



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

MCPB No. 17-040  
 Site Plan No.81982098C  
 Pooks Hill  
 Date of Hearing: May 25, 2017

JUN 29 2017

**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 February 19, 2016, Pooks Hill JV, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plans 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) of CR 1.0, C 1.0, R 0.75, H160 zoned land and 259,593 square feet of the existing Hotel Unit located at 5151 Pooks hill Road, approximately 1,200 west of the intersection with Rockville Pike, Parcel K (“Subject Property”) in the Bethesda-Chevy Chase Policy Area and 1990 Bethesda-Chevy Chase Master Plan (“Master Plan”) area; and

WHEREAS, on November 11, 1976, the Planning Board approved a Site Plan for the construction of a hotel tower 15 floors high with 248 guest rooms, a low-rise motel unit with 53 guest rooms, a 220-seat restaurant, convention and conference center and various recreational facilities. A parking facility for 515 cars with two access points along Pooks Hill Road was also approved. No case number was assigned to this Application; and

WHEREAS, on January 6, 1978, the Planning Board approved Site Plan No.819770490 to increase the size of the existing on-site restaurant, incorporate additional parking on-site and add a new access point along Pooks Hill Road on the Subject Property; and

WHEREAS, on November 2, 1978, the Planning Board approved Site Plan No. 819780420 for a three-story wing to the existing hotel and a reduction in parking spaces on the Subject Property; and

Approved as to  
 Legal Sufficiency:

WHEREAS, on February 15, 1983, the Planning Board approved an amendment to Site Plan No. 819820980 to add a second wing to the hotel and to increase the number of parking spaces on the Subject Property; and

WHEREAS, on August 28, 2009, Site Plan Amendment 81982098A was filed to modify the parking layout, reconfigure pedestrian walkways, modify landscape and lighting, modify green area requirements, add parking pay boxes, and add a stormwater management facility. On July 1, 2013, the Application was withdrawn by the Planning Department for the Applicant's failure to address issues identified during review of the Amendment; and

WHEREAS, on July 14, 2016, The Planning Board approved an amendment to Site Plan No. 81982098B was filed to modify the parking lot configuration and update the approved landscape plan; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 81982098C Pooks Hill ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 12, 2016, supplemented by a further memo dated May 12, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 25, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on May 25, 2017 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Dreyfuss, by a vote of 5-0, Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Well-Harley voting in favor;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81982098C 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 in the CR 1.0, C 1.0, R 0.75, H160 and 259,593 square feet of the existing Hotel Unit on the Subject Property, subject 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. 320150060 and 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: at least 10 picnic/sitting areas, one pedestrian system, one active children's play area of at least 500 square feet, 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 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 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 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, on-site recreational facilities, site furniture, retaining walls, 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 Cover Sheet to include acreage for the Hotel Unit on Data Table and to reflect changes and deletions in recreation calculations.
- 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.
- g. Provide on-site a minimum 500 square foot space to address recreational needs of young children.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 81982098C, Pooks Hill submitted via ePlans to the M-NCPPC as of September 12, 2016 and May 12, 2017 dates for 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 as set forth in the Staff Reports, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

The Site Plan conforms to all binding elements of Sketch Plan Nos. 320150060 and 32015006A

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

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

3. *The development satisfies 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 finding is not applicable, as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 6.0 acres, zoned CR-1.0 C-1.0 R-0.75 H-160. The Application satisfies the applicable development standards as shown in the following data table:

<b>Data Table</b>			
<b>Site Plan Amendment 81982098C</b>			
<b>Section 59-4</b>	<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed</b>
	Net Tract Area (sf)	n/a	780,551 sf
	Dedications		63,797 sf
	Gross Tract Area (sf)	n/a	844,348 sf
<b>4.5.4.B.2.b</b>	Maximum Density (including exempt MPDU square footage) Non-residential (C) Residential (R)	1.0 FAR (844,348 sf)  1.0 FAR (844,348 sf) 0.75 FAR (633,261 sf)	1.08 FAR (905,250 sf) <sup>1</sup>  0.31 FAR (259,593 sf) <sup>2</sup> 0.77 FAR (645,657 sf) <sup>3</sup>
	Total Density Non-residential ( C ) Residential ( R )	1.0 (844,348 sf) 1.0 FAR (844,348 sf) 0.75 FAR (633,261)	0.96 FAR (905,250 sf) <sup>4</sup> 0.31 FAR (259,593 sf) 0.65 (548,808 sf) <sup>5</sup>
	Dwelling Units	n/a	Up to 631
	MPDUs (% / units)	12.5% /79 units	15% /95 units
<b>4.5.4.B.2.b</b>	Building Height (feet)	160	160
<b>7.7.1.B.5.b</b>	Green Area (%Net Lot Area)	45%	426,888 (55%)
<b>4.5.4.B.3</b>	Min. Building Setbacks	0'	0'
	From Right-of-way	0'	0'

