

East Village at North Bethesda Gateway, Site Plan 82014018A

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Completed: 7/8/19

Description

Request to reduce the number of Phase I dwelling units from 382 to 335 and retail space from up to 20,000 square feet to up to 5,000 square feet; revise streetscape within 5-10 feet of Nicholson Lane; reduce the number of Phase I parking spaces from 416 to 244 and change parking from underground to above-ground, within the envelope of the building; update stormwater, green area, and public benefit points.

Location: Southeast quadrant of Nicholson Lane and Huff Court.

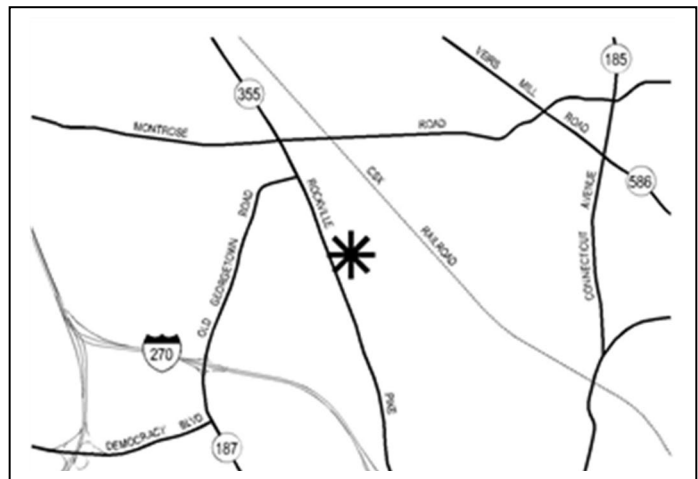
Zone: CR-3.0, C-1.5, R-2.5, H-200.

Master Plan: 2010 *White Flint Sector Plan*.

Size: Approximately 5.1 acres.

Application Accepted: January 24, 2019.

Applicant: Lake Waverly, LP, c/o ProMark.



Summary

- Staff recommends approval with conditions.
- Staff reviewed this Amendment under the Zoning Ordinance in effect prior to October 30, 2014, pursuant to Section 7.7.1.B.3 of the current Zoning Ordinance. Thus, the 15% MPDU requirement does not apply. Staff reviewed parking requirements for this Amendment under Section 59.6.2 of the current Zoning Ordinance.
- This amendment proposes to convert retail frontage along Nicholson Lane to residential units, and the amendment includes an update to the streetscape along Nicholson Lane to accommodate the entrances to these new residential units. This will allow the Phase I building to maintain an engaging streetscape.
- The Planning Board approved Sketch Plan No. 320110020 by MCPB Resolution No. 11-06, dated June 5, 2011, and Sketch Plan No. 32011002A by MCPB Resolution No. 13-145, dated November 5, 2013. The Planning Board approved Preliminary Plan No. 120140240 and Site Plan No. 820140180 by MCPB Resolution No. 16-091, dated September 16, 2016, which was corrected January 4, 2017.
- Preliminary Plan 120140240 approved up to 614 units for the Subject Property and this Site Plan amendment does not increase the number of units, therefore this site is not subject to the residential moratorium currently in effect.
- Staff has not received any correspondence on the Application.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATION AND CONDITIONS	3
Site Plan	
SECTION 2: SITE DESCRIPTION	6
Site Vicinity	
Site Analysis	
SECTION 3: PROJECT DESCRIPTION	8
Previous Approvals and Sector Plan Staging Proposal	
Open Space and Environment	
Parking	
Public Benefits	
Phasing	
Community Outreach	
SECTION 4: SITE PLAN REVIEW	15
Site Plan Findings - Section 59-D-3.4(c)	

SECTION 1: RECOMMENDATION AND CONDITIONS

SITE PLAN

Staff recommends approval, with conditions, of Site Plan Amendment No. 82014018A, to reduce the total number of Phase 1A dwelling units from 382 to 335, number of Moderately Priced Dwelling Units (MPDUs) from 48 to 42, and square footage of retail space from 20,000 to up to 5,000; revise streetscape within 5-10 feet of Nicholson Lane; reduce the number of Phase 1A parking spaces from 416 to 244 and change parking from underground to above-ground, within the envelope of the building; update stormwater, green area, and public benefit points. All site development elements shown on the latest electronic version of Site Plan Amendment 82014018A submitted via ePlans as of the date of this Staff Report are required. All previously approved plans, findings, and conditions of approval remain in full force and effect, except as modified herein:

New Conditions:

16. Density

The Site Plan is limited to a maximum of 568,972 square feet of total development on the Subject Property, including 549,972 square feet of residential uses, for up 567 units with 12.5% MPDUs and 19,000 square feet of non-residential uses.

17. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated May 3, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Modified Conditions:

4. Forest Conservation & Tree Save

The Applicant must comply with the conditions of the Final Forest Conservation Plan No. ~~820140180~~ **82014018A**:

- 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 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 ~~one above grade and one a~~ below-grade structure as necessary to achieve ~~3.81~~ ~~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 ~~22,494~~ ~~22,695~~ square feet (~~13.24%~~ ~~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 ration 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 ~~22,494~~ ~~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.

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~~, **May 30, 2019**, 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.

While Condition No. 15 is not being revised, Staff is listing it again to clarify the expectations and process 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 Subject Property, unless an alternate size bikeshare station and/or location is approved by, or otherwise not required by, MCDOT.

SECTION 2: SITE DESCRIPTION

Site Vicinity

The property (Subject Property or Property – outlined in red in Figure 1 below) is located in the southeast quadrant of Nicholson Lane and Huff Court, within the White Flint Mall District, in the *2010 White Flint Sector Plan* (Sector Plan). The Sector Plan specifically identifies the Property as: Lake Waverly Associates LP (LWALP) (approximately 5.123 acres), also referred to as the “Eisinger Site”. The Property falls within the ½-mile radius from the White Flint Metro Station, and is bound on the west by Huff Court, on the north by Nicholson Lane, on the east by a private access road from White Flint Plaza to White Flint Mall, and on the south by a private ring road serving the former White Flint Mall.

The neighborhood surrounding the Property is predominately commercial with surface parking, retail shopping centers, midrise office buildings, and auto-related uses. The closest residential neighborhoods are Garrett Park Estates, Edson Lane Estates, and Timberlawn, all approximately one-third of a mile away.

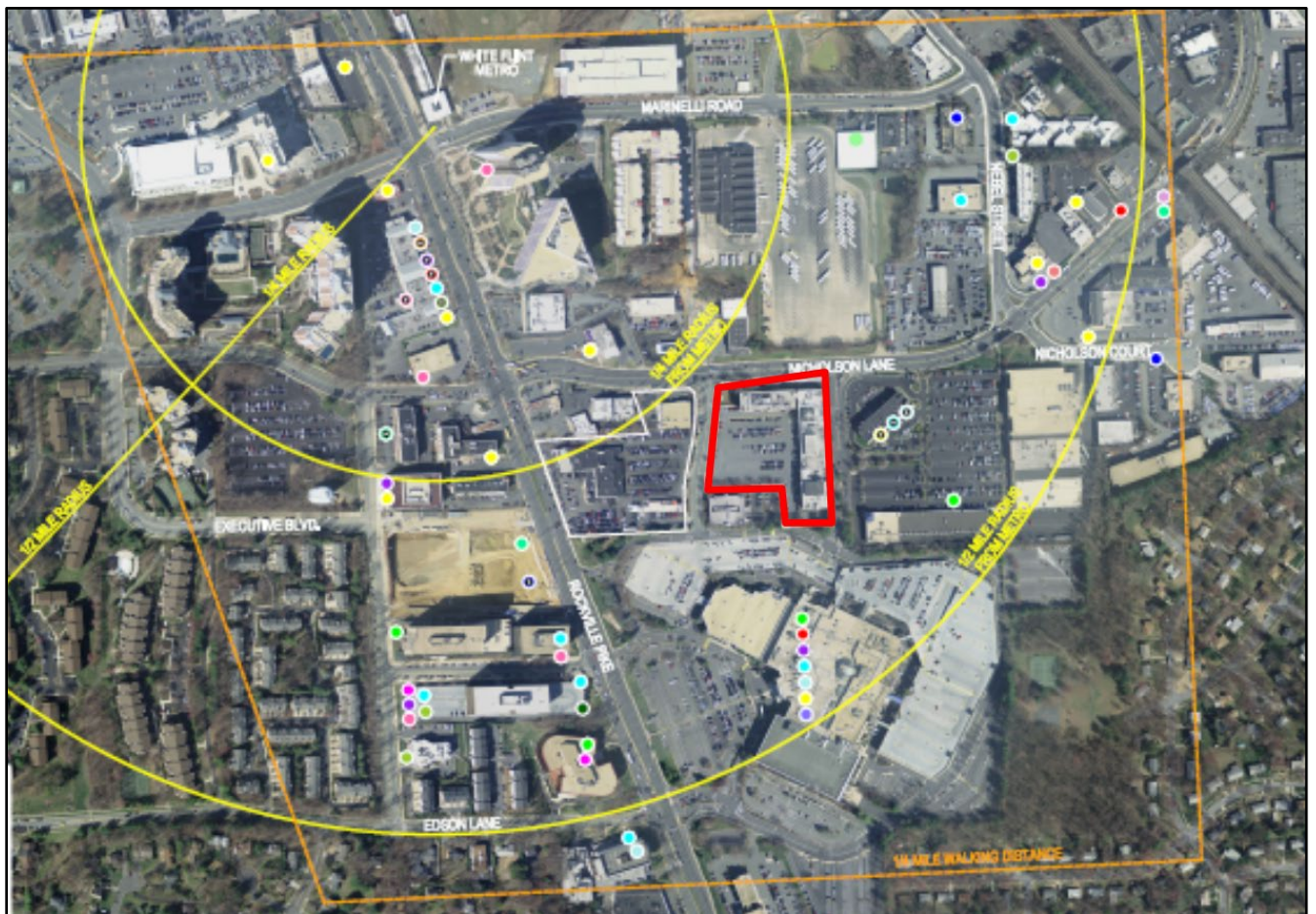


Figure 1 - Vicinity Map (Property outlined in red)

Site Analysis

The Property is zoned CR-3.0, C-1.5, R-2.5, H-200 and is currently improved with approximately 140,920 square feet of medical office and laboratory space, with related surface parking. It is currently served by public water and sewer, and generally slopes west to east. Staff approved a Natural Resource Inventory/Forest Stand Delineation Plan (NRI/FSD #420110240) on October 14, 2013. There are no known rare, threatened, or endangered species on the Property; there are no forests, 100-year floodplains, stream buffers, wetlands, or other environmentally sensitive features on the Property, which is not within a Special Protection Area. It is located within the Rock Creek watershed, which are State Use Class I streams. It has five specimen trees ($\geq 30"$ DBH). There are no known historic properties or features on the Property.

