



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

Agenda Date: July 19, 2012
Agenda Item No. _____

MEMORANDUM

DATE: July 6, 2012

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Chief, Area 2 Division
Joshua Sloan, Planner Supervisor, Area 2 Division *JK*
Patrick Butler, Senior Planner, Area 2 Division *P.B.*

FROM: Rose Krasnow, Interim Planning Director *RK*

SUBJECT: Corrections to the Resolutions of Sketch Plan 320110010, Preliminary Plan 120120020, Site Plan 820120020, and Staging Allocation Request 25400, Mid-Pike Plaza (Pike & Rose)

Attached please find highlighted copies of the Resolutions for Sketch Plan 320110010, Preliminary Plan 120120020, Site Plan 820120020, and Staging Allocation Request (SAR) 25400, Mid-Pike Plaza (Pike & Rose), which corrects a persistent typographical error and clarifies the approval of the SAR for tracking purposes. The original resolutions were mailed out to all parties of record on October 10, 2011, March 14, 2012, March 14, 2012, and March 23, 2012, respectively.

Staff requests the following changes to ensure consistency and clarity regarding the approval of the subject plans.

Summary of Requested Corrections

1. In each case where the number “3,422,888” (referring to the total approved square feet of density for the project) was used, the correct number, “3,442,888” should replace it. This occurs four times in the sketch plan resolution, twice in the preliminary plan resolution, and once in the site plan resolution.
2. In each case where the number “341,800” (referring to the total approved square feet of non-residential uses in the site plan) was used, the correct number, “314,800” should replace it. This occurs twice in the site plan resolution and once in the staging allocation request resolution.

3. To clarify the SAR application and ensure proper tracking, it is requested that the third paragraph on page 2 be revised to read,
“NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board APPROVES an allocation of staging capacity for 493 residential units and ~~262,800~~ 229,005 square feet of non-residential uses, which is equal to the total allowed non-residential density approved by the site plan (314,800 square feet) minus 85,795 square feet of existing non-residential density that will be demolished, on the property;”.
4. Because the application is being revised to ensure consistency between the resolution and the application, the fifth paragraph on page two is no longer necessary.

JS:ha: n:\area 2 division\sloan\ mid pike corrected resolutions memo to board

Attachments:

1. Resolution for Sketch Plan 320110010
2. Resolution for Preliminary Plan 120120020
3. Resolution for Site Plan 820120020
4. Resolution for Staging Allocation Request 25400



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

MCPB No. 11-05
Sketch Plan No. 320110010
Project Name: Mid-Pike Plaza
Date of Hearing: January 20, 2011

CORRECTED RESOLUTION

WHEREAS, under Section 59-C-15.42 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on September 21, 2010, Federal Realty Investment Trust ("Applicant"), filed an application for approval of a sketch plan for up to ~~1,726,642 square feet of residential~~ 3,422,888 square feet of total density including a maximum and of 1,716,246 square feet of non-residential development on 24.38 gross acres of land split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300, located in the northwest quadrant of Rockville Pike and Old Georgetown Road within the White Flint Sector Plan Area ("Property" or "Subject Property"); and

WHEREAS, the sketch plan application was designated Sketch Plan No. 320110010, Mid-Pike Plaza (the "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 10, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on January 20, 2011, the Planning Board held a public hearing on the Application; and

WHEREAS, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 20, 2011, the Planning Board voted to approve the Application, subject to certain conditions, on the motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor, Commissioner Alfandre being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions

Approved as to
Legal Sufficiency: 

of Montgomery County Code Chapter 59, the Montgomery County Planning Board approves Sketch Plan No. 320110010 for up to ~~1,726,642 square feet of residential and 3,422,888 square feet of total density~~ including a maximum of 1,716,246 square feet of non-residential development on 24.38 gross acres of land split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300, including as binding elements under Section 59-15.42(b)(4)(B) the maximum density and heights, general location and extent of public use space, public benefits, and phasing program as shown on the sketch plans, subject to the conditions below and modification at Site Plan per the restrictions enumerated in section 59-C-15.42(d). This approval is subject to the following conditions and binding elements:

1. Density

The proposed development is limited to a maximum of ~~1,726,642 square feet of residential development~~, 1,716,246 square feet of non-residential development and a total of 3,442,888 square feet of total development.

2. Height

The proposed development is limited to a maximum height of 200 feet in the portion zoned CR3 C1.5 R2.5 H200, and 300 feet in the portion zoned CR-4 C3.5 R3.5 H300.

3. Incentive Density

The proposed development must be constructed with the public benefits listed below, except that the Applicant may request to adjust the percentage or type of public benefits shown on the Public Benefits Table of the sketch plan during site plan review as long as the total equals at least 100 percent of the incentive density required by section 59-C-15.81. The Applicant may eliminate, add, or modify individual public benefits if the Planning Board finds that any changes continue to support the findings required by the zone.

<i>Category</i>	<i>Public Benefit</i>	<i>% Requested</i>
	Transit Proximity	33.09
Connectivity	Neighborhood Services	10.00
	Minimum Parking	6.32
	Through-Block Connection	10.00
	Public Parking	7.62

Diversity	Adaptive Buildings	4.37
	Care Center	15.00
	Dwelling Unit Mix	2.19
Design	Structured Parking	14.32
	Tower Setback	1.53
	Public Art	5.00
	Exceptional Design	6.70
Environment	BLTs	5.00
	Tree Canopy	10.00
	Vegetated Roof	4.48
Advance Dedication		3.72
Total		139.34

4. Incentive Density Implementation

At site plan, the Applicant must demonstrate delivery of sketch plan incentive density elements in a timely manner commensurate with project phasing.

5. Public Use Space

The proposed "neighborhood green" must provide a minimum of 0.55 acres non-vehicular area and 0.80 acres of total area for special events.

6. Building Lot Terminations

Prior to issuance of building permits for the first 5% of incentive density square footage, the Applicant must provide proof of purchase (or payment to the Agricultural Land Preservation Fund) for a minimum of 7.28 BLTs.

7. Moderately Priced Dwelling Units (MPDUs)

The proposed development must provide MPDUs in accordance with Chapter 25A.

8. Phasing Program

Unless a modification is approved by the Planning Board during site plan review, the Applicant must construct the proposed development in accordance with the phasing program enumerated in the Application.

9. Future Coordination for Preliminary and Site Plan

The following must be addressed as part of the process of the preliminary or site plan applications, as applicable:

- a. Request for waiver of standard truncation for all applicable intersections.
- b. Site details, recreation facility exhibits, and detailed development program and inspection schedules.
- c. Public art program reviewed by the Public Arts Trust Steering Committee.
- d. Considerations for preliminary and site plan reviews outlined in the findings of this resolution.
- e. Issues enumerated in the letter from the Montgomery County Department of Transportation, dated January 4, 2011 and obtaining necessary approvals or modifications to said letter prior to the hearing on any preliminary plan.
- f. Specifics of the public benefits proposed to achieve the incentive density.

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 Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.42, the Montgomery County Planning Board finds that, as conditioned herein, the elements of the sketch plan specified in Section 59-C-15.42(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board finds that as shown in the sketch plan:

1. *The plan: (a) meets the requirements and standards of this Division; (b) will further the objectives of the applicable master or sector plan; and (c) will provide more efficient and effective development of the site than the standard method of development;*

The subject site is located within the White Flint Sector Plan area and is split-zoned CR3.0 C1.5 R2.5 H200 and CR4.0 C3.5 R3.5 H300. The proposed development will be built under the optional method of development with uses permitted in the CR zones.

(a) Requirements and standards of the Division:

The objectives of the CR zones enumerated in section 59-C-15.2 are to:

- Implement the policy recommendations of applicable master and sector plans;

- Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;
- Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities;
- Encourage an appropriate balance of employment and housing opportunities and compatible relationships with adjoining neighborhoods;
- Establish the maximum density and building height for each zone, while retaining appropriate development flexibility within those limits; and
- Standardize optional method developments by establishing minimum requirements for the provision of the public benefits that will support and accommodate density above the standard method of development.

The proposed development satisfies these objectives by:

- Furthering the policy recommendations of the White Flint Sector Plan, as detailed in (b) below;
- Replacing a strip-mall development and excessive surface parking with a high-density, mixed use project;
- Integrating housing, commercial services, employment uses, public facilities and amenities within less than ½ mile of metro service and numerous parks, trails, and services;
- Providing a balance of commercial and residential uses appropriate for this area of the core of White Flint;
- Meeting the density and building height limits for the zones with a flexible response to protect and enhance open spaces, pedestrian comfort, and views; and
- Providing public benefits per the ordinance and guideline criteria to create an environment sufficiently able to accommodate density above the standard method density allowed.

The general requirements of the CR zones enumerated in section 59-C-15.6 of the ordinance are met as the following list illustrates.

- The project conforms to the sector plan and design guidelines as detailed in (b) below;
- The streetscapes along each frontage will be improved per the sector plan and design guidelines as finalized by each site plan;
- Allowances for space for bicycle parking and shower facilities, which will be finalized by each site plan, are provided; and

- As the data table below shows, parking will be provided above the minimum required and below the maximum allowed.

The development standards of the CR zones enumerated in section 59-C-15.7 are met as detailed in the data table below.

Project Data Table for the CR Zones		
Development Standard	Permitted/Required	Approved and Binding on the Applicant
Gross Tract Area (sf)		
Zone 1: CR3.0 C1.5 R2.5 H200	n/a n/a n/a	805,156 256,855 1,062,011
Zone 2: CR4.0 C3.5 R3.5 H300		
Total		
Density (sf)		
<i>Total (CR)</i>		
Zone 1	2,415,468	n/a
Zone 2	1,027,420	n/a
Total	3,422,888	3,422,888
<i>Non-residential (C)</i>	1,207,734	n/a
Zone 1	898,992	n/a
Zone 2	2,106,726	1,716,246 maximum
Total		
<i>Residential (R)</i>	2,012,890	n/a
Zone 1	898,992	n/a
Zone 2	2,911,882	1,726,642 minimum
Total		

Building Height (feet)		
Zone 1	200	Up to 200
Zone 2	300	Up to 300
Setbacks	n/a	n/a
Parking Spaces		
Minimum Required	2,396	5,234 (approximate)
Maximum Allowed	6,546	
Proposed		
Public Use Space (%)	10	10
Residential Amenity Space (sf)	Determined at site plan based on final unit count.	

