



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

SEP 16 2016

MCPB No. 16-091
Site Plan No. 820140180
East Village at North Bethesda Gateway
Date of Hearing: September 8, 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1., the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on September 23, 2014, Lake Waverly, OP, c/o ProMark ("Applicant") filed an application for approval of a site plan for construction of up to 557,918 square feet of residential development for up to 614 dwelling units including 12.5% (77 units) MPDUs and up to 34,000 square feet of retail uses on approximately 5.1 acres of CR-3 C1.5 R2.5 H200 Zoned land, located in the southeast quadrant of the intersection of Nicholson Lane and Huff Court ("Property"), in the North Bethesda Policy Area and White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820140180 East Village at North Bethesda Gateway ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated August 29, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 8, 2016, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 400, 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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140180 for construction of up to 557,918 square feet of residential development for up to 614 dwelling units including 12.5% (77 units) MPDUs, and up to 34,000 square feet of retail uses, on the Property, subject to the following conditions:¹

1. Sketch Plan Conformance

The Applicant must comply with the binding elements and conditions of approval of Sketch Plan No. 320110020 as listed in MCPB Resolution No. 11-06, and Sketch Plan No. 32011002A as listed in MCPB Resolution No. 13-145.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120140240.

3. Staging Allocation Request

Prior to issuance of the first core and shell building permit, the Applicant must receive staging allocation approval by the Planning Board for development in excess of the exemption outlined in the Staging Allocation Request Regulations (COMCOR 50.35.02.01).

4. Forest Conservation & Tree Save

The Applicant must comply with the conditions of the Final Forest Conservation Plan No. 820140180:

- a. The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan.
- b. Prior to issuance of the final Use and Occupancy permit, the Applicant must plant at least 45.5 total caliper inches of native shade trees, using trees a minimum of 3" caliper each, as mitigation for the removal of protected specimen trees as indicated on the Final Forest Conservation Plan. All mitigation trees must be located at least 5 feet outside of any stormwater management areas, and outside of the public right-of-way.
- c. The limits of disturbance shown on the Sediment Control Plan must be consistent with the limits of disturbance on the Final Forest Conservation Plan.
- d. Prior to any on site land disturbance, or demolition, the Applicant must pay a fee-in-lieu equivalent to planting the total reforestation and afforestation required in the worksheet on the Final Forest Conservation Plan, using the per-square-foot fee prescribed by the Montgomery County Planning Department at the time of payment, or must record, in the Montgomery County Land Records, a Certificate of Compliance to use an off-site forest

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

bank for the amount of forest mitigation specified in the Final Forest Conservation Plan.

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 one.

a. Transit Proximity

The Property is located within one-half mile of the White Flint Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Final area calculations must be included on the Certified Site Plan.

b. Connectivity between Uses, Activities, and Mobility Options

i. Neighborhood Services

The Property is located within a ¼ mile radius of at least ten different existing retail services. In addition, at least four have a maximum retail bay floor area of 5,000 square feet. Final calculations must be shown on the Certified Site Plan.

ii. Through Block Connection

The Applicant must provide the pedestrian connection between Huff Court and Public Road A, and the through-block connection must be included on the Certified Site Plan as part of Phase I.

c. Quality of Building and Site Design

i. Structured Parking

The Applicant must provide, and the Certified Site Plan must include, structured parking in a below-grade structure as necessary to achieve 5.14 public benefit points using the following formula from the Implementation Guidelines: $[(A/P)/(A/R)]*10$, where A=the maximum allowed spaces, R=the minimum required spaces, and P=the proposed spaces.

ii. Public Open Space

The Applicant must provide, and the Certified Site Plan must include, a minimum of 22,695 square feet (13.36% of net lot area) of on-site open space in addition to the minimum required Public Use Space, as shown on the Site Plan.

iii. Exceptional Design

The Applicant must construct, and the Certified Site Plan must include, the buildings and site design with visual and functional elements that enhance the character of the setting, as shown on the Site Plan.

d. Protection and Enhancement of the Natural Environment

i. Building Lot Terminations (BLTs)

Prior to issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 1.825 BLTs to the Department of Permitting Services (DPS).

ii. Cool Roof

The Applicant must provide, and the Certified Site Plan must include, a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12, as shown on the Site Plan.