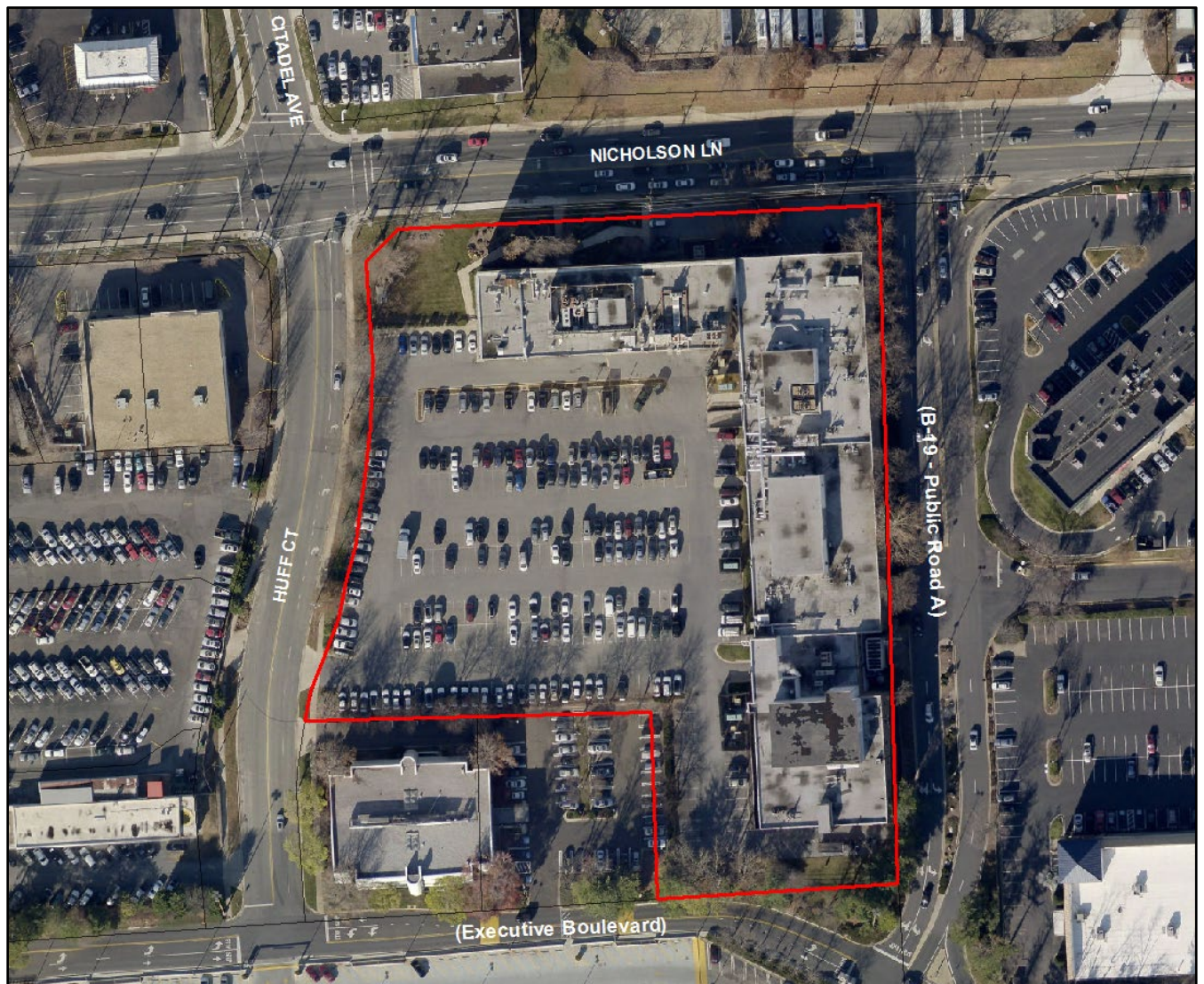


Figure 2 - Aerial view of the Property

SECTION 3: PROJECT DESCRIPTION

Previous Approvals and Sector Plan Staging

The Planning Board approved Sketch Plan No. 320110020 by MCPB Resolution No. 11-06 dated July 5, 2011, for three tracts of land separated by Huff Court, and the Planning Board approved Sketch Plan Amendment No. 32011002A by MCPB Resolution No. 13-145 dated November 5, 2013.

The Sketch Plans comprise three separate ownership entities (Sketch Plan Properties):

- Lake Waverly Associates LP (LWALP) (5.123 acres) referred to as the “Eisinger Site” in the Sector Plan (this Property is the subject of this Site Plan Amendment);
- John J. Fitzgerald (4.791 acres) referred to as the “Fitzgerald Site” in the Sector Plan; and
- JWW LLC (1.124 acres) is referenced as a smaller property north of the Fitzgerald Site.



Figure 3 - Three properties subject to the approved Sketch Plan

The two properties west of Huff Court, Fitzgerald and JWW LLC, are zoned CR-4.0, C-3.5, R2.0, H-250 and the LWALP Site (Property), east of Huff Court, is zoned CR-3.0, C-1.5, R-2.0, H-200. The Sketch Plan Properties are currently improved with 140,920 square feet of medical office and laboratory space,

11,340 square feet of retail, and 38,404 square feet of corporate offices and a car dealership. The Planning Board also determined that each individual property owner could move forward with Preliminary Plan and Site Plan approvals for their properties independent of one another. This Site Plan amendment is for the Lake Waverly Property only.

The Sketch Plan established several binding elements on the entire tract that can be modified by the Site Plan per Section 59-C-15.43(d). The Sketch Plan approved binding elements are as follows:

1. Maximum total density of up to 1,624,158 square feet of development (approximately 3.38 FAR) including a maximum of 884,960 square feet of non-residential uses and a maximum of 739,198 square feet of residential uses, with a maximum building height of 110 feet east of Huff Court and 250 feet west of Huff Court;
 - a. The Property is limited to a maximum of 593,418 square feet of development (approximately 2.66 FAR) including a maximum of 35,500 square feet of non-residential uses and a maximum of 557,918 square feet of residential uses, with a maximum height of 110 feet;
2. General location and extent of Public Use Space;
3. Public benefits schedule; and
4. Phasing program.

Sketch Plan 320110020 and Sketch Plan Amendment 32011002A established a public benefits schedule to include points for transit proximity, neighborhood services, through block connection, structured parking, public open space, exceptional design, building lot terminations, vegetated roof, and cool roof, for a total of 104.07 points.

The Planning Board approved Preliminary Plan No. 120140240 and Site Plan No. 820140180 by MCPB Resolution No. 16-091 dated December 6, 2016, for the Lake Waverly Property located east of Huff Court. The approval was for 614 dwelling units including 77 MPDUs, and 34,000 square feet of retail. A new platted lot was created for the new development, which established the right-of-way dedication for portions of Nicholson Lane, the Executive Boulevard extension, and a new sector-planned street B-19, and to provide a portion of the bicycle and pedestrian connections recommended along Nicholson Lane.

The Preliminary and Site plan approvals established two phases, with each phase containing a mixed-use retail and residential building. The Phase I building was approved for up to 342,187 square feet of residential development for up to 382 dwelling units, with a minimum of 12.5% (48 units) MPDUs, and up to 20,000 square feet of retail uses on the ground floor along Nicholson Lane and Huff Court. The approved plan proposed a three-level, below grade garage to accommodate up to 416 parking spaces.

The Phase II building was approved to include up to 215,667 square feet of residential development for up to 232 dwelling units on a portion of the first floor and above, with a minimum of 12.5% (29 units) MPDUs; and up to 14,000 square feet of retail uses on the ground floor along Huff Court and the plaza. This building was also approved for a three-level, below grade garage to accommodate up to 285 parking spaces. Both buildings will be up to 85 feet high. This amendment is limited to Phase I and does not affect any of what was previously approved for Phase II.

The main vehicular access to the underground garage for Phase I is proposed from Huff Court, while secondary vehicular access, and access to the loading dock and trash removal will be provided as right-in/right-out only from Nicholson Lane. This is not changing with this amendment. The main vehicular access to the underground garage for Phase II, as well as loading and trash pickup, are proposed from

Huff Court. The Applicant must construct all roads, protected bike lanes (cycle tracks), sidewalks, and the through-block connection adjacent to the Phase I building as shown on the Preliminary Plan and Site Plan. Doing so will ensure that sidewalks are provided on all sides of the Phase I building to facilitate and encourage pedestrian movement until the Phase II building provides the remainder of the required improvements.

