



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

MCPB No. 16-104
 Site Plan No. 820150080
 Washington Episcopal School
 Date of Hearing: September 29, 2016

NOV - 2 2016

RESOLUTION

WHEREAS, under Section 59.7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59.7.7.5.A.2, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on April 29, 2008, by Resolution No. 16-525, the Montgomery County Council, sitting as the District Council approved a Development Plan with Local Map Amendment G-873, that rezoned the Subject Property (as hereinafter defined) to the PD-28 zone with certain binding elements; and

WHEREAS, on May 22, 2015, Sheridan Development, LLC (“Applicant”) filed an application for approval of a site plan for a) an eight story multi-family building, up to 97-feet in height, with a maximum of 121 age-restricted dwelling units, and b) Phase 1 improvements, as described in Development Plan G-873 on 11.21-acres of PD-28 zoned-land, located on the northwest quadrant of the River Road/ Little Falls Parkway intersection (“Subject Property”), in the Bethesda Chevy Chase Policy Area and Westbard Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820150080, Washington Episcopal School (“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 16, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 29, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

Approved as to
 Legal Sufficiency:

WHEREAS, on September 29, 2016, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy and Fani-González and Wells-Harley all voting in favor. Commissioner Dreyfuss abstained because he was absent during the beginning portion of the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820150080 for a) an eight story multi-family building, up to 97-feet in height, with a maximum of 121 age-restricted dwelling units on Lot 2 of the Subject Property, and b) Phase 1 improvements, as described in Development Plan G-873 on Lot 1 of the Subject Property, subject to the following conditions:¹

Conformance with Prior Approvals

1. Development Plan Conformance

The Applicant must comply with the Development Plan approved with Local Map Amendment G-873, dated April 29, 2008, including all Binding Elements as illustrated on the Certified Site Plan.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120150160.

Environment

3. Forest Conservation

- a. The Applicant must obtain approval of a Final Forest Conservation Plan (FFCP) for development of Phase 1 prior to Certified Site Plan.
- b. The FFCP must show the demolition and afforestation of the abandoned batting cage area on northeast portion of Lot 1. The work must be completed as part of Phase 1 prior to final Use and Occupancy Certificate for the Multifamily building.

4. Noise Attenuation on Lot 2:

- a. Prior to issuance of any building permit, 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.

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

- b. The Applicant must provide a signed commitment to construct the building 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, the Applicant must provide Staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. If the 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.

Public Space, Facilities, and Amenities

5. Public Space, Facilities, and Amenities

- a. The Applicant must construct the streetscape improvements along the property's Lot 2 frontage on the extension of Landy Lane as illustrated on the Certified Site Plan.
- b. Prior to the issuance of Final Use and Occupancy certificates for any residential units, all public open space areas on Lot 2 must be completed.
- c. Prior to the first Use and Occupancy Certificate associated with Lot 2, the Applicant must execute a shared use agreement between the school and age-restricted multi-family residential building in accordance with Binding Element #7.A. of G-873. The shared use of school facilities may be separated such that residents of the age-restricted multi-family building have access to the shared facilities only during non-school hours, holidays, and weekends in response to concerns about school safety.
 - i. The Agreement must demonstrate how residents of the age-restricted multi-family building will be provided access to the site (i.e. provided a key fob or other device) and must show where signs designating the amenities for shared use will be posted.
 - ii. The Agreement must include an easement, granted to the residents of the age-restricted multi-family building, that covers all internal school drive aisles, playing fields, and other areas of the School campus designated on the Development Plan; effective when not actively programmed by School, and
 - iii. The Agreement must include specific details and posting locations of physical signs on the property to denote shared use.
- d. Prior to issuance of any residential Use and Occupancy Certificate for the Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles,

bicycle facilities, and green area amenities within the phase must be installed.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property including, but not limited to pedestrian pathways, landscaping, hardscape, and green area.

Parks

7. M-NCPPC Department of Parks

The Planning Board accepts the recommendations of the Montgomery County Department of Parks in its letter dated September 19, 2016, as amended by the e-mail dated September 27, 2016, from Dominic Quattrocchi, Montgomery County Parks Department, to revise the deadline by which all work within County Parkland must be completed, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amendment by the Montgomery County Department of Parks provided that the amendment do not conflict with other conditions of the Site Plan approval.

