



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

MCPB No. 15-99  
Sketch Plan No. 320150060  
Pooks Hill Sketch Plan  
Date of Hearing: July 30, 2015

SEP 15 2015

**RESOLUTION**

WHEREAS, under Section 59.7.1.2 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on May 1, 2015, Pooks Hill JV, LLC ("Applicant"), filed an application for approval of a sketch plan 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<sup>1</sup> 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, Applicant's sketch plan application was designated Sketch Plan No. 320150060, 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 July 17, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 30, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, on the motion of Commissioner

<sup>1</sup> The application included reference to 35,000 square feet of potential future hotel expansion, which was not intended by the Applicant to be reviewed with this Sketch Plan.

Approved as to  
Legal Sufficiency:

*[Signature]* 8/10/15

M-NCPPC Legal Department  
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Fani-Gonzalez, seconded by Commissioner Wells-Harley with a vote of 4-0; Commissioners Anderson, Fani-Gonzalez, Presley and Wells-Harley voting in favor. Commissioner Dreyfuss was absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320150060, Pooks Hill, for 809,348 square feet of development to include i) a maximum of 549,755 square feet of multi-family residential uses, plus 97,000 square feet of residential development for MPDUs per Section 59.4.7.3.D.6.c.iii., within two new residential buildings, including up to 650 multi-family residential units including up to 15% MPDUs, and ii) 259,593 square feet of non-residential uses within the existing hotel building, all on one lot, the Subject Property consisting of 19.38 gross acres, subject to the following binding elements and conditions:<sup>2</sup>

A. Binding Elements. The following site development elements are binding under Section 59.7.3.3.B of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of forest conservation areas;
3. General location and extent of green space and internal open space;
4. General location of all vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

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

1. Density

The development is limited to a maximum total density of 809,348 square feet, including a maximum of 549,755 square feet of multi-family residential density in the residential buildings (plus 97,000 square feet of residential development for MPDUs per Section 59.4.7.3.D.6.c.iii), including up to 650 multi-family dwelling units, and a maximum of 259,593 square feet of existing commercial density in the hotel building.

2. Height

The development is limited to a maximum height of 160 feet.

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

<sup>2</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.



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

4. Building Lot Terminations ("BLTs")

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

5. Moderately Priced Dwelling Units ("MPDUs")

The development must provide a minimum of 15 percent MPDUs in accordance with Chapter 25A.

6. Green Area

The Applicant must provide on-site a minimum of 45% of the Net Lot Area (17.92 acres) as Green Area.

7. Design Improvements

At the time of site plan, the Applicant must address the following design elements:

- a. Further develop the relationships between the residential buildings and Pooks Hill Road, focusing on the pedestrian experience;
- b. Enhance the visual interest of the base of the residential buildings and promote pedestrian activity with architectural, landscape, and/or public art elements;
- c. Further refine the residential building elevations to modulate massing of long facades;
- d. Create direct and inviting visual and pedestrian access from Pooks Hill Road to the central plaza to include landscape, hardscape, and/or public art elements;
- e. Create opportunities for pedestrian activities within the landscaped area along Pooks Hill Road;

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- f. Provide street level building entrances for each residential building; and
  - g. Screen loading and service areas from Pooks Hill Road.
  - h. Further develop the central plaza to:
    - i. More clearly delineate the limits of vehicular access and to define pedestrian and seating areas, through the use of bollards, paving, landscaping, lighting and similar methods.
    - ii. Identify opportunities for pedestrian paths to the required Green Area.
  - i. All retaining walls should be designed to provide year round visual appeal through use of materials, plantings and/or public art.
8. Future Coordination for Preliminary and Site Plan  
 In additional to any other requirements of Chapter 59, Zoning Ordinance, the Applicant must address the following when filing the site plan:
- a. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
  - b. Implementation of transportation improvements and mitigation measures;
  - c. Forest conservation requirements;
  - d. Noise Analysis; and
  - e. Streetscape details.

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, the Planning Board finds that, as conditioned herein, the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan meets all applicable findings under § 59.7.3.3.E:

1. *The Sketch Plan meets the applicable objectives, general requirements, and standards of the Zoning Ordinance.*
  - a. The Sketch Plan meets the objectives of Section 59.4.5.1. Intent Statement, with regard to a project in the CR zone as follows:
    - i. *"Implement the recommendations of applicable master plans."*

*Multi-family Unit*

The Master Plan recommends providing new housing opportunities and increasing the supply of affordable housing, expanding mobility choices for residents, improving pedestrian and bicyclists safety and access, and identifying and protecting environmental features. The Project will upgrade the physical environment along Pooks Hill by replacing underutilized



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surface parking lots with two residential buildings that increase the amount of housing in the area, including the provision of new MPDUs. Safety and access for pedestrians will be improved through upgraded and improved streetscape and lighting along Pooks Hill Road and new pedestrian paths into the Subject Property. Pooks Hill Road can accommodate shared bikes lanes which will further increase bicyclists' safety when traveling through the surrounding area. The on-site environmental features will be protected through the placement of conservation easements and enhancements to the stream valley buffer at the time of Forest Conservation Plan approval. The Master Plan reconfirms higher density zoning and land use patterns for the Subject Property which is in keeping with the existing CR1.0 C.1.0 and R0.75 H 160 zoning.

#### *Hotel Unit*

The Master Plan recommends the existing hotel in this location. Environmental features of the Hotel Unit will be protected as part of the Forest Conservation Plan approval.

The Project conforms to the general objectives and recommendations of Bethesda-Chevy Chase Master Plan.

- ii. *"Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses."*

#### *Multi-family Unit*

The site is currently developed with surface parking lots that accommodate employee, visitor and overflow parking for the Hotel Unit – the Bethesda Marriott and Conference Center. The Subject Property will be redeveloped with residential development in close proximity to the Grosvenor Metrorail Station; a higher density development with underground parking. Recreational amenities and green space for residents and visitors will be included in the redevelopment.

#### *Hotel Unit*

All development on the Hotel Unit included in this Sketch Plan is existing and not proposed for redevelopment with this Application.

- iii. *"Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street."*

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*Multi-family Unit*

The project provides a variety of unit types as well as 15% MPDUs. The Multi-family buildings' distance to the Grosvenor Metrorail Station will allow for a variety of mobility options as the Applicant considers ways to enhance the walk shed, in addition to the existing bus service along the Pooks Hill Road adjacent to the site for better access from the project to the Metro Station, creating some mobility options for future residents, beyond the private automobile. The Project places all required parking underground thereby eliminating the need for parking between the building and the street.

*Hotel Unit*

The Hotel provides proximity to the Grosvenor Metrorail Station through its shuttle service added to the existing bus service along the Pooks Hill Road creating mobility options for hotel users and visitors, beyond the private automobile. The existing parking located between the hotel and the street will not change under this Application.

- iv. *"Allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods."*

*Multi-Family Unit*

The two buildings containing the Multi-family Units will be up to 160 feet in height. Placement of both buildings was designed to maintain views to and from the abutting property and buildings to the west, and to minimize impacts to the site's natural topography. The uses, densities, and heights are compatible with the adjoining neighborhoods to the south and west as these properties are developed with higher density multi-family residential buildings with similar heights.