The applicant received approval of Final Forest Conservation Plan (FFCP) 820140180 as part of the preliminary and site plans approved on December 6, 2016. The limits of disturbance established by the FCP covered all demolition of existing structures, improvements to surrounding vehicle and pedestrian networks, and construction of the proposed development. The net tract area of the FFCP is 5.57 acres and includes all proposed disturbance in Phases I and II. This site plan amendment proposes to amend the FCP, changing location of street trees and other landscaping features, but will not change the limits of disturbance.

Proposal

The Applicant proposes to reduce the number of Phase I dwelling units from 382 to 335, reduce the number of Phase I MPDUs from 48 to 42, and reduce the amount of Phase I retail square footage from 20,000 square feet to up to 5,000 square feet. This reduces the total number of units for the Site Plan area (Phases I and II) from 614 to 567 and reduces the total retail square footage from 34,000 to 19,000.

The application also proposes to change the parking structure provided for the Phase I building from underground to above ground. The new above-ground parking structure will be within the building envelope of the proposed mixed-use building (see Figures 4 and 5 below). This change to the parking configuration reduces the number of Phase I spaces provided from 414 to 244, and the total number of spaces from 701 to 529.

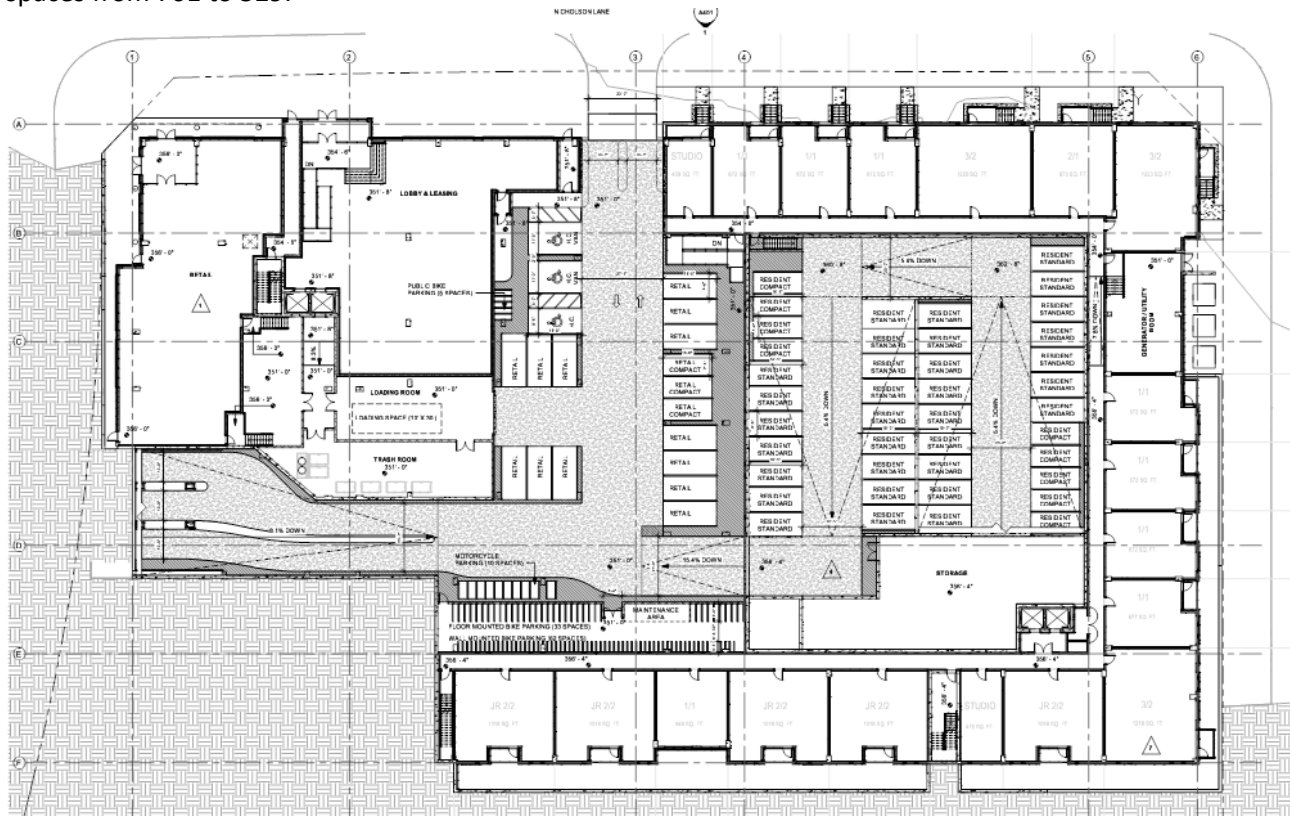


Figure 4 - Proposed (82014018A) Ground Floor Parking Layout

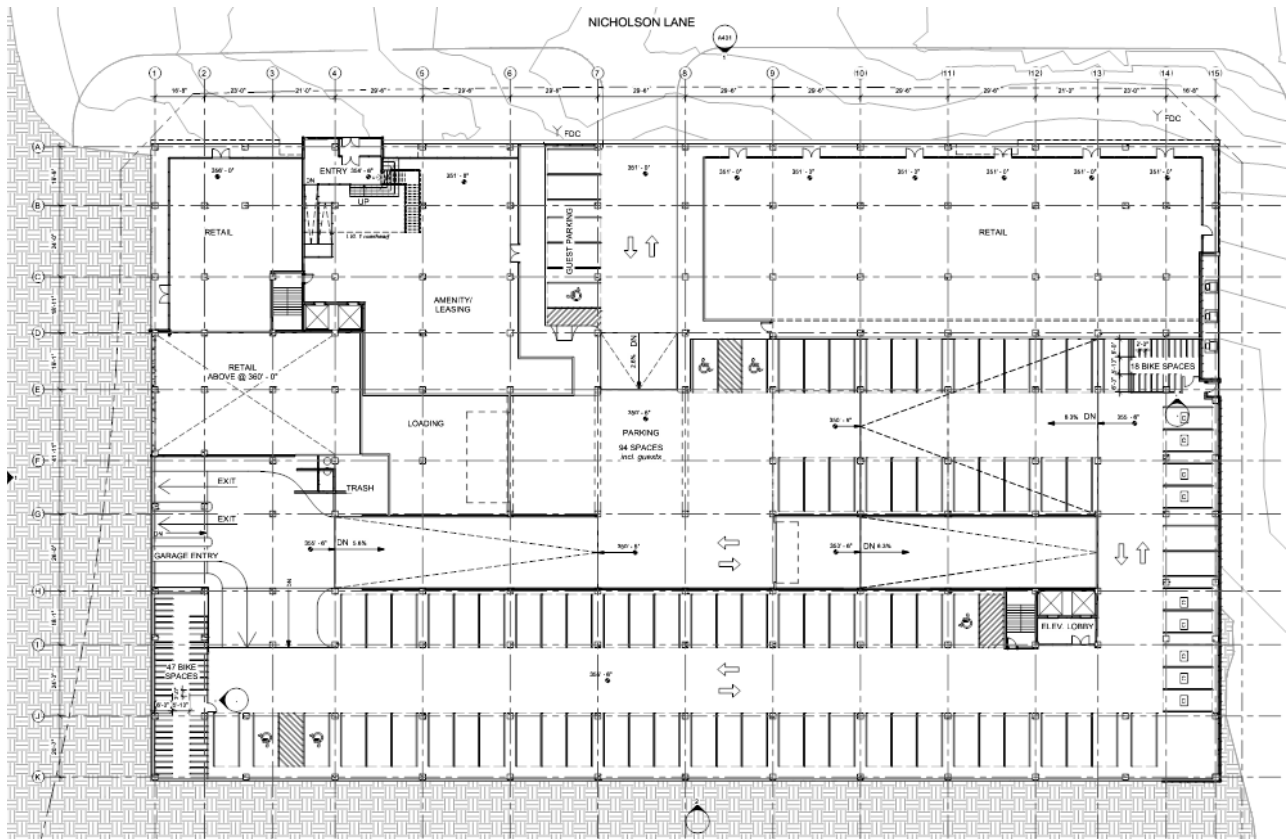


Figure 5 - Originally (820140180) Approved Ground Floor Parking Layout

This amendment proposes to convert retail frontage along Nicholson Lane to residential units, and the amendment includes an update to the streetscape along Nicholson Lane to accommodate the entrances to these new residential units. This will allow the Phase I building to maintain an engaging streetscape and will prevent the Nicholson Lane frontage from feeling like it has turned its back to the street. This modification will maintain and enhance the pedestrian-friendly, engaging vision for the White Flint area (see Figures 6 and 7 below). Landscape changes along Huff Court and the through-block connection are also included in this amendment and will continue to create inviting and attractive public open spaces surrounding the proposed building.

