



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

MCPB No. 17-039  
Sketch Plan Amendment No. 32015006A  
Project Name: 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 sketch plan applications; and

WHEREAS, on July 30, 2015, by Resolution MCPB No. 15-99, the Planning Board approved Sketch Plan No. 320150060, for construction of i) up to 549,755 square feet of residential development, plus 97,000 square feet of residential development for moderately priced dwelling units ("MPDUs"), which per Section 59.4.7.3.D.6.c.iii. does not count against base density, for up to 650 multi-family units, including 15% MPDUs, and ii) up to 294,593 square feet of non-residential uses, including 259,593 square feet of existing hotel uses on 19.38 acres of CR 1.0: C 1.0, R 0.75, H 160 zoned-land, located on Pooks Hill Road, approximately 1,200 feet west of Rockville Pike (MD 355) ("Subject Property") in the Bethesda- Chevy Chase Master Plan ("Master Plan") area; and

WHEREAS, on February 19, 2016, Pooks Hill JV, LLC ("Applicant"), filed an application for approval to amend the previously approved sketch plan under the procedures and standards of the current Zoning Ordinance to update the data table to amend the minimum parking requirements; and

WHEREAS, the Applicant's sketch plan amendment application was designated Sketch Plan Amendment No. 32015006A Pooks Hill ("Sketch 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, and May 12, 2017 setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

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

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Approved as to  
Legal Sufficiency:

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, on a motion by Commissioner Fani-Gonzales, seconded by Commissioner Dreyfuss, by a vote of 5-0, Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Wells-Harley voting in favor;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32015006A, Pooks Hill, for 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 on the Subject Property, subject to the following binding elements and conditions, which supersede the binding elements and condition 3 approved with Sketch Plan No. 320150060:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I 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 59-4.7.1 and the 2012 *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

- a. Transit Proximity, achieved through location within a mile of the Grosvenor Metrorail Station with enhancements to improve the access relationship between the development and the Station;

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<sup>1</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- b. Diversity of Uses and Activities, achieved through affordable housing;
- c. Quality of Building and Site Design, achieved through structured parking, exceptional design and architectural elevations; and
- d. Protection and Enhancement of the Natural Environment achieved through building lot terminations, vegetated wall, tree canopy, vegetated area, and cool roof.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and this Application does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect. The Application includes public benefits that address the general incentive and density considerations required by Section 59-4.7.1.B. The public benefit schedule, shown in Table 1 have been updated, to remove the minimum parking requirements. With regard to the elimination minimum parking requirement, the Applicant is no longer proposing this public benefit to address the community's concerns regarding inadequate on-site parking associated with this Project. By increasing the number of on-site parking spaces beyond the minimum requirement, these concerns are addressed. The Application continues to exceed the required number of benefit categories (3 categories) and the minimum number of public benefit points (100 points).

Table 1: Public Benefits Calculations

| Public Benefit   | Incentive Density Points |           |             |
|--|--------------------------|-----------|-------------|
|  | Max Allowed              | Requested | Recommended |
| <b>59-4.7.3B: Transit Proximity</b>  | 20                       | 20        | 20          |
| <b>59-4.7.3D: Diversity of Uses and Activities</b>                         |                          |           |             |
| <b>Affordable Housing (MPDU's)</b>   | No limit                 | 35        | 35          |
| <b>59-4.7.3E: Quality of Building and Site Design</b>                      |                          |           |             |
| <b>Structured Parking</b>  | 20                       | 19.7      | 19.7        |
| <b>Architectural Elevations</b>  | 20                       | 10        | 10          |
| <b>.. Exceptional Design</b>   | 10                       | 5         | 5           |
| <b>59-59-4.7.3F: Protection and Enhancement of the Natural Environment</b> |                          |           |             |
| <b>Building Lot Terminations</b>   | 30                       | 8.3       | 8.3         |
| <b>Vegetated Wall</b>  | 10                       | 5         | 5           |
| <b>..Tree Canopy</b>   | 15                       | 7.5       | 7.5         |
| <b>Vegetated Area</b>  | 10                       | 5         | 5           |
| <b>Vegetated Roof</b>  | 15                       | 7.5       | 7.5         |
| <b>..Cool Roof</b>   | 10                       | 5         | 5           |
| <b>TOTAL</b>   |                          | 128.0     | 128.0       |

#### Transit Proximity

The Property is located within mile of the Grosvenor Metrorail Station. The Applicant's request for 20 points is based on the transit proximity criteria contained in Section 59-4.7.3 of the Zoning Ordinance. At the time of Detailed Site Plan, the Applicant will need to submit a revised final and detail transit proximity map showing the Grosvenor Metrorail station and the Subject Property. All distances for transit proximity are measured from the nearest transit station entrance. All calculations for distance need to be included on the final transit proximity map. The Planning Board supports the Applicant's request for 20 points as suggested in the CR Guidelines.

#### Diversity of Uses and Activities

*Moderately Priced Dwelling Units:* 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 (assuming 650 multi-family units). The Applicant's initial estimate of providing 95 MPDUs yields 35 points. Final number of MPDU units to be determined at Site Plan. The Planning Board supports the Applicant's request.

#### Quality of Building and Site Design

*Structured Parking:* The Applicant requested 19.7 points for two structured parking garages, below-ground and 10 surface parking spaces. The final parking counts will be determined at Site Plan. The Planning Board supports 19.7 points for this benefit.

*Architectural Elevations:* The Applicant must further develop the design to break-up the massing of the building facades. The Planning Board supported the 10 points. At Site Plan, the Applicant will need to further develop these design elements in order to achieve the requested points.

*Exceptional Design:* The design and placement of the two multi-family buildings seeks to minimize impacts to the site's topography and to attain visual compatibility with the surrounding residential communities. The current site design does not maximize the connection between the residential buildings and the larger public realm. The Planning Board supported the Applicant's requested 5 points. At Site Plan, the Applicant will need to further develop this relationship in order to achieve the requested points.

#### Protection and Enhancement of the Natural Environment

*BLTs:* Up to 30 points can be granted for the purchase of Building Lot Termination (BLT) easements or payment to the Agricultural Land Preservation

Fund (ALPF). BLT's equals 31, 500 square feet. The difference between the Application's Gross Floor Area (GFA) and standard Method GFA times the incentive density equals 29,038 square feet or 0.92 or 8.3 points. The Planning Board supports the 8.3 points for the purchase of BLT's.

*Vegetated Wall:* For the residential buildings, garage and retaining walls visible from a public street will be at least 30% covered in vegetation. The Planning Board supports the 5 points for this benefit.

*Tree Canopy:* This Project will provide and retain a tree canopy that meets the coverage requirements set forth in Section 59.4.7.3.F of the Zoning Ordinance for protecting tree canopy coverage with at least 15% years of growth. The Planning Board supports the requested 7.5 points for this benefit.

*Vegetated Area:* The Project will provide planting areas covering at least 5,000 square feet in a minimum of 12" soil. The Planning Board supports the requested 5 points for this vegetated area.

*Vegetated Roof:* Vegetated roofs will be installed on each residential building. The vegetated roof will cover at least 33% of each roof and excluding the area for mechanical equipment with adequate soil depth in excess of 2 inches. The Planning Board supports the request of 7.5 points.

*Cool Roof:* Each residential building will provide a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12. The final design will be determined at the time of Site Plan. The Planning Board supports the 5 requested points for this benefit

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan amendment is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the *Bethesda-Chevy Chase Master Plan*, or other requirements; and

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 all binding site development elements shown on the latest electronic version of Pooks Hill, Sketch Plan Amendment No. 32015006A, submitted to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that 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

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**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