*Hotel Unit*

The building height and density of the existing hotel development maintains compatible relationships with adjoining neighborhoods.

- v. *"Integrate an appropriate balance of employment and housing opportunities."*

*Multi-Family Unit*

The project proposes up to 650 multi-family units with 15% of the units to be developed as MPDUs, increasing the County's supply of MPDU's near public transit (bus stops and a Metrorail station). New housing near the Metrorail station will offer residents greater public transportation access to



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employment opportunities in the county and surrounding metropolitan area.

*Hotel Unit*

No new employment opportunities are provided under this Application, but it does retain the existing Hotel.

- vi. *“Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.”*

The Application will provide the required public benefits from a minimum of three categories to achieve the desired incentive density above the standard method limit.

- b. The Sketch Plan meets the applicable development standards of Section 59.4.5.4 and Article 59.6: GENERAL DEVELOPMENT REQUIREMENTS, as shown in the Data Table below. The balance of required development standards for this project will be reviewed, as appropriate, at the site plan stage.

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Project Data Table for the CR1.0 C1.0 R0.75 H160 Zone			
Development Section 59 4.5.4	Standard	Permitted/Required	Approved
Gross Tract Area			844,348 sf. (19.38 ac)
Previous Dedications			63,797 sf. (1.46 ac)
Proposed Dedications			0
Net Lot Area			780,595 sf. (17.92 ac)
Maximum Density, max. total		1.0 FAR (844,348 sf)	0.96 FAR (809,348 sf.)
<i>Residential, max.</i>		0.75 FAR (633,261 sf)	0.65 FAR (549,755 sf.)
<i>Non-Residential, max.</i>		1.0 FAR (844,348)	0.31 FAR (259,593 sf.) <sup>1</sup>
MPDUs, min. (%)		12.5%	15%
MPDU Gross Floor Area, excluded from density calculation per Section 59.4.7.3.D.6.c.iii. <sup>2</sup>			97,000 sf.
Building Height (feet)		160	160
Green Space Requirement (%) of Net Lot		45%	45% (8.1 acres) <sup>3</sup>
Parking (spaces)			
<i>Multi-family</i>		Baseline Maximum: 1 space/studio; 1.25 space/one bedroom, 1.5/two bedroom; 2.0 / three bedroom <sup>2</sup>	TBD at Site Plan <sup>4</sup>
<i>Hotel</i>		602	TBD at Site Plan <sup>4</sup>

<sup>1</sup>The 259,593 square footage includes the existing Bethesda Marriott Hotel. It does not include the Applicant's requested 35,000 square foot addition to the hotel unit, as no information on location and massing was submitted with the Sketch Plan Application.

<sup>2</sup>For projects providing 15% MPDU's, the Gross Floor Area (GFA) of all MPDU's is exempt from the calculation of FAR under Section 4.7.3.D.6.c.iii (646,755 GFA of total building minus the 97,000 GFA for MPDU's =549,755 sf)

<sup>3</sup>Per Section 7.3.3 E.4 of the Zoning Ordinance, the property is required to satisfy only a green area requirement of 45% of lot area, based on the property's zoning in effect on October 30, 2014 and the open space requirement set forth for CR zoned property is not required. The 45% requirement is based upon the entire 19.38 acres which includes both the Multi-family Unit of 6.0 acres and the hotel unit parcel of 11.92 acres, plus previous dedications

<sup>4</sup>The property qualifies as a reduced parking area because of its CR zoning and the maximum requirement for parking spaces is shown for informational purposes. The actual number of parking spaces will be determined at Site Plan.

## 2. The Sketch Plan substantially conforms to the recommendations of the Master Plan.

As discussed in more detail above, the Application substantially conforms to the recommendations of the Master Plan by providing new housing including the provision of affordable housing through the construction of MPDUs; prohibiting higher density residential development from encroaching on one family residential areas by redeveloping only those properties that are zoned for higher densities;



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protecting environmental resources through the use of conservation easements and stream restoration efforts; and by ensuring safe and adequate access for pedestrian and bicycle circulation patterns through new sidewalks into the site and bikes lanes on Pooks Hill Road. As built, the Hotel will continue to substantially conform to recommendations of the Master Plan with respect to land use, density and no disturbance to existing environmental resources.

3. *The Sketch Plan satisfies any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan under Section 7.7.1.B.5 for a property where the zoning classification on October 29, 2014 was the result a Local map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014.*

The R-H zoning classification for the Subject Property on October 29, 2014, was not the result of a Local Map Amendment. Under Section 59.7.7.1.5 (b) of the Zoning Ordinance, any property with a green area requirement under the Zoning Ordinance in effect on October 29, 2014 must continue to meet the green area standard and is not required to fulfill the open space requirement of the zoning designation in place on October 30, 2014. The green area for this Property is 45% or 8.1 acres, and satisfies this requirement.

5. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

#### *Multi-Family Unit*

The multifamily development is compatible in height and scale with the existing hotel and high-rise multi-family developments nearby. The development conditions for improvement to the site design along Pooks Hill Road will create a welcoming pedestrian space as it transitions to the mid-rise residential developments across the street.

The project upgrades the physical environment along Pooks Hill Road by replacing surface parking lots with new residential units and a street presence and will create pedestrian linkages between the Subject Property and the surrounding residential developments.

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#### *Hotel Unit*

All development on the Hotel Unit included in this Sketch Plan is existing.

6. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

#### *Multi-family Unit*

As conditioned to more clearly delineate the limits of vehicular access and to define pedestrian and seating areas, through the use of bollards, paving, landscaping, lighting and similar methods, the Application provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Automobile and service access to the Multi-family Unit is separated. Automobile and bicycle access to each residential building will be from the main driveway via Pooks Hill Road into the paved plaza. Each building will have a separate access point for trucks and loading located off of Pooks Hill Road and away from the main driveway to ensure safe and efficient vehicular circulation to and from the Property. All residential parking will be located in garages underneath each tower and accessible from the paved plaza area via the main driveway. Proposed streetscape improvements along Pooks Hill Road and the new pedestrian sidewalk leading from the roadway into Property will create a new pedestrian experience for residents and visitors. The new pedestrian connection will activate the previously undeveloped property.

#### *Hotel Unit*

Two vehicular entrances are located off of Pooks Hill Road. The main entrance to the parking facility has a median accommodating separate ingress and egress. Both entrances allow full turning movements for ingress and egress. All parking access is controlled by gates. Loading and servicing facilities are located on the north side of the hotel unit and accessible from the parking area closest to the building. A secondary entrance for service vehicles is located at the eastern edge of the Property away from the vehicular entrance which ensures safe and efficient vehicular circulation on the Site.

Pedestrian access is via existing concrete sidewalks along Pooks Hill Road which connect with sidewalks along both sides of the hotel building's vehicular entrance and extend to the hotel's entrance and lobby. Pedestrian circulation is accommodated by concrete sidewalks located in the parking facility which leads to sidewalks that provide access to the hotel.

The residential buildings and the hotel meet this finding by providing satisfactory vehicular, pedestrian and bicycle access and circulation, and parking and loading.



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7. *The Sketch Plans proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Per Section 59.4.7.1.B, General Public Benefit Considerations, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations of the applicable master plan;
2. *CR Zone Incentive Density Implementation Guidelines*;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept, and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan(s).

