

# ATTACHMENT B



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

MCPB No. 19-096  
Sketch Plan No. 320180200  
12500 Ardennes Avenue  
Date of Hearing: July 18, 2019

OCT 21 2019

### 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 June 9, 2018, Ardennes Partners, LLC ("Applicant") filed an application for approval of a sketch plan for construction of a residential development with up to 198,718 square feet of total development (including 15% Moderately Priced Dwelling Units (MPDUs) and 10% Work Force Housing Units (WFHUs)), on 1.32 acres of CR-2.0, C-1.5, R-2.0, H-145T zoned-land, located at 12500 Ardennes Avenue ("Subject Property") in the 2009 Twinbrook Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180200 12500 Ardennes Avenue ("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 8, 2019, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

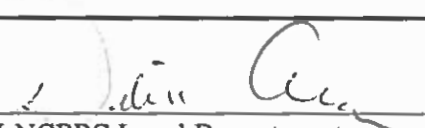
WHEREAS, on July 18, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 18, 2019, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor with Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180200, 12500 Ardennes Avenue, for construction of up to 198,718

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Approved as to  
Legal Sufficiency:

  
MNCPPC 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

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12500 Ardennes Avenue

square feet of total development (including 15% Moderately Priced Dwelling Units (MPDUs) and 10% Work Force Housing Units (WFHUs)) and up to 225 units on the Subject Property, subject to the following binding elements and conditions:<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:

1. Density

The Sketch Plan is limited to a maximum of 198,718 square feet of residential development, including 15% Moderately Priced Dwelling Units (MPDUs) and 10% Work Force Housing Units (WFHUs), on the Subject Property. The maximum number and distribution of residential dwelling units will be determined at Preliminary and Site Plan.

2. Height

The development is limited to a maximum height of 100 feet, as measured from the building height measuring point(s) illustrated on the Certified Site Plan.

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. Total points must equal at least 100. The requirements of Division 59.4.7.1 and the CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Transit Proximity, achieved through Property's location within ¼ mile of the Twinbrook Metro Station (level 1).
- b. Connectivity and Mobility, achieved through providing a minimum amount of parking.
- c. Diversity of Uses and Activities, achieved by providing 15% of the residential units as MPDUs.

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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.

- d. Quality of Building and Site Design, achieved through exceptional design, public art, structured parking.
- e. Protection and Enhancement of the Natural Environment, achieved through building lot terminations and a cool roof.

4. Future Coordination for Preliminary Plan(s) and Site Plan(s)

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary Plan or Site Plan:

- a. Exact location and details of the relocation of the National Champion Crabapple tree.
- b. Dedication of five (5) feet on Twinbrook Parkway.
- c. Design of proposed public art.
- d. Design of the Public Open Space that should be accessible and inviting to the public.
- e. Building amenities to help activate the public open space.
- f. Appropriate architectural treatments to the southern façade.
- g. Prominent architectural treatment of the northeastern corner.
- h. Safe and efficient vehicular entry to the parking garage.
- i. Motor Vehicle System Adequacy Test with Traffic Impact Study.
- j. Traffic Mitigation Agreement (TMAG) with the Planning Board and MCDOT.
- k. ADA compliance.
- l. Protected intersection at Ardennes Avenue and Twinbrook Parkway.
- m. Bike lanes on Twinbrook Parkway.
- n. High quality bicycle parking, as required by the Zoning Code and described in the Planning Department's Bicycle Parking Guidelines (pages 13 – 15).
- o. Bike sharing station(s).

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of 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 that:

- 1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

The CRT Zone permits a mix of residential and nonresidential uses at varying densities and heights. The CRT Zone promotes economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities. The application of the CRT Zone is appropriate where impacts can be mitigated by co-locating housing, jobs, and services.

a. Development Standards

The Subject Property includes a tract area of approximately 1.32 tract acres, zoned CR-2.0, C-1.5, R 2.0, H-145T. The Sketch Plan meets the development standards of Section 59-4.5.4, as shown below. The Application will provide the minimum required number of bicycle parking spaces for residents and visitors, which will be determined at the time of Site Plan(s). The number of vehicular parking spaces will be determined at Site Plan(s) based on the square footage of non-residential uses, and number and type of residential dwelling units.

***Development Standards and Parking Requirements***

Section	Description	Required/Permitted	Approved
<b>Density and Height</b>			
4.5.4.B.2.b	Maximum Density	Total 150,544 sf Commercial 112,908 sf Residential 150,544 sf	Residential 198,718 sf
4.5.4.B.2.b	Maximum Building Height (H)	145 feet	100 feet
<b>Open Space and Parking</b>			
4.5.4.B.1	Minimum Open Space	5% of site area (2,856 sf)	Approx. 5.6% of net tract area (3,207 sf)
6.2.4.B	Minimum Parking Permitted/Maximum Parking Allowed	Minimum: 198 spaces Maximum: 248 spaces	200 spaces
6.2.4.C	Bicycle Parking Residential	Min. 0.5 spaces/unit, max. 100 spaces	100 spaces

b. Intent of the Zone

*The Sketch Plan conforms to the intent of the CR Zone as described below.*

i. *Implement the recommendations of applicable master plans.*

The Subject Property is located within the Metro Core Area 2 of the Sector Plan. The Sector Plan provides the following guidance for properties within Metro Core Area 2:

“Redevelopment density and mixed-uses should continue the Twinbrook Station pattern of buildings oriented to the street and create pedestrian connections. The full 2.0 FAR is appropriate in this area, but any development above 1.5 must be applied to residential uses. The site could also redevelop completely with residential uses at 2.0 FAR and provide MPDUs and workforce housing. (Sector Plan, p.33)”

The Sector Plan also recommended that development within the Metro Core Area 2 should continue the neighborhood pattern of street fronting buildings, provide pedestrian connections to the adjacent Twinbrook Station project and be compatible with the adjacent development within the City of Rockville.

The Application is consistent with the Sector Plan's vision for the Property as it represents redevelopment of this underutilized site with residential uses, including both MPDUs and WFHUs, and orients the proposed building to the adjacent streets. The Project's design will place the street activating private amenity spaces along Ardennes Avenue and at the intersection of Ardennes and Twinbrook Parkway. The Application will also include streetscape improvements along Twinbrook Parkway and Ardennes Avenue that will enhance the pedestrian experience. The Application's public open space is proposed to be oriented to the corner to maximize visibility and will be designed to be attractive not only to the residents of the project but also to other area residents commuting to and from the nearby Metro station.

