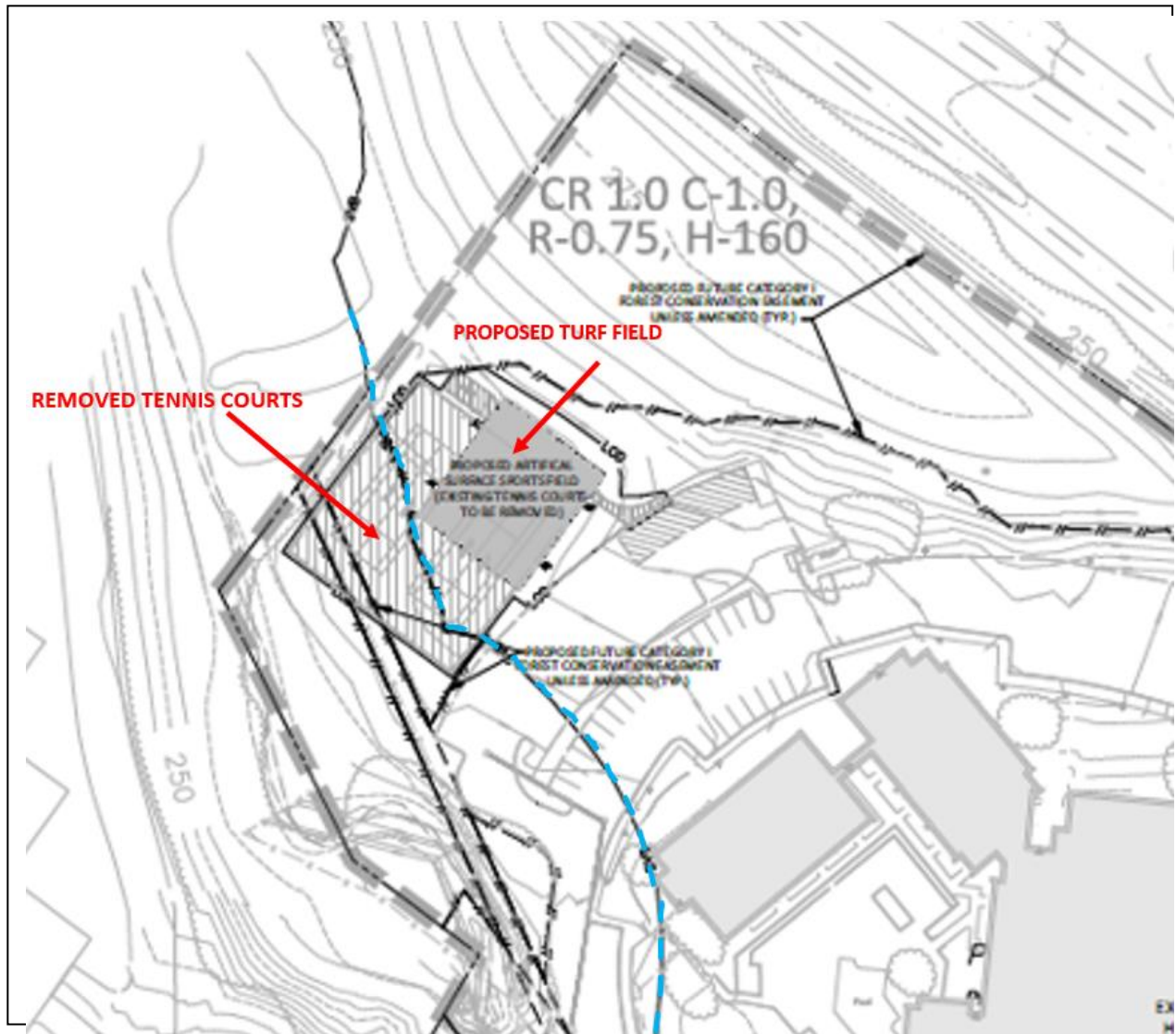


Figure 3: Hotel Unit Location of Former Tennis Courts and Proposed Multi-Sport Turf Field, Stream Valley Buffer shown in Blue

Natural Surface Walking Trail

During the September 22, 2016, public hearing, the Planning Board requested that the Applicant explore ways to make the natural surface walking trail ADA compliant. For reference, Figure 4 below shows the location of the originally proposed natural surface walking trail.