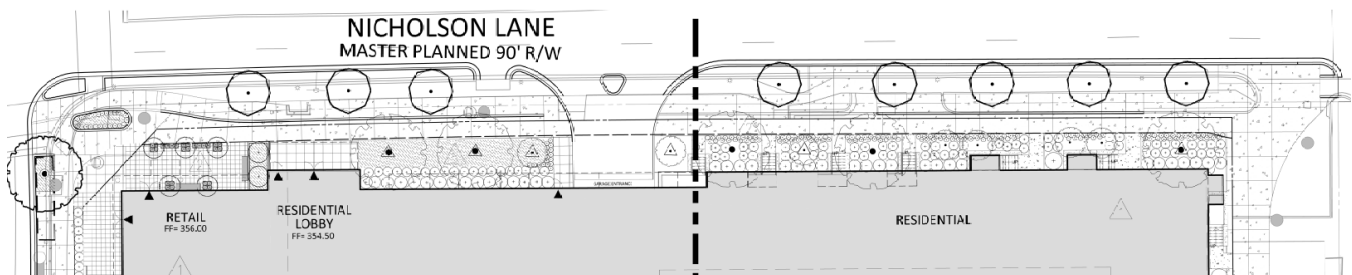


Figure 6 - Amended (82014018A) Nicholson Lane Streetscape

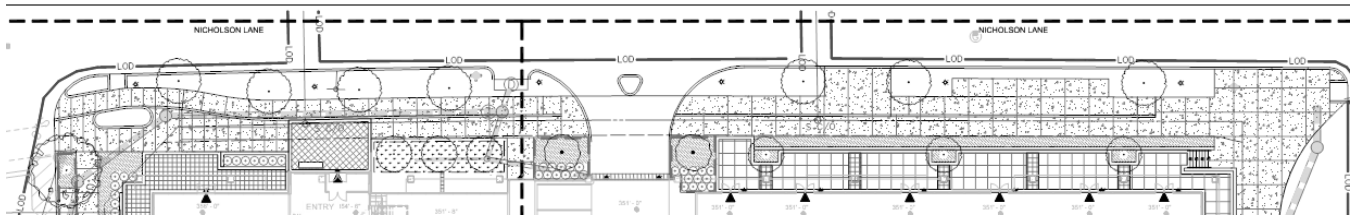


Figure 7 - Originally Approved (820140180) Nicholson Lane Streetscape

Stormwater management, green area, and Public Benefit Point calculations have been updated to reflect the proposed changes of this amendment. All changes included with this amendment are contained to the Phase I portion of the project, defined as the building north of the proposed through-block connection, and as illustrated in Figure 8.

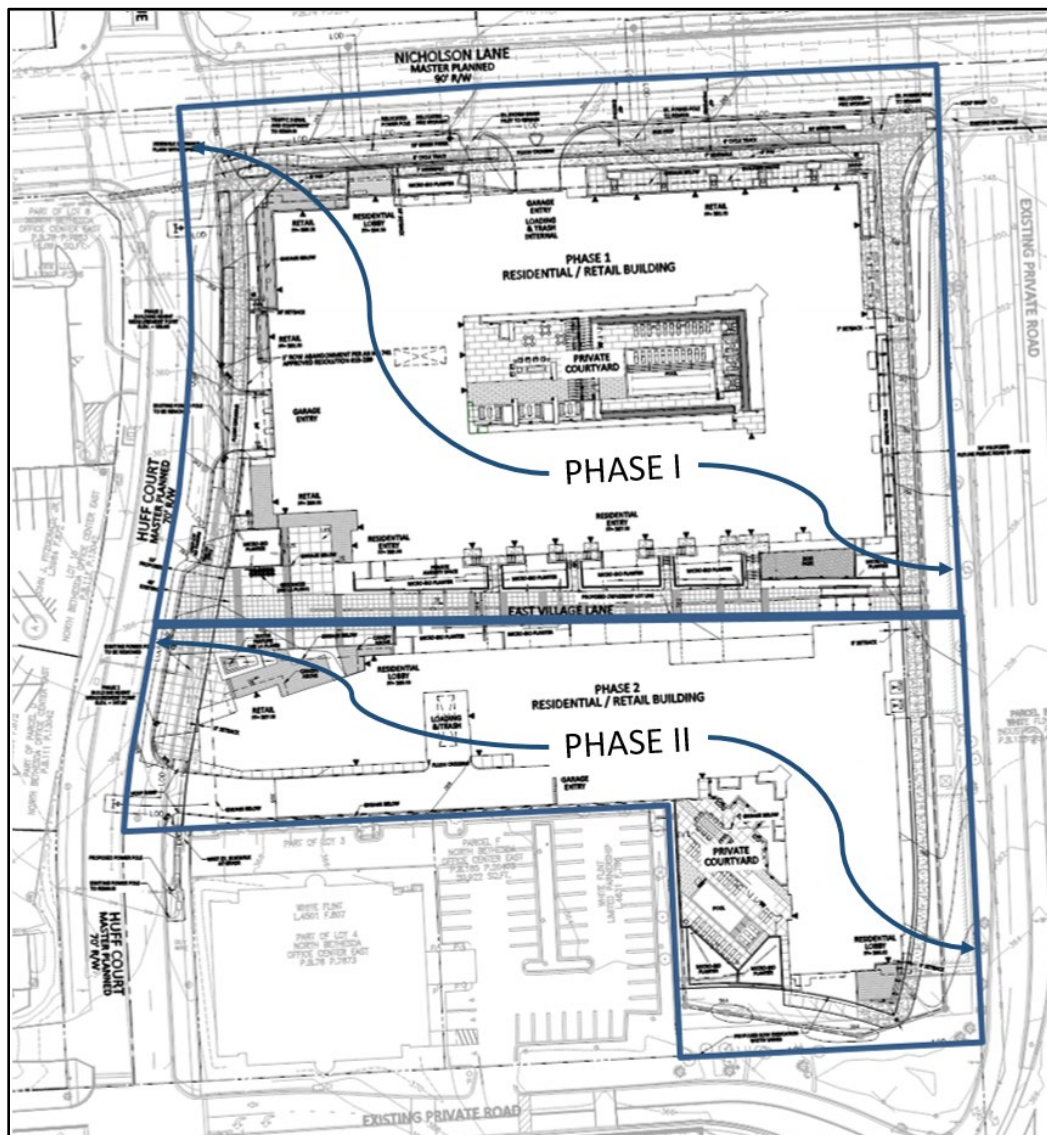


Figure 8 - Previously Approved Phasing Plan (Phases I & II)



Figure 9 - Amended (82014018A) Illustrative Site Plan

Open Space and Environment

There are minor changes made to street trees and other environmental features along Nicholson Lane, Huff Court, and along the proposed through-block connection. The changes do not significantly affect the originally approved open space and environmental features, and the public areas along Nicholson Lane, Huff Court, and the through-block connection will continue to be well-landscaped and inviting to pedestrian traffic.

Parking

The Applicant is proposing to change their Phase I parking from below-ground to above ground and reduce the Phase I parking from 416 spaces to 244 spaces. This equates to a reduction of 172 parking spaces for Phase I and reduces the overall Property total from 701 spaces to 529 spaces. The applicant proposes to provide unbundled parking, and to have parking calculations made based on Section 59-

6.2.3.1.5 of the new code. These calculations result in a minimum of 394 parking spaces for the entire property. The 529 parking spaces provided meet the requirements of the Zoning Ordinance. The access points for both the Phase I and Phase II parking garage and the number of Phase II parking spaces provided (285 spaces) remain unchanged and are consistent with the original approval.

Public Benefits

While the Applicant is proposing to revise the below-grade parking structure in Phase I to an above-grade parking structure, the categories of the proposed public benefits package are unchanged from the original Site Plan Approval. As listed in the conditions of approval and detailed in the findings, the proposed development will continue to provide the following public benefits:

- Transit Proximity
- Neighborhood Services
- Through Block Connection
- Structured Parking
- Public Open Space
- Exceptional Design
- Building Lot Terminations
- Cool Roof

The proposed Site Plan Amendment slightly modifies the public benefits points provided for both Structured Parking and Public Open Space categories. The public benefit point changes are limited to the points provided by the Lake Waverly site, and do not affect the points for the other two sketch plan properties. The number of points awarded for Structured Parking is reduced from 5.14 to 3.81, based on the change from underground to above-ground parking and based on the reduction of the total Phase I parking spaces from 416 to 244. The Applicant proposes a minor reduction in the amount of Public Open Space provided. The 201-square foot reduction in Public Open Space from 22,695 to 22,494 results in a .05 point reduction in the Public Benefit points provided, from 5.54 to 5.49.

Phasing

The proposed development is in accordance with the phasing plan of the approved Sketch Plan 32011002A and Site Plan 820140180. The project will still be developed in two phases.

Community Outreach

The Applicant has met all proper signage, noticing, and submission meeting requirements. As of the date of this report, Staff has not received any correspondence on this application.

SECTION 4: SITE PLAN REVIEW

Site Plan Findings

Section 59-D-3.4(c)

In reaching its decision the Planning Board must require 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.*

Not applicable; 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). This amendment affects the public benefit points provided for the structured parking and public open space categories. The structured parking points decrease from 5.14 to 3.81, and the public open space points decrease from 5.54 to 5.49. The total sketch plan public benefit points are decreased from 100.848 to 100.64, which is still above the minimum threshold of 100 points. Therefore, the Site Plan conforms to the approved Sketch Plan.

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

The Site Plan Amendment is proposed pursuant to the Commercial/Residential Zone and meets the general requirements of Section 59-C-15 as follows:

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

The Property is located within the 2010 White Flint Sector Plan ("Sector Plan") area, and previous sketch, preliminary, and site plan approvals determined the project to be compliant with the recommendations laid out in the Sector Plan. None of the changes proposed with this amendment alter Sector Plan compliance. Despite a change in use from retail to residential along Nicholson Lane, the new street-level dwelling units have direct access from and engage the street. This is required to ensure that the building does not turn its back to Nicholson Lane and encourages an active streetscape that is envisioned both in the original approval of the plan and in the White Flint Sector Plan.