The Sector Plan provided additional design guidance regarding appropriate building heights, promoting structured and shared parking, enhancing pedestrian connections and providing a mix of uses. The proposed building is within the prescribed height limits. Its massing is compatible with the massing of adjacent buildings within the Twinbrook Station Development and its layout screens a 2-level parking structure with residential units and amenities lining the streets. The Planning Board finds the Sketch Plan to be in conformance with the Sector Plan.

During the future stages of regulatory review, Staff will work with the Applicant to ensure the following:

- The design of the public open space is usable and welcoming.
- Transformers and utilities are located away from public view.
- Adequate buffer is designed between the development and existing buildings to the west and south.
- The ground floor of the building has residential units and amenities that open on to the street.

- The streetscape creates a comfortable walking environment along Twinbrook Parkway and Ardennes Avenue.
  - The architecture expresses a dynamic building form that responds to the context and adds to the character of the neighborhood. The following strategies may be explored:
    - o A more dynamic roof line with, accentuating key corners and important vistas.
    - o Locating certain amenities on the roof and making it accessible to residents.
    - o A more refined corner element at the intersection of Twinbrook Parkway and Ardennes Avenue.
    - o Further emphasizing the entrance to the building along Ardennes Avenue.
    - o Including balconies facing the street into the design of the elevations.
    - o Providing human scale elements along the ground floor along both streets.
    - o Designing the amenities along Twinbrook Parkway in a way that integrates the amenities and the Public Open Space seamlessly.
    - o Providing amenities on the ground floor that are open to the public.
    - o Making the end facades facing Twinbrook Parkway and Ardennes Avenue more attractive through massing variation, additional fenestrations, public art etc.
    - o Appropriately screening exposed parking garage facades.
- ii. *Encourage development that integrates target opportunities for redevelopment of single-use commercial areas and surface parking lots with mix of uses.*

The Subject Property is currently comprised of an aging office building with an ancillary surface parking lot. The Application proposes redeveloping the site into a pedestrian-friendly project that will incorporate activating ground-floor private amenity uses and multi-family dwelling units adjacent to the Twinbrook Metro Station in accordance with this objective.

- 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.*

The Application will include market-rate, MPDU and WFHU residential units in a variety of unit types (studios, one-bedrooms, and two-bedrooms). As a result, the Application will provide different

housing opportunities for a range of demographics and incomes. The Application will also allow for important streetscape improvements that enhance pedestrian and bicycle connectivity in and around the Property. No parking is proposed between the building and street frontages.

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

The proposed building height of up to 100 feet will be compatible with the adjacent buildings. Surrounding buildings on Higgins Place are between five (5) and six (6) stories in height and the Twinbrook Place office building to the north is seven (7) stories in height. In addition, the Subject Property is approximately eight (8) feet lower in grade than adjacent properties, further ensuring height compatibility.

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

The development of multi-family residential uses on the Subject Property will create a more balanced mix of uses along Twinbrook Parkway. There are a number of commercial office and industrial uses in the vicinity of the Subject Property that generate employment opportunities. Given the proximity of well-established employment uses near the Subject Property, the additional housing provided by the Project will create an opportunity for individuals to live, work, and play in the Twinbrook area. The Application will also offer a variety of housing options through the provision of market-rate units, MPDUs and WFHUs.

- 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 four categories to achieve the desired incentive density above the standard method limit. Per Section 4.7.3.D.6.e, one less category is required if greater than 15% MPDUs are being provided.

2. *The Sketch Plan substantially conforms to the recommendations of the 2009 Twinbrook Sector Plan.*

As discussed in finding 1.b.i, the Sketch Plan substantially conforms to the recommendations of the Sector Plan.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of 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. *Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of 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 Subject Property's zoning classification on October 29, 2014 was not a result of a Local Map Amendment.

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

The Sketch Plan successfully achieves compatibility with the varied uses in its immediate vicinity. The surrounding development (with the exception of the Exxon gas station adjacent to the south) is a mixture of mixed use and commercial developments of similar heights. The proposed building will be wrapping the main level of the parking with dwelling units and amenities facing the street. The building will be set back from the neighboring apartment building to the west and will wrap the second internal partial parking level with dwelling units and a green space to shield the parking from view. The main courtyard level will be elevated facing south and the two wings of the residential typical floors will be set back slightly from the south property line with minimal fenestration so as not to impact future development nor conflict with the existing amenity spaces of the neighboring building to the southwest.

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

The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. All vehicular access to the Project will be from Ardennes Avenue. The structured parking garage is proposed in the center of the block in accordance with the Sector Plan recommendations. The placement of vehicular and loading access along the western portion of the Property's Ardennes Avenue frontage will allow for an uninterrupted pedestrian through zone along the remainder of the Property's Ardennes Avenue and Twinbrook Parkway frontages. Additionally, the Application is proposing a shared pedestrian and bike path along Twinbrook Parkway. The Sketch Plan proposes up



to 3,207 square feet of public open space that will supplement the proposed streetscape improvements and contribute to an enhanced pedestrian experience with immediate connections to the Twinbrook Metro Station.

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

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

For a development of this size in the CR Zone, the Zoning Ordinance requires 100 points in at least four categories. However, per Section 4.7.3.D.6.e, one less category is required if 15% or greater MPDUs are being provided so only three categories are required. Although at the time of Sketch Plan review, only the categories need to be approved, the following table shows both the categories and points for public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient public benefit points. The final calculations and benefit points earned will be further refined and ultimately determined at subsequent Site Plan(s). The Applicant's proposed public benefits are shown below in the following four categories: Transit Proximity, Connectivity and Mobility, Quality Building and Site Design, and Protection and Enhancement of the Natural Environment. The Planning Board supports the proposed public benefits at this time, with a more detailed review and the final number of points to be determined at site plan.