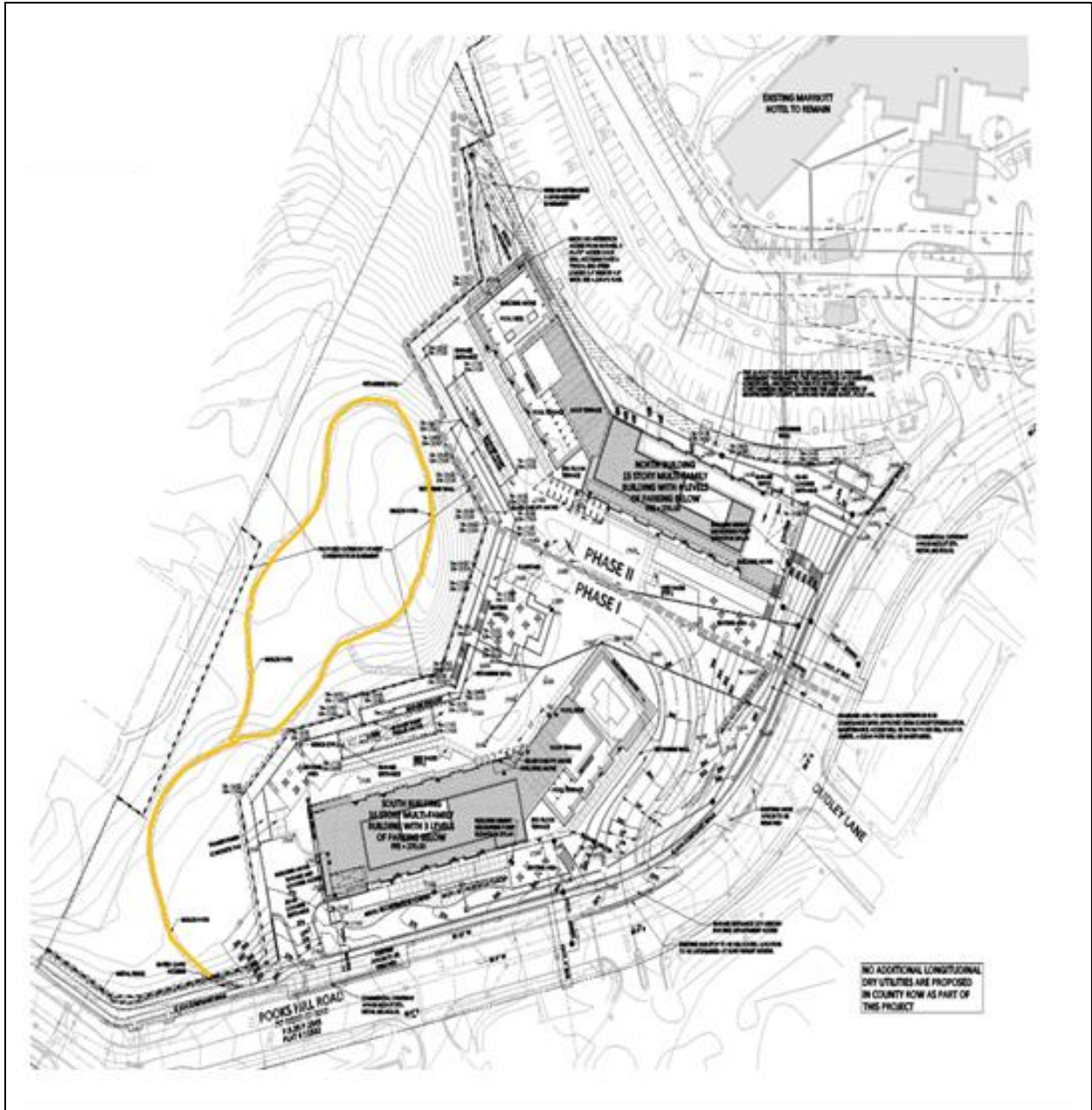


Figure 4: Proposed Natural Surface Trail on Multi-Family Unit (trail shown in brown)

The Applicant undertook two grading studies to determine the feasibility of making the proposed natural surface trail ADA accessible. The primary difference in each alternative involves the amount of grading required to place an ADA accessible trail in the northeast corner of the existing wooded area.



Figure 5: Applicant's Alternative 1 shows impacts to the onsite forest and existing vegetation if the trail were made ADA accessible.

