



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

MCPB No. 19-062
Preliminary Plan No. 120190160
VOB Development
Date of Hearing: May 30, 2019

JUN 28 2019

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on January 15, 2019, Grand Park Development (“Applicant”) filed an application for approval of a preliminary plan of subdivision that would create two lots for a maximum of 1,051,012 square feet of development, including up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses, with a minimum 13% MPDUs (this application is grandfathered from the minimum 15% MPDU requirement based on the application accepted date), including up to 4% bonus density on 5.9 gross acres of land in the CR-4.0, C-2.0, R-3.5, H-250 Zone, located at 11565, 11575 and 11605 Old Georgetown Road and 5995 Executive Boulevard (“Subject Property”), in the 2010 *White Flint Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120190160, VOB Development (“Preliminary 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 May 20, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on May 30, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on May 30, 2019, the Planning Board voted to approve the Application subject to certain binding elements and conditions, on a motion by Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 4-0, Commissioners Anderson, Cichy, Fani-Gonzalez and Patterson voting in favor, Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120190160 to create two lots on the Subject Property, subject to the

Approved as to
Legal Sufficiency:

following conditions:¹

General Approval

1. This Preliminary Plan is limited to two (2) lots; Lot No. 1 (approximately 145,712 square feet) and Lot No. 2 (approximately 21,490 square feet), for a maximum of 1,051,012 square feet of development on the Subject Property, which includes up to 940,843 square feet of residential uses for up to 1,000 multi-family residential units, and up to 110,169 square feet of non-residential uses.

APF and Plan Validity Periods

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for eighty-four (84) months from the date of mailing of this Planning Board Resolution, and is subject to the following phasing schedule:

Phase 1- the Applicant must obtain building permits for a minimum of 279 of the 1,000 dwelling units and 30,000 square feet of non-residential uses within five (5) years of the resolution mailing date, and a minimum of 13% of the units must be MPDUs or units approved by DHCA; the Applicant must dedicate the 21,490 square foot park; provide on-street parking on Grand Park Avenue; and build the applicable area for the Promenade.

Phase 2- Applicant must obtain the remaining 721 building permits of the 1,000 dwelling units and 80,169 square feet of non-residential uses within seven (7) years of the resolution mailing date; a minimum of 13% of the units must be MPDUs or units approved by the Department of Housing and Community Affairs (“DHCA”); and build the applicable area for the Promenade.

Outside Agencies

3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 25, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“SHA”) in its letter dated March 15, 2019 and incorporates them

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.

as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
7. 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 April 5, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services -Fire Department Access and Water Supply Section in its letter dated April 11, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated April 23, 2019, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Site Plan Approval

10. Prior to any clearing, grading or recording of a plat for the Subject Property, the Applicant must obtain a Certified Site Plan. The final number and location of site elements, including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined through Site Plan review and approval.
11. If an approved Site Plan or Site Plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the Site Plan or Site Plan Amendment.
12. The Applicant must provide a minimum of 10% Public Open Space, with final location and size to be determined at Site Plan.

Forest Conservation

13. At the time of Site Plan submittal, the Applicant must submit a Final Forest Conservation Plan (FFCP). The Final Forest Conservation Plan must be substantially consistent with the approved Preliminary Forest Conservation Plan.
14. The Sediment and Erosion Control Plan and Storm Water Management Plan shall be consistent with the limits of disturbance of the FFCP.
15. Site inspections shall be performed by M-NCPPC inspectors as specified in Section 22A.00.01.10 of the Forest Conservation Regulations.

Noise Attenuation

16. The Applicant must provide a noise analysis as part of the Site Plan submittal that includes the baseline noise and the 20-year projected noise levels for the property. The Applicant must attenuate any noise impacted units to comply with requirements to keep interior noise levels at or below 45 dBA Ldn, with details to be determined at subsequent Site Plans.