***Proposed Public Benefits***

Public Benefit	Incentive Density Points	
	Max Allowed	Total Requested
<b>59.4.7.3.B: Transit Proximity</b>		
Full Site within ¼ mile of Level 1 Transit Station	40	40
<b>59.4.7.3.C: Connectivity and Mobility</b>		
Minimum Parking	10	9
<b>59.4.7.3.D: Diversity of Uses and Activities</b>		
Affordable housing- 15% MPDUs	n/a	30
<b>59.4.7.3.E: Quality of Building and Site Design</b>		

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Exceptional Design	10	10
Public Art	10	10
Structured Parking	20	10
<b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b>		
Building Lot Termination (BLTs)*	30	1
Cool Roof	10	10
<b>Total</b>	<b>-</b>	<b>120</b>

Transit Proximity

The entire Property is located one-quarter mile from the Twinbrook Metrorail (level 1) Station and the Applicant requests 40 points as allowed in the Zoning Ordinance. The Planning Board supports this request.

Connectivity and Mobility

*Minimum parking:* The Project will provide fewer parking spaces than the maximum allowed under the Zoning Ordinance. Thus, the Applicant anticipates achieving 9 points in this public benefit category. Maximum allowed spaces are 247 and the minimum allowed is 198 spaces. The Planning Board supports the Applicant’s request based on the following calculation:

Formula:  $[(A-P)/(A-R)]*10$   
 A (247 maximum allowed spaces)  
 R (198 minimum required spaces)  
 P (200 proposed spaces)  
 $[247 \text{ maximum}-200 \text{ proposed}]/[247 \text{ maximum}-198 \text{ minimum}]*10= 9 \text{ points.}$

Diversity of Uses and Activities

*Moderately Priced Dwelling Units:* Moderately Priced Dwelling Units: The Applicant seeks approval for 30 points for providing 15% MPDUs. The project will provide 15% MPDUs, 2.5% above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs as demonstrated in the calculation below. The Planning Board supports the Applicant’s request based on the following calculation:

$[15\% \text{ (percentage MPDUs provided)}-12.5\% \text{ (percentage MPDUs required)}]*12= 30 \text{ points}$

Quality building and site design

*Exceptional Design:* The Applicant requests 10 points for building or site design whose visual and functional impacts exceptionally enhance the character of a setting. Per the Incentive Density Guidelines, 10 points are appropriate for development that meets all six design criteria for building or site design. The Applicant explains that the Project will meet all of the design criteria listed below:

- Provide innovative solutions in response to the immediate context.
- Creating a sense of place and serves as a landmark.
- Enhancing the public realm in a distinct and original manner.
- Introducing materials, forms or building methods unique to the immediate vicinity or applied in a unique way.
- Designing compact infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site.
- Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

Design details will be further explored at the time of Site Plan.

*Structured parking:* The Project will provide structured parking with all of the 200 parking spaces to be provided in an above-grade garage. The Applicant seeks 10 points for structured parking benefit category per the following formula:

Formula:  $[(A/T)*10]+[(B/T)*20]$   
A (200 above-grade spaces)  
B (0 below-grade spaces)  
T (200 total spaces)  
 $[(200/200)*10]+[(0/200)*20] = 10$

*Public Art:* As part of the sketch plan review process, the Applicant is exploring the incorporation of public art into the project, achieving 10 points in this public benefit category. While the art will likely be wall mounted and/ or included within the architecture, further details will be available as part of the next review cycle and refined at the time of Site Plan.

Formula:  $[(A/T)*10]+[(B/T)*20]$   
A (200 above-grade spaces)  
B (0 below-grade spaces)  
T (200 total spaces)  
 $[(200/200)*10]+[(0/200)*20] = 10$

#### Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant requests 1 point permitted for the purchase of approximately 0.27 BLTs. The Planning Board supports the Applicant's request for 1 point at this time based on the following calculation:

$(150,544 \text{ (optional method density in square feet)} - 37,636 \text{ (standard method density in square feet)}) \times 7.5\% \text{ (percentage of incentive density floor area)} / 31,500$

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(square feet of gross floor area required per BLT) x 9 (points per BLT purchased) =  
0.27 BLTs & 2.4 points. The Applicant is only requesting 1 point at this time.

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

The Applicant intends to follow this Sketch Plan application with a Site Plan application and construct in one phase. Thus, phasing is not necessary for this development.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan 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 Sector 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 version of Sketch Plan No. 320180200, 12500 Ardennes Avenue, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

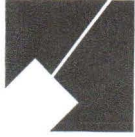
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 21 2019 (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

**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 Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, September 26, 2019, 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. 20-054  
Site Plan No. 820200080  
12500 Ardennes  
Date of Hearing: June 25, 2020

AUG 14 2020

**CORRECTED 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 26, 2020, Ardennes Partners, LLC. ("Applicant") filed an application for approval of a site plan for 198,718 square feet of residential uses (203 units) in a multi-unit building including 15% moderately priced dwelling units (MPDUs) and 10% workforce housing units (WFHUs) on 1.3 acres of CR-2.0, C-1.5, R-2.0, H-145T zoned-land, located at the southwest corner of the intersection of Ardennes Avenue and Twinbrook Parkway also known as Lot 3, Block A, Spring Lake Park Halpine ("Subject Property"), in the Twinbrook Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820200080, 12500 Ardennes ("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 June 15, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 25, 2020, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200080 for 198,718 square feet of residential uses (203 units) in a multi-

unit building including 15% (MPDUs) and 10% (WFHUs) on the Subject Property, subject to the following conditions:<sup>1</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of 198,718 square feet of residential development on the Subject Property for up to 203 dwelling units.

2. Height

The development is limited to a maximum height of 100 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Workforce Housing Units (WFHUs)

- a) The development must provide a minimum of 10% WFHUs or Montgomery County Department of Housing and Community Affairs (MCDHCA)-approved equivalent onsite, consistent with the requirements of Chapter 25B, Article V and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit, the WFHU agreement to build between the Applicant and the MCDHCA must be executed.
- c) All of the proffered WFHUs or MCDHCA-approved equivalent must be provided on-site in order to achieve the requested density bonus.

### **Open Space, Facilities and Amenities**

4. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 3,179 square feet of public open space (5.6% of site area) on-site.
- b) The trees along Twinbrook Parkway must be planted according to the 1992 Bethesda Streetscape Standards.
- c) Before the issuance of the final use and occupancy certificate for the residential development,
  - i. all public use space on the Subject Property must be completed; and
  - ii. the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage on Ardennes Avenue and Twinbrook Parkway.
- d) Within one growing season after issuance of the final use and occupancy certificate, all landscaping must be installed.