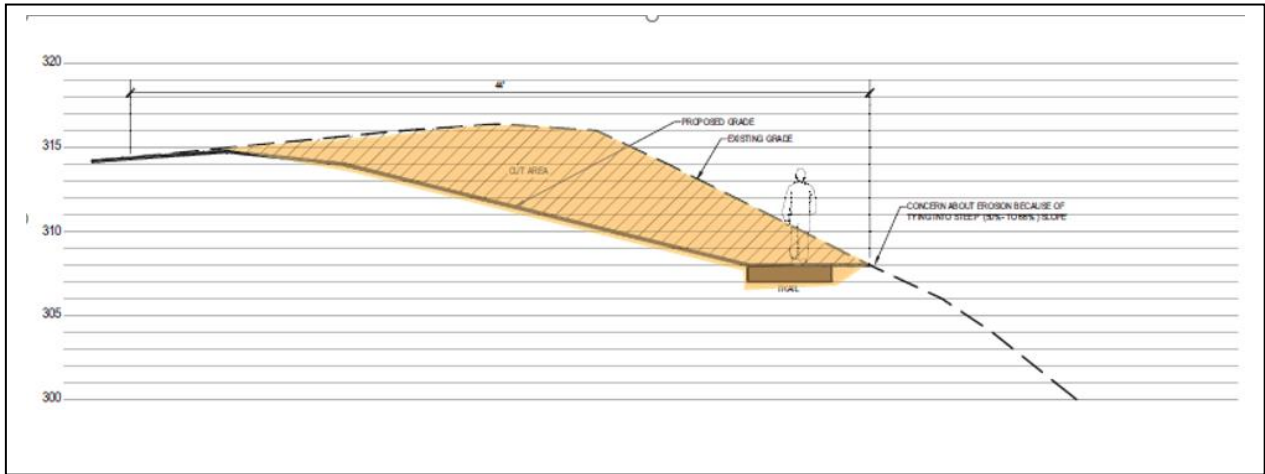


Figure 6: Applicant's Alternative 1: Views from Sections A-A'

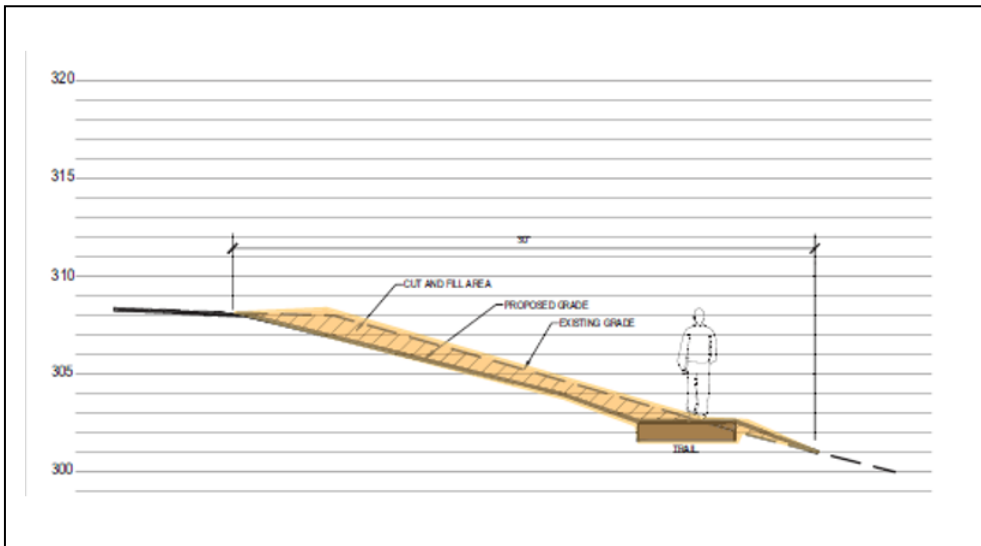


Figure 7: Applicant's Alternative 1: Views from Sections B-B'