6. Public Use Space, Facilities, and Amenities

- a. In addition to the 22,695 square feet of Public Open Space specified in Condition No. 5.c. above, the Applicant must provide, and the Certified Site Plan must include, a minimum of 16,989 square feet (10% of the net lot area) of Public Use Space on-site as shown on the Site Plan.
- b. Prior to release of final Use and Occupancy Certificate for each phase of the residential development, all public use and public open space areas that are included in each phase must be completed.
- c. The Applicant may provide, and the Certified Site Plan must include, a maximum of 4,500 square feet of outdoor private space as determined by individual tenants, provided that pedestrian movement is not impeded, as shown on the Site Plan.

7. Recreation Facilities

- a. Prior to Certified Site Plan, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to Planning Staff that each required recreational element is in conformance with the approved 1992 M-NCPPC Recreation Guidelines.
- b. Prior to issuance to the last use and occupancy certificate for each phase, the Applicant must provide, at a minimum, the following onsite recreation facilities relevant to each phase as shown on the Site Plan:
 - i. One Indoor Tot Facility
 - ii. Six Picnic/Sitting Areas
 - iii. Two Swimming Pools
 - iv. Two Indoor Community Spaces
 - v. One Outdoor Fitness Facility

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining and ensuring the long-term maintenance of all publicly accessible amenities including, but not limited to, paving, plantings, lighting, benches, public art, fountains, tables, and bike racks, as shown on the Site Plan. Any aforementioned amenities must also be included on the Certified Site Plan.

9. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of 100 private, and a minimum of 10 public, bicycle parking spaces.
- b. The private spaces must be located in a secured, well-lit bicycle room adjacent to the covered parking area, near an elevator or a garage access point. The public spaces must be inverted-U racks or equivalent, installed along the building's retail frontages, or near the plaza in a location convenient to a main entrance, and must be identified on the Certified Site Plan.
- c. Prior to the release of the final Use and Occupancy Certificate for Phase I, the Applicant must construct all protected bike lanes (cycle tracks), sidewalks, and roads associated with Phase I, design and construction of which must comply with the requirements set forth by the Montgomery County Department of Transportation, as shown on the Site Plan.
- d. Prior to the release of the final Use and Occupancy Certificate for Phase II, the Applicant must construct all remaining sidewalks and roads associated with Phase II, design and construction of which must comply with the requirements set forth by the Montgomery County Department of Transportation, as shown on the Site Plan.

10. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service – Fire Code Enforcement Section (MCFRS) in its letter dated June 9, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCFRS provided that the amendments do not conflict with other conditions of Site Plan approval.

11. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant must provide 12.5 percent MPDUs on-site in accordance with the requirements of Chapter 25A of the County Code.
- b. Prior to issuance of the first building permit, the Applicant must execute the MPDU agreement-to-build with the Department of Housing and Community Affairs (DHCA).
- c. The Planning Board accepts the recommendations of DHCA in its letter dated August 8, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

12. Lighting

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

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, paths and associated improvements within the relevant phase of development.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d. The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

14. Development Program

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

15. Certified Site Plan

The following revisions must be made and/or information provided subject to Staff review and approval for inclusion on the Certified Site Plan:

- a. Include the Final Forest Conservation Plan approval letter, stormwater management concept approval letter, development program, and Planning Board Resolutions for Sketch, Preliminary and Site plans in the Certified Site Plan set.
- b. Add note on title page that all specialty pavements will require a maintenance and liability agreement.
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between site and landscape plans.
- e. Private bicycle parking spaces must be located in a secured, well-lit bicycle room adjacent to, or within the parking garage near an elevator or a garage access point.
- f. Final design details for private bicycle parking spaces must be shown on the Certified Site Plan, and are subject to M-NCPPC Staff approval.
- g. Clearly delineate Phase I and II on the Certified Site Plan to clearly show which protected bike lanes, roads, sidewalks, streetscape improvements, and amenities will be constructed in each phase.
- h. The Applicant must provide a 19-dock bikeshare station (52 feet by 6 feet, with an additional 6 feet of clearance) on the Property, unless an alternate size bikeshare station and/or location is approved by, or otherwise not required by, MCDOT.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of East Village at North Bethesda Gateway No. 820140180, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is subject to the binding elements and conditions of Sketch Plan No. 320110020 and Sketch Plan No. 32011002A, which may be modified at the time of Site Plan review under Section 59-C-15.43(d). The Site Plan conforms to the approved Sketch Plan.

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

Section 59-C-15.61 - Master Plan and Design Guidelines Conformance

The Site Plan is in substantial conformance with the recommendations of the 2010 White Flint Sector Plan. The Property is part of Block 1: Fitzgerald and Eisinger, within the White Flint Mall District as identified in the Approved and Adopted (2010) White Flint Sector Plan. The Fitzgerald block is west of Huff Court and the Eisinger block is to the east, and includes this Property. The Plan notes that "new mixed-use development is anticipated for both blocks. The Eisinger property is anticipated to develop with more residential than non-residential development" (p.45).