Transportation/Access

17. The Applicant must dedicate all rights-of-way for Old Georgetown Road (MD 187), Grand Park Avenue and Banneker Street, consistent with the White Flint Western Workaround CIP 50116, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes.
18. The Applicant must provide any road improvements, or portions thereof, along the Subject Property frontage other than those constructed by MCDOT or SHA as part of the White Flint Western Workaround ("WFWW") CIP 50116 with the timing to be determined at Site Plan(s).
19. Prior to the release of any building permit for a building or parking garage, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation to participate in the White Flint Transportation Management District ("TMD").
20. Prior to the issuance of any building permit for a building or parking garage, the Applicant must provide all necessary improvements per the White Flint Western Workaround CIP 50116, along the property frontage, as determined by MCDOT and/or MCDPS.

Utilities

21. The Applicant must underground any utilities, both existing and/or new, that are not undergrounded by the White Flint Western Workaround CIP 50116.

Record Plats

22. There shall be no clearing or grading of the site prior to recordation of plat(s).

Easements

23. The record plat must show necessary easements.

24. The record plat must reflect common ingress/egress and utility easements over all internal driveways and pedestrian connections.

Notes and Labels

25. The record plat must reflect all areas under common ownership.

Parks

26. Prior to issuance of the final residential use and occupancy permit for the first residential building, the Applicant must dedicate to the Maryland-National Capital Park & Planning Commission ("M-NCPPC") the 21,490 square foot portion of the Subject Property identified as Lot No. 2 on the approved Preliminary Plan for use as a public park. The land must be dedicated to the M-NCPPC through notation on the plat and by conveyance at the time of record plat in a form of deed approved by the M-NCPPC's Office of General Counsel. At the time of the first Site Plan and prior to conveyance, the following must be determined:

- a. Design of the park;
- b. Size of the retail building;
- c. Details of leaseback of retail space;
- d. Timing for construction of the park and retail;
- e. Maintenance responsibilities; and
- f. Programming opportunities.

In the event the Applicant is to complete improvements on the land to be dedicated, the Applicant must enter into a Recreational Facilities Agreement ("RFA") or a Park Permit with the Montgomery County Department of Parks. Both the deed and the RFA/Park Permit must be in a form approved by the Department of Parks and the Office of General Counsel.

Certified Preliminary Plan

27. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval(s).

28. Prior to the Certified Preliminary Plan, the Applicant must submit a revised phasing plan, subject to Planning Staff review and approval.

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 layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The two lots' size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the White Flint Sector Plan and the type of development and use contemplated. The lots are appropriately sized and located considering the amount of density and height and the urban development envisioned by the Sector Plan. The lots comply with all applicable dimensional requirements of the CR zone as specified in the Zoning Ordinance.

Table1: Development Standards for the CR-4.0 C-2.0 R-3.5 H-250 Zone

Section 59	Development Standard	Permitted/Required	Approved
	CR-4.0, C-2.0, R 3.5, H 250	n/a	
	Gross Tract Area (sf)	n/a	258,203 sf
	Previous Dedications		36,904 sf
	land ceded to Gables White Flint Dedications		2,593 sf
	Total Net Area	n/a	51,504 sf
	<i>total net area includes Park dedication</i>		<u>167,202 sf</u>
4.5.4.B.2.b	Density		
	Combined FAR	4.0 FAR	1,051,012 sf
	Non-Residential	2.0 FAR	110,169 sf
	Residential	3.5 FAR	940,843 sf
	4% MPDU Bonus Density	12.50%	13.00%
4.5.4.B.2.b	Building Height (feet)	250 ft	262 ft
4.5.4.B.1	Minimum Public Open Space (%)	10%	21.8 % (36,529 sf)
	Park dedication		Park dedication 21,560 sf

6.2.4.B	Minimum Parking		TBD Site Plan
	Units – Final number will be determined at Site Plan		1,000

- a) *The Preliminary Plan provides for required public sites and adequate open areas.*
The Preliminary Plan provides the recommended park dedication and the 10% Public Open Space development requirement. The open space design and site details will be further assessed at Site Plan to ensure the public areas will both relate and connect to the Banneker Street Promenade and adjacent properties.
- b) *The Lot(s) and Use comply with the basic requirements of Chapter 59.*
The lots were reviewed for compliance with the dimensional requirements for the CR Zone as specified in the Zoning Ordinance. The lots meet all applicable dimensional requirements for area, frontage, width, and setbacks in that zone.