Thus, the Site Plan Amendment continues to conform to the Sector Plan and Design Guidelines.

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

This bicycle parking spaces and facilities remain in an accessible and convenient location as previously approved.

Section 59-C-15.63 - Parking

The Site Plan proposes to change the Phase I parking from 416 spaces in a structured, below-ground facility, to 244 spaces in an above-ground structured facility. The proposed total number of parking spaces provided on the property will be reduced by 172, from 416 to 244 in the Phase I building and 701 to 529 for the Property as a whole. The applicant has requested that minimum parking be calculated using the standards laid out in Section 59-6.2.3.1.5 of the new code, which provides lowered minimums for unbundled parking. Using these calculations, the minimum number of spaces for the Property is 394. Thus, the reduction to 529 spaces is still above the minimum required number of spaces and satisfies the requirements of the Zoning Ordinance. Access points from Nicholson Lane and Huff Court are unchanged from the previously approved site plan. 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. Thus, the proposed revisions to the parking structure do not change circulation patterns, which will continue to be safe adequate and efficient and are well-integrated into the design of the project.

Section 59-C-15.7 - Development Standards

The proposed Site Plan meets the development standards of Section 59-C-15, as shown in the Project Data Table below:

Table 1: Project Data Table					
Section 59.4.5.3.C	Development Standard (CR 3.0: C 1.5, R 2.5, H 200 Zone)	Permitted/ Required	Approved by Sketch Plan	Approved Site Plan 820140180	Proposed 82014018A
	Gross Tract Area (sf)	n/a	223,167	223,167	223,167
59.4.5.4.B.2.b	Maximum Density (FAR)	3.0 FAR	2.66 FAR	2.65 FAR	2.55 FAR
	<i>Non-residential (sf) C-1.5</i>	334,751	35,500	34,000	19,000
	<i>Residential (sf) R-2.5</i>	557,918	557,918	557,918	549,972
	TOTAL CR 3.0	892,669	593,418	591,918	568,972
59.4.5.4.B.2.b	Maximum Building Height (ft)	200	110	85	85
59.4.5.4.B.3	Minimum Setback	n/a	n/a	n/a	n/a
59.4.5.4.B.1	Minimum Public Use Space (%)	10	10	10	10
	Residential Amenity Space (sf)				
	<i>Phase I Indoor</i>	5,000	-	5,000	5,000
	<i>Phase I Outdoor</i>	5,000	-	5,000	5,000
	<i>Phase II Indoor</i>	4,060		4,060	4,060
	<i>Phase II Outdoor</i>	4,060		4,060	4,060
	TOTAL	18,120	-	18,120	18,120
59.6.2.4.C	Minimum Bicycle Parking (spaces)				
	<i>Publicly Accessible</i>	10	-	10	10
	<i>Privately Secured</i>	100	-	100	100
59.6.2.4.B	Vehicular Parking (spaces)		-	(up to) 701	(up to) 529
	<i>Maximum</i>	871			
	<i>Minimum</i>	394			

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 proposed loading spaces are adequate given the size and proposed use of the buildings.

Section 59-C-15.82 – Public Benefits Required

The proposed Site Plan Amendment slightly modifies the public benefits points provided for both Structured Parking and Public Open Space categories. The number of points awarded for Structured Parking is reduced from 5.14 to 3.81, based on the change from underground to above-ground parking and based on the reduction of the total Phase I parking spaces from 416 to 244. Regarding Public Open Space, the Applicant proposes a minor reduction in the amount of Public Open Space provided. This 201-square foot decrease in Public Open Space from 22,695 to 22,494 results in a .05-point reduction in the Public Benefit points provided, from 5.54 to 5.49.

This reduction in Public Benefit points reduces the number of site plan area points from 42.335 to 40.955. After the 30% Design Quality cap is applied, the site plan area points equal 40.285, down from 41.275. While the number of points for the other two site plan areas remain unchanged, their totals after applying the 30% cap for the Design Quality cap are actually increased, as the deduction of structured parking points means that the 30% cap will be exceeded by 2.01 points rather than 3.18 points as shown in the original site plan approval. Therefore, each site plan area subtotal will be deducted by 0.67 points rather than 1.06 points as shown in the previous approval. The Fitzgerald Property’s cap-adjusted subtotal will now be 48.655 and the JWW Property’s cap-adjusted subtotal will now be 11.7. All combined, the total Public Benefits points will now equal 100.64, which is a reduction from the previously approved 100.848, but is still above the minimum threshold of 100 points. Thus, this Site Plan Amendment is in compliance with the previously approved sketch plan and site plan.

Section 59-C-15.83 – General Incentive Density Consideration

The proposed public benefits with this Site Plan:

- a. Take into consideration “the recommendations, objectives, and priorities of the applicable master or sector plan” by providing ground floor retail, housing units, general sustainability measures, and connectivity improvements;
- b. Meet “the CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area” by following the proper criteria for each public benefit and by proposing public open space, structured parking, and through-block connections as recommended in the Design Guidelines;
- c. Are appropriate for “the size and configuration of the tract” by providing the proportionate share of public benefits outlined in the Sketch Plan approval for the Sketch Plan Properties;

- d. Adequately address “the relationship of the site to adjacent properties” by designing the building to consider view sheds of adjacent developments and providing open space and enhanced pedestrian facilities near the Metro station; and
- e. Consider “the presence or lack of similar public benefits nearby” through the provision of environmental benefits, and enhanced vehicular, pedestrian and bicycle connections that are currently lacking in this area.

Section 59-C-15.85 – Individual public benefit descriptions and criteria

Table 2: Public Benefits Calculations					
Public Benefit	Incentive Density				
	Max Allowed	Sketch Plan 32011002A*	Approved for Site Plan No. 820140180**	Proposed for Site Plan No. 82014018A**	Updated Sketch Plan Area Totals
Transit Proximity	70	30.64	11.18	11.18	30.64
Connectivity between Uses, Activities, and Mobility Options					
Neighborhood Services	15	10	3.65	3.65	10
Through Block Connection	20	15	7.5	7.5	15
Quality of Building and Site Design					
Structured Parking	20	16.25***	5.14	3.81	14.88
Public Open Space	20	9.68	5.54	5.49	9.63
Exceptional Design	10	7.5	2.5	2.5	7.5
Protection and Enhancement of the Natural Environment					
Building Lot Terminations	30	5	1.825	1.825	5
Vegetated Roof	15	5	0	0	5
Cool Roof	10	5	5	5	5
TOTAL	210	104.07	41.275****	40.955****	100.64*****

* 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 and 82014018A) 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 totals from 42.335 to 41.275 and 40.955 to 40.285.

***** Total points requested/recommended for approval after 30% maximum is applied to the Design Quality category, which reduces total from 102.65 to 100.64.

Quality of Building and Site Design

Structured Parking: This amendment proposes to replace a below-ground parking structure containing 416 spaces with an above-ground structure containing 244 spaces. The new, above-ground structure will be contained within the envelope of the Phase I building. The reduction in spaces, along with the change from below-ground to above ground, causes a decrease in points in the structured parking category for this site plan area from 5.14 points to 3.81 points.

Public Open Space: The Applicant proposes a minor reduction in the amount of Public Open Space provided. This 201-square foot decrease in Public Open Space from 22,695 to 22,494 results in a 0.05-point reduction in the Public Benefit points provided, from 5.54 to 5.49.

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

Location of 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 location of the Phase I parking structure is being changed by this amendment from below-ground to above-ground, and will be within the envelope of the Phase I building, which reduces the conflicts between vehicles and other modes of transportation.

Open Spaces

The locations of proposed 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. This amendment results in a negligible loss of public open space, from 22,695 square feet to 22,494 square feet, a loss of 201 square feet. The most important open space elements of the plan, the through-block connection and the streetscape improvements along Nicholson Lane and Huff Court, remain. This plan satisfies all open space requirements.

Landscaping and Lighting

This amendment changes the location of street trees and other landscaping features. The proposed landscaping for the Property will still ensure that the area will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors.

Recreation Facilities

Recreation facilities are unchanged by this amendment.

Pedestrian and Vehicular Circulation Systems

Pedestrian and vehicular circulation is unchanged by this amendment. The location of the parking structure has been changed from below-ground to above-ground, but the access points for the garage are unchanged.

4. *Each structure and use is compatible with other uses and other Site Plans, and with existing and proposed adjacent development.*

The massing of the structures proposed, and therefore the compatibility of the structures with other uses and Site Plans, is unaffected by this Site Plan Amendment.

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

Under Chapter 22A of the Montgomery County Code, the Applicant has provided a Final Forest Conservation Plan that is in compliance with Chapter 22A. FFCP 82014018A covers all disturbance associated with demolition of the existing structures, improvements to the surrounding vehicle and pedestrian network, and construction of the proposed development. The net tract area for FFCP 82014018A is 5.57 acres and reflects the disturbance associated with Phases I and II. The previous

FFCP, 820140180, was approved on September 16, 2016. The Applicant is amending the FFCP with this amendment, changing locations of street trees and other landscaping features, but not changing the extent of the limits of disturbance.

The Applicant has obtained approval of Stormwater Management Concept Plan from the Montgomery County Department of Permitting Services (DPS) Water Resources Section in a letter dated May 3, 2019 (Attachment 3). The Applicant is meeting stormwater management requirements via the use of micro-biofilter planters.