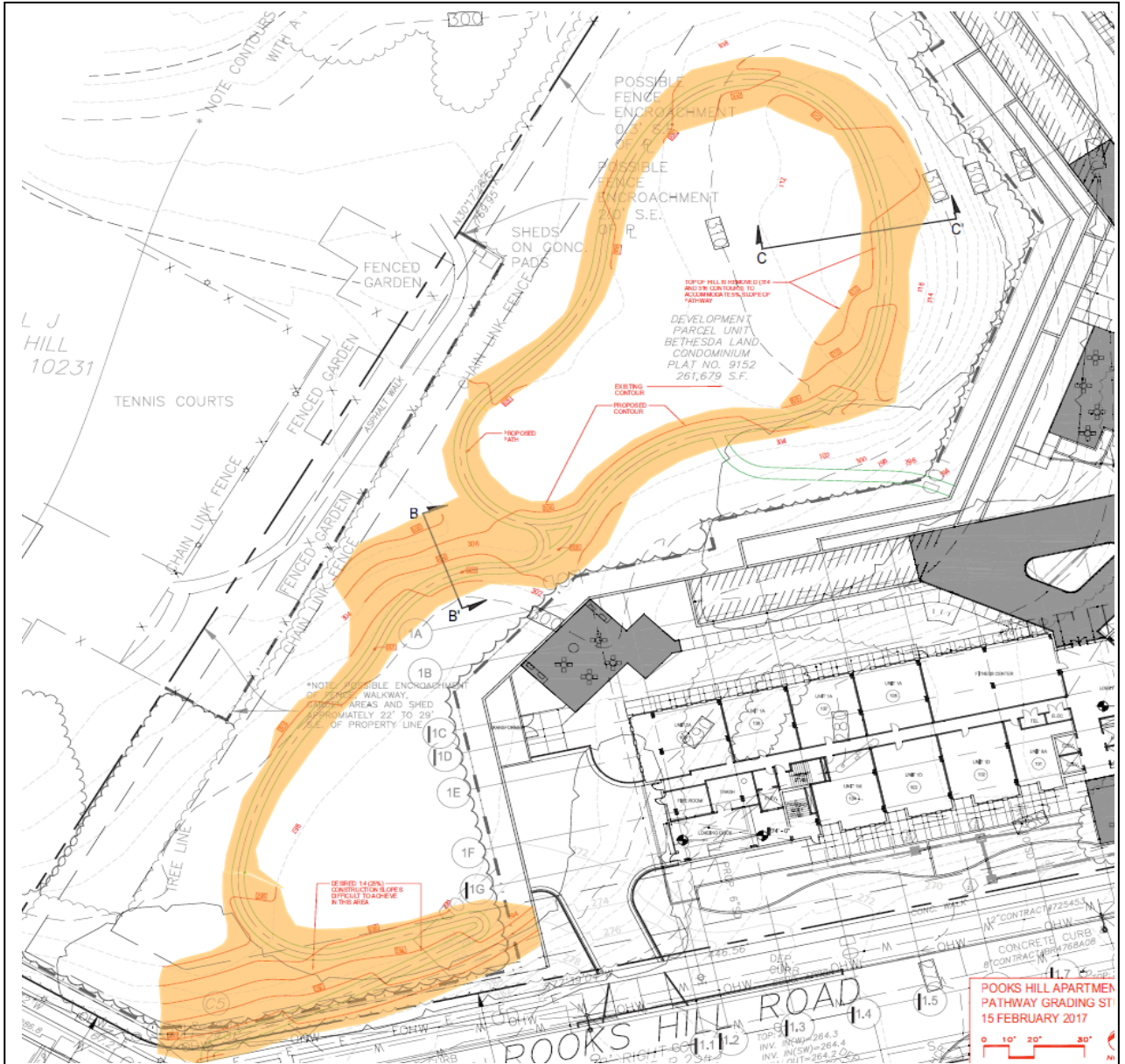


Figure 8: Applicant's Alternative 2 shows the area of clearing (delineated in brown) needed for an ADA accessible trail.

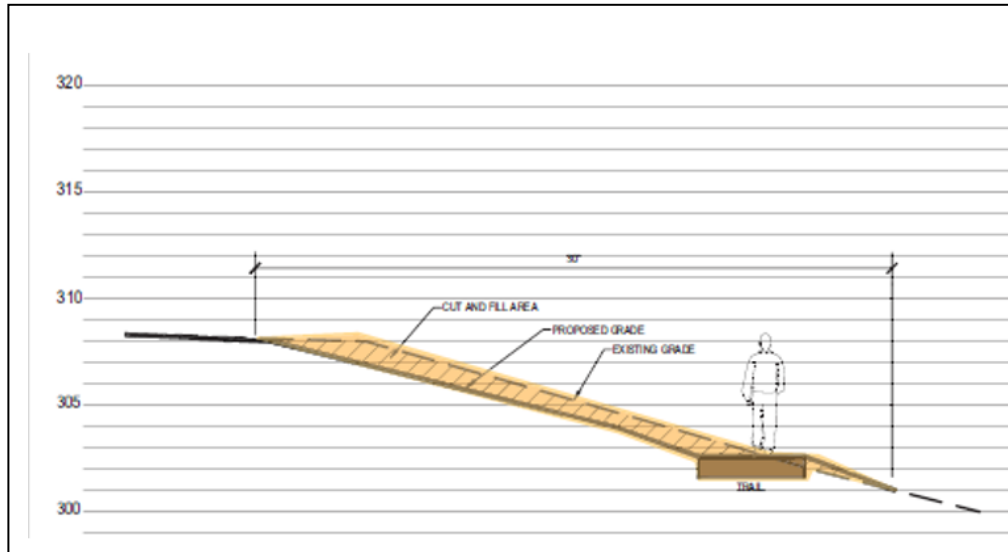


Figure 9 Applicant's Alternative 2: Views from Sections B-B'