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

The Subject Property is in the 2010 White Flint Sector Plan, which seeks to transform an auto-oriented suburban development pattern into an urban, mixed-use, transit-oriented community. The Subject Property is in the Conference Center Block of the Sector Plan’s Metro West District, which together with the Metro East District, define the core of the White Flint Sector Plan area. These districts, located within a quarter-mile of the White Flint Metrorail Station, are envisioned as the urban core of the area, with high densities, tall buildings, active public spaces and a walkable street grid.

As stated on Page 16 of the White Flint Sector Plan, *“the key to transforming White Flint into a great urban place is reconfiguring its mobility system. The existing street network will be reconstituted into a hierarchical grid system and the proposed new streets will form smaller grids that provide access into the new development.”*

The desired street hierarchy is achieved with the interconnected grid of the Project. Old Georgetown Road and Grand Park Avenue, both being constructed through Montgomery County’s WFWW, accommodate through traffic, while Banneker Street (also constructed with the WFWW) and the series of mid-block connections of the Project accommodate local traffic, loading and service functions as well as introduce a pedestrian-oriented scale.

Banneker Street includes a wide sidewalk adjacent to active, commercial uses, special paving elements, and seating areas. The Promenade walk is lined with a double row of street trees to reiterate the significance of the pedestrian along this east-west connection.

Sector Planned Roadways

The Subject Property fronts the east-west segment of Old Georgetown Road (MD 187) between Rockville Pike (MD 355) and existing Executive Boulevard. Both Old Georgetown Road and Executive Boulevard will be realigned as part of the funded WFWW capital improvement project ("CIP") 50116. The funded CIP will shift Executive Boulevard eastward to create a new four-legged intersection at the east-west segment of Old Georgetown Road (MD 187) and planned Grand Park Avenue (known as Mid-Pike Spine Street in the Sector Plan of Highways and Transitways). Additionally, Towne Road will extend southward to meet the east-west segment of Old Georgetown Road (MD 187), the north-south segment of Old Georgetown Road (MD 187), and Executive Boulevard creating a four-legged intersection.

Old Georgetown Road (MD 187) is classified as major highway M-4 and is planned to be 150 feet and 120 feet wide for the respective north-south and east-west segments. Future Bus Rapid Transit ("BRT") service is planned to run within dedicated lanes on the north-south segment of Old Georgetown Road (MD 187) and will shift into mixed traffic on the east-west segment. Future Sector Plan streets, Banneker Street and Grand Park Avenue, additionally bound the site to the south and east respectively. Banneker Street, classified as B-10, is planned to be 70-feet-wide with two (2) travel lanes, and Grand Park Avenue, classified B-15, is planned to be 80-feet-wide with four (4) travel lanes.

Sector Planned Bicycle Facilities

The Applicant coordinated with the Montgomery County Department of Transportation's ("MCDOT") WFWW CIP project team to show road sections that are consistent with the CIP design. Because the County's 2018 Bicycle Master Plan was adopted following the design of the WFWW CIP, the facilities recommended in the Bicycle Master Plan are not consistent with the facilities provided by the WFWW's design. To address these inconsistencies, the Applicant developed illustrative section alternatives that balance MCDOT's existing plans with the recommendations of the Planning Department's Bicycle Master Plan. These sections are consistent with the CIP design, but also demonstrate how the Bicycle Master Plan's recommended facilities could be implemented in the future if funding for a bicycle capital improvement project were to become available. This potential future capital project would be developed following the implementation of the subject Application's project and are not assumed to be the responsibility of the Applicant at this time. The Subject property is located in the White Flint Taxing District and will continue to make contributions that fund future transportation projects in White Flint.

The Bicycle Master Plan recommends two-way separated bike lanes on the south side of the east-west portion of Old Georgetown Road (MD 187). Typically, separated bicycle lanes require at least two (2) to three (3) feet of raised separation

from traffic and are located at an intermediary level between the curb and the street. The WFWW plans include a five (5) foot bicycle lane with a two (2) to three (3) foot-wide striped buffer at the elevation of the vehicular travel lanes. The Applicant proposes to maintain the WFWW's east-west Old Georgetown (MD 187) section as designed and proposes a 15-foot wide sidewalk adjacent to the site, which is separated from the vehicular travel lanes by a 10-foot wide tree panel. The Applicant has modified the streetscape to relocate the street trees from the center of the tree panel south, approximately two (2) and a half feet from the sidewalk, to accommodate the Bicycle Master Plan's recommended facilities in the event a future capital improvement project is pursued. If such a project were pursued, five (5) feet of the landscaped area would be converted to hardscaping or flexible paving to accommodate bicycle traffic, and the existing bicycle lane and associated buffer would be raised to the level of the curb.