(b) The objectives of the White Flint Sector Plan:

The Mid-Pike Plaza property is in the Mid-Pike Plaza District within the Approved and Adopted (2010) *White Flint Sector Plan*. The Plan notes that “redevelopment in the district should retain its regional marketplace function and include residential and civic uses. Building heights of 300 feet should frame the corner of Rockville Pike and Old Georgetown Road. Public use space, such as an urban plaza or neighborhood green or a civic or cultural attraction, will provide reasons to gather and encourage all day activity” (p.32). Specifically for public use space, the Plan states the following: “provide a minimum one-acre public use that can be divided into smaller areas, such as urban plazas or neighborhood greens, on the Mid-Pike Plaza property” (p.33). Consistent with the Sector Plan, a new public commercial business street (B-16), recommended 80 feet right-of-way, will connect Rockville Pike to Hoya Street. And, realigned Executive Boulevard (B-15), between Old Georgetown Road and B-16, is a commercial business street with a 70 right-of-way.

The proposed sketch plan is consistent with the objectives of the White Flint Sector Plan with respect to:

Density and Building Height

The proposed development is consistent with the Sector Plan’s recommendations for the Commercial Residential (CR-4 C-3.5 R-3.5 H-300 and CR-3 C-1.5 R-2.5 H-200) zones. The highest density is located at the intersection of Old Georgetown Road and Rockville Pike.

Transportation

The sketch plan street network is consistent with the Sector Plan recommendation for public and private streets. The Sector Plan classifies B-16 as a commercial business street between Rockville Pike and Hoya Street

with a right-of-way of 80 feet and B-15 with a right-of-way of 70 feet. The revised plan shows most of the street as a 70 foot cross-section with the areas near Hoya Street and MD 355 as a wider cross-section.

The Sector Plan envisions the reconstruction of Rockville Pike into an urban boulevard with improved pedestrian sidewalks, on-road bicyclist accommodation, and bus priority lanes (p.53). Rockville Pike is classified as a major highway with a 150 foot right-of-way. The right-of-way for MD 355 can be increased to 162 feet with the additional dedication placed in reservation (p.55). Montgomery County Department of Transportation has initiated a Countywide Bus Rapid Transit (BRT) Study that will inform the location of BRT along the Pike, either in the median or curb lane.

Bikeway Network

Several roads that front the property have bikeway recommendations. Old Georgetown Road, between Hoya Street and Rockville Pike, is classified as a dual bikeway: i.e., a shared use path with bike lanes (LB-2). Rockville Pike is classified as a shared use path (SP-41) and Hoya Street is also classified as a shared use path, LB-1. At site plan, these bikeways should be delineated.

Public Use Space

The submitted sketch plan illustrates several areas intended to meet the CR zone public use requirement and the Sector Plan recommendation. The sketch plan illustrates a neighborhood green and several linear promenades adjacent to Street 2 and 3.

White Flint Design Guidelines

The Approved White Flint Urban Design Guidelines provide specific recommendations for each district, including building design and public open space. The design guidelines illustrate buildings with a build-to-line instead of a setback from the property line. Regarding public use spaces, the design guidelines state that "neighborhood open spaces should be defined by surrounding building walls on at least three sides on a mid-block location" and public use spaces "should be located to reduce extended periods of shadow coverage from surrounding buildings" (p.33). Since the area south of the public street, B-16, has a southern as well as east-west sun exposure, a significant public use space in this area would receive ample sunshine throughout the year.

Environment

The Sector Plan establishes several recommendations to create an environmentally sustainable district. Minimization of carbon emissions; reduction of energy use through site design and energy-efficient buildings;

improving air and water quality; and usage of environmental site design are some of the Plan's recommendations. At site plan, the applicant must demonstrate how each recommendation in the Plan will be achieved.

The following items will require further consideration during Preliminary and Site Plan review

- Orient buildings closer to the property line for Rockville Pike and Old Georgetown Road, if SHA releases the easement along MD 355. If the easement is retained, provide a detailed concept plan for MD 355 frontage that includes a double row of trees and street furnishings.
- Provide an 80-foot right-of-way for Street 1, which is classified as a public street, or demonstrate need for modification.
- ~~Establish a primary or secondary pedestrian connection between Executive Boulevard and Hoya Street (Building 5-6 and 10-11).~~
- Ensure proper dedication of recommended street right-of-way for Rockville Pike, Old Georgetown Road and Hoya Street as well as internal public streets.
- Underground utilities within all public rights-of-way.
- Demonstrate how the proposal will achieve sustainability recommendations, including increased tree canopy; maximization of LEED standards; and environmental site design techniques as recommended in the Sector Plan.
- Complete Sector Plan bikeways for Rockville Pike, portions of Old Georgetown Road ~~and Hoya Street.~~
- Implement the recreation loop, as recommended in the Sector Plan and Design Guidelines, along Old Georgetown Road.

- (c) More efficient and effective development of the site than the standard method of development:

This optional method of development is more efficient and effective than the standard method of development because it provides more public benefits, places higher density in an area that can sustain growth using existing infrastructure, provides more affordable housing options, and creates a more environmentally sustainable pattern of development.

2. *The proposed building massing and height and public use and other open spaces are located and scaled to achieve compatible relationships with each other and with existing and proposed buildings and open space adjacent to the site and with adjacent communities;*

With respect to density, building height, and public use space the proposed development meets, is under the maximum standards, and exceeds the minimum standards, respectively.

The buildings and structures of the proposed development are laid out throughout the site, with the greatest densities towards the core of the metro station area, which is appropriate for the character envisioned by the sector plan. The layout shown provides easy access to the buildings from adjoining sidewalks and internalized parking. The locations of the buildings and structures provide compatible relationships internally and to buildings on confronting properties, while meeting the aesthetic standards of the area. The groundwork for the open spaces, landscaping, and site details is provided through appropriate building massing, heights, and orientation and will provide a safe and comfortable environment.

With respect to proposed open and public use spaces, the development provides a number of different outdoor areas, including promenades, pocket parks, and a larger neighborhood green. Sidewalks and through-block connections allow for visual and physical connections between these spaces and to/from the surrounding properties. This layout of interconnected open spaces and corridors will allow for a greater public benefit and compatible relationships with each other and with existing and proposed buildings and adjacent development.

The following items will require further consideration during Preliminary and Site Plan review:

The details of the proposed building and open space layout will be reviewed in greater detail with each site plan. In particular, the following objectives from the design guidelines will be analyzed more critically.

- (a) Streets (Page 10): (1) Establish a hierarchical grid of streets to improve mobility; (2) Underground wet and dry utilities within right-of-way limits; (3) Create short blocks to expand pedestrian access and maximize building frontage; (4) Transform Rockville Pike into an Urban Boulevard; (5) Improve pedestrian safety at all street intersections.
- Consider alternatives for façade articulation along the outer facing perimeter of the development, particularly along Hoya Street and Montrose Parkway.
 - Consider alternatives to eliminate the building setbacks shown along Rockville Pike and Old Georgetown Road.
 - Consider alternatives to minimize the impact of vehicular access on designated public use spaces.

~~(b) Open Space (Page 12): (1) Consolidate the space allocated to meet zoning public use space requirements in locations central to each neighborhood to create substantial urban spaces for public use; (2) Create pedestrian priority spaces, where vehicular intrusions are kept to a minimum; (3) Provide spaces that include substantial areas for un-programmed use by residents, workers, and visitors.~~

- ~~• Consider consolidating all "fragments" of green area designated as public use space into more substantial areas for public use.~~
- ~~• Consider alternatives to provide pedestrian connections between open spaces, particularly between spaces located along street 2 and street 3.~~
- ~~• Consider making pedestrian usage central to the organization of public space on street 2.~~
- ~~• Consider consolidating fragments of public use space shown along street c in a location where they could become part of the network of open spaces envisioned by the Sector Plan.~~

~~(e)(b) Buildings (Page 16): (1) Build-to lines that establish minimum setbacks from the right-of-way; (2) Podium heights that define the pedestrian level space; (3) Upper setbacks that distance the taller component of the structure from the podium, reducing the impact of its scale on the pedestrian space below; (4) Reduced tower floor plate sizes to reduce the structure's perceived bulk.~~

- ~~• Consider providing a signature building at the corner of Old Georgetown Road and Rockville Pike.~~
- ~~• Consider sun orientation when adjusting the location of taller building components in close proximity to public use spaces.~~
- ~~• Consider alternatives to break down the scale of the structure composed of buildings 5, 6, 10 and 11.~~

3. *The general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading areas are adequate, safe and efficient;*

Site Location and Vehicular Access Points

The subject development is located on the north side of Old Georgetown Road between Rockville Pike (MD 355) and Hoya Street (i.e., previously known as Old Old Georgetown Road) with Montrose Parkway along the northern property line. The vehicular access points are proposed from Old Georgetown Road, Rockville Pike, and Hoya Street. Given the relatively close proximity of the proposed access points on Hoya Street to the signalized intersections of (existing) Montrose Parkway and (future) Old Georgetown Road, ~~the access may be limited to right in/right out movements pending further study of traffic queuing and volume numbers~~ the Applicant must provide further intersection, queuing, and

volume analyses to allow the Board to consider changes for access..

Available Transit Service

Ride-On routes 5, 26, 38, 46, and 81 operate along the site's adjacent roadways. The entire subject site is within ½ mile of the White Flint Metrorail Station. These transit options provide adequate and efficient transportation choices and may be safely accessed.