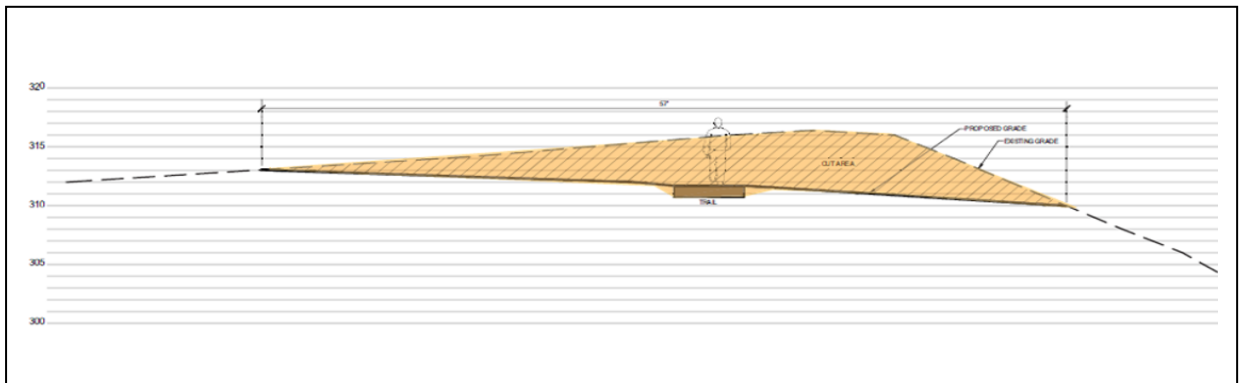


Figure 10; Applicant's Alternative 2: Views from Section C-C'

The Applicant's Justification letter stated that it was assumed:

"a natural surface walking trail could be incorporated into the project without a measurable impact to the forest, thus preserving the natural buffer provided by the existing vegetation to screen adjacent buildings and provide outdoor views of trees from the new dwelling units."

The Applicant's grading studies for both Alternatives indicate that keeping the trail at 5% or less as required by ADA standards would require significant "cut", negatively impacting the screening values, and environmental benefits provided by the existing vegetation. Additionally, the Applicant states that the amount of clearing and the potential for erosion would create additional environmental impacts to site. Attachment A contains the Applicant's Justification letter.

Based on the grading studies, the Applicant proposes not to build the trail and to leave the proposed forest conservation easement area undisturbed on the Multi-family unit. To compensate for the loss of the natural surface trail, the Applicant proposes to add another recreational amenity, one bocce court. This bocce court will be located in the central plaza area between the two multi-family residential buildings. It will be accessible to all residents and visitors to the site. Moreover, its location in the central courtyard coupled with proposed seating in this area will create another on-site gathering spot for relaxing.

To avoid significant forest disturbance, Staff the supports removal of the natural surface walking trail and replacement of it with one bocce court in the central plaza.

Forest Conservation

The site contains substantial areas of environmentally sensitive resources and high priority settings associated with stream valley buffers. The revised Forest Conservation Plan (FCP) shows 1.05 acres of forest clearing, 3.56 acres of forest retention, and a total of 0.45 acres of onsite reforestation. Based on removal of the tennis courts, all reforestation requirements can be met on-site. By removing the two dilapidated tennis courts and replacing this area with reforestation this Project can meet all forest conservation requirements onsite and provide environmental enhancements which also meet the goals of the Forest Conservation Law, *Environmental Guidelines* and Master Plan recommendations for protection and enhancement of environmentally sensitive features.

Forest Conservation Variance

The previously submitted forest conservation variance remains unchanged under the revised site plan amendment. The Applicant's variance request remains unchanged and Staff continues to support this request.

Stormwater Management

On February 5, 2016, Department of Permitting Services (DPS) approved stormwater management concept plan (#280376) for the development. With the subsequent removal of the tennis courts the Applicant was required to submit a stormwater management concept plan to address impacts from the proposed turf field and a proposed storm drain easement through the proposed forest conservation easement area. Discussions with staff, the Applicant, and DPS produced an exhibit to increase the amounts of plantings within the storm drain easement. Staff supports the Applicant's Exhibit shown in Figure 11 for these additional plantings and the FCP will need to be revised to incorporate this planting area. A condition of approval for these revisions is recommended. The stormwater management concept plan (#282545) was approved by DPS on April 18, 2017. This Plan proposes to meet stormwater management requirements through landscape infiltration and micro-bioretenion facilities. DPS approval letters for both stormwater management concept plans are contained in Attachment B.