The project proposes the following public benefits in order to achieve the requested incentive density consistent with the CR Zone regulations and guidelines:

<b>Public Benefits Calculations</b>		
Public Benefit	Incentive Density Points	
	Max Allowed	Proposed
<b>59.4.7.3B: Transit Proximity</b>	20	20
<b>59.4.7.3C: Connectivity and Mobility</b>		
Minimum Parking	10	7
<b>59.4.7.3D: Diversity of Uses and Activities</b>		
Affordable Housing (MPDUs)	No limit	30
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Structured Parking	20	19.7
Exceptional Design	10	5
Architectural Elevations	20	10
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>		
Building Lot Terminations	30	8.3
Vegetated Wall	10	5
Tree Canopy	15	7.5
Vegetated Area	10	5

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<b>Vegetated Roof</b>	<b>15</b>	<b>7.5</b>
<b>Cool Roof</b>	<b>10</b>	<b>5</b>
<b>TOTAL</b>		<b>130.0</b>

#### Transit Proximity

The Subject Property is located within one mile of the Grosvenor Metrorail Station. However, the Board found that distance alone does not meet the intent of transit “proximity,” which requires a better relationship of place. At this time the Planning Board supports some of the 20 points proposed based on the transit proximity criteria contained in Section 59.4.7.3 of the Zoning Ordinance, and in fact encourages the Applicant to include Transit Proximity as a public benefit. However, at site plan the Applicant must propose a solution to improve access between the project and the Metro Station so that there is a comfortable “walkshed.”

#### Connectivity and Mobility

*Minimum Parking:* The Applicant will provide fewer than the maximum number of parking spaces permitted under the Zoning Ordinance and proposed 7 points.

#### Diversity of Uses and Activities

*Affordable Housing:* The Applicant proposed 30 points for providing 15% of the multi-family units as MPDUs. Final number of MPDU units to be determined at Site Plan.

#### Quality of Building and Site Design

*Structured Parking:* The Applicant proposed 19.7 points for structured parking with 755 parking spaces located in two below-ground parking garages and 10 surface parking spaces. The final parking counts will be determined at Site Plan.

*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. At site plan, the Applicant will need to further develop this relationship in order to achieve the requested points

*Architectural Elevations:* The Applicant must further develop the design to break-up the massing of the building facades. At Site Plan, the Applicant will need to further develop these design elements 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



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Fund. A BLT equals 31,500 square feet. The formula for determining points in this Application is as follows: the difference between the Application's Gross Floor Area ("GFA") (809,348 square feet) minus the standard Method GFA (422,174) times the incentive density 0.75 equals 29,038 square feet divided by 31,500 square feet which equals 0.92 or 8.3 points.

*Vegetated Wall:* For the residential buildings, garage and retaining walls visible from a public street will be at least 30% covered in vegetation.

*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.

*Vegetated Area:* The project will provide planting areas covering at least 5,000 square feet in a minimum of 12" soil.

*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.

*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.

8. *The Sketch Plan establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The hotel will remain as existing. The residential buildings will be built in two phases, and detailed phasing plan will be provided at time of site plan.

BE IT FURTHER RESOLVED that at the time of site plan the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59.4.5.1, Section 59.7.3, and the Master Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59.4.5.1, Section 59.7.3, or the Master Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the



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proposed change is necessary to meet the site plan approval standards, including conformance with zoning or Master Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Master Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59.7.3.3, which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the Sketch Plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; 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 elements of the plans for Sketch Plan No. 320150060, Pooks Hill, stamped received by M-NCPPC on July 10, 2015 are required except as modified herein; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and effective the date of this Resolution is SEP 15 2015 (which is the date that this Resolution is mailed to all parties of record); and




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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 Commissioner Presley, with Chair Anderson and Commissioners Presley and Fani-González voting in favor, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, September 3, 2015, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

**ATTACHMENT A**

MR. RICHARD BRUSH, MANAGER  
MCDPS-WATER RES. PLAN REVIEW  
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MS. SUSAN SCALA-DEMBY  
MCDPS-ZONING  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

MR. CHRISTOPHER ANDERSON  
MPDU MANAGER, DHCA  
100 MAYLAND AVENUE  
4<sup>TH</sup> FLOOR  
ROCKVILLE, MD 20850

WILLIAM LANDFAIR  
VIAK MARYLAND, LLC  
20251 CENTURY BOULEVARD  
SUITE 400  
GERMANTOWN, MD 20874

JOHN PALMISANO  
WHITLEY PARK CONDOMINIUM ASSOCIATION  
5450 WHITLEY PARK TERRACE #903  
BETHESDA, MD 20814

NORMAN KNOPF  
PROMENADE  
401 E. JEFFERSON STREET  
SUITE 206  
ROCKVILLE, MD 20850

MR. GREG LECK  
MCDOT  
100 EDISON PARK DRIVE  
4<sup>TH</sup> FLOOR  
GAITHERSBURG, MD 20878

MR. ATIQ PANJSHIRI  
MCDPS-RIGHT-OF-WAY  
PERMITTING  
355 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

MS. CHRISTINA CONTRERAS  
MCDPS-LAND DEVELOPMENT  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

MR. ALAN SOUKUP  
MCDDEP-WATER RESOURCE  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
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STEVEN COHEN  
SMITH GROUP, JJR  
1700 NEW YOUR AVENUE, NW  
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CHRISTOPHER THARRINGTON  
LINDEN TERRACE HOA  
9617 LINDEN AVENUE  
BETHESDA, MD 20814

MR. RICHARD BRUSH, MANAGER  
MCDPS-SEDIMENT/STORMWATER  
INSPECTION & ENFORCEMENT  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

MR. ESHAN MOTAZEDI  
MCDPS-SITE PLAN ENFORCEMENT  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

MR. GENE VON GUNTEN  
MCDPS-WELL & SEPTIC  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850

TONY BALKEMA  
Q POOKS HILL MEMBER, LLC  
1001 G STREET, NW  
SUITE 700W  
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SOO LEE-CHO  
MILLER, MILLER & CANBY  
200-B MONROE STREET  
ROCKVILLE, MD 20850

KUN LI  
24 DUDLEY COURT  
BETHESDA, MD 20814





**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

Approved as to  
Legal Sufficiency:

M-NCPPC Legal Department  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

MCPB No. 17-039

Sketch Plan Amendment No. 32015006A

Project Name: Pooks Hill

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

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Sketch Plan Amendment No. 32015006A

Project Name: Pooks Hill

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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

MCPB No. 17-039  
 Sketch Plan Amendment No. 32015006A  
 Project Name: Pooks Hill  
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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

\* \* \* \* \*

**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.

  
 \_\_\_\_\_  
 Casey Anderson, Chair  
 Montgomery County Planning Board





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

MCPB No. 16-053  
Site Plan No. 81982098B  
Pooks Hill Marriott  
Hearing Date: July 14, 2016

JUL 22 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 59-7.7.1.B.3 the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on November 11, 1976, the Planning Board, approved a Site Plan for a 15 story hotel with 248 guest rooms, low rise motel unit with 53 guest rooms and a 220 seat restaurant conventional and conference center with 515 parking spaces on acres of H-M zoned-land, located at 5151 Pooks Hill Road approximately 1,200 feet west of the intersection of Pooks Hill Road and Rockville Pike (MD 355) ("Subject Property"), in the Bethesda-Chevy Chase Master Plan, 1990 ("Sector Plan") area; and

WHEREAS, on January 6, 1978, the Planning Board approved Site Plan No. 819770490 to increase the size of the existing onsite restaurant, incorporate additional on-site parking 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

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

WHEREAS on September 15, 2015, the Planning Board approved Sketch Plan 321050060 for construction of a two multi-family residential buildings with up to 549,755 square feet of residential development for up to 650 units including 15% MPDU's on the adjacent development parcel unit of the Subject Property.