Transportation Demand Management

This site is within the boundary of the North Bethesda TMD. As a new development, the Applicant must enter into a traffic mitigation agreement to participate in the North Bethesda Transportation Management District (TMD). The *White Flint Sector Plan* recommends that the TMD achieve a 34% non-auto driver mode share (NADMS) goal for employees that consists of a 26% transit mode share, 5% ridesharing, and 8% non-automobile commuting modes of transportation.

Sector Plan Roadways and Bikeways

In accordance with the *White Flint Sector Plan* and *Countywide Bikeways Functional Master Plan*, the sector-planned roadways and bikeway that must be provided by this development are as follows:

- (a) Rockville Pike (MD 355) is designated as a major highway, M-6, with a recommended 150-foot right-of-way, reservation for 12 more feet (i.e., for a total of 162 feet), and a recommended shared use path, Local Bikeway, LB-5.
- (b) Old Georgetown Road (MD 187) is designated as a major highway, M-4, with a recommended 120-foot right-of-way and a recommended Dual Bikeway, LB-2, bike path on north side.
- (c) Hoya Street is designated as a major highway, M-4(a), with a recommended 120-foot right-of-way and a recommended shared use path, LB-1. MCDOT's Capital Improvements Program Project No. 501116, White Flint District West Transportation, includes construction of Hoya Street between Executive Boulevard and Montrose Parkway.
- (d) Montrose Parkway is designated as an arterial, A-270, with a recommended 300-foot right-of-way and a recommended shared use path, SP-50.
- (e) Public Street A is designated as a business street, B-15, with a recommended 70-foot right-of-way.
- (f) Public Street 1 is designated as a business street, B-16, with a recommended 80-foot right-of-way.
- (g) Public Street C, Public Streets 2, and Public Street 3 are internal streets not listed in the Sector Plan.

Dedication of the rights-of-way associated with this project will be determined during the review of the Preliminary Plan.

Transportation Adequate Public Facilities Review

In lieu of the typical Local Area Transportation Review and Policy Area Mobility Review tests, the transportation Adequate Public Facilities test is satisfied by participating in the special taxing district, which will be responsible for all improvements in the rights of way for Hoya Street, Rockville Pike, and portions of Old Georgetown Road along the subject property's frontage.

Transportation Staging

Transportation staging in the White Flint Sector Plan area replaces the LATR and PAMR requirements for Adequate Public Facilities. Specific transportation improvements are identified in the Sector Plan relative to the site and density being approved, both of which are regulated by the impact from the development on the surrounding road network. Improvements will be constructed both by the District, through taxes, and by the developer, as regulated by the phasing plan proposed by the Applicant and approved by the Planning Board. Staging for the White Flint area is tied to the amount of density approved and is regulated through site plan approvals and release of building permits.

The Staging Plan timing of new development and public facilities needs to support existing and proposed development. The objectives of the Staging Plan intend to ensure fiscal responsibility, timing and sequence, coordination with the public infrastructure and promoting a sense of place.

There are three overall phases in the White Flint Sector Plan, each of which limits the amount of non-residential and residential uses:

Staging Plan for the White Flint Sector Plan		
<i>Phase</i>	<i>Maximum residential development (units)</i>	<i>Maximum non-residential development (sf)</i>
Phase I	3,000	2 million
Phase II	3,000	2 million
Phase III	3,800	1.69 million
Total	9,800	5.69 million

Each phase within the staging plan contracts for, funds or constructs specific roadways, achieves non-auto driver mode shares and furthers housing goals for the District. The Planning Board must decide when a Phase has been completed in order to allocate density in the next phase.

The proposed development will be required to improve frontage along each of the property's existing boundaries as well as to construct the internal private streets.

The following items will require further consideration during Preliminary and Site Plan review

- (a) Submit documentation to seek approval from reviewing agencies for a right-of-way width reduction from 80 feet to 70 feet for Public Street "1", sector-planned business street B-16.
 - (b) Pay the special taxes in lieu of satisfying the transportation Adequate Public Facilities tests when the taxing district in the White Flint Sector Plan area is established.
 - (c) Provide an additional 6-foot right-of-way reservation along Rockville Pike for a sidewalk.
 - (d) Prepare and submit traffic signal warrant studies for the Rockville Pike/Street 1 and Old Georgetown Road/Street "A" intersections.
 - (e) Coordinate and gain acceptance from the Montgomery County Department of Transportation (MCDOT) regarding the adequacy of vehicular queuing along Hoya Street at the site's access point.
 - (f) Provide inverted-U bike racks in front of the main entrances to the buildings and bike lockers in the garages.
 - (g) Agree to comply with requirements of participating in the Transportation Management District.
4. *The proposed public benefits and associated requested incentive density will further the objectives of the applicable master or sector plan and the objectives of the CR zones; and*

The proposed public benefits and associated requested incentive density are appropriate for the site and the applicable CR zones, and meet the objectives of the White Flint Sector Plan.

There are a variety of benefits proposed – from 6 of the 7 categories available, and an appropriate amount of incentive density is requested for each of the benefits. As the table on page 13 of the staff report indicates, 15 public benefits are proposed with incentive density calculations that exceed the total minimum required. Further, no category sum exceeds the 30% maximum allowed except transit proximity, which is not subject to a category limit.

Final figures and adjustments are expected with each site plan, but no development may be approved if it is determined that the total minimum public benefit requirement cannot be met.

5. *The general phasing of structures, uses, public benefits, and site plans is feasible and appropriate to the scale and characteristics of the project.*

The Project's general phasing of structures, uses, public benefits, and site plans is feasible and appropriate to the scale and characteristics of the project. The proposed development consists of at least three phases as enumerated in the following table. Phasing of roads, parking, and public benefits are also proportionally appropriate to the scale and characteristics of the project as well as to ensure functional and civic accessibility and use.

Density per Phase			
<i>Phase</i>	<i>Commercial Density (sf)</i>	<i>Residential Density (sf)</i>	<i>Total Density (sf)</i>
1	268,200	523,942	792,142
2	356,900	562,500	919,400
Future	1,091,146	640,200	1,731,346

The correspondence between the White Flint transportation staging phasing and the development phasing will depend on other approvals and improvements. Site plans and building permits will be approved based on available capacity as determined by existing and/or funded approvals and improvements during the applicable review.

6. *Other issues.*

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-C-15, Section 59-D-3.4, and the White Flint Sector Plan. If Planning 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-C-15, Section 59-D-3.4, 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 it must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and 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-C-15.42(c), 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 of 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, it might have decided to approve fewer elements of this 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.

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320110010, Mid-Pike Plaza stamped received by M-NCPPC on December 9, 2010 are required except as modified herein; and

OCT 10 2011

BE IT FURTHER RESOLVED that the date of this Resolution is _____
(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).

* * * * *

RESOLUTION

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 Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.


Chair Françoise M. Carrier
Montgomery County Planning Board

MAR 14 2012



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

MCPB No. 12-26
Preliminary Plan No. 120120020
Mid-Pike Plaza (Pike & Rose)
Date of Hearing: February 23, 2012

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 10, 2011, the Planning Board approved Sketch Plan 320110010 establishing several binding elements, including a maximum density of 3,422,888 square feet of total development including a maximum of 1,716,246 square feet of non-residential development, on 24.38 acres of land split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300 property bound by Montrose Parkway on the north, Hoya Street on the west, Rockville Pike on the east, and Old Georgetown Road on the south ("Property" or "Subject Property") in the White Flint Sector Plan ("Master Plan" or "Sector Plan") area; and

WHEREAS, on August 3, 2011, Federal Realty Investment Trust ("Applicant"), filed an application for approval of a preliminary plan for up to five lots on the Property, to be platted in phases¹; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120120020, Mid-Pike Plaza (Pike & Rose) ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 10, 2012, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report" or "Report"); and

¹ Since the Property is to be platted in phases, unless otherwise noted, each reference to a record plat in the conditions is to the record plat that includes the specified improvement.

Approved as to
Legal Sufficiency:

[Signature] 2/29/12
MNCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.460 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on February 23, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 23, 2012, the Planning Board approved the Application, subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Presley, with a vote of 4-0; Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, with Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120120020, subject to the following conditions:

1. Approval is limited to five (5) lots for a maximum density of 3 422,888 square feet of total development including a maximum of 1,716,246 square feet of commercial uses. A minimum of 12.5% of any residential units must be moderately priced dwelling units ("MPDUs").
2. The Applicant must dedicate, and the record plat must reflect, the Sector Plan-recommended 162-foot right-of-way (81 feet from centerline) for Rockville Pike (MD 355) as shown on the Preliminary Plan, subject to State Highway Administration ("SHA") and Staff approval of the ultimate location of the centerline.
3. The Applicant must dedicate, and the record plat must reflect, a 110-foot right-of-way (50 feet from centerline) and a 10-foot Public Improvement Easement along this dedicated right-of-way for Old Georgetown Road as shown on the Preliminary Plan.
4. The Applicant must dedicate, and the record plat must reflect the Sector Plan-recommended 120-foot right-of-way (60 feet from centerline) for Hoya Street as shown on the Preliminary Plan.
5. The Applicant must dedicate, and the record plat must reflect the Sector Plan-recommended 150-foot right-of-way (75 feet from centerline) for Montrose Parkway as shown on the Preliminary Plan.
6. The Applicant must dedicate, and the record plat must reflect the Sector Plan-recommended 70-foot right-of-way for business district street B-15 (Public Street A) as shown on the Preliminary Plan.

