

ATTACHMENT 9



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

MCPB No.18-040
Site Plan No. 82013012D
Pike and Rose, Phase II
Date of Hearing: May 3, 2018

MAY 21 2018

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;

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

WHEREAS, on October 10, 2011, the Planning Board approved Sketch Plan No. 320110010 by corrected Resolution No. 11-05, which was further corrected by the Planning Board on July 19, 2012, for up to 3,442,888 square feet of total density, including a maximum of 1,716,246 square feet of non-residential development (Phase I and II) on 24.38 gross acres of split-zoned CR-3.0, C-1.5, R-2.5, H-200 and CR-4.0, C-3.5, R-3.5, H-300, located on land bounded by Montrose Parkway to the north, Towne Road (formerly Hoya Street) to the west, Rockville Pike (MD 355) to the east, and Old Georgetown Road to the south ("Subject Property"), in the Area 2 Policy Area and 2010 White Flint Sector Plan ("Sector Plan") area;

WHEREAS, on March 14, 2012, the Planning Board approved Preliminary Plan No. 120120020 by Resolution No.12-26, corrected on July 19, 2012, for five lots and a maximum density of 3,442,888 square feet of total development with a maximum of 1,716,246 square feet of non-residential uses (Phase I and II);

WHEREAS, on November 5, 2013, the Planning Board approved Preliminary Plan No. 12012002A by Resolution No. 13-133 by replacing conditions 1, 4, 6, 7, 12, 25, and 32 of the previous approval, removing condition 17 of the previous approval, and adding conditions 33-38 (Phase I and II);

WHEREAS, on November 14, 2013, the Planning Board, by Resolution MCPB No. 13-134, approved Site Plan No.820130120 for up to 1,648,936 square feet of development, including up to 645,976 square feet of residential development and up to 1,122,960 square feet of non-residential development on 13.21 gross acres of land bounded by Montrose Parkway to the north, Towne Road (formerly Hoya Street) to the west, Rockville Pike (MD 355) to the east, and Old Georgetown Road to the south ("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");

Marta M. Pyle
Approved for legal sufficiency
NCPPC Office of General Counsel

WHEREAS, On July 2, 2015, the Planning Director approved Administrative Site Plan Amendment No. 82013012A for minor modification to curbs, landscape and hardscape layout changes, the addition of solar panels on the Building 7 parking garage, a shift of residential units from Building 6 to Building 2 including MPDU adjustments within the maximum approved residential square footage, and the reduction of permitted floor area from 1,648,936 to 1,603,813 square feet;

WHEREAS, on March 15, 2016, by Resolution MCPB No. 16-022, the Planning Board approved Site Plan No. 82013012B for 17,018 square feet of non-residential floor area, increasing the overall floor area from 1,603,813 square feet to a total of 1,620,831 square feet for Phase II, planter and wooden trellis structures to Building 8, and making modifications to Building 1A.;

WHEREAS, On October 19, 2016, by Resolution MCPB No. 16-102, the Planning Board approved Site Plan No. 82013012C for a reduction of 38 units, including five MPDUs for Building 2; updating unit type for Buildings 6 and 7; modifying Towne Road to incorporate a protected bike lane and streetscape changes; increasing the park pavilion building size by 255 square feet; increasing parking by 54 spaces; allowing design modifications for Rose Park; and updating the Certified Site Plan set to reflect as-built conditions for garage 7;

WHEREAS, on September 1, 2017, Federal Realty Investment Trust ("Applicant"), filed an application for approval of an amendment to the previously approved site plans to revise the design of Building 3B and associated parking garage within Block 3; update public benefit points to reflect addition of solar panels and bikeshare stations, and the removal of the daycare center; and minor modifications to reflect as-built conditions;

WHEREAS, Applicant's application was designated Site Plan No. 82013012D, Pike & Rose-Phase II (the "Application");