Approved as to  
Legal Sufficiency:

*Christina S. Smith* 7/6/16

8787 Georgia Avenue, Suite 200, Bethesda, MD 20814 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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MCPB No. 16-053  
Site Plan No. 81982098B  
Pooks Hill Marriott  
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WHEREAS, on December 7, 2015, Bethesda Hotel Acquisition, LP ("Applicant"), filed an application for approval of an amendment to the previously approved site plan(s) for approval of the following modifications:

1. To regrade the existing ADA parking spaces to meet current ADA requirements;
2. To restripe standard size parking space to create approximately 135 compact parking spaces;
3. To add approximately 58 valet parking spaces and overnight parking for up to 9 tour buses;
4. To modify and update the 1982 approved landscape plan; and
5. To amend Development Condition #1 of Site Plan 819820980 for parking lot lighting to be in compliance with current outdoor lighting standards.

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 819820098B, Pooks Hill Marriott ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 1, 2016, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 14, 2016, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81982098B, subject to the following conditions:

1. Parking lot lighting levels shall conform to the lighting plan included in the Certified Site Plan.
2. Prior to approval of the Certified Site Plan, the Applicant must revise the landscape plan to clarify specifications, notes and details and to accurately show existing landscaping and location of parking lot light poles. The existing landscape plan must include a complete landscape inventory and replacement plantings that will provide a comparable level of plantings as previously approved under Site Plan No. 819820980. If additional replacement plantings are needed beyond what is shown on the landscape plan, the ultimate locations and species may be adjusted subject to final approval by M-NCPPC Staff.



MCPB No. 16-053  
 Site Plan No. 81982098B  
 Pooks Hill Marriott  
 Page 3

3. All site development elements shown on the latest electronic version of Pooks Hill Marriott Site Plan No 81982098B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required.

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

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments and that all findings remain in effect; 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 this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and


BE IT FURTHER RESOLVED, that the date of this written Resolution is JUL 22 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 written opinion, 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 Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, July 14, 2016, in Silver Spring, Maryland.

  
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 Casey Anderson, Chair  
 Montgomery County Planning Board



**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:

8/8/17   
MNCPPC Legal Department  
www.montgomeryplanningboard.org Phone: 301.495.4605 Fax: 301.495.1320  
E-Mail: mcp-chair@mncppc-mc.org



MCPB No. 17-040  
Site Plan No. 81982098C  
Pooks Hill  
Page 2

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. 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 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.*

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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:

Data Table Site Plan Amendment 81982098C			
Section 59-4	Development Standard	Permitted/Required	Proposed
	Net Tract Area (sf)	n/a	780,551 sf
	Dedications		63,797 sf
	Gross Tract Area (sf)	n/a	844,348 sf
4.5.4.B.2.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
	4.5.4.B.2.b Building Height (feet)	160	160
7.7.1.B.5.b	Green Area (%Net Lot Area)	45%	426,888 (55%)
4.5.4.B.3	Min. Building Setbacks	0'	0'
	From Right-of-way	0'	0'

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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.

- *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-bioretenment 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



MCPB No. 17-040  
Site Plan No. 81982098C  
Pooks Hill  
Page 22

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.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

August 10, 2020

Ryan David, P.E.  
Urban Ltd.  
7700 Little River Turnpike, Suite 505  
Annandale, VA 22003

Re: Stormwater Management **CONCEPT**  
**RECONFIRMATION** for Pooks Hill  
SWM Concept #:280376

Dear Mr. David:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated February 5, 2016 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

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

Sincerely,

*Mark Etheridge*

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

Cc: SM File #: 280376

**From:** [Schwartz, Lisa](#)  
**To:** [Bogdan, Grace](#)  
**Cc:** [Dickel, Stephanie](#)  
**Subject:** RE: Pooks Hill Site Plan Amendment 81982098F  
**Date:** Monday, August 3, 2020 9:27:58 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image008.png](#)

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**[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.**

Grace,

DHCA recommends approval of this amendment.

Lisa

*Lisa S. Schwartz*

Manager, Affordable Housing Programs Section  
Montgomery County DHCA

1401 Rockville Pike, 4<sup>th</sup> Floor

Rockville, MD 20852

Work: 240-777-3786

Fax: 240-777-3691

[lisa.schwartz@montgomerycountymd.gov](mailto:lisa.schwartz@montgomerycountymd.gov)

[www.montgomerycountymd.gov/mpdu](http://www.montgomerycountymd.gov/mpdu)

---

**From:** Bogdan, Grace <grace.bogdan@montgomeryplanning.org>  
**Sent:** Tuesday, July 21, 2020 9:32 AM  
**To:** Schwartz, Lisa <Lisa.Schwartz@montgomerycountymd.gov>  
**Cc:** Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>  
**Subject:** RE: Pooks Hill Site Plan Amendment 81982098F

**[EXTERNAL EMAIL]**

Good Morning Lisa-

I just realized I referenced the wrong project number in the original email. I've attached the MPDU summary sheet for Pooks Hill, as well as the original DHCA approval letter for your reference.

Can you expect to have the agency review completed by August 3<sup>rd</sup>?

Thanks and I hope you are staying well during this crazy time,

Grace

---

**From:** Bogdan, Grace  
**Sent:** Thursday, July 16, 2020 10:37 AM  
**Subject:** Pooks Hill Site Plan Amendment 81989060D

Good morning all-

You should receive a resubmittal task for the above referenced project shortly. This is intended to be the last submittal with a tentative Planning Board date of September 17, 2020. Please send us your agency approval letters **by August 3, 2020.** If this deadline cannot be met, please let me know ASAP.

Thanks!

Grace



**Grace Bogdan, AICP**  
Planner Coordinator, Area 1

Montgomery County Planning Department  
8787 Georgia Avenue, Silver Spring, MD 20910  
[grace.bogdan@montgomeryplanning.org](mailto:grace.bogdan@montgomeryplanning.org)  
o: 301.495.4533



**WE'RE MOVING!**

THE NEW PARK AND PLANNING HEADQUARTERS WILL BE LOCATED AT  
2425 REEDIE DRIVE, WHEATON, MD 20902 IN AUGUST 2020.