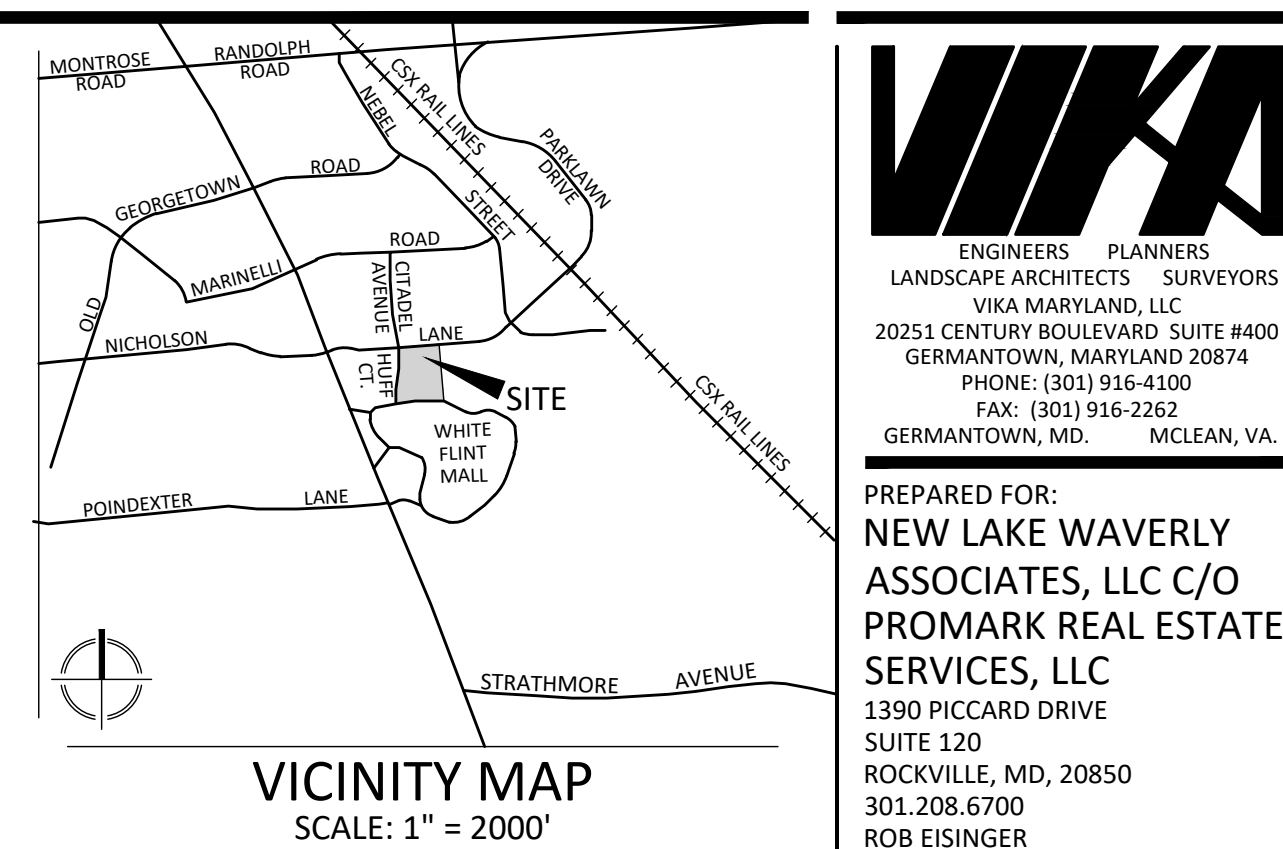
Conclusion

Staff finds the proposed Site Plan Amendment remains consistent with the requirements of the Zoning Ordinance, Sector Plan and Forest Conservation Law. Thus, Staff recommends approval of the Site Plan Amendment based on the conditions of approval, analysis and findings contained in this report.

ATTACHMENTS

1. Amended Site Plan
2. Amended Forest Conservation Plan
3. Stormwater Management Approval Letter
4. Fire Access Approval Letter
5. 820140180 - East Village at North Bethesda Gateway Planning Board Resolution

E-FILE STAMP



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LANDSCAPE ARCHITECTS SURVEYORS
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GERMANTOWN, MARYLAND 20874
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FAX: (301) 916-2262
GERMANTOWN, MD. MCLEAN, VA.

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SUITE 120
ROCKVILLE, MD, 20850
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ROB EISINGER

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BARBARA SEARS

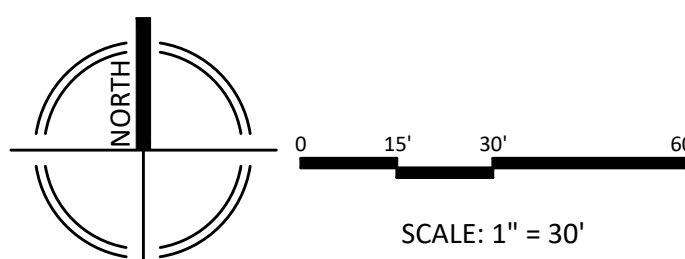
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GHASSAN KHOURI

PLAN LEGEND

CTV	PROPERTY LINES
CTV	ADJACENT PROPERTY LINES
CTV	EXISTING CABLE TELEVISION CONDUIT
CTV	EXISTING ELECTRICAL CONDUIT
CTV	EXISTING EDGE OF PAVEMENT
CTV	EXISTING FENCE LINE
CTV	EXISTING NATURAL GAS CONDUIT
CTV	EXISTING OVERHEAD WIRES
CTV	EXISTING COMMUNICATIONS CONDUIT
CTV	EXISTING PUBLIC UTILITIES EASEMENTS
CTV	EXISTING SANITARY SEWER CONDUIT
CTV	EXISTING STORM DRAIN CONDUIT
CTV	EXISTING WATER CONDUIT
CTV	EXISTING ZONING LIMITS
CTV	BUILDING AT GRADE
CTV	BUILDING BELOW
CTV	BUILDING ABOVE
CTV	BUILDING RETAIL
CTV	BUILDING CANOPY
CTV	LIMITS OF LOADING AREA
CTV	PROPOSED 10' CONTOUR
CTV	PROPOSED 2' CONTOUR
CTV	PROPOSED WATER LINE
CTV	PROPOSED SANITARY SEWER WITH STRUCTURE
CTV	PROPOSED STORM DRAIN
CTV	PROPOSED OVERALL LIMITS OF DISTURBANCE
CTV	PROPOSED STORM WATER EASEMENT
CTV	EXISTING PARKING LABEL
CTV	EXISTING SANITARY CLEANOUT
CTV	EXISTING STORM DRAIN MANHOLE
CTV	EXISTING ELECTRICAL JUNCTION BOX
CTV	EXISTING ELECTRICAL MANHOLE
CTV	EXISTING FIRE DEPARTMENT CONNECTION
CTV	EXISTING FIRE HYDRANT
CTV	EXISTING GAS MANHOLE
CTV	EXISTING GUY POLE
CTV	EXISTING GAS VALVE
CTV	EXISTING LIGHT POLE
CTV	EXISTING PHONE PEDESTAL
CTV	EXISTING PHONE MANHOLE
CTV	EXISTING UTILITY POLE
CTV	EXISTING SANITARY MANHOLE
CTV	EXISTING TRAFFIC CONTROL BOX
CTV	EXISTING TRAFFIC SIGNAL POLE
CTV	EXISTING TREE
CTV	EXISTING CABLE TELEVISION PEDESTAL
CTV	EXISTING UNKNOWN UTILITY MANHOLE
CTV	EXISTING WATER METER
CTV	EXISTING WATER MANHOLE
CTV	EXISTING WATER VALVE
CTV	EXISTING BOLLARD
CTV	EXISTING SIGN POST
CTV	EXISTING WOOD POST
CTV	EXISTING INLETS
CTV	EXISTING CURB INLET
CTV	EXISTING CONCRETE
CTV	EXISTING CURB AND GUTTER
CTV	EXISTING BUILDING
CTV	EXISTING STORY
CTV	EXISTING ELECTRICAL TRANSFORMER
CTV	EXISTING ASPHALT
CTV	EXISTING EASEMENT
CTV	EXISTING REINFORCED CONCRETE PIPE
CTV	EXISTING CORRUGATED METAL PIPE
CTV	EXISTING BUILDING RESTRICTION LINE
CTV	EXISTING RIGHT-OF-WAY
CTV	BUILDING HEIGHT MEASURING POINTS (SEE SITE PLAN SHEETS)
CTV	PROPOSED LIGHTS
CTV	PROPOSED PARKING LABELS
CTV	SMALL LOADING AREA (10'X30')
CTV	DOOR LOCATION
CTV	FIRE DEPARTMENT CONNECTION
CTV	LIMITS OF UNDERGROUND STRUCTURE



List of Changes for 82014018A

- Reduction of Retail Use on Phase 1A up to 5,000 SF on the corner of Huff Court and Nicholson Lane. Provide ground floor residential along Nicholson and Huff in areas previously stated for retail.
- Update street space within 5-10 ft of the building perimeter on Nicholson Lane (no change to bike lane or dedicated ROW as previously coordinated).
- Reduction of parking to meet the new zoning ordinance
- Provide "wrap" parking within the building footprint in lieu of below grade parking. Parking structural will be internal to the building.
- Update storm water/green area calculations.
- Modify Public Benefit Points

DEVELOPER'S CERTIFICATE
The undersigned agrees to execute all the features of the Site Plan Approval 82014018A, including Approval Conditions, Development Program, and Certified Site Plan.