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

5. Public Benefits

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

- a) Transit Proximity.
- b) Connectivity between Uses, Activities, and Mobility Options
  - i. Minimum Parking – The Applicant must not provide/construct more than 181 parking spaces.
- c) Diversity of Uses and Activities
  - i. Affordable Housing/MPDUs.
    - a. The development must provide 15 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving a 22 percent density bonus for providing 15 percent MPDUs.
    - b. Before issuance of any building permit for any residential unit, the MPDU agreement to build between the Applicant and the DHCA must be executed.
    - c. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated May 26, 2020 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- d) Quality Building and Site Design
  - i. Exceptional Design – The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
  - ii. Structured Parking –The Applicant must provide all parking spaces within a structured garage.
- e) Protection and Enhancement of the Natural Environment
  - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.27 BLTs to the Montgomery County Department of Permitting Services (MCDPS).
  - ii. Cool Roof – The Applicant must provide 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.

6. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the plaza including seating and planters.

**Site Plan**

8. Lighting

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite downlights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

**Environment**

9. Forest Conservation

- a) The Forest Conservation Plan submitted for certification with the Certified Site Plan set must be re-labeled "Preliminary/Final Forest Conservation Plan."
- b) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d) Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.26 acres of afforestation/reforestation requirement.



- e) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- f) Prior to any demolition, clearing or grading on the Property, the National Champion crabapple tree must be relocated to 5901 Vandegrift Ave in Rockville, unless an alternative location is as approved by Staff.
- g) Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit:
  - i. A five-year Maintenance and Management Agreement (“MMA”) approved by the M-NCPPC Office of General Counsel. The MMA is required for the maintenance of the National Champion crabapple tree; and
  - ii. Financial surety, in a form approved by Staff, to the M-NCPPC Planning Department for the maintenance of the National Champion crabapple tree for five years.

#### 10. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated April 1, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

### **Transportation & Circulation/ Adequate Public Facilities (APF)**

#### 11. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right of Way Plan Review Section in its letter dated May 18, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Prior to issuance of any Right-of-Way permit, the Applicant must:
  - i. Make a payment of \$42,000.00 to MCDOT CIP # 507596. If CIP #507596 is no longer available, the Applicant’s payment must go to an appropriate alternative CIP to construct nearby bikeway infrastructure as determined by Planning Staff and MCDOT; and
  - ii. Submit a Traffic Signal Plan to MCDOT.

- c) Prior to issuance of any Building Permit, the Applicant must:
  - i. Execute a deed of dedication for a total of 60 feet from the centerline along the Twinbrook Parkway Property frontage. The deed must be reviewed and approved by the Commission's Office of General Counsel and the Montgomery County Department of Permitting Services (DPS) and must be recorded in the Land Records of Montgomery County;
  - ii. Coordinate with and gain approval from the Montgomery County Department of Transportation (MCDOT) on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the North Bethesda Transportation Management District (TMD);
  - iii. Receive approval of a Traffic Signal Plan by MCDOT.
- d) Prior to Issuance of the first Use and Occupancy Certificate, and at no cost to the County, the Applicant must:
  - i. Relocate the Traffic Signal Cabinet to a location shown on the Certified Site Plan, or as otherwise approved by MCDOT and Planning Staff;
  - ii. Provide a Traffic Signal Cabinet easement to the County as necessary;
  - iii. Ensure that the traffic signal is functional; and
  - iv. Ensure the Traffic Signal Cabinet is easily accessible by MCDOT for maintenance.

No additional changes to the existing traffic signal facilities at the intersection, except re-wiring of the existing signals to the new controller, and no UPS Battery Backup for the new traffic controller will be required as part of this condition.

#### 12. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 95 long-term and 5 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room adjacent to the covered parking area, and the short-term spaces must be inverted-U racks, or approved equal rack, installed in a location convenient to the main entrance, and it is preferred that the racks are protected from the weather. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide sidewalks along public streets consistent with the Certified Site Plan.

#### 13. Validity

The Adequate Public Facility Review (APF) will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution for the Site Plan.

14. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated May 2, 2020 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

**Site Plan**

15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 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, indoor and outdoor recreational facilities, site furniture, and associated improvements of development, including sidewalks, bikeways, storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

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

17. 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) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Remove plan references to “Ex. Signal Control Handboxes to Be Relocated.”
- g) Revise the public benefits table to show 10 points for structured parking.
- h) Include the relocation plan for the National Champion crabapple tree with the Certified FFCP.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 12500 Ardennes, 820200080, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

The Site Plan is consistent with Sketch Plan 320180200, MCPB Resolution No. 19-096 dated July 18, 2019.

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

Not applicable: the Property was not subject to a 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.*

Not applicable: the 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 1.32 acres zoned CR-2.0, C-1.5, R-2.0, H-145T. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

<b>Optional Method Development Standards CR-2.0, C-1.5, R-2.0, H-145T Zone (Section 59-4.5.4)</b>		
<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Tract Area</b>	n/a	75,272 sf (1.73 ac)
<b>Site Area</b> Prior Dedication Dedication <b>Site Area (Tract Area – Dedications)</b>	n/a	18,032 sf (0.43 ac) 495 sf (0.01 ac) 56,745 sf (1.30ac)
<b>Commercial Density (max)</b>	85,117 GFA (1.5 FAR)	0
<b>Residential Density (max)</b>	150,544 GFA (2.0 FAR)	150,544 GFA (2.0 FAR)
<b>Total Mapped Density (max)</b>	150,544 GFA (2.0 FAR)	150,544 GFA (2.0 FAR)
<b>Bonus MPDU Density<sup>1</sup></b>	n/a	33,119.68 sf
<b>Workforce Housing Bonus Density<sup>2</sup></b>	n/a	15,054.40 sf
<b>Total Density</b>	n/a	198,718 sf (2.64 FAR)
<b>Building Height (max)</b>	145 feet	100 feet

<b>Public Open Space (min)</b>	5% (2,837 sf)	5.6% (3,179 sf)
<b>Minimum Setbacks</b>	n/a	0

<sup>1</sup> Section 59-4.5.2.C allows a 22% density bonus for providing 15% MPDUs.