**Take 10 minutes to be counted now – visit: <https://2020census.gov/>**



**For COVID-19 Information and resources, visit:**  
**[www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**



**DPS-ROW CONDITIONS OF APPROVAL****July 17, 2020****81982098F Pooks Hill**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

“07-BSITE-81982098F-005.pdf V3” uploaded on/ dated “7/14/2020”,  
“08-BLL-81982098F-006.pdf V3” uploaded on/ dated “7/14/2020” and

The followings need to be addressed prior to the certification of site plan:

1. Access points on public roads:
  - a. Provide and label the middle driveway needs to be per MC-302.01 modified for geometry as shown.
  - b. Provide truck turning movement for all (especially right turn) movements.
2. Please adjust the proposed street trees spacing to ensure they conform to MCDOT requirements.
3. MCDOT-Commuter Services Section recommends that, prior to issuance of a certified site plan, the Applicant contact Commuter Services ([Sandra.Brecher@montgomerycountymd.gov](mailto:Sandra.Brecher@montgomerycountymd.gov) , or [Beth.Dennard@montgomerycountymd.gov](mailto:Beth.Dennard@montgomerycountymd.gov)) to discuss ways in which the development can ensure that their residents have access to information about non-auto transportation options in their vicinity. These efforts would include the followings:
  - a. Appoint a Transportation Coordinator as a point of contact and provide Commuter Services with contact information.
  - b. Agree to meet with the Department on an occasional basis to allow promotion of non-auto transportation options to residents and to coordinate participation in commuter surveys.
  - c. Make transportation-related information readily available to residents by displaying the County’s Real Time feed on lobby monitors in each of the two residential buildings.
4. Per the provided response, the existing “shoe box lights” within Pooks Hill Road ROW, are not maintained by the applicant. Please coordinate with MCDOT-Traffic, Street Light Section, to verify if they are maintained by the County and need to be retained.