7. The Applicant must dedicate, and the record plat must reflect, the Sector Plan-recommended 80-foot right-of-way for business district street B-16 (Public Street 1) as shown on the Preliminary Plan.
8. The Applicant must provide a centralized location within the overall site for a public bike-sharing facility approximately 8-by-40 feet in size, as determined by the applicable subsequent site plan.
9. The Applicant must provide bicycle parking spaces for each site plan phase per at least the minimum number required by the Zoning Ordinance.
10. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation ("MCDOT") and the Planning Board to participate in the North Bethesda Transportation Management District ("TMD") and assist in achieving and maintaining the non-auto driver mode share goals recommended in the Sector Plan. The Traffic Mitigation Agreement must be executed prior to release of any building permits.
11. The Applicant shall comply with the White Flint Urban District requirements when it is established by Montgomery County Council.
12. All required offsite forest conservation areas must be placed in Category I Conservation Easements. Category I Conservation Easements for each phase must be platted prior to any clearing or grading occurring on site for that phase.
13. The Applicant must submit and obtain Staff approval of a revised Final Forest Conservation Plan for each of the successive phases.
14. Mitigation for removal of the 41-inch diameter willow oak along the eastern Property boundary ("variance tree V-1") must be included in the Final Forest Conservation Plan for the phase that causes the removal of the tree. The Applicant will be required to plant at least 4 native canopy trees of at least 3" DBH in mitigation for the removal of variance tree V-1.
15. Trees proposed for tree cover credit to satisfy afforestation requirements should be in the shade tree category rather than ornamental trees. Trees used for tree cover credit must appear either in the list of approved trees in the Trees Technical Manual, or on the MCDOT approved street tree list.
16. Applicant to submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.
17. Proof of conveyance of the portion of the Property owned by SHA must be provided to Staff prior to recordation of the plat that includes proposed Lot 1C.
18. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue ("MCF&R") letter dated January 6, 2012. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

19. The Applicant must comply with the conditions of approval of the MCDOT letter dated January 25, 2012 (as amended by the letter dated January 27, 2012). These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
20. The Applicant must comply with the conditions of approval of the SHA letter dated January 24, 2012. These conditions may be amended by SHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
21. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services ("MCDPS") stormwater management concept approval letter dated January 20, 2012. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
22. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
23. The Applicant must satisfy provisions for access permits as required by SHA.
24. The Applicant must provide the 10-foot-wide Public Improvement Easement ("PIE") along the north side of the right-of-way for Old Georgetown Road, as shown on the Preliminary Plan. This PIE must be recorded by deed in the Land Records of Montgomery County and referenced on the record plat. The PIE is to be conveyed to the SHA with the Liber and Folio information shown on the plat. The SHA will require Montgomery County to enter into a Memorandum of Understanding ("MOU") with the SHA under which the County will assume maintenance and liability for the non-standard improvements to be constructed within the PIE. The MOU will also indicate that the County may transfer those maintenance and liability responsibilities to a third party – such as the Applicant. The County will require a Declaration of Covenants (for maintenance and liability) for the non-standard improvements within the PIE to be executed between Montgomery County and the Applicant prior to recordation of the plat (and properly referenced on the record plat).
25. No clearing, grading, or recording of any plats prior to certified site plan approval.
26. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
27. In the event that a subsequent site plan approval substantially modifies the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment, the Applicant must obtain approval of a preliminary plan amendment prior to certification of the site plan.

28. The Certified Preliminary Plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
29. Prior to the issuance of any residential building permit covered by this Preliminary Plan, the Applicant must make a School Facilities Payment at the elementary and middle school levels MCDPS. With this Preliminary Plan, the Applicant is proposing high/low rise w/parking residential units as defined by the Annual School Test effective July 1, 2011. This amounts to \$319.59 per residential unit at the elementary school level, and \$991.03 per residential unit at the middle school level. If the type of residential units changes, the applicable school facilities payment (per the Annual School Test effective July 1, 2011) will apply.
30. Phased Validity Periods
- a. The validity period for the non-transportation elements of the Adequate Public Facilities (“APF”) approval for the residential uses is subject to the following phasing schedule:
 - Phase I – Issuance of building permits for 174 residential units, including a minimum of 12.5 % MPDUs, within 36 months from the 30th day after the Resolution is mailed;
 - Phase II – Issuance of building permits for the next 319 residential units, including a cumulative minimum of 12.5% MPDUs, within 48 months from the expiration date of the Phase I validity period; and
 - Phase III – Issuance of building permits for the balance of the residential units, including a minimum of 12.5% MPDUs, to be built in the project within 60 months from the expiration date of the Phase II validity period.
 - b. The validity period of the Preliminary Plan is subject to the following phasing schedule; by which time the record plat(s) for the land area that will be needed to construct the units in each APF phase must be recorded:
 - Phase I – 36 months from the 30th day after the Resolution is mailed;
 - Phase II – 48 months from the expiration date of the Phase I validity period; and

Phase III – 60 months from the expiration date of the Phase II validity period.

31. All necessary easements must be shown on the record plat.
32. The Applicant must prepare and submit traffic signal warrant studies for the Rockville Pike/Street 1 and Old Georgetown Road/Street A intersections.

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 Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Property is in the Mid-Pike Plaza District within the *Sector Plan*. The Sector Plan rezoned the property to commercial residential (“CR”) zones, specifically CR4, C3.5, R3.5, H300 and CR3, C1.5, R2.5, H200. The area at the northwest intersection of Old Georgetown Road (MD 187) and Rockville Pike (MD 355) is in the CR4 zone, while the remainder of the property is in the CR3 zone.

The Sector Plan’s general recommendations for the Property states that “redevelopment in the district should retain its regional marketplace function and include residential and civic uses. Building heights of 300 feet should frame the corner of Rockville Pike and Old Georgetown Road. Public use space, such as an urban plaza or neighborhood green or a civic or cultural attraction, will provide reasons to gather and encourage all day activity”. Regarding public use space, the Plan recommends the following: “provide a minimum one-acre public use that can be divided into smaller areas, such as urban plazas or neighborhood greens, on the Mid-Pike Plaza property”.

The Preliminary Plan both enhances the regional marketplace function, and includes a wide range of uses including residential and civic uses. The public use spaces have been carefully planned to be consistent with the recommendations of the Sector Plan and dispersed throughout the development.

Street Network

The public and private streets shown on the Preliminary Plan are consistent with the Sector Plan recommendations. The Sector Plan established a new network of public and private streets on the Mid-Pike Plaza property, including a new east-west business district street, Street 1, between Rockville Pike (MD 355) and Hoya Street with a minimum right-of-way of 80 feet and 2 travel lanes. The Sector Plan referenced Montgomery County Road Code standard 2005.02 modified with regard to this street. The Plan notes that modification to the Road

Code indicates “that some modification is needed to the referenced design standard to reflect planned elements such as transit priority, bike lanes, or turn lanes”. The right-of-way for this street is larger than the north-south public street, Street A, since the forecast traffic at buildout and turning movements from Montrose Parkway is significant. Street A is also classified as a business district street with a minimum right-of-way of 70 feet. The Road Code reference standard is 2005.02 for this street. The Preliminary Plan shows the correct dedications for these streets.

Rockville Pike

Rockville Pike is classified as a major highway with a minimum right-of-way at 150-162 feet. The larger right-of-way for MD 355 is associated with the proposed Bus Rapid Transit (BRT) system. Transforming Rockville Pike into an urban boulevard is a main recommendation in the Sector Plan. The Plan recommends “reconstructing the ‘Pike’ as an urban boulevard, placing utilities underground, and adding a median wide enough to accommodate turn lanes and street trees. Street tree panels and wider sidewalks will promote walking. Bus priority lanes will be provided, located either in the median or along the curb”. The Sector Plan further states that “the design analysis for Rockville Pike should be undertaken during the first phase of the Plan as a priority study with the support of the County Executive and Council. During that time, there may be requests for development approval for projects fronting Rockville Pike. The recommended right-of-way is 150 feet, but additional right-of-way up to 162 feet should be reserved during the development process to accommodate the conclusion of the design analysis”.

The Preliminary Plan shows 81 feet of dedication from a relocated centerline of Rockville Pike. There is an existing easement indicated on Montgomery County Plat #6897 (Parcel “A” Corvette Shopping Center) and SRC Plat No. 17933 for the area along MD 355 for Mid-Pike Plaza. The Preliminary Plan shows the correct dedication for Rockville Pike.

Old Georgetown Road

Old Georgetown Road (MD 187), between Executive Boulevard and Rockville Pike, is classified as a major highway with a 120-foot right-of-way. Although Old Georgetown Road is recommended for a 120-foot right-of-way, this section of the road has several conditions limiting the ability to provide full dedication while maintaining the urban design objectives of the Sector Plan.

Sector Plan & Design Guideline Goals:

- Provide a street-wall along sidewalks;
- Provide activating uses, retail entrances, and outdoor café areas;
- Provide structure parking; and

- Provide proper sidewalk widths.

Site & Building Constraints:

- Grade drops 8 feet from Street B to Street A;
- Grade drops 14 feet from Street A to Hoya Street; and
- Parking is structured below grade requiring level slabs; for each floor not allowing the floors along the road to step with grade.

The Planning Board has weighed the goals of the Sector Plan and Design Guidelines against the site and building constraints, as well as the policy to require full dedication. If full dedication was granted, and the retail entrances and activating uses remained, a number of site elements, including steps, ramps, and walls are required within the right-of-way to deal with the grade changes. These elements do not meet the typical road standards, and create maintenance and liability issues for the SHA and the County. Further, if the elements were pushed to the outside of the right-of-way, the buildings would have to be set back further from the sidewalk, ultimately to 38 feet away from the curb. This would be anathema to the urban patterns the Sector Plan envisions. Alternatively, the retail entrances, café seating, and activating uses would have to be removed from the façade to allow the building wall itself to act as a retaining wall along the street.