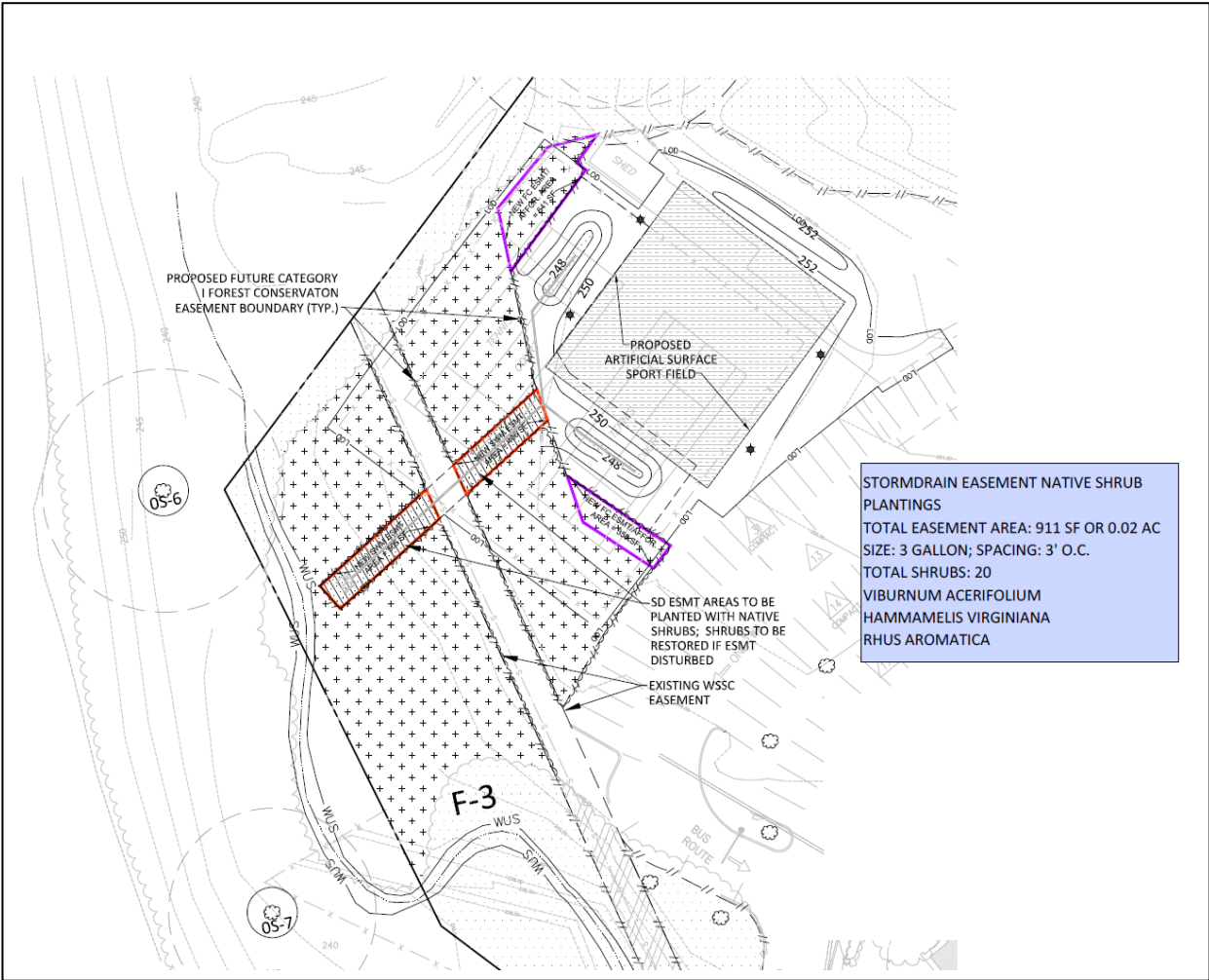


Figure11: Applicant’s Exhibit Proposed Plantings for Stormdrain Easement

Transportation

Transportation Adequate Public Facilities (APF)

A Preliminary Plan is not required for this Project as it is a recorded Parcel, thus the Adequacy of Public Facilities (APF) is tested at the time of site plan review and approval. The Site Plan Amendment was filed on February 19, 2016 and tested under the *Montgomery County, Subdivision Staging Policy, (SSP) 2012-2016*.

On January 1, 2017, an updated *Montgomery County Subdivision Staging Policy (SSP), 2016-2020* became effective. However, the APF transportation findings for the Local Area Transportation Review (LATR) remain valid as cited in the September 12, 2016, staff report. But under the new *SSP 2016-2020*, the Applicant is no longer required to make a Transportation Policy Area Review (TPAR) mitigation payment for transit and roadway inadequacy as was previously required. Since this Site Plan Amendment will be approved after March 1, 2017, (the last day TPAR payments were collected by the

County), at the time of issuance of the building permits the Applicant will be required to pay an impact fee to mitigate transportation inadequacy.

Validity Period

By letter dated March 27, 2017, the Applicant requested an APF validity period of 10 years (120, months). The Project will be built in two Phases. The South Tower, underground parking garage and on-site amenities will be constructed in Phase One. Construction of the North Tower (Phase Two) will be dependent on the absorption rates for South Tower units and the general market demand for housing. Staff supports the Applicant's request for a longer APF validity period and it is recommended condition of approval for the Site Plan Amendment. A copy of the Applicant's letter is included as Attachment C.

Schools Adequate Public Facilities

The Subject Property is in the Walter Johnson School Cluster. Under the *2012-2016 Subdivision Staging Policy (SSP)* the Applicant would have been required to make a School Facilities Payment. Under *SSP 2016-2020*, applications approved after March 1, 2017, no longer are required to make a school facilities payment. At the time of building permit issuance, the Applicant will be required to pay an impact tax for the project.

CONCLUSION

As revised, the proposed development complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The proposed development is consistent with the goals and recommendations of the *1990 Bethesda-Chevy Chase Master* Therefore, Staff recommends approval of the Sketch Plan Amendment No. 32015006A, and Site Plan Amendment No. 81982098C with the amended conditions at the beginning of this report.