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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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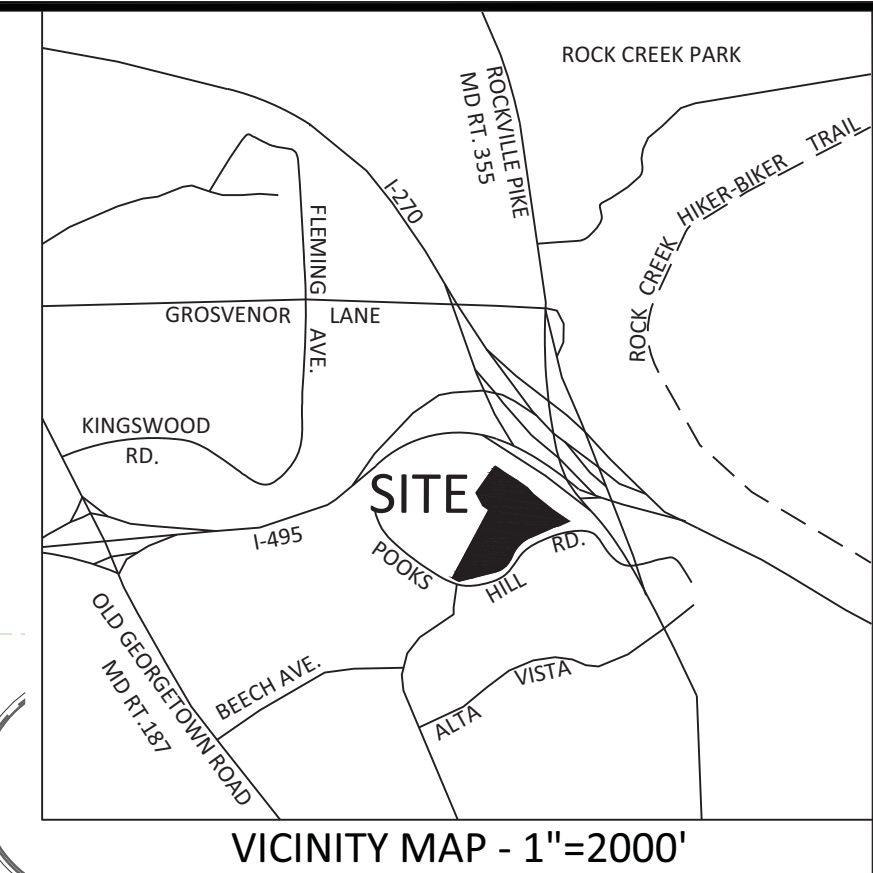
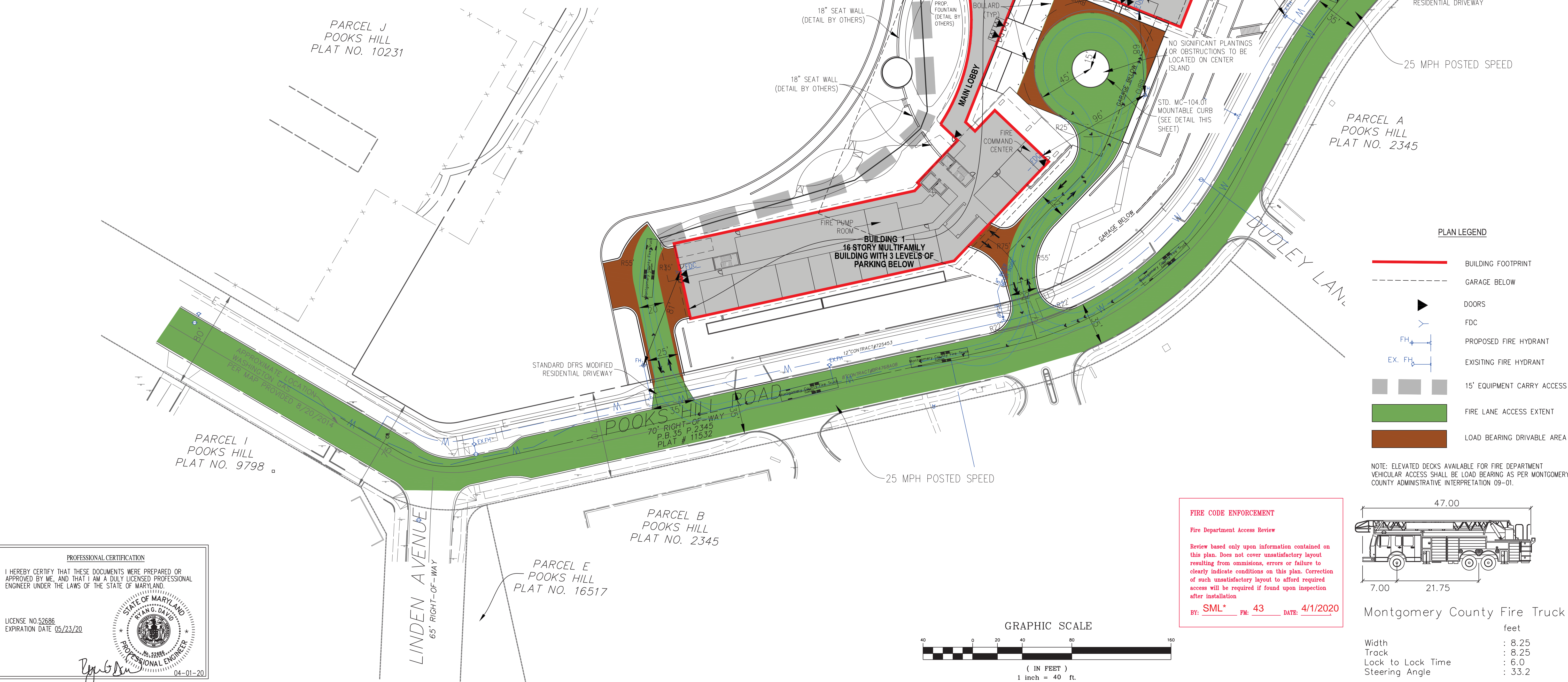
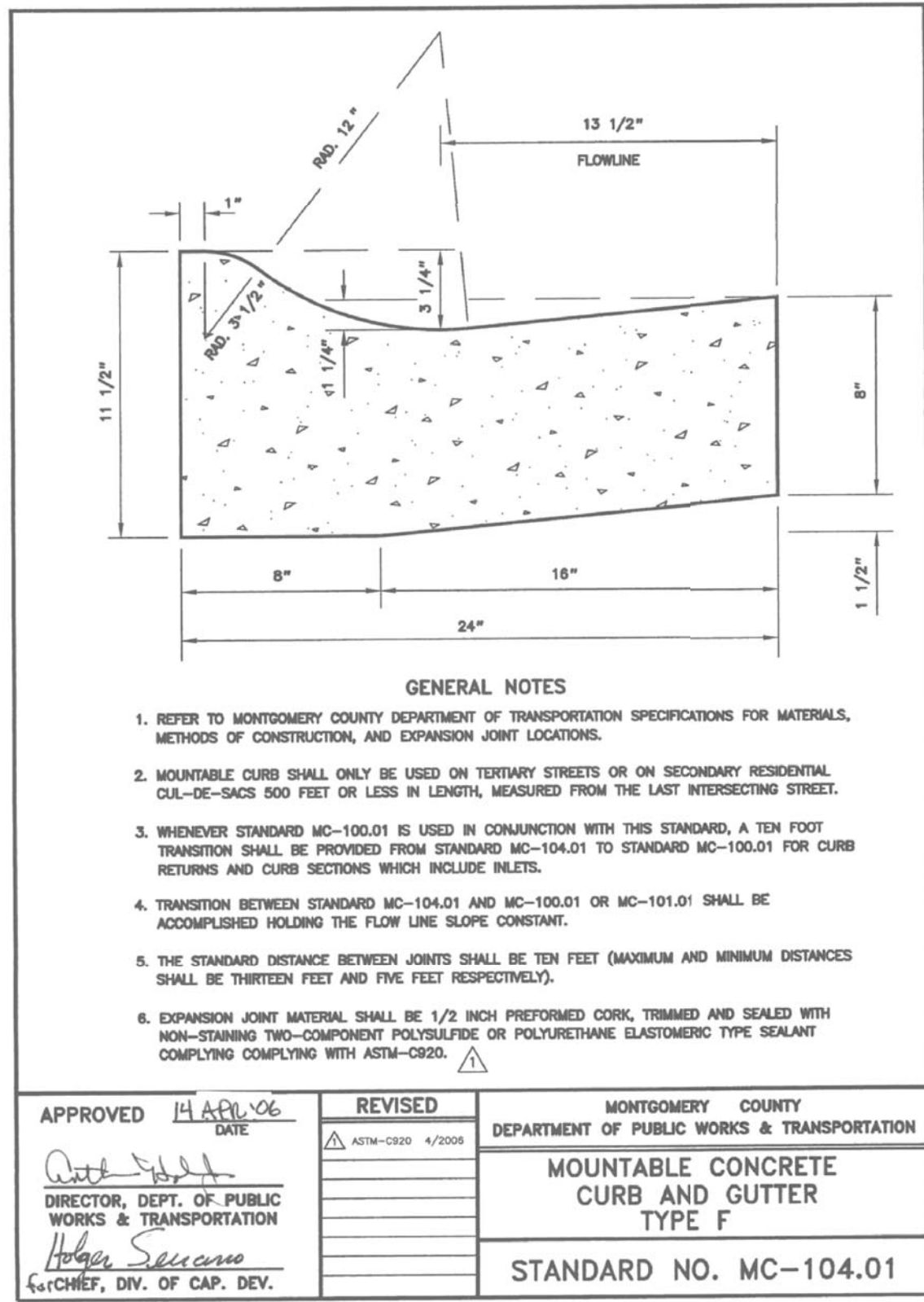
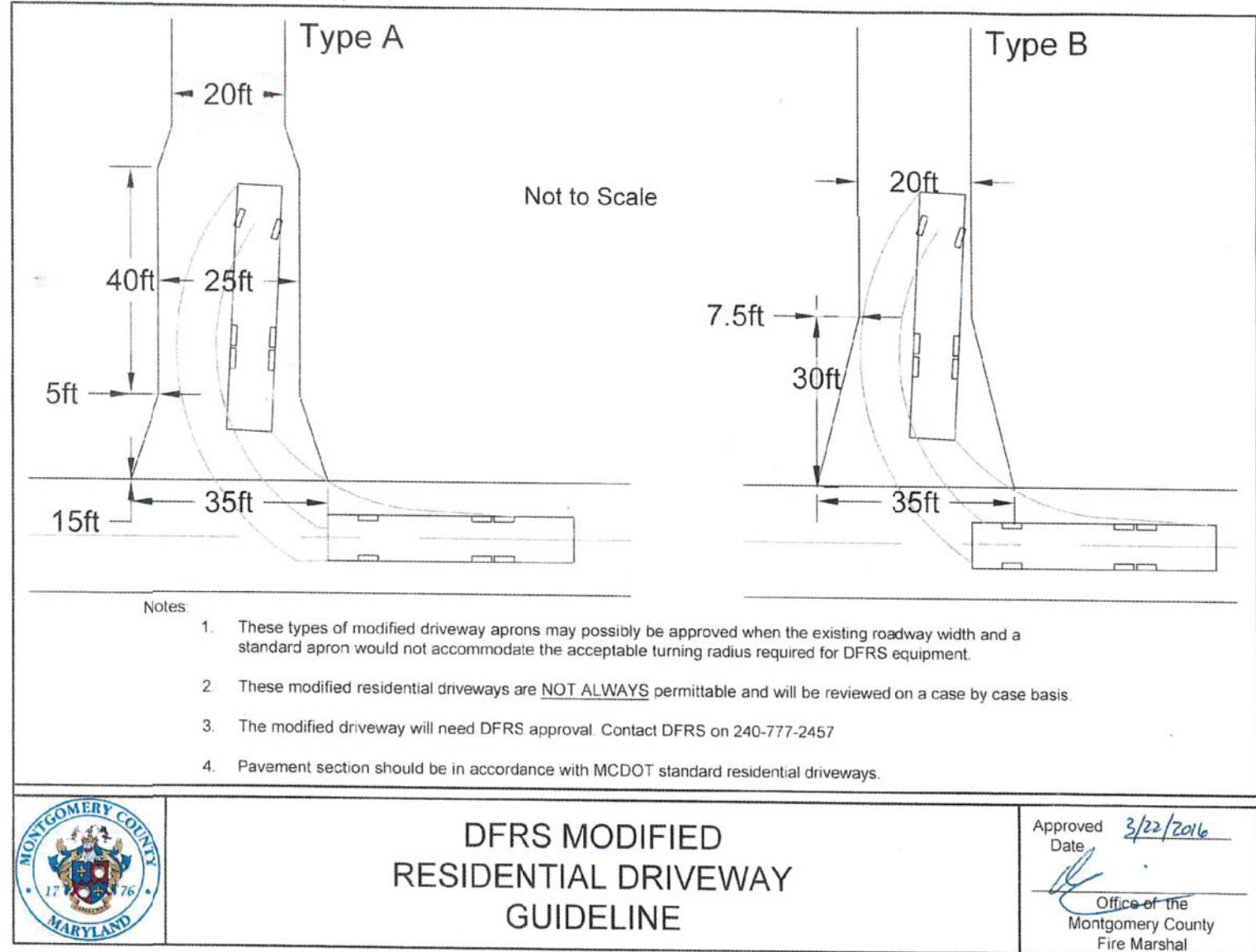
**DATE:** 01-Apr-20  
**TO:** Ryan G David - rdavid@urban-ltd.com  
Urban Ltd  
**FROM:** Marie LaBaw  
**RE:** Pooks Hill Bethesda  
81980098F

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **01-Apr-20** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.