The Bicycle Master Plan recommends a sidepath facility along the north-south segment of Old Georgetown Road (MD 187) fronting the site. This segment is a component of the Plan's recommended breezeway network. The WFWW design provides a five (5) to six (6)-foot-wide on-street bicycle lane, which is separated from traffic by a three (3)-foot-wide striped buffer. The Applicant proposes a seven (7)-foot-wide tree panel and 18-foot-wide paved sidewalk between the vehicular travel lanes and the building. The Applicant proposes to off-set trees to allow for future flexibility; however, an adjacent right-turn lane separates the WFWW's bicycle facilities from the curb at this location. If a future capital project were to implement the breezeway recommendation, 11 feet of the 18-foot-wide sidewalk could be repurposed for bicycle use, or by converting the right turn lane and a portion of the landscaped area into a bikeway. The Applicant must work with Planning Staff and MCDOT at Site Plan to determine the final alignment of the section.

The Bicycle Master Plan recommends separated bike lanes on the segment of Grand Park Avenue adjacent to the Property but has not yet designated a side for the facilities. The White Flint Recreation Loop, a signed or marked loop, also falls along this segment. The Applicant proposes to maintain recommendations for the vehicular travel lanes that are consistent with the WFWW plans. Beyond the vehicular travel lanes, the WFWW plans call for ten (10)-foot-wide shared-use paths on either side of the future street. The Applicant proposes a ten (10)-foot-wide paver-sidewalk on the west side of the property and a nine and a half (9.5)-foot-wide paver sidewalk on the east side of the Property adjacent to the civic green. Because pavers are not ideal for bicycle travel, the Applicant must coordinate with Planning Staff and MCDOT on a design for the facility adjacent to the park, which improves bicycle circulation and meets the intent of the Bicycle Master Plan and the planned White Flint Recreation Loop.

Civic Green

The White Flint Sector Plan envisioned a hierarchical public use space system connected by a recreation loop. The Sector Plan recommends a centrally located one-to-two-acre civic green along Banneker Street in the urban core of White Flint. The intent of the civic green is to *“function as the major outdoor civic space for public activities, ceremonies and gatherings.”* (Page 21)

The Property substantially contributes to the initial development of the civic green. This portion of the property is approximately one-half acre (21,490 square-foot) and is located east of Grand Park Avenue. The Sector Plan describes the civic green as a public park for outdoor community-wide activities and events and describes obtaining the land required for the civic green through either dedication or acquisition.

Recreation Loop

The Sector Plan also recommends a Recreation Loop, a continuous, signed recreational pathway to connect the public use spaces as well as the new and existing neighborhoods. An extension of the Recreation Loop is recommended along Grand Park Avenue to provide a connection between the civic green, the Banneker Street Promenade and other public use spaces within the Sector Plan area. Consistent with this recommendation, the Preliminary Plan identifies an extension of the Recreation Loop along the western side of Grand Park Avenue, between Old Georgetown Road and Banneker Street.

Neighborhood Compatibility

On page 22, the Sector Plan indicates that, *“new development at the edges must be compatible with these neighborhoods in building height and scale and should accommodate pedestrian and bicycle access from existing neighborhoods. Landscaped buffers, compatible uses, and buildings of appropriate bulk and height should be located adjacent to existing communities.”*

While the zoning of the Subject Property permits a maximum building height of 250 feet, the Sector Plan recommends a range of building heights from a maximum of 250 feet on the eastern portion of the property to 100 feet along the western portion of the property, near the realigned intersection of Old Georgetown Road and Executive Boulevard.