New Lake Waverly Associates, LLC
Developer's Name: Rob Eisinger
Contact Person: 1390 Piccard Drive, Suite 120, Rockville MD 20850
Address: 301.208.6700
Phone:

Signature: _____ Date: _____

EAST VILLAGE AT NORTH BETHESDA GATEWAY

PHASE 1A & 1B
8TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 215NW05 & 214NW05
TAX MAP: HQ122 & HQ121

MNCPPC
82014018A

COMPOSITE SITE PLAN

DRAWN BY: SDG
DESIGNED BY: JB
DATE ISSUED: 05/20/2019

SHEET NO. SP-3

E-FILE STAMP				

SOILS DATA				
SYMBOL	SOIL TYPE	HYDROLOGIC SOIL GROUP RATING	K (WHOLE) FACTOR	DRAINAGE CLASS
400	URBAN LAND	D	0	NOT RATED

ENTIRE SITE IS WITHIN URBAN SOIL TYPE

SIGNIFICANT & SPECIMEN TREE IMPACT

TREE NO.	SPECIES NAME	COMMON NAME	DBH (INCHES)	CRZ (SQ. FT)	CRZ AFFECTED	%CRZ AFFECTED	SAVE / REMOVE	VARIANCE REQUIRED
2V	ROBINIA PSEUDOACACIA	BLACK LOCUST	36	9161	9161	100%	REMOVE	YES
3	ROBINIA PSEUDOACACIA	BLACK LOCUST	25	4418	4418	100%	REMOVE	YES
4	PIATANUS OCCIDENTALIS	SYCAMORE	28	5542	5542	100%	REMOVE	YES
5V	ROBINIA PSEUDOACACIA	BLACK LOCUST	31	6793	3057	45%	REMOVE	YES
7	QUERCUS PHELLOS	WILLOW OAK	31	6793	6793	100%	REMOVE	YES
8V	QUERCUS PHELLOS	WILLOW OAK	36	9161	9161	100%	REMOVE	YES
11	QUERCUS PHELLOS	WILLOW OAK	25	4418	4418	100%	REMOVE	YES
12	LIQUIDAMBAR STRYACIFLUA	SWEETGUM	25	4418	104	2%	SAVE	YES
16V	ACER NEGUNDO	BOX ELDER	31	6793	6793	100%	REMOVE	YES
17	MORUS ALBA	WHITE MULBERRY	24	4072	4072	100%	REMOVE	YES
19	ROBINIA PSEUDOACACIA	BLACK LOCUST	24	4072	4072	100%	REMOVE	YES
20	PRUNUS SEROTINA	BLACK CHERRY	24	4072	4072	100%	REMOVE	YES

SPECIMEN TREES

REPLACEMENT TREE CALCULATIONS

TREE NO.	DBH (IN.)	MITIGATION REQUIRED 1/4" OF DBH REMOVED
2	36	9
5	31	7.75
7	31	7.75
8	36	9
16	31	7.75
TOTALS	165	41.25

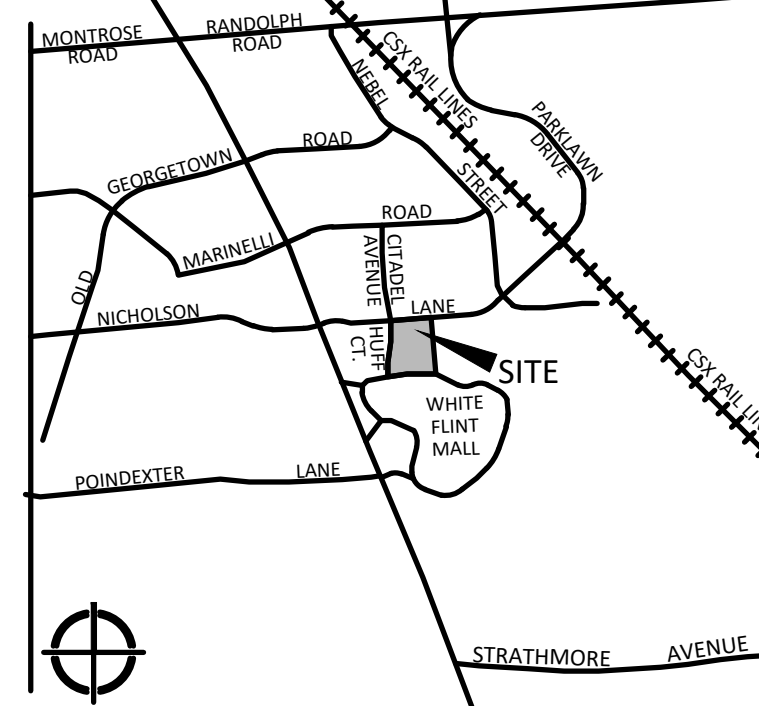
PROPOSED REPLACEMENT: 6 TREES @ 3.5" MIN. CAL & 9 TREES @ 2.5" CAL = 43.5"

REPLACEMENT TREE SCHEDULE

QTY.	SPECIES NAME	COMMON NAME	CAL (INCH)	TOTAL CAL	COMMENTS
3	QUERCUS PHELLOS	WILLOW OAK	3.5	10.5	Phase 1A
12	MAGNOLIA VIRGINIA	SWEETBAY MAGNOLIA	2.5	30	Phase 1A and Phase 1B
2	CLADRASTIS KENTUKEA	AMERICAN YELLOWWOOD	2.5	5	Phase 1B
17	TOTAL TREES			45.5	

ENVIRONMENTAL DATA TABLE

ACREAGE OF TRACT	4.94
ACREAGE OF TRACT REMAINING IN AGRICULTURAL USE	0.00
ACREAGE OF ROAD & UTILITY ROW'S WHICH WILL NOT BE IMPROVED AS PART OF DEVELOPMENT APPLICATION	0.67
ACREAGE OF STREAM VALLEY BUFFER	0.00
ACREAGE OF TOTAL EXISTING FOREST	0.00
ACREAGE OF TOTAL FOREST RETENTION	0.00
ACREAGE OF TOTAL FOREST CLEARED	0.00
LAND USE CATEGORY & CONSERVATION & AFFORESTATION THRESHOLDS	CAI
SEC. 22A-12(a) FOREST CONS. LAW	15%/15%
ACREAGE OF FOREST RETAINED, CLEARED, & PLANTED WITHIN WETLANDS	Retained: 0.00 Planted: 0.00
ACREAGE OF FOREST RETAINED, CLEARED, & PLANTED WITHIN 100-YR FLOODPLAINS	Retained: 0.00 Planted: 0.00
ACREAGE OF FOREST RETAINED, CLEARED, & PLANTED WITHIN PRIORITY AREAS	Retained: 0.00 Planted: 0.00
ACREAGE OF FOREST RETAINED, CLEARED, & PLANTED WITHIN PRIORITY AREAS	Retained: 0.00 Planted: 0.00
LINEAR FEET AND AVERAGE WIDTH STREAM BUFFER PROVIDED	Linear Feet: 0.00' Average Width: 0.00'

VICINITY MAP
SCALE: 1" = 2000'

NOTES:

- THIS PLAN IS SUBJECT TO NRI NO. 420110420 APPROVED
- THE GROSS TRACT AREA IS 5.32 AC. FOR DENSITY PURPOSES, THE TRACT AREA FOR THE FCP INCLUDES 0.45 AC. OF OFF-SITE LIMITS OF DISTURBANCE.
- THE SITE IS LOCATED ON WSSC MAP 235N05 & 234N05.
- THE SITE IS LOCATED ON TAX MAP # HQ122 & HQ121.
- THE SUBJECT PROPERTY IS COMPRISED OF THE FOLLOWING:
- PARCEL TAX ACCT NO. LIBER & FOLIO
03108847 L. 4631, F. 786
- THE SUBJECT PROPERTY IS ZONED CR-3 (C-1.5, R-2.5, H-200).
- THE HORIZONTAL DATUM IS BASED ON THE MARYLAND COORDINATE SYSTEM NAD83/91. THE VERTICAL DATUM IS BASED ON THE DATUM OF THE WASHINGTON SUBURBAN SANITARY COMMISSION NGVD29.
- THE SUBJECT PROPERTY IS LOCATED IN THE LOWER ROCK CREEK WATERSHED, A CLASS 1 STREAM.
- THIS SITE IS NOT WITHIN AN SPA OR PMA.
- THERE ARE NO PERENNIAL OR INTERMITTENT STREAMS OR THEIR ASSOCIATED BUFFERS LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
- THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 24031C0361D FOR MONTGOMERY COUNTY, MARYLAND, DATED SEPTEMBER 29, 2006.
- NO RARE, THREATENED OR ENDANGERED SPECIES EXIST ON THE SITE (FIELD EVALUATIONS AND DNR RTE VERIFICATION LETTER).
- THE SUBJECT PROPERTY IS NOT IDENTIFIED IN THE MONTGOMERY COUNTY HISTORIC PRESERVATION ON-LINE MAPPER.
- THERE ARE NO AREAS OF EXISTING FOREST AS DEFINED BY MONTGOMERY COUNTY FOREST LEGISLATION LOCATED ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
- THERE ARE NO CHAMPION TREES OR TREES 75% OF THE STATE CHAMPION ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
- A VARIANCE REQUEST HAS BEEN APPROVED FOR SPECIMEN TREES TO BE IMPACTED OR REMOVED. SEE SIGNIFICANT & SPECIMEN TREE TABLE FOR DETAILS.