ATTACHMENT B

NO.	DATE	DESCRIPTION	REVISIONS

PLAN DATE: 04-01-20

Urban, Ltd.  
7713 Lake River Turnpike  
Annandale, Virginia 22003  
Tel: 703.642.8880  
Fax: 703.642.8251  
www.urban-llc.com

**urban**  
Planners • Engineers • Landscape Architects • Land Surveyors

**FIRE DEPARTMENT ACCESS PLAN**

**POOKS HILL BETHESDA**  
7TH ELECTION DISTRICT  
MONTGOMERY COUNTY, VIRGINIA

DATE: JAN., 2020  
CL: N/A

SCALE: 1"=40'

SHEET 1 OF 1  
FILE No. SP-2436





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

**Memorandum**

**TO:** Gwen Wright, Planning Director

**VIA:** Elza Hisel-McCoy, Chief, DownCounty Planning *EH*  
Stephanie Dickel, Supervisor, DownCounty Planning

**FROM:** Tsaiquan Gatling, Senior Environmental Planner, DownCounty Planning *TG*

**RE:** Pooks Hill  
Minor Site Plan Amendment for the Purposes of Amending Final Forest Conservation  
Plan #81982098G

**DATE:** **September 4, 2020**

Section 59.7.7.1.B.3 of the Zoning Code addresses Amendments for Plans approved or pending before October 30, 2014. Section 7.7.1.B.3.a states that until October 30, 2039, an Applicant may apply to amend any previously approved application under the development standards and procedures of the property's zoning on October 29, 2014, subject to certain limitations.

Section 7.7.1.B.3.b of the Zoning Ordinance, however, allows Applicants to apply to amend a site plan approved before October 30, 2014, to take advantage of the parking requirements contained in Sections 6.2.3 and Section 6.2.4 of the Zoning Ordinance that went into effect on October 30, 2014.

Under Section 59.7.3.4.J.2, the Planning Director may approve in writing certain applications for an amendment to a Certified Site Plan. Such amendments, which are considered minor in nature and do not alter the intent and objectives of the plan, specifically include an amendment "to reduce the approved parking to satisfy Article 59-6."

Neither a Pre-Application meeting with the community/public/parties of record nor a Pre-Submittal meeting with the DARC Intake Section is required. However, submittal of the application to DARC is required. In addition, applicants must provide public notice under Division 7.5.

On May 21, 2020, EM Pooks Hill, LLC ("Applicant") filed a site plan amendment application designated Site Plan No. 81982098F for approval of modifications to the multi-family development, including reduction of excavation and grading for the parking garage. During the review of this amendment, it was determined the associated Final Forest Conservation Plan would need to be amended also.



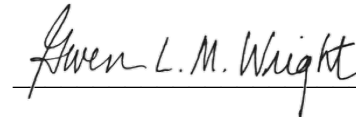
On July 28, 2020, the Applicant filed a site plan amendment application for the purposes of amending the Final Forest Conservation Plan, designated Site Plan No. 81982098G ("Amendment") for approval of the following modifications:

1. Minor changes to grading within the previously established limits of disturbance and;
2. Minor changes to location of mitigation trees.

The proposed Amendment is consistent with the provisions of Section 59.7.3.4.J.2 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The Amendment does not alter the intent, objectives, or requirements of the Planning Board in approving the site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59.7.3.4.H. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

A handwritten signature in dark ink, reading "Gwen L. M. Wright", is written over a horizontal line.

Gwen Wright, Planning Director

9/4/20

Date Approved

**From:** [Allen Myers](#)  
**To:** [Bogdan, Grace](#)  
**Subject:** Re: 69639\_Pooks Hill Road  
**Date:** Monday, August 3, 2020 1:05:48 PM

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**[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.**

Grace:

My point is that since lifting the parking restriction appears not to be an option, where are visitors and tenants for without a parking space supposed to park? Hopefully, not our residential streets!

Allen

On Aug 3, 2020, at 1:01 PM, Bogdan, Grace  
 <[grace.bogdan@montgomeryplanning.org](mailto:grace.bogdan@montgomeryplanning.org)> wrote:

Hi Mr. Myers-

Thank you for the information. We can include the correspondence and your concern on the availability of parking in the staff report, but based on Mr. Ho's response it does not appear that the site plan review is the correct process in lifting the parking restrictions: *"we would be willing to re-evaluate some of the parking limits along Pooks Hill Road on a block-by-block basis. However, because parking restrictions affect the entire community, any reconsideration to revise the existing parking restriction limits would require a petition from the property owners of the affected block."*

Thanks,

Grace

---

**From:** Allen Myers <[almyers@starpower.net](mailto:almyers@starpower.net)>  
**Sent:** Monday, August 3, 2020 11:12 AM  
**To:** Bogdan, Grace <[grace.bogdan@montgomeryplanning.org](mailto:grace.bogdan@montgomeryplanning.org)>  
**Subject:** Fwd: 69639\_Pooks Hill Road

**[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.**

Grace:

I hope that you had a good vacation. While you were away, I obtained this information from the TrafficOps Dept. of DOT. I also learned the the 1966 parking restriction on

the north side of Pooks Hill Road was requested by the surveyor for the Pooks Hill Marriott. And the 1983 restriction on the south side appears to be the result of guest staying at the Marriott. The guests at the hotel currently pay \$18.00 a day or \$5.00 per hour if it involves short-term parking to visit a restaurant or other retail at the hotel. Thus, if the parking restrictions were lifted, it is likely that guests and visitors of the hotel would occupy the free parking on Pooks Hill Road. The net effect of which would be that there would still be no on street parking on Pooks Hill Road for residents and guests of the new apartment buildings proposed for the Marriott surface parking area.

I thought that you should have this information available to you as you prepare the Staff Report on this project. If you have questions or need further information from me, please feel free to respond to this e-mail or call me at (301) 530-4441.