6.2	Parking Spaces	583 - 804	
	Residential (minimum-maximum)	583- 804	804
	Loading, Accessible Spaces, Motorcycle & Bicycle		
	Loading	2	2
	ADA spaces	18 <sup>6</sup>	18 <sup>6</sup>
	Car Share Spaces	8	9
	Electric Vehicle Charging Station	9	9
	Motorcycle/Scooter	5	12
	Bicycle-Public	200	200
	Bicycle-Private		

<sup>1</sup> This square footage includes both the market rate units at 548,808 square feet and 96,849 square feet for MPDUs, for a total square footage of 645,657 square feet plus the non-residential (hotel) square footage of 259,593 sf.

<sup>2</sup> The non-residential use applies to the existing hotel.

<sup>3</sup> This square footage includes market rates units 548,808 sf + MPDUs 96,849 = 645,657 sf, which exceeds both the allowed square footage and the residential FAR. Section 4.7.3.D.c.iii of the Zoning Ordinance states, *for a project providing a minimum of 15% MPDUs, the gross floor area of all MPDUs provided is exempt from the calculation of FAR.* The square footage for the MPDUs will be exempted from the residential and total FAR for this project.

<sup>4</sup> The total amount of square footage requested is shown; however, the FAR for requested MPDUs is exempted from the total FAR calculation.<sup>5</sup> Square footage for the market rate residential units is 548,808 sf/844,348 sf = 0.65 FAR,

<sup>6</sup> ADA spaces include 3 vans spaces

*Section 4.5.4.B.4 - Form Standards*

The Site Plan Amendment conforms to the intent of the form standards, including transparency, blank walls and active entrances. Design of the two buildings incorporate significant glass features throughout the Project which achieves transparency. Activating features at ground level include a central plaza with its outdoor seating areas, the residential entrances and terraces fronting on Pooks Hill Road and a new stairwell leading from this roadway which provides another activating connection to the North Tower. The North Tower's service and loading area will contain a vegetated wall eliminating any blank walls visible from the road. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings and included in the Certified Site Plan.

*i. Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan Amendment offers the following public benefits to satisfy the requirements: Transit Proximity; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment. The

project will be constructed in two Phases and the allotted public benefit points are shown by Phase.

#### Transit Proximity

Property is located within one mile from the Grosvenor Metro Station as measured on a transit proximity map. This station is not easily or safely reachable by foot given the lack of direct connecting sidewalks from the site to the Metrorail station. To achieve the Applicant's requested 20 public benefit points, a private shuttle service for residents is being implemented. The shuttle will be operated and maintained by the Applicant according to the executed Transit Enhancement Agreement (TEA). This shuttle will operate Monday through Friday during morning and evening peak hours. The Planning Board supports the request of 20 public benefits points for transit proximity.

#### Diversity of Uses and Activities

*Affordable Housing:* Section 59-4.7.3.D.6.a.i of the Zoning Ordinance permits 12 public benefit points for every 1% of MPDUs greater than 12.5%, with any fraction of 1% increase in MPDUs entitling an Applicant to an equal fraction of 12 points. The Applicant requests 35 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (multi-family units). The Applicant is providing 95 MPDUs; 46 units and 49 units in Phases 1 and 2, respectively. The Planning Board supports the Applicant's request.

#### Quality of Building and Site Design

*Structured Parking:* The Applicant requests 19.7 points for structured parking to be provided in two below-ground parking garages; one garage under each proposed building. The Applicant revised the Site Plan Amendment to ensure that all parking for both buildings is located in the underground garages. There are no long term surface parking spaces in central plaza area as the 10 parking spaces originally proposed for hta location have been eliminated. The layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. The Planning Board supports 19.7 points for this benefit.

*Exceptional Design:* This Project has several site design constraints such as varied topography, limited depth due to rocky soils, and preservation of existing trees. The Project meets the following 4 of the required 6 criteria under this category to achieve the requested 5 points.