<sup>2</sup> For Commercial/Residential-zoned properties designated with a T, Section 59-4.5.2.D allows a 10% density bonus for providing 10% of units as Workforce Housing.

**Public Benefits**

For a development of this size in the CR Zone, the Zoning Ordinance generally requires 100 points in at least four categories. However, per Section 59-4.7.3.D.6.e, one less category is required if 15% or greater MPDUs are being provided so only three categories are required. The table below shows the Applicant's public benefits in the following four categories: Transit Proximity, Connectivity and Mobility, Quality Building and Site Design, and Protection and Enhancement of the Natural Environment.

<b>Public Benefits</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Max Allowed</b>	<b>Approved</b>
<b>59.4.7.3.B: Transit Proximity</b>		
Full Site within ¼ mile of Level 1 Transit Station	40	40
<b>59.4.7.3.C: Connectivity and Mobility</b>		
Minimum Parking	10	10
<b>59.4.7.3.D: Diversity of Uses and Activities</b>		
Affordable housing- 15% MPDUs	n/a	30
<b>59.4.7.3.E: Quality of Building and Site Design</b>		
Exceptional Design	10	5
Structured Parking	20	10
<b>59.4.7.3.F: Protection and Enhancement of the Natural</b>		

<b>Environment</b>		
Building Lot Termination (BLTs)	30	2.4
Cool Roof	10	10
<b>Total</b>	-	<b>107.4</b>

Transit Proximity

The entire Property is located one-quarter mile from the Twinbrook Metrorail (Level 1) Station and the Planning Board approves 40 points as allowed in the Zoning Ordinance.

Connectivity and Mobility

Minimum parking. The Project will provide fewer parking spaces than the maximum allowed under the Zoning Ordinance. The Application achieves 10 points in this public benefit category. The maximum number of allowed spaces is 276 and the minimum number allowed is 181 spaces. The Planning Board approves the Applicant's request based on the following calculation:

$$[276 \text{ maximum} - 181 \text{ approved}] / [276 \text{ maximum} - 181 \text{ minimum}] * 10 = 10 \text{ points.}$$

Diversity of Uses and Activities

*Moderately Priced Dwelling Units:* The Applicant requested 30 points for providing 15% MPDUs, 2.5% above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5% MPDUs as demonstrated in the calculation below. The Planning Board approves the Applicant's request based on the following calculation:

$$[15\% \text{ (percentage MPDUs provided)} - 12.5\% \text{ (percentage MPDUs required)}] * 12 = 30 \text{ points}$$

Quality of Building and Site Design

*Exceptional Design:* The Applicant requested 5 points for building or site design whose visual and functional impacts exceptionally enhance the character of a setting. Per the Incentive Density Guidelines, 5 points are appropriate for development that meets at least four out of six design criteria for building or site design. The Application meets four criteria as described below (from Applicant's Statement of Justification):

1. *Providing innovative solutions in response to the immediate context:*

The new building will be replacing the existing office building and surface parking with a new residential building that creates urban relationships to the streets, provides covered internalized parking, and sites the building according to view angles and sun exposure.

2. *Introducing materials, forms or building methods unique to the immediate vicinity or applied in a unique way:*

The new building will continue the residential character of the buildings along Higgins Place and Fishers Lane; however, the massing will likely include projecting bays and recessed balconies to give depth and shadow to the facades. A larger projecting bay at the corner of Twinbrook Parkway and Ardennes Avenue is also planned, which will semi-cover the open space. The design will also utilize lasting building materials such as brick, metal panels and cement board in a contrasting manner to give texture to the base of the building, depth and rhythm to the middle floors of the building and lightness to the top and courtyard of the building. The façade also incorporates a continuous palette of materials and colors on all facades of the building so that each elevation compliments another, creating a comprehensive building.

3. *Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site:*

The building will be maximizing the density while creating as much open space as possible on an irregularly shaped site with a major topographic change. The building will be fronting the two major streets to create urban edges and the streetscape improvements will allow the public and future residents improved routes to the metro either via Higgins Place or Twinbrook Parkway.

4. *Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements:*

The major component of the low impact design will be the use of bio-retention on site; however, it will be utilized above and beyond standard methods by dispersing the bio-retention through-out the site at multiple levels. In this regard, there will



be bio-retention at the main courtyard 3rd floor level, at the 2nd floor level to the west to further enhance the buffer between the neighboring property, and at the ground floor levels within the Property area as part of the streetscape improvements. The Project will also have less parking than the maximum allowed and includes a cool roof.

*Structured Parking:* The Project qualifies for 10 points for providing all 181 parking spaces in an above-grade garage according to the following formula from the Incentive Density Guidelines:

181 above-ground spaces / 181 total spaces \* 10 = 10 points

Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Planning Board approves 2.4 points for the purchase of approximately 0.27 BLTs according to the following calculation:

$(150,544 \text{ (optional method density in square feet)} - 37,636 \text{ (standard method density in square feet)}) \times 7.5\% \text{ (percentage of incentive density floor area)} / 31,500 \text{ (square feet of gross floor area required per BLT)} \times 9 \text{ (points per BLT purchased)} = 0.27 \text{ BLTs and } 2.4 \text{ points.}$

*Cool Roof*

The Planning Board approves the Applicant's request for 10 points for a cool roof that will provide a minimum solar reflectance index (SRI) of 75 if the roof has a slope at or below a ratio of 2:12, or a minimum SRI of 25 if the slope is above 2:12.

b. General Requirements

i. *Site Access*

Vehicular access to the Project is from Ardennes Avenue, with separate driveways leading to the parking garage and the loading area. Pedestrian access is also provided from Ardennes Ave, although some units will also have direct pedestrian access from the Twinbrook Parkway frontage.

ii. *Parking and Loading*

<b>Parking and Loading</b>		
<b>Parking</b>	<b>Spaces Required</b>	<b>Spaces Provided</b>
Vehicle Parking		
Efficiency (25)	25 min/25 max	
1 bedroom (82)	82 min/103 max	
2 bedroom (51)	51 min/ 77 max	
Efficiency MPDU (4)	2 min/4 max	
1 bedroom MPDU/WFHU (18)	9 min/23 max	
2 bedroom MPDU/WFHU (23)	12 min/35 max	
Total Units (158 Market rate; 29 MPDUs; 16 WFHU)	(181 min/ 276 maximum)	181
Bicycle Parking (Long Term/ Short Term) 203 units	(95/5) 100	(95/5) 100
Loading Spaces	1	1

iii. *Open Space and Recreation*

The urban plaza located at the corner of Ardennes Avenue and Twinbrook Parkway comprises over 5% of the site and includes a mixture of hardspace and greenspace. The plaza will provide a transition between the busy intersection and the residential lobby. While access from adjacent sidewalks is facilitated and encouraged, the site elements provide buffering from passing traffic while negotiating the necessary change in grade.