FOREST CONSERVATION WORKSHEET
EAST VILLAGE AT NORTH BETHESDA GATEWAY

NET TRACT AREA:

A. Total tract area	5.57
B. Land dedication acres (parks, county facility, etc.)	0.00
C. Land dedication for roads or utilities (not being constructed by this plan)	0.00
D. Area to remain in commercial agricultural production/use	0.00
PREVIOUS DEDICATIONS	0.67
F. Net Tract Area =	4.90

LAND USE CATEGORY: (from Trees Technical Manual)

Input the number "1" under the appropriate land use, limit to only one						
ARA	MDR	IDA	HDR	MPD	CIA	
0	0	0	0	1	0	

G. Afforestation Threshold	15%	x F =	0.74
H. Conservation Threshold	20%	x F =	0.98

EXISTING FOREST COVER:

I. Existing forest cover =	0.00
J. Area of forest above afforestation threshold =	0.00
K. Area of forest above conservation threshold =	0.00

BREAK EVEN POINT:

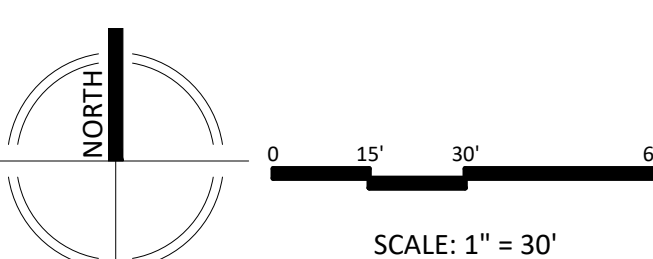
L. Forest retention above threshold with no mitigation =	0.00
M. Clearing permitted without mitigation =	0.00

PROPOSED FOREST CLEARINGS:

N. Total area of forest to be cleared =	0.00
O. Total area of forest to be retained =	0.00

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold =	0.00
Q. Reforestation for clearing below conservation threshold =	0.00
R. Credit for retention above conservation threshold =	0.00
S. Total reforestation required =	0.00
T. Total afforestation required =	0.74
U. Credit for landscaping (may not exceed 20% of "S") =	0.00
V. Total reforestation and afforestation required =	0.74

NOTE:
REFORESTATION REQUIREMENT TO BE MET BY FEE-IN-LIEU

List of Changes for 82014018A

- Reduction of Retail Use on Phase 1A up to 5,000 SF on the corner of Huff Court and Nicholson Lane. Provide ground floor residential along Nicholson and Huff in areas previously slated for retail.
- Update street space within 5-10 ft of the building perimeter on Nicholson Lane (no change to bike lane or dedicated ROW as previously coordinated).
- Reduction of parking to meet the new zoning ordinance
- Provide "wrap" parking within the building footprint in lieu of below grade parking. Parking structural will be internal to the building.
- Update storm water/green area calculations.
- Modify Public Benefit Points

DEVELOPER'S CERTIFICATE

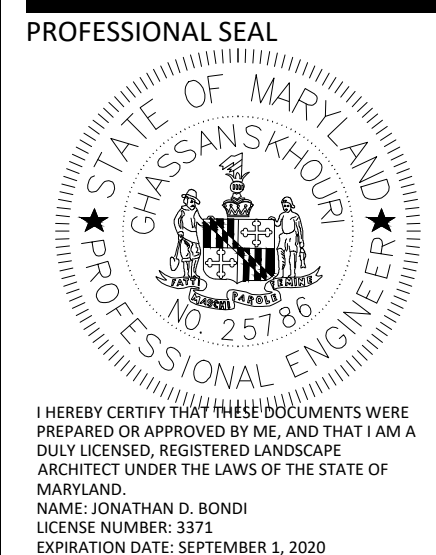
The undersigned agrees to execute all the features of the Site Plan Approval 82014018A, including Approval Conditions, Development Program, and Certified Site Plan.

New Lake Waverly Associates, LLC
Contact Person: Rob Esinger
Address: 1390 Piccard Drive, Suite 120, Rockville, MD 20850
Phone: 301-208-6700

Signature: _____ Date: _____

ENGINEERS PLANNERS SURVEYORS
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GERMANTOWN, MARYLAND 20874
PHONE: (301) 916-4100
FAX: (301) 916-2262
GERMANTOWN, MD. MCLEAN, VA.PREPARED FOR:
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GHASSAN KHOURI

REVISIONS	DATE
INITIAL SUBMISSION	3/07/2019
RESPONSE TO COMMENTS	5/20/2019



EAST VILLAGE AT NORTH BETHESDA GATEWAY

PHASE 1A & 1B
8TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
WSSC GRID:215N05 & 214N05
TAX MAP: HQ122 & HQ121MNCPPC
82014018A

FINAL FOREST CONSERVATION PLAN

DRAWN BY: SDG
DESIGNED BY: JB
DATE ISSUED: 05/20/2019

SHEET NO. FFCP-1

ATTACHMENT 3



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Diane R. Schwartz Jones
Director

May 3, 2019

Ms. Shannon Flickinger
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: **SITE DEVELOPMENT STORMWATER
MANAGEMENT PLAN** Request for Revision to
North Bethesda Gateway - East Village
Preliminary Plan #: 12014020
SM File #: 256875
Tract Size/Zone: 4.45 Ac./CR-3.0
Total Concept Area: 5.24
Parcel(s): E
Watershed: Lower Rock Creek

Dear Ms. Flickinger:

Based on a review by the Department of Permitting Services Review Staff, the REVISED Site Development Stormwater Management Plan for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via ESD to the MEP via the use of micro-bioretenention. Due to site limitations only a maximum Pe of 1.08 can be achieved, so a waiver of the remaining volume has been granted.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping in areas located within the stormwater management easement which are shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Use the latest design standards for stormwater management structures at the time of plan submittal. Also try to increase the amount of volume treated at time of plan submittal.
6. All underground parking is to drain to WSSC.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

ATTACHMENT 3

Ms. Shannon Flickinger

May 3, 2019

Page 2 of 2

7. Provide a copy of the mechanical drawings showing the drain pipe schematics for the roof drains to the stormwater structures and the schematics for the garage drains going to WSSC.
8. Provide stormwater management easements and covenants for all stormwater management structures on private property.
9. At time of design try to provide additional treatment of the roof area that is not being picked up now.
10. **This approval supersedes the previous stormwater conceptual approval dated August 3, 2016.**

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is/is not required**.

This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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

Sincerely,



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

MCE: CN256875 North Bethesda Gateway East Village 2nd Revision.DWK

cc: N. Braunstein
SM File # 256875

ESD: Required/Provided 26049 cf / 15692 cf
PE: Target/Achieved: 1.8"/1.08"
STRUCTURAL: 0.00 cf
WAIVED: 5.24 ac.

ATTACHMENT 4



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 09-Jun-16
TO: Jamie Chapman - chapman@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: East Village at North Bethesda
820140180 120140240

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **09-Jun-16**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** 5/30/2019 Amendment: 82014018A Changes to building and access *****

ATTACHMENT 5



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

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Gwen Wright, Planning Director *GW*

VIA: Khalid Afzal, Acting Chief, Area 2 Division *KA*
PB Patrick Butler, Planner Coordinator, Area 2 Division

SUBJECT: Correction of Resolution for Site Plan No. 820140180, MCPB No. 16-091
East Village at North Bethesda Gateway

DATE: December 6, 2016

Attached is a redlined version of the corrected Resolution for Site Plan No. 820140180, MCPB No. 16-091 East Village at North Bethesda Gateway. The Resolution was mailed out to all parties of record on September 16, 2016.

This correction is necessary due to a typo in Condition No. 7.b.v. on Page 4. While the drawings and staff report in the application correctly illustrated and met the 1992 Recreation Guidelines for an "Indoor Fitness Facility", it was incorrectly referred to as an "Outdoor Fitness Facility" in the resolution. This requires a correction to Condition 7.b.v.

Staff is requesting the Planning Board's approval so that the Corrected Resolution can be mailed out to all parties of record.

ATTACHMENT 5



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Date of Hearing: September 8, 2016

JAN - 4 2017

CORRECTED RESOLUTION

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

WHEREAS, 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:

Christina Sone 12/8/16

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

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ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 2

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.

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 3

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)

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 4

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~~ Indoor 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.

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 5

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

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 6

- 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.

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 7

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.*

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 8

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.

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 9

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

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 10

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.

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 11

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 (CR 3.0: C 1.5, R 2.5, H 200 Zone)	Permitted/ Required	Approved by Sketch Plan	Approved
59 - C	Gross Tract Area (sf)	n/a	223,167	223,167
15.71	Maximum Density (FAR)	3.0 FAR	2.66 FAR	2.65 FAR
	Non-residential (sf) C-1.5	334,751	35,500	34,000
	Residential (sf) R-2.5	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)			
	Phase I Indoor	5,000	-	5,000
	Phase I Outdoor	5,000	-	5,000
	Phase II Indoor	4,060		4,060
	Phase II Outdoor	4,060		4,060
	TOTAL	18,120	-	18,120
15.62	Minimum Bicycle Parking (spaces)			
	Publicly Accessible	10	-	10
	Privately Secured	100	-	100
15.631	Vehicular Parking (spaces)		-	(up to) 701
	Maximum	872		
	Minimum	651		

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 12

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:	30.64	11.18
Transit Proximity		
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.

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 13

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

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 14

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.

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 15

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

ATTACHMENT 5

MCPB No. 16-091

Site Plan No. 820140180

East Village at North Bethesda Gateway

Page 16

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 JAN - 4 2017 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, December 15, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

ATTACHMENT 5

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