- o *Provide innovative solutions in response to the immediate context.*

The Applicant's refinements to the placement of each building and the curvilinear driveway due to the varied topography and limited soil depth provided an innovative solution to the site's development constraints. Additional innovative solutions to site constraints were achieved through the preservation of existing vegetation and trees and the integration of these natural features into the overall Project's design.

- *Creating a sense of place and serves as a landmark*  
The iconic building design and its placement on the site will serve as a landmark for the Pooks Hill community. Internal to the Property, the central plaza with its seating area, substantial landscaping, including a water feature creates an inviting area and creates a defined a sense of place for residents.
- *Enhancing the public realm in a distinct and original manner*  
The refinement of each building's base relates to the public realm along Pooks Hill Road. Street-oriented entrances have been added to both buildings improving pedestrian access from this roadway. These new access points and the terrace seating along the front of each building activates the street. The new secondary access (new stairs) to the North Tower entrance integrates the site's natural features with the landscaping to further activate this edge of the building with new pedestrians. Large-size translucent glass openings have been added near this new secondary entrance to provide architectural appeal to pedestrians along Pooks Hill Road.
- *Designing compact infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site;*  
The overall design of this compact infill development turns an underutilized and problematic site into a desirable living and working environment for future residents. The materials and forms introduced in the construction of each tower are unique to the immediate vicinity further signaling this development as a pleasant and desirable residential environment for future residents and visitors. The Planning Board supports the Applicant's request of 5 points in this public benefit category.

*Architectural Elevations:* The modulation of the massing for each buildings facades and upper floor has reduced its bulk. Each building facade has been modulated by recessing the living spaces thereby creating semi-recessed balconies which adds articulation and depth. The elimination of projected balconies from the top two floors of each building has created a more pronounced building "top". To further break the flat roof profile, a raised tower structure has been added to the center which announces the buildings' entrances and adds a sculptural characteristic that accentuates views from the west by giving each building a distinct finish. The end façades are also defined by wrap around balconies at the corners. The introduction of more

glass to the top of each building and the end facades which wrap the corner of each building create a more transparent and articulated building design. This enhanced articulation provides visual interest at the base of each building and improves the pedestrian experience along Pooks Hill Road and with the surrounding community. The elevations are binding and will be included in the Certified Site Plan. The Planning Board supports the Applicant's request of ten public benefit points in this category.

**Protection and Enhancement of the Natural Environment**

*Building Lot Termination (BLTs):* A maximum of 30 points can be granted for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF). One BLT must be purchased for each 31,500 square feet of gross floor area. Based on this requirement the benefit points are calculated as follows:

Proposed gross floor area	808,401 sf
Standard method allowed GFA	- 422,174 sf
Incentive Density	386,227 sf X 0.075 = 28,967 sf

$$28,967 \text{ sf} / 31,500 \text{ sf} = 0.92 \times 9 = 8.3 \text{ points}$$

The Applicant seeks to purchase BLT easements for 8.3 public benefit points. The Planning Board supports this request.

*Vegetated Wall:* The blank wall along the service driveway for the North Tower is visible from Pooks Hill Road and will be covered with vegetation that comprises at least 30% of the wall surface. The Planning Board supports the Applicant's request for 5 public benefits points in this category.

*Tree Canopy:* This Project will protect the existing tree canopy with at least 15 years of growth and will serve to provide shade, carbon sequestration and heat island mitigation on the site. The Applicant is requesting 7.5 public benefit points. The Planning Board supports the Applicant's request.

*Vegetated Area:* Under this Project, on-site plantings will be installed with a minimum of 12 inches of soil and covering at least 5,000 square feet. The Planning Board supports the requested 5 points for this public benefits category.

*Vegetated Roof:* Each tower will have a vegetated roof with a soil depth of at least 4 inches and covering at least 33% of each rooftop, excluding the area required for mechanical equipment. The vegetated roof is shown in the architectural plans and will be included in the Certified Site Plan. The

Applicant requests 7.5 public benefit points for the vegetated roof. The Planning Board supports this request.

*Cool Roof:* The Project includes a cool roof for 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 of SRI of 25 for slopes above 2:12, thus achieving 5 points in this public benefit category. At the time of Certified Site Plan, the Applicant will need to show the minimum SRI of 75 for each building's roof with a slope at or below the ration of 2:12. The Planning Board supports 5 points for this benefit.