The recreation facilities meet the requirements of the Recreation Guidelines according to the Recreation Facilities Data table provided with the Application. The recreation facilities include an indoor fitness room, a resident lounge, an interior courtyard, an outdoor pool, a grilling area, and seating areas.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will enhance the streetscape along Ardennes Avenue and Twinbrook Parkway. The 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 the Ardennes Avenue and Twinbrook Parkway frontages with new street trees and improved, wider sidewalks and street lighting. The on-site lighting will limit the necessary light levels to streets and sidewalks.

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

The Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on April 1, 2020. The Applicant proposes to meet stormwater management requirements with the use of five micro bioretention planter boxes and a green roof. Additional treatment is provided via a structural underground filter. Due to site constraints full treatment could not be provided, so MCDPS granted the Applicant's request for a partial waiver of quantity.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved by Staff on November 20, 2018 (NRI/FSD No. 420182320). The Property contains no streams or stream buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known habitats of Rare, Threatened and Endangered species. This Property drains to the Lower Rock Creek, which is a Maryland State Use Class I stream. This watershed is not in Special Protection Area. The submitted Site Plan is in conformance with the Montgomery County Planning Department's *Environmental Guidelines*.

Final Forest Conservation Plan

There is no forest existing on the Property. Based on the tract area of 1.73 acres and the CR zoning designation, development of this Property will result in an afforestation requirement of 0.26 acres. The Applicant will fulfill the afforestation requirement by paying a fee-in-lieu.

*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 one Protected Trees as identified in the Staff Report. 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. In this case, the unwarranted hardship is caused by an unusual set of circumstances, including a tree that began growing in a small area of lawn in a relatively urban area, but has grown to national champion size in the decades since it was planted; the fact that the adjacent building creates, in effect, a retaining wall that holds the soil in which the tree is growing; the fact that the building must be demolished to create enough buildable area on the site for any economically feasible project; the need to replace the substandard sidewalk along the street side of the tree to create a safe pedestrian environment; and a required dedication of additional right-of-way along Twinbrook Parkway in this same area. There is also a significant grade change on the Property, making grading necessary to accommodate the development. The combination of these factors will result in severe disturbance to more than 50% of the critical root zone of the tree, making its survival highly unlikely.

At the beginning of this project, Urban Designers from the Montgomery County Planning Department drew up alternative concepts for development that we hoped would lessen the impacts and make retention of the tree on-site more feasible. On further examination, however, it was determined that impacts of greater than 50% of the CRZ are unavoidable. Because retaining the tree would preclude demolition of the building,

dedicating the required additional right-of-way for Twinbrook Parkway, establishing the public utility easement, and making necessary safety improvements to the sidewalk along Twinbrook Parkway, the Planning Board determined that the inability to remove this tree would render the site undevelopable for a project of this shape and square footage. Therefore, Planning Board concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Due to the unique status of this tree as the National Champion of its species, the Applicant has volunteered to relocate the tree to a nearby property. ~~This project has been on hold for some time as the Applicant has sought an acceptable nearby area to relocate the tree. The Applicant has recently secured permission from the owner of a single family house at 5901 Vandegrift Ave in Rockville to move the tree to the front lawn of that property.~~

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.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance of the tree is due to the location and size of the tree and the considerable constraints of the site. The Applicant is willing to relocate the tree, at considerable expense. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.

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 not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, the location of the tree, and the need for additional right-of-way dedication for Twinbrook Parkway, pushing the public utility easement and necessary sidewalk safety improvements to within a few feet of the trunk of the tree, all within the critical root zone.

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 the existing conditions 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.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Application will relocate the tree to another site within the Veers Mill Mainstem sub watershed of the Lower Rock Creek Watershed. The tree should continue to provide water quality benefits in the same watershed as before. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

No mitigation is required for this tree being impacted but retained. Although the tree is being relocated, it is considered retained, so no mitigation is required.

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

The parking, circulation patterns, building massing, open spaces and site amenities will be safe, adequate and efficient. The structured parking is wrapped with dwelling units and amenities and shielded from view of the street and neighboring buildings. Vehicular access to parking and loading are from a logical location at the furthest point from the intersection on Ardennes Avenue and circulation patterns around the Project are enhanced with improved sidewalks, street trees and lighting.

The main courtyard amenity level will be elevated and facing south, while the two wings of the building will be set back slightly from the southern property line with minimal fenestration to minimize impact on future development and reduce conflict with the existing amenity space of the neighboring building to the west. The building massing provides an appropriate street edge along the adjacent roads and the height is consistent with existing and proposed surrounding developments.

The urban plaza open space, located at the prominent intersection of Ardennes Avenue and Twinbrook Parkway, is a well-located amenity for residents and pedestrians in the area. The plaza is easily accessible by pedestrians and cyclists and will provide activation along the Property frontage in the vicinity of the Twinbrook Metro Station. The plaza will also provide a transition between the

busy intersection and the residential lobby. Other site amenities will be internal to the Project to provide safe recreation space for residents.