Transportation and Circulation

8. Prior to the first Use and Occupancy Certificate associated with Lot 2, the Applicant must construct the extension of Landy Lane to applicable Montgomery County Secondary Street (Modified to include a reduced width (50') right-of-way and sidewalk on only one side) structural standards and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards. Before the release of bond or surety, the Applicant must provide DPS Z&SPE Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.
9. The Applicant must submit to the Maryland State Highway Administration (MSHA) a signal warrant analysis for the intersection of Landy Lane/ River Road as part of a future Site Plan amendment for School expansion. If MSHA determines that a signal is warranted at that time, the Applicant will construct and install the traffic signal in accordance with MSHA specifications.
10. Vehicular Site Access
 - a. Campus gates at one point of vehicular access along the School's Landy Lane frontage must be open for a minimum period of 90 minutes during the morning and a minimum of 150 minutes during the afternoon, to address

peak school drop-off and pick-up periods. The specific time periods during which the gates must be open must be established in the Transportation Management Plan (TMP). The initial TMP must be approved by Staff before Record Plat, and may not be amended without approval of Staff.

- b. Before any building permit, the Applicant must install at the vehicular access point into Lot 1 from Little Falls Parkway a sign prohibiting truck traffic entering or exiting from Little Falls Parkway.

11. Parking

The Applicant must provide parking in accordance with the Zoning Ordinance requirements in effect on to October 30, 2014. Specifically, the Applicant must provide no more than 168 parking spaces within a parking garage under the multi-family building for the age-restricted multi-family housing building. The specific design of the parking facility must be shown on the Certified Site Plan.

12. Bicycle Parking

- a. The Applicant must provide bicycle parking spaces in the following configuration with specific location(s) identified on the Certified Site Plan:
 - i. Lot 1: 41 spaces for long-term private (employee) use and three (3) bicycle parking spaces for short-term public use. Short term public bicycle parking must be installed near the main entrance to the School building.
 - ii. Lot 2: 29 spaces for long-term private use and six (6) bicycle parking spaces for short-term public use. Short term public bicycle parking must be installed near the main entrance to the age-restricted multi-family building.

Density and Housing

13. Moderately Priced Dwelling Units

- a. The Planning Board accepts the Moderately Priced Dwelling Unit recommendations of MCDHCA in its letter dated April 18, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDHCA may amend if the amendments do not conflict with other conditions of the Site Plan approval.

14. Occupancy Provisions

- a. The age of the residents of the project is restricted in under Section 59-G-2.35 (b)(1) through (6) of the Zoning Ordinance as amended.

Site Plan

15. Building Height

The maximum height for the age-restricted multi-family building is 97 feet, as measured from the building height measuring point located on Landy Lane, as shown on the Certified Site Plan.

16. Site Design

The exterior architectural character, proportion, materials, and articulation for Lot 2 must be substantially similar to the schematic elevations shown on the architectural drawings and rooftop plan included in the Certified Site Plan, as determined by Staff.

17. Lighting

- a. Prior to Certified Site Plan, 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 must 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.
- d. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

18. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit and Sediment Control 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 in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, mailbox pad sites, retaining walls, fences, railings, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of the any building permit within each relevant phase of development and will be tied to the development program.

- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d. The bond or surety for each block/phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each block/phase.

19. Development Program

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

20. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval letter, stormwater management concept approval letter, development program, and Preliminary Plan resolution and Site Plan resolutions on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan 820150080, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan,*

certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.

As conditioned, the Site Plan conforms to all of the Binding Elements of the Development Plan approved with LMA G-873. The uses, densities, heights and setbacks conform to those contained on the Development Plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Property is subject to the PD-28 zoning standards. The planned unit development zones have fewer specific requirements and restrictions than other zones and permit more flexibility of design and use, subject to a binding development plan approved by the District Council as part of the granting of the zoning category. The purpose of the Planned Development (PD) zones, as described in Section 59-C-7.11 of the Zoning Ordinance in effect on October 30, 2014, is to permit unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses, and optimum land planning with greater efficiency, convenience, and amenity than the procedures and regulation under which it is permitted as a right under conventional zoning categories.

The Site Plan meets the purposes of the PD-28 Zone by providing two mutually compatible land uses in the Washington Episcopal Day School and construction of up to 121 age-restricted dwelling units. As conditioned, the residents of the multi-family building will have access to use the school facilities during off-school hours. The variety of housing types will include one, two, and three-bedroom age-restricted multi-family units in a single building. This is the first phase of development and will be followed at an indeterminate point in the future with a School expansion of approximately 21,282 square feet.

Requirements of the PD-28 Zone

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the PD-28 Zone.