The Eisinger block is in the CR3, C1.5, R2.5, H200 zone. A pedestrian promenade is recommended for the WMATA easement area along Rockville Pike (Fitzgerald block), and Executive Boulevard extended (B-7) will intersect with Huff Court and continue to the east. A mid-block connection is recommended for both blocks, and the Applicant is providing their portion of the mid-block connection as envisioned by the Sector Plan and approved as part of the Sketch Plan.

The Project will further the objectives of the 2010 White Flint Sector Plan by providing a new mixed-use development including residential and retail uses, and providing the mid-block connection. As recommended in the Sector Plan, the Eisinger property will primarily provide residential uses, away from Rockville Pike.

The Property is zoned CR3.0, C1.5, R2.5, H200, which allows a maximum total density of 3.0 FAR and a maximum height of 200 feet on the Property. The approved Sketch Plan Amendment limited the maximum height on the Property to 110 feet. The Application proposes a total of 2.65 FAR on the 5.123-acre Property (approximately 0.15 Non-Residential and 2.5 Residential), and 85-foot maximum height for both Phase I and Phase II buildings, consistent with the Sector Plan's recommendations, the CR Zoning for the Property, and the approved Sketch Plan Amendment.

The street network is consistent with Sector Plan recommendations and the 2010 White Flint Urban Design Guidelines.

Nicholson Lane is designated as a four-lane arterial, A-69, with a recommended 90-foot wide ROW, including bike lanes, BL-27, and the recreation loop. An additional 5 feet of dedication is required for a total of 45 feet from centerline along the Property's frontage of Nicholson Lane. MCDOT's Nicholson Lane Raised Separated Bike Lanes Concept Design and Planning, dated October 2015, and the draft White Flint Separated Bike Lanes Network, dated September 2015, include a one-way separated bike lane along each side of Nicholson Lane.

Huff Court is designated as a two-lane business district street, B 4, with a recommended 70-foot wide ROW and no bikeway. Right-of-way dedication is not required because the existing right-of-way is now 75 feet wide. The County Council approved the abandonment petition No. AB 741 to return 5 feet of ROW along the Huff Court frontage to the Applicant because the Sector Plan reduced the recommended right-of-way from 80 to 70 feet wide.

Executive Boulevard is designated as a four-lane business district street, B 7, with an 80-foot wide ROW and no bikeway. MCDOT's CIP Project No. 501204, White Flint District East Transportation, is currently underway to design and construct Executive Boulevard east of Rockville Pike. ROW dedication is required for the necessary right-of-way for a total of 80 feet from the opposite ROW line.

Public Street A (adjacent to existing Dart Drug Road) is designated as a two-lane business district street, B 19, with a 70-foot wide ROW and no bikeway. Right-of-way dedication of 35 feet is required for a total of 35 feet from centerline.

The public use spaces are consistent with the Sector Plan recommendations to create a hierarchical public use space system in which each space contributes variety in function and setting (pg.20). The development provides an urban plaza and the 15-foot wide mid-block connection envisioned by the Sector Plan, which includes design elements such as a fountain, street furniture, bicycle racks, and planted areas to enhance the neighborhood experience of residents, workers, shoppers, and visitors.

The Sector Plan establishes a recreation loop as a "signed pathway that is incorporated into the street right-of-way as part of the sidewalk" (p.61). The Applicant is required to provide a one-way protected bike lane on the south side of Nicholson Lane, which satisfies this recommendation.

The Sector Plan contains several recommendations to create an environmentally sustainable district. Minimization of carbon emissions; reduction of energy through site design and energy-efficient buildings; improving air and water quality; and usage of environmental site design techniques are some of the Plan's

recommendations. The Application proposes cool roofs, street trees and greenery, and bio-filters throughout the development.

The White Flint Urban Design Guidelines recommend public open space via a mid-block connection, streets, and a public plaza for this Property in the White Flint Mall district. By providing the required dedications and improvements to the streets identified in the Sector Plan, and providing and constructing the mid-block connection and plaza as envisioned by the Sector Plan and Design Guidelines, the Application is in substantial conformance with the recommendations and objectives of the Design Guidelines.

Section 59-C-15.62 - Bicycle Parking Spaces and Commuter Shower/ Change Facility

The Site Plan provides accommodation for the minimum required number of bicycle parking spaces as detailed in the data table. Commuter shower/change facilities are required of office uses only and therefore not applicable to this Project.