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 Subject Property is located within the 2009 *Twinbrook Sector Plan* (Sector Plan) and is located within the Metro Core Area 2 of the Sector Plan. The Sector Plan sets forth the following key recommendations for the Planning Area that are applicable to this Application:

- Ensure that new development and redevelopment contribute to improving both the natural environment and community spaces.
- Create and enhance pedestrian and bike routes that connect to parks and the Metro station.
- Integrate urban design, parks, land use, and transportation recommendations with environmental improvements to create an urban form that promotes the function of healthy natural processes.
- Reduce automobile dependence by encouraging increased pedestrian activity and transit accessibility. (Page 3)

The Project will encourage transit usage due to its location within a quarter mile of the Twinbrook Metro Station. The redevelopment will enhance stormwater management, tree canopy and the pedestrian environment along the Property's Ardennes Avenue and Twinbrook Parkway frontages. The well-integrated open space/plaza at the corner of Twinbrook Parkway and Ardennes Avenue will serve as a community gathering space at a prominent intersection.

The Sector Plan provides the following guidance for properties within Metro Core Area 2:

“Redevelopment density and mixed-uses should continue the Twinbrook Station pattern of buildings oriented to the street and create pedestrian connections. The full 2.0 FAR is appropriate in this area, but any development above 1.5 must be applied to residential uses. The site could also redevelop completely with residential uses at 2.0 FAR and provide MPDUs and workforce housing. (Page 33)”

The Sector Plan also recommends that development within the Metro Core Area 2 should continue the neighborhood pattern of street fronting buildings, provide pedestrian connections to the adjacent Twinbrook Station project and be compatible with the adjacent development within the City of Rockville.

The Site Plan is consistent with the Sector Plan's vision for the Property as it represents redevelopment of this underutilized site with residential uses, including both MPDUs and WFHUs, and orients the building to the adjacent streets. The Project's design will place the street activating private amenity spaces along Ardennes Avenue and at the intersection of Ardennes and Twinbrook Parkway. The Site Plan also includes streetscape improvements along Twinbrook Parkway and Ardennes Avenue that will enhance the pedestrian experience. The Project's public open space will be oriented to the corner to maximize visibility and will be designed to be attractive not only to the residents of the Project but also to other area residents commuting to and from the nearby Metro station.

The Sector Plan provides additional design guidance regarding appropriate building heights, promoting structured and shared parking, enhancing pedestrian connections and providing a mix of uses. The building is within the prescribed height limits. Its massing is compatible with the massing of adjacent buildings within the Twinbrook Station Development and its layout screens a 2-level parking structure with residential units and amenities lining the streets.

#### Master-Planned Roadways, Bikeways, and Transitways

Per the 2009 *Twinbrook Sector Plan* the right-of-way on Twinbrook Parkway is 120-feet. The Applicant is dedicating 60-feet from the centerline of Twinbrook Parkway to satisfy the right-of-way requirements.

The 2018 *Bicycle Master Plan* recommends two-way separated bike lanes on the west side of Twinbrook Parkway, fronting the Subject Property and a protected intersection at Ardennes Avenue and Twinbrook Parkway to ensure the smooth transition of bicycle facilities. Two-way separated bike lanes are 10-12 feet wide and are separated from travel lanes by raised buffers (3-6 feet wide). Due to limited right-of-way, in lieu of constructing the bikeway improvement, the Applicant is providing a contribution of \$42,000 to MCDOT to fund nearby bikeway infrastructure.

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 Project will be served by adequate public services and facilities as described below.

#### **Transportation**

##### Vehicular Circulation and Access Points



Vehicular access to the site will be from Ardennes Avenue, with separate garage entrances for residents and loading/service access; no vehicular access is provided from Twinbrook Parkway.

#### Existing Transit Service

The site is located one-quarter mile from the Twinbrook Metro station, which is served by Metrorail's Red Line. The Red Line provides inbound service to the National Institutes of Health, downtown Bethesda, downtown Washington, D.C., Union Station, and Silver Spring, and outbound service to Rockville and Shady Grove. Metrorail service operates from 5 a.m. to 11:30 p.m. Monday-Thursday, from 5 a.m. to 1 a.m. on Friday, from 7 a.m. to 1 a.m. on Saturday, and from 8 a.m. to 11 p.m. on Sunday.

Two Ride On routes operate on Twinbrook Parkway with stops just north of the site:

- Route 26: Operates service from the Glenmont Metro Station to the Montgomery Mall Transit Center, with stops at the Twinbrook and White Flint Metro stations. Route 26 operates 30-minute frequencies on weekdays, Saturday, and Sunday.
- Route 45: Operates service from the Rockville Regional Transit Center to the Twinbrook Metro Station, with stops at the Rockville Metro Station and the Montgomery College Rockville Campus. Route 45 operates 30-minute frequencies on weekdays and Saturday; service does not operate on Sunday.

Additional bus service is available at the Twinbrook Metro Station, with connections to Metrobus C4 and Ride On 5, 10, 44, 46, and 93.

#### Pedestrian and Bicycle Facilities

The Applicant is proposing a shared 13-foot wide pedestrian/bicycle path with landscape zone on Twinbrook Parkway and an eight-foot sidewalk and seven-foot landscape zone on Ardennes Avenue. The Applicant is providing 95 long-term bicycle parking spaces. The long-term bicycle parking is located in two locations on the ground floor and provides sheltered and secured bicycle storage for residents. The Applicant is providing five short-term bicycle parking spaces (inverted u-racks) along the Property's frontage, located near or at the building's primary pedestrian entrance.

Twinbrook Parkway is within a designated Urban Road Code area. Interior travel lane widths will be reduced to 10-feet, with curb lane widths reduced to 11-feet. The median located in Twinbrook Parkway will be expanded to six feet wide to provide a median refuge island for pedestrians. In accordance with the

Twinbrook Urban Design Guidelines, the intersection of Ardennes Avenue and Twinbrook Parkway include a perpendicular curb ramp with detectable warning surfaces (truncated domes) that align with the path of pedestrians crossing Ardennes Avenue and Twinbrook Parkway.

As noted, the Applicant is providing a contribution of \$42,000 to MCDOT to fund nearby bikeway infrastructure.

Ardennes Avenue is maintained by the City of Rockville and is classified under the City's road classification system as a Business District Type II street bike lanes (5.5 feet wide). In coordination with the City of Rockville, the Applicant is retaining the existing bike lane and providing an 8-foot sidewalk with a 7-foot landscape buffer along the Property frontage with Ardennes Avenue.