ATTACHMENTS

- A. Applicant's Justification for removal of trail
- B. DPS Stormwater Concept Approval Letters
- C. Applicant's Letter Requesting Longer APF Validity Period



February 17, 2017

Kathleen A. Reilly, AICP
 Coordinator
 Area 1
 M-NCPPC
 8787 Georgia Avenue
 Silver Spring, MD 20910

**Re: Planning Board Deferral Response
 Pooks Hill Quadrangle Multi-family
 Site Plan #820160080
 VIKA # VM1391J**

Dear Ms. Reilly:

On behalf of the applicant, Pooks Hill JV, LLC, we are submitting revised plans and documents to address the January 31, 2017 planning staff review comments for the Pooks Hill Quadrangle Multi-family Site Plan project. Specifically, review comments requested stronger justifications to not install the trail that was previously shown on the site plan in the forest area on the south west portion of the property, address the impacts to the off-site CRZ for the removal of the shed by the existing tennis courts, provide soil profile rebuilding details for the tennis court removal, lighting details for the proposed sport field, and to simplify the metes and bounds for the easement by the SVB.

Our revised plans now reflect soil profile rebuilding for removal of the tennis court, lighting details for the sport field and the simplified metes and bounds for the easement. To address the encroachment into the CRZ by the removal of the shed, we are now saving the shed at Marriott's request which now brings the LOD outside of the CRZ for off-site tree.

To address staffs comments about the removal of the trail from our plans, the team has provided detailed studies of the forest impacts through the use of detailed grading plans and cross sections. The applicant's original decision to include a natural surface path in the forest area presumed that one could be incorporated in a manner that would result in no measurable impact to the forest, thus preserving the natural buffer provided by the existing vegetation to screen adjacent buildings and provide outdoor views of trees from the new dwelling units. To address the Planning Board's comments relating to the trail at the hearing on September 22, 2016 (i.e. that if a trail is to be provided it should be accessible), the design team undertook detailed grading studies in order to fully assess potential environmental impacts. The resulting studies show that the impacts required to grade the site to provide an ADA compliant pathway would greatly impact the density, screening value and environmental benefits provided by the existing vegetation. The two studies provided show the significance of the impacts to the forest by making this path paved, and graded to keep the gradient at 5% or less as would be required to be ADA compliant. Consequently, in its place, the applicant proposes to enhance the on-site amenities with the installation of a bocce court which the team believes will be more valued and utilized by the residents than the proposed trail.

The bocce court will provide opportunities for physical activity, social interaction and visual interest directly adjacent to a programmed sitting area within an attractive setting that includes a water feature. While the removal of the path impacted the recreation supply numbers slightly, this has been offset with the addition of the bocce court as well as by increasing the seating available in the Phase 1 seating area. These picnic/sitting areas were already generously supplied on site and were understated on the recreation demand calculator.

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 ✪ Germantown, Maryland 20874 ✪ 301.916.4100 Fax 301.916.2262
 Tysons, VA ✪ Germantown, MD ✪ Washington, DC

www.vika.com

Kathleen A. Reilly, AICP
M-NCPPC - Area 1

**Re: Planning Board Deferral Response
Pooks Hill Quadrangle Multi-family
Site Plan #820160080
VIKA #VM1391J**

February 17, 2017
Page 2 of 2

It's important to note that this amenity-rich project does not rely upon any off-site amenities to satisfy the recreational guidelines, did not count on the trail for any public benefits points, and could have taken credit for the Maplewood Alta Vista Park located just one block away which includes a tot lot, play lot, multi-age playground, multi-purpose court, tennis court, and junior sized softball and soccer fields. However, rather than do so, the applicant has opted to continue to meet all the recreation requirements on-site by adding the bocce court which provides an even more well-rounded program of on-site recreational amenities for residents.

The enclosed Site Plan, FCP and Planting Plans have been updated to reflect the proposed changes noted above.

Thank you for your consideration of this response. We believe that these revisions have fully addressed the concerns raised by staff.

If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further. We are anxious to move forward and have our application rescheduled for Planning Board action at the earliest possible opportunity.

Sincerely,
VIKA Maryland, LLC



Stephen K. Cook, ASLA, LEED AP O+M
Senior Landscape Architect

WRL/kc

Enclosures

\\md-projects\data\1000-1500\1391_documents\1391J\PLANNING\SITE DEVELOPMENT\32-CVRLTR-820160080





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 5, 2016

Mr. Jagdish Mandavia, P.E.
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 29874

Re: **COMBINATION CONCEPT/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN** Request for Pooks Hill
Site Plan #: 820160080
SM File #: 280376
Tract Size/Zone: 6.02 Ac./CR 1.0
Total Concept Area: 3.73 Ac.
Parcel(s): K
Watershed: Lower Rock Creek

Dear Mr. Mandavia:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals for ESD via green roofs and micro-biofilters/planter boxes.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Use DPS latest design standards at time of plan submittal.
6. Use correct setbacks from building for the surface micro-biofilter.
7. Green roof is to be 8 inches thick and a minimum of 13,928 square feet. Try to increase the amount of green roof at time of plan submittal.
8. Green roof to be designed by a professional with green roof experience.