Thus, in this particular case, the importance of achieving the built realm that satisfies the Sector Plan goals but will implement the sidewalks, planting, paths, and travel lanes to the agreed-upon street cross-section can best be achieved by a reduced dedication along Old-Georgetown Road with the remaining 10 feet placed in a PIE recorded on the record plat, and established as public use space enforced through the certified site plan. The Applicant is required to dedicate 50 feet from centerline of Old Georgetown Road, and place the additional 10 feet of what would otherwise be required as dedication in a PIE.

Bikeway Network

The Preliminary and site plans will begin to implement the bikeway recommendations for Old Georgetown Road and Hoya Street. The Sector Plan recommends a shared use path (LB-1) for the entire length of Hoya Street, and a dual bikeway (a shared use path and bike lane) (LB-2) for Old Georgetown Road, between the Hoya Street/Executive Boulevard intersection and Rockville Pike. This Preliminary Plan will implement the shared use paths for Hoya Street and Old Georgetown Road but the on-road bike lane for Old Georgetown will occur in the future.

Recreation Loop Extensions

Street A is part of the loop extension identified in the Sector Plan. The Plan establishes a recreation loop that is envisioned as a “signed pathway that is to be

incorporated into the street right-of-way as part of the sidewalk”; loop extensions “consist of short segments that link major public use spaces in the districts to the main loop”. The White Flint Urban Design Guidelines further recommend that “signage along [Street A’s] sidewalk (either side) indicate connections to the Loop in the south, and the various public use spaces within the district”. The Placemaking and Phase I Amenity Plan will help achieve the Sector Plan recommendation to identify public use spaces and facilities in the vicinity.

Environmental

Environmental site design techniques, increasing the tree canopy of the Sector Plan area to 20 percent, and minimization of carbon emissions are some of the recommendations in the Sector Plan. The development as approved will utilize partial green roofs for Buildings 11 and 12. Further, Street A has street trees that are 30 feet-on-center, with additional streetscape on Old Georgetown Road. Street A and Street 1 will utilize Silva Cells, a stormwater management system that is designed to accommodate street trees and stormwater. These measures will further implement the Sector Plan’s environmental recommendations.

Therefore, based on the analysis above and with the conditions of approval, the Planning Board finds the Preliminary Plan substantially conforms with the Approved and Adopted 2010 White Flint Sector Plan.

- 2. Public facilities will be adequate to support and service the area of the subdivision.*

Design Exceptions

MCDOT, SHA, and the Planning Board reviewed and approved the following nine design exceptions aimed at enhancing the pedestrian experience in what is envisioned as a high density, mixed-use, transit-oriented development:

1. Pavement of parking bays on Street A and Street 1 slope towards edge of travel lanes;
2. Reduction in standard intersection radii;
3. Reduction to standard right-of-way truncations at street intersections;
4. Walls and stairs in public right-of-ways per the landscape plan;
5. Stormwater management devices in the public right-of-way;
6. Trench drain at back of curb within the public right-of-way;
7. Building canopies within the public right-of-way;
8. Applicant will manage operations of the area, from building to building within public right-of-way for Street A and Street 1;
9. Reduction of loading spaces from guidelines.

Site Location and Vehicular Site Access Points

The Property is located on the north side of Old Georgetown Road between Rockville Pike (MD 355) and Hoya Street, with Montrose Parkway along the northern property line. The vehicular access points will be from Old Georgetown Road, Rockville Pike, and Hoya Street.

Transportation Demand Management

The Property is within the boundary of the North Bethesda Transportation Management District ("TMD"). The Applicant must enter into a traffic mitigation agreement to participate in the North Bethesda TMD. The Sector Plan recommends that the TMD achieve a 39% non-auto driver mode share (NADMS) goal for employees that consists of a 26% transit mode share, 5% ridesharing, and 8% other commuting modes of transportation.

Public Transit Service

Ride-On routes 5, 26, 38, 46, and 81 operate along the site's adjacent roadways. The Property is located between ¼ and ½ miles from the White Flint Metrorail Station.

Sector-Planned Roadway and Bikeway

In accordance with the *Sector Plan* and *Countywide Bikeways Functional Master Plan*, the Sector Planned- roadways and bikeways are as follows:

1. Montrose Parkway is designated as an arterial, A-270, with a recommended 300-foot right-of-way and a recommended shared use path, SP-5).
2. Rockville Pike (MD 355) is designated as a major highway, M-6, with a recommended 150-foot right-of-way and reservation for 12 additional feet (i.e., for a total of 162 feet) with a shared use path, Local Bikeway LB-5.
3. Old Georgetown Road (MD 187) is designated as a major highway, M-4, with a recommended 120-foot right-of-way and a recommended Dual Bikeway, LB-2, bike path on north side.
4. Hoya Street is designated as a major highway, M-4(a), with a recommended 120-foot right-of-way and a recommended shared use path, LB-1. MCDOT's Capital Improvements Program Project No. 501116, White Flint District West Transportation, includes construction of Hoya Street between Executive Boulevard and Montrose Parkway.
5. Public Street 1 is designated as a business street, B-16, with a recommended 80-foot right-of-way.
6. Public Street A is designated as a business street, B-15, with a recommended 70-foot right-of-way and an extension of the White Flint recreation loop.

Transportation Adequate Public Facilities Review

In lieu of the typical Local Area Transportation Review and Policy Area Mobility Review tests, the transportation Adequate Public Facilities test would be satisfied for new

developments in the *White Flint Sector Plan* area by requiring the property owners to participate and pay for infrastructure improvements as part of the White Flint Special Taxing District. The revenue generated from this project will go towards funding the MCDOT Capital Improvements Program Project No. 501116; White Flint District West Transportation, which includes construction of Hoya Street between Executive Boulevard and Montrose Parkway.

Other Public Facilities and Services

Except for schools, other public facilities and services are available and will be adequate to serve the proposed development. The site is served by public water and sewer. Gas, electric, and telecommunications services are also available to serve the property. Police stations, firehouses, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. Pursuant to County Council Resolution 16-1324, adopted April 27, 2010, the Property is exempt from LATR and PAMR analysis because it is subject to payments under the White Flint Special Taxing District. The Application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS), which has determined that the property has adequate access for emergency vehicles.

The Property is located in the Walter Johnson High School Cluster, which requires a School Facilities Payment at the elementary and middle school levels. This amounts to \$819.59 per residential unit at the elementary school level, and \$991.03 per residential unit at the middle school level. The School Facilities Payment must be made prior to the issuance of any residential building permit covered by this Preliminary Plan.

Therefore, based on the analysis above and with the conditions of approval, the Planning Board finds public facilities are adequate to support and service the area of the Preliminary Plan.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lots have been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lots were appropriate for their location within the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") for the site was approved by Staff on June 23, 2010. The site contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, or rare, threatened or

endangered species. There is one specimen-size willow oak tree (*Quercus phellos*) on the Property, variance tree V-1, near the southern entrance/exit along Route 355.

Forest Conservation

For purposes of Forest Conservation, the net tract area is 24.99 acres, which includes the 24.38-acre site plus 1.22 acres of off-site disturbance, less 0.61 acres of dedication for roads and improvements not being constructed as part of this development. The Preliminary Forest Conservation Plan requires a combined afforestation and reforestation of 3.75 acres. This requirement is to be satisfied with a combination of off-site reforestation (2.45 acres), payment of a fee-in-lieu (0.50 acres), and credit for landscaping (0.80 acres). The Applicant will stage the Final Forest Conservation Plan with each site plan approved for the site. The amount of afforestation/reforestation credit proposed with each site plan must be commensurate with the proportion of the net tract area being developed until the total of 3.75 acres of afforestation and reforestation is accomplished. The Final Forest Conservation Plan must be revised with each new site plan to reflect the total forest mitigation completed for all previous phases, including the current phase.

The site plan for Phase I has a limit of disturbance of 9.21 acres, which represents about 36.85% of the net tract area. The proportional afforestation/reforestation required for Phase I is 1.38 acres. The Final Forest Conservation Plan for Phase I will be 0.50 acres of fee-in-lieu payment, and 0.88 acres of off-site reforestation to fulfill the forest mitigation requirement. This leaves 2.37 acres of mitigation to be fulfilled in subsequent phases of development.

Variance

The Applicant is requesting a variance for removal of one specimen tree (variance tree V-1), a 41-inch diameter willow oak (*Quercus phellos*), which stands in a storm drain easement and is in the proposed ultimate right-of-way for Route 355. It will also be impacted by the grading for Street #3. The current phase of development does not require removal of the tree; however, it is anticipated that the tree will have to be removed for road improvements in the future. Mitigation for the variance tree V-1 must be included in the Final Forest Conservation Plan for the phase that causes the removal of the tree. The Applicant will be required to plant at least 4 native canopy trees of at least 3" dbh in mitigation for the removal of variance tree V-1.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance. The Applicant submitted a variance request on March 17, 2011 to remove one protected tree under Section 22A-12(b) (3) of the County Forest Conservation Law.

Unwarranted Hardship Basis

The proposed development is in accordance with both the intent and recommendations of the Sector Plan and the CR zones approved for this site (CR3, C1.5, R2.5, H200, and CR4, C3.5, R3.5, H300), both of which are intended to create higher density uses in the vicinity of the White Flint Metro Station. In particular, the Sector Plan recommends that Rockville Pike be redesigned as an urban boulevard including elements to accommodate pedestrian, bicycle and bus travel. The Sector Plan specifies that additional right-of-way up to 162 feet should be reserved during the development process to accommodate the required elements. Variance tree V-1 stands at the edge of the Property within the required Rockville Pike right-of-way dedication. It will also be significantly impacted by the grading for Street #3, which provides a portion of the street grid in this area. Not allowing the removal of variance tree V-1 would require changing the roadway recommendations of the Sector Plan. The Planning Board finds that the Applicant has a sufficient unwarranted hardship to further consider a variance.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted. The Planning Board has made the following determinations in the review of the variance request:

Variance Findings

The Planning Board has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

The Planning Board finds that removal of variance tree V-1 is consistent with the requirements and constraints of the Sector Plan, the zone, and what is intended for the Property and road networks. Granting the variance would not confer on the Applicant a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The Planning Board finds that the variance is based on the constraints of the site and the proposed development density and road network as recommended in the Sector Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The Planning Board finds that variance tree V-1 is impacted by the grading for the proposed Street #3 and stands in the proposed right-of-way for improvements to Rockville Pike as required by the Sector Plan. There are no

conditions relating to land or building use, either permitted or nonconforming, on a neighboring property that have played a role in the need for this variance.