WHEREAS, following review and analysis of the Application by the Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board dated April 23, 2018, setting forth its analysis and recommendation of approval of the Application ("Staff Report");

WHEREAS, on May 3, 2018 the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Site Plan No. 82013012D to revise the design of Building 3B and associated parking garage within Block 3; update public benefit points to reflect addition of solar panels and bikeshare stations, and the removal of the daycare center; and minor modifications to reflect as-built conditions, subject to the following conditions:¹

1. **Compliance with Previous Sketch Plan Approvals**
All previously-approved conditions in the Resolution for Sketch Plan 320110010 and subsequent corrections remain in full effect, as modified by Site Plan No. 82012002D, which includes modification to the public benefit schedule by eliminating the daycare center and adding bikeshare stations and solar panels on Block 7.
2. **Compliance with Previous Preliminary Plan Approvals**
All previously-approved conditions in the Resolution for Preliminary Plan 120120020 and subsequent Preliminary Plan Amendments remain in full effect.
3. **Compliance with Previous Site Plan Approvals**
All previously approved conditions in the Opinions and Resolutions for Site Plan 820130120 and subsequent Site Plan Amendments remain in full effect except as modified by this Amendment.
4. **Fire and Rescue**
The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated September 04, 2013, further updated on March 27, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.
5. **Montgomery County Department of Permitting Services (MCDPS) Right-of-Way Section**
The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Right-of-Way Permitting Section in its memorandum dated January 31, 2018 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which the MCDPS Right-of-Way Permitting Section may amend if the amendments do not conflict with other conditions of the Site Plan approval.

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.

7. Maryland State Highway Administration (MDSHA)

Prior to the issuance of the first core and shell building permit for the office building, the Applicant must provide a letter of approval from MDSHA for the construction of the portion of steps and sidewalk connection at the corner of Rockville Pike (MD-355) and Rose Avenue that lies within the right-of-way of MD 355.

8. Bikeshare Stations

The Applicant must provide spaces for a total of three, 15-dock bikeshare stations for Phase II. One bikeshare station will be located within the right-of-way of Rockville Pike and two will be located within the subject property, with final approval of locations from the Montgomery County Department of Transportation (MCDOT).

9. Bike Parking

For Phase II, the Applicant must provide 138 publicly-accessible and 303 private secured bicycle parking spaces and 4 shower/changing facilities per gender for commuters, as distributed through the various buildings in the certified site plan. (*Note: This condition supersedes the bike parking requirements as described in Condition 6 of Montgomery County Planning Board Resolution 13-134 for Site Plan 8201300120 and Condition 5 of Montgomery County Planning Board Resolution 16-102 for Site Plan Amendment 82013012C.*)

10. Placemaking Elements

Prior to the issuance of the first use and occupancy permit, the Applicant must obtain Staff review and approval for the design and implementation of the Placemaking Elements for the office building and parking garage, including the lighting design for the office building's cornice.

11. Placemaking Plan

Condition number 4 of the approved Site Plan No. 820130120 is replaced by the following:

Prior to the issuance of the first use and occupancy permit, the Applicant must update the Placemaking Plan with approval from Staff and in consultation with the Art Review Panel. For all future Site Plan Amendments, the Applicant must hold a review of the Site for compliance with the Placemaking Plan and update the Placemaking Plan as required by Staff.

12. Public Benefits

Condition number 5 of the approved Site Plan No. 820130120 is replaced by the following:

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 Guideline, 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. Major Public Facility
 - Bikeshare Stations
- b. Transit Proximity
- c. Connectivity
 - Neighborhood Services
 - Minimum parking
 - Through-block connection
 - Public parking
 - Advance dedication
- d. Diversity
 - Adaptive buildings
 - Dwelling unit mix
- e. Design
 - Structured parking
 - Tower setbacks
 - Public art
 - Exceptional design
- f. Environment
 - BLT's
 - Tree canopy
 - Vegetated roof
 - Solar panels on block 7 garage

13. Certified Site Plan

The Certified Site Plan must include the following revisions and/or information subject to Staff review and approval:

- a. Include the development program and all current and previous Planning Board approval resolutions.
- b. Revise the cross section of the frontage along Rockville Pike for the proposed office building based on sketches and feedback provided by Staff, subject to Staff review and approval.
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Correct the gross square footage for Building 3A and 3B in the development program and all other tables and references.
- e. Correct the data on the Public Use Table.