Site Plan Amendment 81982098C Phased Public Benefits Calculations				
Public Benefit Incentive	Proposed by Site Plan Amendment	Recommended by Site Plan Amendment	Phase 1 South Tower	Phase 2 North Tower
Transit Proximity	20.0	20.0	9.64	10.36
Diversity of Uses and Activities				
Affordable Housing	35.0	35.0	16.86	18.14
Quality of Building and Design				
Below Grade Structured Parking	19.7	19.7	9.49	10.21
Architectural Elevations	10.0	10.0	4.82	5.18
Exceptional Design	5.0	5.0	2.41	2.59
Protection and Enhancement of the Natural Environment				
Building Lot Termination	8.3	8.3	4.00	4.03
Vegetated Wall	5.0	5.0	2.41	2.50
Tree Canopy	7.5	7.5	3.61	3.89
Vegetated Area	5.0	5.0	2.41	2.59
Vegetated Roof	7.5	7.5	3.61	3.89
Cool Roof	5.0	5.0	2.41	2.59
Total Points (per phase)			61.67 48%	65.97 52%
<b>TOTAL POINTS</b>	<b>128.0</b>	<b>128.0</b>	<b>128.0 (100%)</b>	

## General Requirements

### *ii. Division 6.1 Site Access*

The curvilinear driveway from Pooks Hill Road serves as the main vehicular entrance for residents to both buildings. Pedestrians and bicyclists access both buildings from sidewalks adjacent to this driveway which lead to the central plaza area. Each building will have a separate driveway for loading and deliveries located off Pooks Hill Road. These service driveways ensure that conflicts among pedestrians, bicyclists and service vehicles are minimized. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, and loading.

### *iii. Division 6.2 Parking, Queuing, and Loading*

Adequate parking for each building are provided in two below-grade facilities. Each building will also have a separate service driveway from Pooks Hill Road for truck traffic to the Property. These service driveways ensure that deliveries and loading activities occur away from the residential vehicular and bicycle traffic and reduce potential conflicts for all traffic to the Property.

### *iv. Division 6.3 Open Space and Recreation*

There is no open space requirement for this project per Section 59.7.7.1.5 b of the Zoning Ordinance. This provision of the Zoning Ordinance requires the Applicant to provide green area in the amount of 45% of the net lot area. The Applicant is providing green space on the entire 19.38- acre property comprising both the Multi-family Unit and the Hotel Unit in the amount of 426,888 square feet or 55% which satisfies this requirement.

In addition, the development meets the required supply of recreational facilities based on the calculation methods contained in the M-NCPPC Recreation Guidelines. The development will provide on-site recreational facilities: two swimming pools, two indoor fitness facilities, one pedestrian system, and picnic and sitting areas, and a hardscape space of 500 square feet suitable for recreational activities for younger children.

### *v. Division 6.4 General Landscaping and Outdoor Lighting*



Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform the existing streetscape along Pooks Hill Road with new street trees and street lighting. The Project also includes landscaping and lighting in the central plaza area and at the entrances and terrace areas to each building. This landscaping will create an attractive and inviting outdoor environment for use by residents and visitors.

The Site Plan Amendment meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method of development for public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

Stormwater Concept Plans (No. #280376 and No. #282545) were approved by the Montgomery County Department of Permitting Services on February 5, 2016 and April 18, 2017. Both plans will meet stormwater management requirements through the use of landscape infiltration and micro-bioretenion facilities.

b. Chapter 22A, Forest Conservation

The site contains substantial areas of environmentally sensitive resources and high priority setting associated with stream valley buffers. The Forest Conservation Plan shows 1.05 acres of forest clearing, 3.56 acres of forest retention, and a total of 0.45 acres of onsite reforestation. With removal of the tennis courts, all reforestation requirements will be met on-site and provide environmental enhancements for the protection of environmentally sensitive features. The Board finds that the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

*Forest Conservation Variance*

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees,

including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to five Protected Trees as identified in the Staff Report dated September 12, 2016. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. The developable area for this Project contains a number of subject trees, including one tree associated with the existing surface parking lots on the Property, thus any significant level of redevelopment would necessitate impacts to variance trees. Based on the existing circumstances and conditions on the Property, the Planning Board agrees that there is an unwarranted hardship.