- 4. Will not violate State water quality standards or cause measurable degradation in water quality.*

The Planning Board finds that granting the variance will not violate State water quality standards or cause measurable degradation in water quality. Removal of variance tree V-1 will be more than compensated for by the installation of stormwater management treatments where none currently exist, and establishment of tree cover exceeding what is currently present on the site as part of the development.

Mitigation for Trees Subject to the Variance Provisions

Mitigation will generally be required at a rate that approximates the form and function of the protected trees to be removed. Therefore, the Planning Board is requiring the replacement to occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 41 caliper inches of trees removed, the required mitigation will be 4 native canopy trees with a minimum size of 3" dbh. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage. The Planning Board therefore requires the addition of 4 native canopy trees with a minimum size of 3" dbh to the landscape plan for the site plan phase that impacts variance tree V-1.

Therefore, based on the analysis above the Planning Board finds that the Preliminary Forest Conservation Plan meets the Environmental Guidelines and Forest Conservation Law. The variance approval is incorporated into the Planning Board's approval of the Preliminary Forest Conservation Plan.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the Property. This finding is based on the determination by DPS that the Stormwater Management Concept Plan approval meets DPS' standards.*

A stormwater management concept plan was approved by the MCDPS on January 20, 2012, meeting stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-bioretenion, to be supplemented by underground filters. There is currently no stormwater management for the site.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successors in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 144 months (12 years) from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

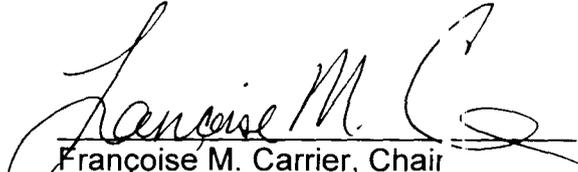
BE IT FURTHER RESOLVED, that this Resolution is the written opinion of the Planning Board, and the date of this Resolution is MAR 14 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, March 8, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

MAR 14 2012



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

MCPB No. 12-27
Site Plan No. 820120020
Project Name: Mid-Pike Plaza (Pike & Rose)
Date of Hearing: February 23, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

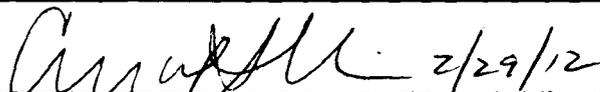
WHEREAS, on October 10, 2011, the Planning Board approved Sketch Plan 320110010 (MCPB Resolution 11-05) ("Sketch Plan") establishing several binding elements, including a maximum density of up to 3,422,888 square feet of total density including a maximum of 1,716,246 square feet of non-residential development on 24.38 gross acres of land bound by Montrose Parkway on the north, Hoya Street on the west, Rockville Pike on the east, and Old Georgetown Road on the west ("Property" or "Subject Property") split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300 in the White Flint Sector Plan ("Master Plan" or "Sector Plan"); and

WHEREAS, on August 3, 2011, Federal Realty Investment Trust ("Applicant"), filed an application for approval of a Site Plan for 951,000 square feet of mixed-use development including up to 341,800 square feet of non-residential development and up to 493 residential units ("Site Plan" or "Plan") on approximately 6.77 gross acres in the CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300 zones, on a portion of the Property; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820120020, Mid-Pike Plaza (Pike & Rose) (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 10, 2012, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

 2/29/12

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on February 23, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 23, 2012, the Planning Board approved the Application subject to conditions on the motion of Commissioner Anderson, seconded by Commissioner Presley, with a vote of 4-0; Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820120020 for 951,000 square feet of mixed-use development including up to 341,800 square feet of non-residential development and up to 493 residential units, subject to the following conditions:

1. Sketch Plan Conformance

The development must comply with the applicable binding elements and conditions of Sketch Plan 320110010 approved by the Planning Board by a Corrected Resolution dated October 10, 2011.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approved Resolution for Preliminary Plan 120120020, unless amended and approved by the Planning Board.

3. Density Allocation

Building permits may only be issued after staging allocation is granted under the Staging Allocation Request Regulations (COMCOR 50.35.02.01.A) in the White Flint Sector Plan Implementation Guidelines approved by the Planning Board.

4. Placemaking Plan

The Applicant must provide public use and open space amenities in accordance with the "Placemaking and Phase 1 Amenity Plan for Pike & Rose" ("Placemaking Plan") under the following stipulations:

- a. Expand area encompassed by Placemaking Plan to include improvements along Hoya Street.
- b. A quarterly review of the site and compliance with the Placemaking Plan must be held with Staff and the Public Arts Trust Steering Committee to ensure implementation and adherence to the Placemaking Plan.
- c. Remove all notations of specific plantings, amenities and materials that may conflict with the Placemaking Plan.

- d. All installed site amenities and materials must meet applicable building codes.
- e. The Placemaking Plan should include signage for the recreation loop extension, which may be considered a new public benefit as implemented through subsequent site plans.

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, as amended, for each public benefit. Each public benefit must be verified by Staff to be complete as required by the submittals listed for each prior to issuance of any use-and-occupancy permit for the associated building. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

- a. Transit Proximity
- b. Neighborhood Services
- c. Minimum Parking
 - Submit as-built drawings of parking garage for each building with tabulation of maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.
- d. Through Block Connection
- e. Public Parking
 - Submit as-built drawings of parking garage showing public parking spaces and signage and documentation of facility use and access restrictions.
- f. Adaptive Buildings
 - Submit as-built drawings of floor plans and cross-sections showing floor-to-floor heights, for each applicable building.
- g. Dwelling Unit Mix
 - Submit as-built drawings of floor plans with tabulation of bedroom unit mix, for each applicable building.
- h. Structured Parking
- i. Public Art
 - Provide review under Placemaking Plan Condition #4, above.
- j. BLTs
 - Purchase or payment for 1.82 Building Lot Terminations must be made prior to issuance of any building permit. Documentation to be provided to Staff.
- k. Tree Canopy
 - Provide as-built landscape plan showing tree locations and species with 15 year coverage and tabulation of total open space under canopy; may be completed in phases for open space around individual buildings.
- l. Vegetated Roof

- Provide as-built roof plans showing coverage of roof that is vegetated and cross-section of planting detail, for each applicable building.
- m. Advanced Dedication
 - Record dedication by plat.

6. Transportation

The Applicant must provide and show on the Certified Site Plan the following pedestrian and bicycle improvements:

- a. The Applicant must provide a minimum of 250 bicycle parking spaces, including 14 publicly accessible bike spaces and 100 private, secure bike spaces for Building 10; 20 publicly accessible bike spaces and 26 private, secure bike spaces for Building 11; and 22 publicly accessible bike spaces and 67 private, secure bike spaces for Building 12. Final location and facility details to be determined at Certified Site Plan and under the Placemaking Plan.
- b. The Applicant must revise streetscape plantings to ensure street trees are spaced a minimum of 35 feet on center for Old Georgetown Road, subject to Maryland State Highway Administration (“SHA”) approval.

7. Environment

- a. Applicant must submit and obtain Staff approval of a revised Final Forest Conservation Plan for each of the successive site plan phases addressing the following comments:
 - i. Mitigation for the 41-inch diameter willow oak along the eastern Property boundary (“variance tree V-1”) must be included in the Final Forest Conservation Plan for the phase that causes the removal of the tree. Applicant will be required to plant at least 4 native canopy trees of at least 3” dbh in mitigation for the removal of variance tree V-1.
 - ii. Trees proposed for tree cover credit to satisfy afforestation requirements should be in the shade tree category rather than ornamental trees. Trees used for tree cover credit must appear either in the list of approved trees in the Trees Technical Manual, or on the Montgomery County Department of Transportation’s (“MCDOT”) approved street tree list.
- b. Applicant to submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.

8. Moderately Priced Dwelling Units (“MPDUs”)

- a. The development must provide 12.5 percent MPDUs in accordance with an Agreement to Build with the Department of Housing and Community Affairs (“DHCA”).
- b. The MPDU Agreement to Build shall be executed prior to the release of any building permits.

9. Recreation Facilities

The Applicant must provide at least the recreation facilities, conforming to the Recreation Guidelines approved by the Planning Board in September 1992, shown on the Site Plan including:

- a. In Building 10:
 - i. Four picnic/sitting areas;
 - ii. One open play area II;
 - iii. One wading pool
 - iv. One indoor community space; and
 - v. One indoor fitness facility.
- b. In Building 12:
 - i. Four picnic/sitting areas;
 - ii. One wading pool;
 - iii. One indoor community space; and
 - iv. One indoor fitness facility.

10. Maintenance

- a. Maintenance of all on-site public use space is the responsibility of the Applicant and any successor(s) and assigns. This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with the Applicant or any successor(s) and assigns and applicable agency. For the purpose of this condition, the term "Applicant and any successor(s) and assigns" means the owner or any successor(s) in interest to the Public Use Space that is responsible for common area maintenance, such as a homeowners association, a condominium association, or a merchants' association.
- b. Subject to the SHA approval, the area within the 10-foot Public Improvement Easement along Old Georgetown Road must be categorized as public use space and be maintained to ensure public accessibility and meet the criteria required by the Zoning Ordinance under Section 59-C-15.73(c).

11. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

12. Performance Bond and Agreement

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development, will be followed by inspection and reduction of the surety.

13. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Demolition of existing buildings may commence prior to approval of the certified site plan.
- b. Street lamps and sidewalks adjacent to each building must be installed prior to release of any use-and-occupancy permit for the respective building. Street tree planting may wait until the next growing season.
- c. On-site amenities including, but not limited to, recreation amenities and public use space amenities adjacent to each building, must be installed prior to release of any use-and-occupancy permit for the respective building.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all applicable environmental protection devices.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features.

14. Certified Site Plan

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

- a. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.

- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Make corrections and clarifications to recreation guidelines, labeling, data tables, and schedules.
- d. Ensure consistency of all details and layout between site plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Mid-Pike Plaza drawings stamped by the M-NCPPC on December 8, 2011, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and in the Staff Report, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the binding elements and conditions of the Sketch Plan, which may be modified at the time of site plan review under Section 59-C-15.43(d) of the Zoning Ordinance:

During site plan review, the Planning Board may approve amendments to the binding elements of an approved sketch plan.

- (1) Amendments to the binding elements may be approved, if such amendments are:
 - (A) Requested by the applicant;
 - (B) Recommended by the Planning Board staff and agreed to by the applicant; or
 - (C) Made by the Planning Board, based on a staff recommendation or on its own initiative, if the Board finds that a change in the relevant facts and circumstances since sketch plan approval demonstrates that the binding element either is not consistent with the applicable master or sector plan, or does not meet the requirements of the zone.

- (2) Notice of proposed amendments to the binding elements must be identified in the site plan application if requested by the applicant, or in the final notice of the site plan hearing recommended by Planning Board staff and agreed to by the applicant.
- (3) For any amendments to the binding elements, the Planning Board must make the applicable findings under Section 59-C-15.43(c) in addition to the findings necessary to approve a site plan under Section 59-D-3.

No modifications to the binding elements or conditions of the Sketch Plan were proposed by the Applicant or recommended by Staff.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

There are several requirements of the CR zones that must be met by this Application:

- Uses;
- General Requirements;
- Development Standards; and
- Special Regulations for the Optional Method of Development (Public Benefits).

a. Uses

The proposed uses, residential, retail, restaurant, health club, theatre, and office, are permitted uses in the zone. There are no proposed limited or special exception uses.

b. General Requirements

The development is substantially consistent with the White Flint Sector Plan and White Flint Urban Design Guidelines:

- The Mid-Pike Plaza property is in the Mid-Pike Plaza District within the Approved and Adopted (2010) *White Flint Sector Plan*. In accord with the recommendations of the Sector Plan, the proposed development will retain its regional marketplace function and include residential and civic uses.
- Building heights of 300 feet will frame the corner of Rockville Pike and Old Georgetown Road in later phases, while the development approved under this Site Plan provides a varied skyline protecting future open spaces to the north and maximum heights of 200 feet on the western edge of the site.

- The highest density will be located at the intersection of Old Georgetown Road and Rockville Pike in later phases under the approved Sketch Plan.
- The approved street network is consistent with the Sector Plan recommendation for public and private streets and with the layout approved in the Sketch Plan.
- Several roads that front the property have bikeway recommendations. Old Georgetown Road, between Hoya Street and Rockville Pike, is classified as a dual bikeway: i.e., a shared use path with bike lanes (LB-2). Rockville Pike is classified as a shared use path (SP-41) and Hoya Street is also classified as a shared use path, LB-1. The applicable bike lanes have been shown on the preliminary plan roadway cross-sections and are accommodated by the interim and final detailed layout in the Site Plan.
- The public use space provides the open spaces approved by the Sketch Plan that implement the recommendations of the Sector Plan, with open spaces along and between blocks adjacent to activating retail, restaurant, and entertainment uses. Larger public use spaces and continued connections will be built with later phases under the binding elements of the Sketch Plan.
- The Sector Plan establishes several recommendations to create an environmentally sustainable district. The proposed development will minimize carbon emissions by providing a pedestrian environment and more balanced jobs/housing ratio; it will reduce energy consumption through site design and energy-efficient buildings meeting a minimum of LEED certification; it will improve air and water quality by implementing tree canopy, vegetated roofs, landscape area, and environmental site design stormwater management facilities.
- The Approved White Flint Urban Design Guidelines provide specific recommendation for each district, including building design and public open space. The design guidelines recommend that buildings be located without significant setbacks along streets, as shown by the proposed building layouts. Regarding public use spaces, the design guidelines recommend that neighborhood open spaces be defined by surrounding building walls on at least three sides when located mid-block, as provided by the pocket park on the west side of Street A. The promenade to the north of Building 10 will have east-west access to early and late sun, but be more protected at midday in the summer when it gets the most use.

c. Development Standards

The approved development will comply with all development standards as shown in the data tables below.

Density of Development (square feet)		
	Total	Non-Residential
		Residential (R)

	(CR)	(C)	
Max Allowed by the Zones	3,442,888	2,106,726	2,911,882
Max Approved with Sketch Plan	3,442,888	1,716,246	2,911,882 (1,726,642 min)
Max Approved with Phase 1	951,000	314,800	636,200
Max Remaining for Later Phases	2,491,888	1,374,446	2,302,682 (1,117,442 min)

Height (feet)		
	CR3.0 C1.5 R2.5 H200	CR4.0 C3.5 R3.5 H300
Max Allowed by the Zones	200	300
Approved with Sketch Plan	200	300
Approved with Phase 1		
Building 10	200	n/a
Building 11	110	n/a
Building 12	70	70

Public Use Space (% of net lot)	
Min Required by the Zones (% of net lot)	10 (85,960sf)
Min Approved with Sketch Plan (%)	10 (85,960sf)
Min Approved with Phase 1 (%)	2.8 (24,500sf) ¹
Min Remaining for Later Phases	7.2 (61,460sf)

Residential Amenity Space (square feet per market rate unit ²)		
	Required	Approved
Minimum Indoor Amenity Space		
Building 10 (278 units)	5,000	5,000
Building 12 (152 units)	3,040	3,480
Minimum Outdoor Amenity Space³		
Building 10 (278 units)	5,000	5,000
Building 12 (152 units)	3,040	3,340

Parking (spaces, may be provided off-site)			
	Minimum Required	Maximum Allowed	Approved

¹ This is equal to approximately 10% of the net lot area comprising the site plan.

² Amenity space is not required to be calculated for MPDUs within a metro station policy area.

³ A minimum of 400sf of the outdoor amenity space must be directly accessible from an indoor amenity space.

Approved with Sketch Plan	2,396	6,546	5,234 (approximately)
Approved with Phase 1			
Building 10	312	468	313
Building 11	306	766	611
Building 12	224	406	158

Minimum Bicycle Parking Spaces & Shower/Change Facilities				
	Required		Approved ⁴	
	Minimum Publicly Accessible	Minimum Private & Secure	Public	Private
Building 10				
319 Residential Units	10	100	10	100
13,300sf Non-Residential	4	2	4	2
Building 11				
251,200sf Non-Residential	20	26	20	26
At least one shower/change facility is required for each gender for office uses ≥100,000sf.				
Building 12				
174 Residential Units	10	61	10	61
50,300sf Non-Residential	11	6	11	6

d. Public Benefits

The approved development will provide numerous public benefits with proportional incentive density points. The Planning Board has considered these public benefits according to:

- The recommendations, objectives, and priorities of the Sector Plan;
- The CR Zone Incentive Density Implementation Guidelines and the White Flint Urban Design Guidelines;
- The size and configuration of the tract;

⁴ As conditioned.

- The relationship of the site to adjacent properties;
- The presence or lack of similar public benefits nearby; and
- Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit;

The Board finds that the approved public benefits fulfill the priority recommendations of the Sector Plan, meet the criteria of the Implementation and Design Guidelines; are appropriate for the size and configuration of the tract; enhance the site's relationship to adjacent properties; provide benefits that are not provided nearby; and are not appropriate for increased points for enhancements beyond the elements and criteria established by the Zoning Ordinance or the Implementation Guidelines. The Applicant will provide public benefits from 4 categories equal to 100 points for the entire tract comprising the Sketch Plan, a proportion of which will be provided by the Phase 1 Site Plan as follows:

Public Benefit	Adjusted Total Points [Original Points at Sketch Plan]⁵	Phase 1 Measurement/Criteria	Points Awarded for Site Plan 820120020
Transit Proximity Category			
Site Split within ¼ mile and ½ mile of Transit	33.00 [33.09 at sketch plan]	25% of total development in Phase 1: 0.25 x 33 total points	8.25
Connectivity & Mobility Category			
Neighborhood Services	10.00	25% of total development in Phase 1: 0.25 x 10 total points	2.49
Minimum Parking	7.03 [6.32]	25% of total development in Phase 1: 0.25 x 3.5 total points ⁶	0.88
Through-Block Connection	10.00	50% of through-block connection completed with Phase 1.	5.00
Public Parking	7.05 [7.62]	26% of publicly accessible spaces being provided with Phase 1.	1.85

⁵ The total points have been adjusted during detailed site design and review but are substantially similar and allowed under the conditions of sketch plan approval in the approved resolution.

⁶ The total points allowed under the revised CR zones is based on a formula that was revised to allow a maximum of 10 points, rather than the previous allowance up to 20 points (thus the difference between 7 points awarded at sketch plan and the 3.5 total points noted in the table under Phase 1 Measurement).