- f. Correct the number of bike parking spaces provided for Phase II within various buildings.
- g. Identify the location of the required shower / changing facilities for bicyclists.
- h. Identify the location of Placemaking Elements on the Site Plan and architecture for Building 3B and the parking garage.
- i. Coordinate all site, landscape and architectural drawings.
- j. On all tables within the Certified Site Plan, reference applicable sections of the zoning ordinance.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 82013012D, Pike and Rose Phase II 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, unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect; and

BE IT FURTHER RESOLVED that having considered 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 (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 Subject Property is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. As conditioned above, the Site Plan is subject to the binding elements and conditions of the approved Sketch Plan, and all previously approved Preliminary Plans and Site Plans.

- (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.*

The proposed commercial uses on Block 3 are allowed in the CR zone. The changes made by this Site Plan Amendment meet all the requirements of the zones and are shown in the data table below. The Site is not located in an Urban Renewal area.

Amendment D	Required	Previously Approved	Proposed (P)/ Constructed (C)
Building 1A Commercial		90,000 sq.ft.	61,083 sq.ft. (C)
Building 2 Commercial		12,000 sq.ft.	13,000 sq.ft. (P)
Building 3A Commercial		56,600 sq.ft.	26,500 sq.ft. (C)
Building 3B Commercial		158,150 sq.ft.	234,000 sq.ft. (P)
Building 4 Commercial		32,550 sq.ft.	32,773 sq.ft. (C)
Park Pavilion		2,310 sq.ft.	2,320 sq.ft. (C)
Building 6 Commercial		57,000 sq.ft.	44,850 sq.ft. (C)
Building 7 Residential		104 D.U.	99D.U. (C)
Building 7 Commercial		172,000 sq.ft.	166,058 sq.ft. (C)
Building 8 Commercial		61,000 sq.ft.	38,599 sq.ft. (C)
Total Residential for Phase 2		574 D.U.	569 D.U.
Total Commercial for Phase 2		975,110 sq.ft.	952,683 sq.ft.
Total Vehicle Parking Provided for Phase 2	1,686 – 3,720	1,916	2,012
Public Bicycle Parking (59-C-15.62)	138	154	138
Private and Secure Bicycle Parking (59-C-15.62)	303	321	303

(3) The locations of building and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

The proposed amendment slightly alters the footprint of the Office Building 3B within its original block. It creates a small plaza off Rose Avenue that leads directly to the office building's main lobby. The vehicular circulation system is largely the same with the exception of a new curb-cut off Prose Street to access the one level of underground parking below the office building's footprint. The sidewalks, street trees, streetscape elements and landscaped areas continue to line the office building along MD355 (Rockville Pike), Rose Avenue and Prose Street. The entry plaza will provide outdoor seating. Therefore, as conditioned, the frontage along MD355 (Rockville Pike), and the overall changes proposed in this amendment 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;

This Amendment does not include changes to the Forest Conservation Plan. All of the Forest Conservation requirements were satisfied under the original Site Plan for Phase II (Final Forest Conservation Plan No. 820130120). This Amendment is in compliance with both Chapter 22A Forest Conservation and the *Environmental Guidelines*. The proposed changes do not alter the previous SWM approval.

(5) The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.

The Site Plan's previous forest conservation and water resources approvals remain in full effect, and the Board's previous finding stands.

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


MAY 21 2018 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, May 17, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board