The Board makes the following findings necessary to grant the Variance:

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

The buildable area of the site is interspersed with subject trees and their associated critical root zones and any significant redevelopment of the property would require impacts and/or removals. The tree impacts and removals associated with the site are within the buildable area established by the site constraints of building restriction lines and conservation easements. Therefore, the variance request would be granted to any Applicant in a similar situation.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is based on the development allowed under the existing zoning and the need to achieve adequate stormwater management. The variance can be granted under this condition if the impacts are avoided or minimized, as noted in the development conditions, and that any necessary mitigation is provided.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of site design and layout on the subject Property and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

Demolition of the existing tennis courts near the stream and the replacement of this area with reforestation, will enhance the stream valley corridor and improve the associated water quality. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately 1 inch DBH for every 4 inches DBH remove, using trees that are a minimum of 3-inch caliper. Trees #1, 4A, and 4B and 31 are recommended for removal. Tree #7 is recommended for removal with the intent to save.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Project provides adequate, safe, and efficient parking and circulation patterns. The main driveway located off of Pooks Hill Road serves only residential vehicular traffic into the Property. This driveway leads to each buildings' underground parking garage. Each garage will provide adequate off-street vehicular and bicycle parking. Each building provides a separate driveway for service and delivery traffic separating this function from residential traffic and thereby creating safer on-site vehicular circulation patterns for residents and visitors.

Pedestrian connections into the site have been enhanced with the provision of upgraded sidewalks and landscaping along Pooks Hill Road. New onsite sidewalks offer residents the ability to move comfortably and safely throughout the entire property.

The Project provides safe and well-integrated buildings, open space, and site amenities. Building heights of 160 feet are in keeping with the taller residential buildings along the north site of Pooks Hill Road. Placement and setback of each proposed building coupled with substantial landscaping along the site's frontage provides an appropriate transition to the mid-rise multi-family structures south

of and across Pooks Hill Road. The massing of each buildings' façades and upper floors have been refined to reduce its bulk.

The design of the central plaza clearly delineates the limits of vehicular access and the pedestrian and seating areas through the use of significant landscaping, a water feature, a hardscape space suitable for recreational activities and outdoor furniture. This separation further provides safe and well-integrated onsite circulation patterns. Other onsite amenities for residents include rooftop pools, sundecks, catering kitchens, locker rooms and changing areas, concierge services and business centers.

The Project will be constructed on two phases. Phase 1 will consist of the South Tower with 304 multi-family units including 46 MPDUs, an underground parking garage, the curvilinear driveway and sidewalks from Pooks Hill Road, the paved central plaza area including a water feature, bio-retention areas, patio and seating areas along building's front on Pooks Hill Road, and landscaped gardens. Phase 2 will consist of the North Tower with 327 units including the 49 MPDUs, underground parking garage, new access via stairs from Pooks Hill Road, the seating and patio along the building's front facing the main driveway, the remaining bio-retention areas and landscaped gardens.

- 7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Site Plan Amendment substantially conforms with the recommendations of the Master Plan. These recommendations focus on expanding the Plan area's housing supply and increasing the number of MPDUs, encouraging transportation modes other than the automobile and identifying and preserving conservation areas. The Site Plan Amendment proposes two high-rise residential buildings with up to 631 multi-family residential units including 15% on-site MPDUs. A shuttle service from the Property to the Grosvenor Metrorail Station and bike lanes along Pooks Hill Road will offer residents with transportation options other than the private automobile. The preservation of onsite conservation areas will protect the existing environmental sensitive features of high priority forest and stream valley buffers. Therefore, the Site Plan Amendment substantially conforms with the previously stated recommendations of the Master Plan.

- 8. The development 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.*

The development in the Site Plan will be served by adequate public facilities: including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. The Applicant will be required pay an impact tax for this project at the time of building permit issuance for inadequate school capacity. To mitigate transportation inadequacy for transit and roadway facilities for this project, the Applicant will be required to pay an impact tax at the time of building permit issuance.

9. *The development is compatible with the character of the residential neighborhood.*

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

10. *The development is compatible with existing and approved or pending adjacent development.*

The Project is compatible with existing and proposed adjacent development. The Project's design and scale is compatible with the abutting residential buildings. Placement of the two towers on the site as well as the provision of substantial onsite landscaping provides a transition to the mid-rise residential buildings across Pooks Hill Road and south of the Property.

11. *There is a need for the approved use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the approved location will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

This finding is not applicable, as the Site Plan Amendment does not include a restaurant with a drive-thru.

12. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

This finding is not applicable, the Subject Property is not zoned C-1 or C-2.

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 JUN 29 2017 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, June 22, 2017, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board