Advance Dedication	3.72	100% of dedication being provided with Phase 1.	3.72
Diversity of Uses & Activities Category			
Adaptive Buildings	4.12 [4.37]	16% of qualifying floor area provided with Phase 1.	0.65
Care Center	15	No credit requested with Phase 1.	0.00
Dwelling Unit Mix	3.67 [2.19]	40% of qualifying floor area provided with Phase 1.	1.48

Public Benefit	Adjusted Total Points [Original Points at Sketch Plan]⁷	Phase 1 Measurement/Criteria	Points Awarded for Site Plan 820120020
Quality Building & Site Design Category			
Structured Parking	13.92 [14.32]	25% of structured parking spaces provided with Phase 1.	3.43
Tower Setback	1.47 [1.53]	No credit requested with Phase 1.	0.00
Public Art	5.00	33% of public art program implemented with Phase 1.	1.65
Exceptional Design	6.46 [6.70]	No credit requested with Phase 1.	0.00
Protection & Enhancement of the Natural Environment Category			
BLTs	5.00	25% of total development in Phase 1; 1.82 BLTs must be purchased.	1.25
Tree Canopy	10.00	33% of tree canopy implemented with Phase 1.	3.33
Vegetated Roof	4.23 [4.48]	15% of qualifying floor area provided with Phase 1.	0.65
Total			34.63

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

a. Locations of buildings and structures

The locations of the buildings and structures are adequate, safe, and efficient for an infill development site that is envisioned by the Sector Plan and White Flint

⁷ The total points have been adjusted during detailed site design and review but are substantially similar and allowed under the conditions of sketch plan approval in the approved resolution.

Urban Design Guidelines to provide pedestrian-oriented blocks, street walls along sidewalks, and taller buildings and density near transit facilities.

b. Open Spaces

The locations of the open spaces are adequate, safe, and efficient for an infill development site that is envisioned by the Sector Plan and White Flint Urban Design Guidelines to concentrate on sidewalks relieved by strategically placed pocket parks and consolidated open spaces that will provide passive and active spaces for sitting, relaxing, dining, strolling, and social engagement. The Phase 1 pocket park is located at the terminus of the promenade that, when completed, will provide a through-block connection from Street A to Rockville Pike creating a unique place for pedestrians.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided within the parameters of the "Placemaking & Phase 1 Amenity Plan – Pike & Rose". The parameters established by the Placemaking Plan ensure that landscaping, lighting, and site amenities will be safe, adequate, and efficient for year-round use and enjoyment by patrons, employees, and residents. Site furnishings, shade, color, special features such as artwork and fountains, and specialty lighting will be integrated within the site to create a unique and interesting place, while the parameters of the Placemaking Plan will ensure accessibility and comfort.

d. Recreation Facilities

The proposed development is exceeding the active and passive recreation space required by the zone as shown in the data tables above. The approved development will provide on-site recreation facilities as follows.

Building 10:

- 4 picnic/sitting areas;
- 1 open play area II;
- 1 wading pool;
- 1 indoor community space;
- 1 indoor fitness facility.

Building 12:

- 4 picnic/sitting areas;
- 1 wading pool;
- 1 indoor community space;
- 1 indoor fitness facility.

Both buildings can take advantage of the nearby recreational facilities at Wall Park, including:

- 4 picnic/sitting areas;
- 1 half multi-purpose court I;
- 2 indoor racquetball courts;
- 1 pedestrian sidewalk system;
- 1 wading pool; and
- 1 indoor swimming pool.

The approved development exceeds the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. As reflected in the outline and data tables above, the approved development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

e. Pedestrian and Vehicular Circulation Systems

Vehicular circulation will be mostly unchanged for the interim – until later phases are built and the public improvements to Old Georgetown Road, Hoya Street, and Rockville Pike occur. Until then cars will still enter and exit the site at existing points, although the parking lot drive-aisles will begin to resemble the streets they will eventually become. New parking garage and loading access points will be located on Hoya Street, off Street A, and from the existing parking lot. These circulation routes, access points, and loading movements have been reviewed to ensure minimal conflicts with pedestrians and that full build-out will be in line with the Sector Plan and code requirements.

Pedestrian circulation, conversely, will be greatly improved along the street frontages along the Site Plan area and within the site. The new grid network of sidewalks and open spaces envisioned for this area will begin to be realized and bicycle and pedestrian amenities, such as benches, handicapped access, bike racks, shade trees, and bike lanes will be greatly improved. This new network of sidewalks and through-block connections in and around smaller pedestrian-scaled blocks will provide adequate, safe, and efficient pedestrian and vehicular circulation systems.

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

The mixed-use buildings are compatible with existing uses regarding scale, massing, and height as reflected in the urban design and zoning recommendations of the Sector Plan and White Flint Urban Design Guidelines. There are no pending site plans adjacent to the proposed development.

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

a. Forest Conservation

The Applicant will stage the Final Forest Conservation Plan with each site plan approved for the site. The amount of afforestation/reforestation credit proposed with each site plan must be commensurate with the proportion of the net tract area being developed, until the total of 3.75 acres of afforestation and reforestation is accomplished. The Final Forest Conservation Plan must be revised with each new site plan to reflect the total forest mitigation completed for all previous phases, including the current phase.

The Site Plan for Phase I has a Limit of Disturbance of 9.21 acres, which represents about 36.85% of the net tract area. The proportional afforestation/reforestation required for Phase I is 1.38 acres. The Final Forest Conservation Plan for Phase I includes 0.50 acres of fee-in-lieu payment and 0.88 acres of off-site reforestation to fulfill the forest mitigation requirement. This leaves 2.37 acres of mitigation to be fulfilled in subsequent phases of development.

b. Stormwater Management

A stormwater management concept plan will meet stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-bioretenment, to be supplemented by underground filters, and the concept plan was approved by the Montgomery County Department of Permitting Services on January 20, 2012. There is currently no stormwater management for the site.

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

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 14 2012 (which is the date that this Resolution is mailed to all parties of record); and

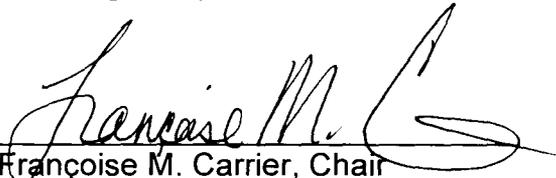
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

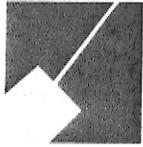
Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, March 8, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board



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

MAR 23 2012

MCPB No. 12-36
Staging Allocation Request No. 25400 (Site Plan No. 820120020)
Mid-Pike Plaza (Pike & Rose)
Date of Hearing: March 22, 2012

RESOLUTION

WHEREAS, under the Subdivision Staging Policy's White Flint Alternative Review Procedure, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Staging Allocation Requests in the White Flint Sector Plan area; and

WHEREAS, on March 9, 2012, Federal Realty Investment Trust ("Applicant"), filed an application for approval of a multi-building Staging Allocation Request associated with Site Plan No. 820120020, which is approved for up to 493 residential units and 341,800 square feet of non-residential uses on 6.77 acres of land located on Old Georgetown Road, approximately 300 feet west of the intersection with Rockville Pike in the White Flint Sector Plan area; and

WHEREAS, Applicant's Staging Allocation Request application was designated Staging Allocation Request No. 25400, Mid-Pike Plaza (Pike & Rose) ("SAR"); and

WHEREAS, following review and analysis of the SAR by Planning Board staff ("Staff"), Staff issued a memorandum to the Planning Board, dated March 15, 2012, setting forth its analysis, and recommendation for approval of the SAR; and

WHEREAS, on March 22, 2012, the Planning Board held a public hearing on the SAR, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the SAR; and

WHEREAS, under the Planning Board's Regulation on Implementing the Subdivision Staging Policy's White Flint Alternative Review Procedure, COMCOR 50.35.02.01, the Planning Board must approve an SAR if sufficient staging capacity is available under the White Flint Sector Plan to meet the entire SAR; and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 500, Bethesda, Maryland 20814

MNCPPC Legal Department

www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

WHEREAS, at the time of the hearing, the available staging capacity was 3,000 residential units and 2,000,000 non-residential square feet; and

WHEREAS, at the hearing, the Planning Board approved the Application in accordance with the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board APPROVES an allocation of staging capacity for 493 residential units and 262,800 square feet of non-residential uses on the Property;

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations of its Staff as presented at the Hearing and in the Staff Report, which the Board hereby adopts and incorporates by reference, that the Board finds there is sufficient capacity available in the White Flint Staging Plan; and

~~BE IT FURTHER RESOLVED that this allocation of staging capacity represents the number of residential units approved in the Site Plan for this project, and the total non residential square footage approved in the Site Plan minus the 79,000 square feet of commercial uses to be demolished. The staging allocation rules adopted for White Flint call for the netting of demolished square footage from staging capacity allocations. The Board further notes that the staging allocation approved in this Resolution exceeds the amount requested by the Applicant, which was 223,408 net square feet, to reflect that the site plan permits greater non residential development and the fluctuation in the precise amount of square footage that will ultimately be approved at building permit. For future allocation requests, the Board urges applicants to request the number of units and square footage approved in the Site Plan; and~~

BE IT FURTHER RESOLVED that the Applicant must have all core and shell building permit applications associated with this SAR accepted by the Department of Permitting Services ("DPS") by no later than the close of business on the 180th day after the date of the this Resolution, and that failure to meet this deadline will automatically void any staging capacity that has not been perfected by the timely acceptance by DPS of a core and shell building permit application; and

BE IT FURTHER RESOLVED that the Applicant must present evidence of DPS's acceptance of any core and shell building permit application associated with this staging allocation approval no later than 15 days after its acceptance; and

BE IT FURTHER RESOLVED that no later three years from the date of this Resolution the Applicant must obtain core and shell building permits from DPS for all buildings associated with this staging allocation approval, and that failure to meet this deadline will automatically void any staging capacity that has not been perfected by the timely issuance of a core and shell building permit; and

BE IT FURTHER RESOLVED, that 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.

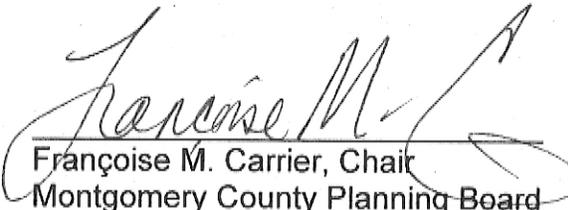
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, March 22, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board