Mr. Jagdish Mandavia, P.E.
February 5, 2016
Page 2 of 2

9. All covered parking is to drain to WSSC.
10. Provide a copy of the mechanical plans showing a schematic of roof drains and garage drains. Show that the garage drains go to WSSC and that the roof drains go to the stormwater structures.
11. Where possible provide flow splitters to the stormwater management structures.

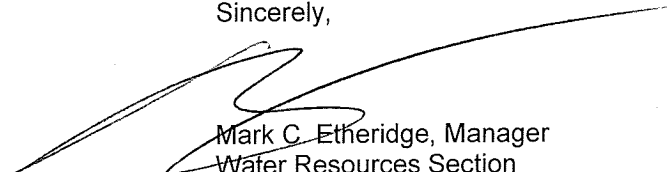
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN280376 Pooks Hill.DWK

cc: C. Conlon
SM File # 280376

ESD Acres:	3.73
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.00



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

April 18, 2017

Mr. Jagdish Mandavia, P.E.
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, Maryland 20874

Re: **SITE DEVELOPMENT STORMWATER
MANAGEMENT PLAN** Request for Pooks Hill
Site Plan #: 820160080
SM File #: 282545
Tract Size/Zone: 11.9 Ac./CR-1.0
Total Concept Area: 0.45 Ac.
Parcel(s): K
Watershed: Lower Rock Creek

Dear Mr. Mandavia:

Based on a review by the Department of Permitting Services Review Staff, the Site Development Stormwater Management Plan for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via ESD using either landscape infiltration or micro-bioretenion.

The following **items** will need to be addressed **during/prior to** the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. If micro-bioretenion is used, you will need to provide outlet protection for the underdrain and overflow pipe. The pipe and outlet protection may need to be in the forest conservation protection area.
6. This site work is a requirement for Site Plan 820160080 and is to be coordinated with stormwater management concept #280376.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

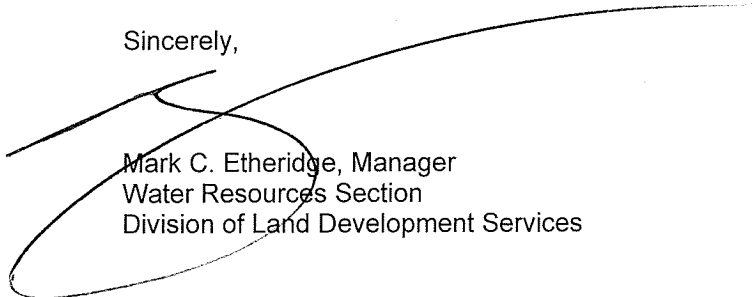
255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

Mr. Jagdish Mandavia, P.E.
April 18, 2017
Page 2 of 2

This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: CN282545 Pooks Hill.DWK

cc: C. Conlon
SM File # 282545

ESD Acres:	0.45
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.00



200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM

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 CALLIE CARNEMARK (VA)

March 27, 2017

Ms. Kathy Reilly
 M-NCPPC, Area 1
 8787 Georgia Avenue
 Silver Spring, MD 20910

RE: Pooks Hill Residential;
 Sketch Plan Amendment No. 32015006A and Site Plan No. 81982098C (formerly
 assigned as 820160080);
APFO Validity Period Request

Dear Kathy:

The following is submitted on behalf of Pooks Hill JV, LLC, the Applicant in the above referenced matter.

As you know, the Pooks Hill Residential project consists of up to 631 multi-family units within two (2) angled shape towers, each of which will be 160 feet in height. The project will be constructed in two phases with the South Tower constructed in Phase I along with associated underground parking and on-site amenities in accordance with the detailed phasing plan provided in support of the above referenced applications. Upon completion of the South Tower, however, the timing for the start of construction of the second North Tower will depend significantly on the rate of absorption of the Phase I units and general market demand which is obviously difficult to reasonably predict at this time.

Due to the scope and scale of this project, the Applicant requests that the Planning Board grant approval of the maximum allowable period of 10 years for the project's initial APFO validity period pursuant to Section 4.3.J.5.a.iv of Chapter 50 of the Montgomery County Code.

Thank you for your consideration of this matter.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in blue ink, appearing to read "Soo Lee-Cho", written in a cursive style.

Soo Lee-Cho

cc: Elza Hisel-McCoy
Carol Rubin, Esq.
Troy Balkema
Bill Landfair
Steve Cook
Ed Papazian
Andy Smith