Section 59-C-15.63 - Parking

The number of parking spaces satisfies the minimum and maximum number of parking spaces as specified by the Zoning Ordinance requirements. The Site Plan proposes all parking in a structured facility. The final number of units at Certified Site Plan will determine the final number of required parking spaces. Although the retail and residential parking will use the same access points, the Applicant is proposing to separate retail and residential parking within the parking structures to adequately manage the use of the parking structures.

Section 59-E-1.4 – Off-Street Loading Space Criteria

The Zoning Ordinance requires that “For any building or land used for commercial or industrial purposes, adequate space for off-street parking to accommodate loading and unloading of materials shall be provided, consistent with the size and proposed use of the building.”

For this mixed-use development, the two (2) total loading spaces are adequate given the size and use of the buildings.

Requirements of the Commercial Residential Zone

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

DATA TABLE				
Section	Development Standard	Permitted/ Required	Approved by Sketch Plan	Approved
59 - C	(CR 3.0: C 1.5, R 2.5, H 200 Zone)			
	Gross Tract Area (sf)	n/a	223,167	223,167
15.71	Maximum Density (FAR)	3.0 FAR	2.66 FAR	2.65 FAR
	<i>Non-residential (sf) C-1.5</i>	334,751	35,500	34,000
	<i>Residential (sf) R-2.5</i>	557,918	557,918	557,918
	TOTAL CR 3.0	892,669	593,418	591,918
15.71	Maximum Building Height (ft)	200	110	85
15.72	Minimum Setback	n/a	n/a	n/a
15.73	Minimum Public Use Space (%)	10	10	10
15.74	Residential Amenity Space (sf)			
	<i>Phase I Indoor</i>	5,000	-	5,000
	<i>Phase I Outdoor</i>	5,000	-	5,000
	<i>Phase II Indoor</i>	4,060		4,060
	<i>Phase II Outdoor</i>	4,060		4,060
	TOTAL	18,120	-	18,120
15.62	Minimum Bicycle Parking (spaces)			
	<i>Publicly Accessible</i>	10	-	10
	<i>Privately Secured</i>	100	-	100
15.631	Vehicular Parking (spaces)			
	<i>Maximum</i>	872	-	(up to) 701
	<i>Minimum</i>	651		

Public Benefits

The Application satisfies the minimum public benefits points from the minimum number of appropriate benefit categories.

PUBLIC BENEFIT SCHEDULE		
Public Benefit	Incentive Density Points	
	Sketch Plan 32011002A*	SITE PLAN 820140180** APPROVED
59-C-15.852: Transit Proximity	30.64	11.18
59-C-15.853: Connectivity and Mobility		
Neighborhood Services	10.0	3.65
Through-Block Connection	15.0	7.5
59-C-15.855: Quality Building and Site Design		
Structured Parking	16.25***	5.14
Public Open Space	9.68	5.54
Exceptional Design	7.5	2.5
59-C-15.856: Protection and Enhancement of the Natural Environment		
Building Lot Terminations	5.0	1.825
Cool Roof	5.0	5.0
TOTAL	104.07	41.275****

* Approved by Sketch Plan No. 32011002A, total points required/approved for the Sketch Plan Properties.

**Points requested/recommended for approval for this Property (Site Plan No. 820140180) only.

***16.25 points approved by Sketch Plan No. 32011002A for structured parking. Calculated incorrectly and should have been 16.19 points. Applicant has recalculated to 16.21 points based on further detail/design of site.

****Total points requested/recommended for approval after 30% maximum is applied to the Design Quality category, which reduces total from 42.335 to 41.275.

Transit Proximity

The Site Plan does not change the proximity to transit as reviewed at the time of Sketch Plan No. 32011002A, and complies with the Zoning Ordinance.

Connectivity and Mobility Options

Neighborhood Services: The Site Plan does not change the proximity to neighborhood services as reviewed at the time of Sketch Plan No. 32011002A, and complies with the Zoning Ordinance.

Through-Block Connection: The Site Plan includes the through-block pedestrian connection as reviewed at the time of Sketch Plan No. 32011002A, and complies with the Zoning Ordinance.

Quality of Building and Site Design

Structured Parking: The Site Plan includes up to 701 parking spaces in a below-grade facility.

Public Open Space: The final layout yields a minimum of 22,695 square feet of public open space above the required public use space.