Sincerely,  
Allen Myers, President  
Maplewood Citizens Association

Begin forwarded message:

**From:** TrafficOps <[TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov)>  
**Subject:** RE: 69639\_Pooks Hill Road  
**Date:** July 23, 2020 at 8:40:41 AM EDT  
**To:** "[almyers@starpower.net](mailto:almyers@starpower.net)" <[almyers@starpower.net](mailto:almyers@starpower.net)>

Good morning, Mr. Myers:

We apologize for the misunderstanding of your initial request and acknowledge that we had incorrectly provided you the parking restrictions at the intersection of Pooks Hill Road and Linden Avenue instead of along the entire corridor of Pooks Hill Road from Linden Avenue to Rockville Pike (MD 355). We have subsequently revisited the parking restrictions for the entire corridor and our investigation revealed that the restrictions along Pooks Hill Road were imposed as a result of several issued Traffic Orders (TO) developed over the years. As a summary, below is the history of how the parking restrictions were came to be:

- TO #1205 (1966): Property owners along Pooks Hill Road requested that parking be prohibited along the north side of Pooks Hill Road between Rockville Pike and Linden Avenue to better facilitate traffic with less congestion and hazard.
- TO #134-78 (1978): A traffic evaluation determined that parking should be prohibited along the south side of Pooks Hill Road from MD 355 to 850' west of MD 355. Due to the two horizontal curves, vehicles parked along this portion of the roadway adversely affected the operation of the intersection at

MD 355.

- TO #60-81 (1981): Residents requested MCDOT investigate the possibility of returning some parking along the north side of Pooks Hill Road. It was determined specific portions along the north side of Pooks Hill Road could be revised to allow for off-peak parking (7AM-6PM, M-F). This ensured vehicles would not be left parked along Pooks Hill Road for long periods of time as this was the original concern from the residents. Therefore, this traffic order amends TO #1205 issued in 1966.
- TO #89-83 (1983): Further complaints requested the restriction of parking along the south side of Pooks Hill Road due to inadequate sight distance when motorists exited from Bristol Square Lane and Dudley Lane. It was also noted that many of the parked vehicles were non-local while the complaints received were from local residents. Due to the road alignment and curve of the road, MCDOT's evaluation determined that cars parked along the south side of Pooks Hill Road were obstructing the visibility of motorists leaving the condominiums/apartments at Bristol Square Lane and Dudley Lane. As a result, MCDOT recommended the removal of the remaining on-street parking along the south side of Pooks Hill Road.

Although some of these parking restrictions were imposed as a result safety, others were imposed at the request of the community. Therefore, we would be willing to re-evaluate some of the parking limits along Pooks Hill Road on a block-by-block basis. However, because parking restrictions affect the entire community, any reconsideration to revise the existing parking restriction limits would require a petition from the property owners of the affected block.

Should you have any additional questions, please feel free to contact me at 240-777-2190 or at [TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov).

Sincerely,

Vincent Ho, P.E., Area Engineer  
Traffic Engineering Studies Section  
Division of Traffic Engineering and Operations  
Montgomery County Department of Transportation

VH:lhbm

---

**From:** Allen Myers <[almyers@starpower.net](mailto:almyers@starpower.net)>

**Sent:** Monday, July 20, 2020 10:38 AM

**To:** TrafficOps <[TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov)>



**Subject:** Re: 69639\_Pooks Hill Road

[EXTERNAL EMAIL]

Mr. Ho:

I have not had a response to my clarification on the subject of the parking prohibitions on Pooks Hill Road between Route 355 and Linden Avenue. I would like to hear from you before the County's usual August hiatus. This matter is related to a proposed development plan on Pooks Hill Road that will be going before the Planning Board in September. Therefore, I would greatly appreciate and early reply.

Sincerely,  
Allen Myers, President  
Maplewood Citizens Association

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On Jul 13, 2020, at 2:24 PM, Allen Myers  
<[almyers@starpower.net](mailto:almyers@starpower.net)> wrote:

Mr. Ho:

Thank you for your response. However, your have misunderstood my question to your Division. I was not interested in parking restrictions on Linden Avenue and Pooks Hill Road to provide adequate site distance at that intersection. Rather, I am seeking an explanation for the parking restrictions between 9:00 a.m. to 7:00 p.m., weekdays that are located on Pooks Hill Road between Route 355 and Linden Avenue. I am at a loss as to why they exist when the road is wide enough to accommodate parking and vehicular traffic. The portion of Pooks Hill Road, west of Linden Avenue has no such restrictions.

Sincerely,  
Allen Myers, President  
Maplewood Citizens Association

On Jul 13, 2020, at 1:55 PM, TrafficOps  
<[TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov)>  
wrote:

Good afternoon, Mr. Myers:

This is a follow up response to our email dated July 8, 2020, regarding your request for an explanation of the parking restrictions

at the intersection of Linden Avenue and Pooks Hill Road.

Our investigation into the parking restrictions located at the intersection of Linden Avenue and Pooks Hill Road determined that these parking restrictions were imposed to provide enough corner clearance for motorists and other roadway users approaching the intersection. County Code (Sec. 31-17) prohibits the parking of any vehicle within 35' of an intersection when it is determined that traffic safety may be compromised – specifically concerning the turning movements and sight distance of roadway users being obstructed.

Under certain circumstances due to the geometry of the intersection of unique conditions at the intersection, an evaluation may determine that more than 35' is required to ensure proper corner clearance and adequate sight distance. In this case, the geometry at the intersection necessitated an extension of the prohibition further than 35' from the intersection. Additionally, bus stops located along the near side of the intersection in both directions along Pooks Hill Road required that parking be restricted further than 35' to ensure bus loading and access zones would not be impeded by parked vehicles. It is for these reasons the Traffic Orders restricting parking were prepared and approved at and near this intersection.

Thank you for your input and partnership in our shared pursuit of traffic and pedestrian safety. Should you have any additional questions, please feel free to contact me at 240-777-2190 or [TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov).

Sincerely,

Vincent Ho, P.E., Area Engineer  
Traffic Engineering Studies Section  
Division of Traffic Engineering and  
Operations  
Montgomery County Department of

Transportation

VH:lhv

---

**From:** TrafficOps  
**Sent:** Wednesday, July 08, 2020, 12:36 PM  
**To:** '[almyers@starpower.net](mailto:almyers@starpower.net)'  
<[almyers@starpower.net](mailto:almyers@starpower.net)>  
**Subject:** 69639\_Linden Avenue and Pooks Hill Road

Dear Mr. Myers:

Thank you for calling Montgomery County Department of Transportation (MCDOT) on July 8, 2020, regarding parking restrictions at the intersection of Linden Avenue and Pooks Hill Road.

MCDOT appreciates the opportunity to assist you in this matter. Your request has been assigned Log# 69639 and the Area Engineer assigned to review and respond to your request is Vincent Ho.

Our goal is to complete our review and provide an explanation by July 28, 2020, if not sooner, weather and schedule permitting.

In the meantime, if you have any questions, please feel free to contact us at (240) 777-2190 or [TrafficOps@montgomerycountymd.gov](mailto:TrafficOps@montgomerycountymd.gov).

We appreciate your continued partnership in our shared pursuit of traffic and pedestrian safety.

Regards,

TrafficOps  
Division of Traffic Engineering and Operations  
Montgomery County Department of Transportation

lhv

**Take 10 minutes to be counted now – visit:**

**<https://2020census.gov/>**

<image002.jpg>

**For COVID-19 Information and resources, visit:**

**[www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)**