#### Local Area Transportation Review

Per the 2016-2020 Local Area Transportation Review (LATR) Guidelines, a traffic study is required to satisfy the motor vehicle adequacy analysis if the use generates more than 50-person trips within the weekday peak hours. As the total number of peak-hour vehicle trips serving the site exceeds 50 trips per peak hour, the Applicant was required to complete the motor vehicle system adequacy test, including a transportation impact study (TIS). The pedestrian, bicycle, and transit adequacy analysis were not triggered for this project.

Vehicle trip generation for the Property was analyzed using the ITE Trip Generation Rates for Multifamily Housing (multifamily) and adjusted based on the mode split assumptions for the Twinbrook Policy Area. The Project is projected to generate 130 person trips during the AM peak hour and 166 person trips during the PM peak hour.

The transportation impact study analyzed three nearby intersections: Twinbrook Parkway and Ardennes Avenue, Twinbrook Parkway and Fishers Lane, and Ardennes Avenue and Higgins Place (located in the City of Rockville). The Twinbrook Policy Area is a red policy area, which uses the Highway Capacity Manual (HCM) delay-based level of service standards to analyze impacts on signalized intersections. The HCM congestion standard for intersections within the Twinbrook Policy Area is 120 seconds. Based on the results of the HCM analysis, each of the study area intersections are projected to operate at satisfactory levels of service, based on the background and future total traffic conditions.

Person Trips						
Peak Period	Auto Driver	Auto Passenger	Pedestrian*	Transit	Bicycle	Person Trips
AM	68	34	28	13	15	130
PM	87	43	36	16	20	166

\*Pedestrian trips are the sum of all transit and bicycle trips generated by the project

HCM Analysis						
Intersection	Existing Conditions		Background Conditions		Future Conditions	
	AM	PM	AM	PM	AM	PM
Twinbrook Parkway / Ardennes Avenue	13.6	15.2	15.0	16.8	16.2	17.7
Twinbrook Parkway / Fishers Lane	19.2	46.0	35.4	111.8	35.3	111.0
Ardennes Avenue / Higgins Place	1.4	3.2	1.4	3.2	1.4	3.2

*HCM delay shown as seconds*

Transportation Demand Management

In accordance with Montgomery County's recently adopted transportation demand management legislation, the Project must implement a Level 3 Results Plan from MCDOT prior to issuance of any building permit by the Department of Permitting Services.

**Schools**

Overview and Applicable School Test

The subject application is scheduled to come before the Planning Board for review on June 25, 2020. Therefore, the FY20 Annual School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019 is applicable. The Application proposes development of 203 multi-family high-rise units.

Calculation of Student Generation

To calculate the number of students generated by the development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise

multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County.

<b>Per Unit Student Generation Rates – Southwest Region</b>			
	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>SF Detached</b>	0.186	0.109	0.151
<b>SF Attached</b>	0.167	0.085	0.111
<b>MF Low-Rise</b>	0.150	0.068	0.085
<b>MF High-Rise</b>	0.041	0.018	0.025

With a net of 203 multi-family high-rise units, the Project is estimated to generate the following number of students:

<b>Project Student Generation</b>							
<b>Type of Unit</b>	<b>Net Number of Units</b>	<b>Elementary Generation Rates</b>	<b>Elementary Students Generated</b>	<b>MS Generation Rates</b>	<b>MS Students Generated</b>	<b>HS Generation Rates</b>	<b>HS Students Generated</b>
<b>MF High-Rise</b>	203	0.041	8.323	0.018	3.654	0.025	5.075
<b>TOTAL</b>	<b>203</b>				<b>3</b>		<b>5</b>

This project is estimated to generate 8 new elementary school students, 3 new middle school students, and 5 new high school students.

Cluster Adequacy Test

The project is located in the Richard Montgomery High School Cluster. The student enrollment and capacity projections from the FY20 Annual School Test for the cluster are noted in the following table:

Estimated Project Impact at Cluster Level					
School Level	Projected Cluster Totals, September 2024			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	2,853	3,008	94.8%	757	8
Middle	1,467	1,432	102.4%	251	3
High <sup>1</sup>	2,602	2,218	117.3%	59	5

<sup>1</sup> The FY20 test high school level enrollment reflects the estimated impact of a planned capital project and ensuing boundary changes affecting the Richard Montgomery cluster, which will reassign students from Richard Montgomery HS to Crown HS in September 2024.

The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Twinbrook ES and Julius West MS, respectively. Based on the FY20 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Estimated Project Impact on Individual Schools						
School	Projected School Totals, September 2024				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/Deficit		
Twinbrook ES	543	558	97.3%	+15	127	8
Julius West MS	1,467	1,432	102.4%	-35	252	3

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If

a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds for both Twinbrook ES and Julius West MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

#### Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2020 Annual School Test, there is adequate school capacity for the amount and type of development approved by the Planning Board.

#### **Other**

Public facilities and services are available and will be adequate to serve the development. The Subject Property is will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property.

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

The Project successfully achieves compatibility with the varied uses in its immediate vicinity. The surrounding development, with the exception of the Exxon gas station directly south of the Property, is a mixture of mixed-use and commercial developments of similar heights. The building will be wrapping the main level of the parking with dwelling units and amenities facing the street.

The building height of up to 100 feet will be compatible with the adjacent buildings. Surrounding buildings on Higgins Place are between five (5) and six (6) stories in height and the Twinbrook Place office building to the north is seven (7) stories in height. In addition, the Subject Property is approximately eight (8) feet lower in grade than adjacent properties, further ensuring height compatibility.

The development of multi-family residential uses on the Property will create a more balanced mix of uses along Twinbrook Parkway. There are several commercial office and industrial uses in the vicinity of the Property that

generate employment opportunities. Given the proximity of well-established employment uses near the Property, the additional housing provided by the Project will create an opportunity for individuals to live, work, and play in the Twinbrook area. The Project will also offer a variety of housing options through the provision of market-rate units, MPDUs and WFHUs.

Lastly, the Application will build a shared pedestrian and bike path along Twinbrook Parkway and up to 3,179 square feet of public open space that will supplement the streetscape improvements and contribute to an enhanced pedestrian experience with immediate connections to the Twinbrook Metro Station.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 14 2020 (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 original mailing date, or, if the appeal relates to the corrected portions of this Resolution, within thirty days of the date of this corrected 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 Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, July 30, 2020, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board