Exceptional Design: The Site Plan features a retail plaza, on the east side of Huff Court, which is designed with streetscape elements and a decorative fountain, which creates a distinct landmark feature. Stairs and low walls provide visual interest and help activate the plaza, which is framed on the north and south by retail. Microbioretention areas and plantings line the mid-block connection, which soften the building edges. When the property west of Huff Court develops, the mid-block connection will provide a visual connection to the plaza from Rockville Pike (MD 355).

Protection and Enhancement of the Natural Environment

Building Lot Terminations (BLT): The Applicant must purchase 1.825 BLT easements.

Cool Roof: The Applicant must construct a cool roof on available roof area.

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

a. Buildings and Structures

The location of the buildings and parking structures are adequate, safe and efficient. The buildings emphasize the public realm by establishing a continuous street wall along Nicholson Lane, Huff Court, and Dart Drug Road (B-19). The parking structures will be below grade, which reduces the conflicts between vehicles and other modes of transportation. Below grade parking is the most efficient use of land given the urban context envisioned in the Sector Plan and proximity to the Metro Station.

b. Open Spaces

The locations of open spaces are adequate, safe, and efficient. The open spaces are organized around the buildings to create an urban block with active sidewalks and streetscape elements. An arrival plaza along Huff Court at the midpoint of the mid-block connection will create a distinct landmark feature. Open spaces will be provided with trees and stormwater management areas that serve as passive landscape amenities.

c. Landscaping and Lighting

The landscaping and lighting for the Property will ensure the area will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The pedestrian-scale lighting fixtures, street lighting fixtures, and decorative lighting will illuminate the streets, sidewalks, and walking paths. A mix of shade trees, ornamental trees and foundation plantings will be provided throughout the Property.

d. Recreation Facilities

The Site Plan will provide adequate, safe, and efficient recreation facilities to help residents lead an active and healthy life. The on-site recreation amenities are proposed in accordance with the M-NCPPC Recreation Guidelines. The amenities include a tot lot, seating areas, swimming pools, indoor community spaces, fitness facility, and pedestrian and bike systems. Off-site recreation facilities within 1 mile of the Property include a multi-age playground, multipurpose courts, and tennis courts.

e. Vehicular and Pedestrian Circulation

The Site Plan will create an urban block surrounded by streets on four sides: Nicholson Lane, Huff Court, Executive Boulevard extended, and Dart Drug Road (B-19). The vehicular access point to/from the parking garage for Phase I will be provided from Huff Court, and loading access will be provided from Nicholson Lane. The vehicular access and loading access to/from the parking garage for Phase II are proposed from Huff Court. The location of the facilities minimizes potential conflicts with pedestrians and alleviates congestion on the surrounding streets. Retail and residential access to the facilities will be shared, while the parking spaces for retail and residential uses will be separate. Pedestrian paths will provide a safe, convenient and attractive walking environment to/from the Metro Station and other destinations in the area. It also provides the first phase of the protected bike lanes along Nicholson Lane, which upon full buildout, will provide an efficient network of bicycle infrastructure in the White Flint Sector Plan area. The pedestrian and vehicular circulation systems are adequate, safe, and efficient.

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

The buildings are compatible with other uses and other Site Plans, and with existing and proposed adjacent development. This compatibility is achieved through:

- a. Building heights that provide the step-down envisioned by the Sector Plan, with the tallest buildings envisioned along Rockville Pike (Fitzgerald Site – approx. 250 feet), while stepping-down to lower heights near surrounding residential neighborhoods (Property – approx. 85 feet). The approved but unbuilt White Flint View (approx. 180 feet) is located on the north side of Nicholson Lane directly across from the Property;
- b. Strong definition of blocks that transform the suburban, auto-oriented land use in the area into urban, compact, mixed-use development;
- c. Creation of defined streetscapes, plaza, and open spaces;
- d. Replacement of surface parking with structured parking allowing more space on the ground floor to be dedicated to community serving retail near existing public transportation; and
- e. Provides an appropriate reduction in intensity and use from the office buildings and hotels approved and planned near Rockville Pike.

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 Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. Final Forest Conservation Plan No. 820140180 covers all disturbance associated with demolition of the existing structures, improvements to the surrounding vehicle and pedestrian network, and construction of the development. The net tract area for FFCP 820140180 is 5.57 acres and reflects the disturbance associated with Phases I and II.

b. **Stormwater Management**

The Department of Permitting Services issued a letter accepting the Stormwater Management Concept for the project on August 3, 2016.

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

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 16 2016 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Cichy voting in favor, and Commissioners Dreyfuss and Fani-González absent at its regular meeting held on Thursday, September 8, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board