Data Table

Development Standards	Approved and Binding
<u>Lot Area</u>	
Total Tract	488,150 SF or 11.21 AC
Public Dedication (Landy Lane)	15,391 SF or 0.35 AC
Lot 1 Net Area	435,547 SF or 10.00 AC
Lot 2 Net Area	37,192 SF or 0.85 AC
Net Lot Area (Total, PD-28)	472,759 SF or 10.85 AC
<u>Density</u>	
Maximum Residential Density (DU/ Acre, Lots 1 & 2)	11.16 121
Maximum Number of Dwelling Units	170,000 SF
Lot 2 Gross Floor Area	
<u>MPDUs</u>	
Total Number of MPDUs	16
MPDU Percentage of Total	12.5%
<u>Green Area</u>	
Lot 1 Green Area	255,985 SF or 5.88 AC
Lot 2 Green Area	11,966 SF or 0.27 AC
Total Tract Green Area	267,951 SF or 6.15 AC
Green Area Percentage of Net Tract Area	56.6%
<u>Building Height</u>	
Lot 1 Maximum Number of Floors	--
Lot 1 Maximum Height	8
Lot 2 Maximum Number of Floors	97'
Lot 2 Maximum Height	
<u>Building Setbacks</u>	
Landy Lane frontage	1.4'
Rear	15.2'
Side	10.0'
<u>Parking*</u>	
Lot 1 Bicycle (Long Term/ Short Term)	44 (41/3)
Lot 2 Bicycle	35 (29/6)
Lot 1	206

Lot 2	168
Site Vehicle Parking Total	374

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The locations of the buildings and structures are adequate, safe and efficient and consistent with the approved Preliminary Plan and Development Plan. The proposed age-restricted multi-family building is arranged along a new street extension and in close proximity to both a major highway (River Road) and a regionally important pedestrian/ bicycle connection, the Capital Crescent Trail, each of which allows for safe and efficient pedestrian circulation within the project. Additionally, the existing School building will be enhanced as a result of the Phase 1 improvements, including more efficient student pick-up/ drop-off points completed since the G-873 approval.

b. Green Area/ Shared Use Amenities (Open Spaces)

The locations of proposed shared use amenities and green areas are adequate, safe, and efficient and include sidewalks, athletic amenities, and playing fields that will provide passive and active spaces for sitting, relaxing, strolling, and social engagement in accordance with the Development Plan and as conditioned in the Shared Use Agreement.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that landscaping, lighting, and site amenities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The proposed on-site lighting will limit the necessary light levels to streets and sidewalks. Lighting incorporates partial cut-off light fixtures to prevent light spillover to adjacent areas.

d. Recreation Facilities

The recreation guidelines are not applicable to either the age-restricted multi-family housing or the private educational institution, however, the Site's Green Area will contribute to both active and passive recreation for

both the School campus and residents of the age-restricted multi-family building.

e. Vehicular and Pedestrian Circulation

The Applicant proposes access to the Project via Little Falls Parkway and River Road via Landy Lane in the following configuration: Little Falls Parkway is intended to serve as the primary access point for the Washington Episcopal Day School while Landy Lane is intended to provide a secondary access point² to the School and primary access for the proposed age-restricted multi-family building. Landy Lane will also provide primary site access for any truck loading/ deliveries associated with the School because Little Falls Parkway does not permit truck traffic. Pedestrian and bicycle access to the property will be maintained on Landy Lane and along the Landy Lane property frontage sidewalk.

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

The architecture of the proposed age-restricted multi-family building complies with the Development Plan and offers a high quality of finish as it will be visible from many locations within the Westbard Sector Plan area. The age-restricted building height complies with the Development Plan requirements and responds to the surrounding neighborhoods. No other development is proposed in the area at this time, although expansion of the School building is anticipated at an indeterminate point in the future. Although cut-through traffic has been an issue for the Site, compatibility is met with existing adjacent development based on the condition that the Landy Lane gates remain open during student pick-up/drop-off times to minimize the potential for neighborhood cut-through traffic.

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

A. Forest Conservation

² Landy Lane has long been envisioned as a secondary access point for the School while Little Falls Parkway was intended to be the primary access point. This is first discussed on page 4 the M-NCPPC Staff Report, dated 12/21/2007, for LMA G-873. Page 5 of the report also stated that future access and circulation must include both Little Falls Parkway and Landy Lane as points of ingress and egress.

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law as found in the Preliminary Pan approval.

1. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

A Storm Water Management (SWM) concept for the Site was approved by DPS on September 8, 2016. The plan proposes to meet required storm water management goals with the use of green roof, mirco-bioretion structures/planter boxes and a rain garden. The remaining volume will be treated by three structural filtration practices.

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-D-3.8; 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 NOV - 2 2016 (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 Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, October 20, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board