The Application substantially conforms to the building height recommendations in the Sector Plan, with the tallest buildings heights at Building 1 on the eastern portion of the property and the lowest building heights at Building 3 at the southwest corner of the property. While the zoning and Sector Plan recommend a maximum of 250 feet for the Subject Property, the Applicant proposes to provide 13 percent Moderately-Priced Dwelling Units (MPDUs), a slight increase over the 12.5 percent MPDUs required. The provision of the additional MPDUs allows, pursuant to Zoning Ordinance Section 4.5.2.C.7, an increase in height of 12 feet.

Therefore, the Applicant proposes a maximum building height of 262 feet at the northeastern corner of Building 3, with building heights stepping down from both east to west and north to south across the Subject Property. The transition in building heights, coupled with sculptural tower elements designed to maximize access to air flow and natural light, reduce the overall mass and scale, as perceived from the single-family communities southwest of the site. In addition, the proposed building heights are compatible with those proposed with the redevelopment of 6000 Executive Boulevard and Gables White Flint, both located immediately west of the Subject Property. Final building heights and bonus density will be determined at Site Plan.

Community Serving Uses and Facilities

The White Flint Sector Plan encourages a mixture of uses, including child daycare with new office and residential development as well as grocery stores, restaurants, local retail and commercial services. The ultimate uses are subject to review with subsequent Site Plan applications; however, the Application identifies several uses as “potential” on the Subject Property, including a grocery store, retail and restaurants on the ground-floor as well as space on the second-floor for child daycare, office, gym, and health care providers. *“Community facilities, such as a library, recreation center and a satellite regional services center can help create an important civic presence and destination in the Sector Plan area. The best locations for the library and regional services center are in the two districts closes to Metro: Metro West and Metro East.”* (Page 58)

The Sector Plan also encourages the co-location of community facilities to create an important civic presence in the plan area and indicates that the ideal locations for a library and a regional services center are within the Metro West and Metro East Districts.

Based on the proximity to the civic green, the Applicant should explore opportunities for a public-private partnership to integrate an urban-format library into the development, in the space identified for the second-floor commercial space, with subsequent Site Plan applications.

Sustainability

The White Flint Sector Plan emphasizes sustainability and seeks to reduce vehicle miles traveled, maintain a consistent amount of pervious land cover, increase tree canopy and incorporate stormwater management into all newly developed and redeveloped properties. As stated on page 48 of the Sector Plan, *“redevelopment is an opportunity to improve environmental conditions and create a greener community, which conserves energy and uses roofs and green spaces to filter stormwater and purify the air.”* Furthermore, *“the plan’s recommendations are aimed at maintaining the same amount of pervious land cover, increasing tree*

canopy and incorporating stormwater management into all new and redeveloped properties.” (Page 48)

The Project proposes several elements consistent with the sustainability recommendations of the White Flint Sector Plan. These elements include:

- A continuous network of sidewalks and bikeways to promote walkability and reduce vehicle miles traveled;
- Buildings designed with tower elements positioned to maximize natural light and ventilation.
- Integration of environmental site design features, including green roofs and stormwater management;
- LEED Certification; and
- Increased tree canopy through streetscape elements and plantings in public open space.

Thus, the Preliminary Plan meets the sustainability recommendations of the Sector Plan.

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

Schools

Based on the school cluster and individual school capacity analysis performed using the FY19 Annual School Test, there is adequate school capacity for the amount and type of development approved.

Overview and Applicable School Test

The Preliminary Plan was accepted on January 15, 2019. The Applicant proposes 1,000 multifamily high-rise dwelling units. The Application was reviewed by the Planning Board on May 30, 2019. Therefore, the applicable annual school test is the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018.

Calculation of Student Generation

To calculate the number of students generated by the development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located within the southwest region of the County.

Table 2: Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
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SF Detached	0.193	0.111	0.147
SF Attached	0.191	0.094	0.124
MF Low- to Mid-Rise	0.146	0.063	0.083
MF High-Rise	0.055	0.022	0.031

With a net of 1,000 new multifamily high-rise dwelling units, the project is estimated to generate the following number of students:

Table 3: Student Generation

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
MF High-Rise	1,000	0.055	55.00	0.022	22.00	0.031	31.00
TOTAL	1,000		55		22		31

Cluster Service Area Status and Adequacy

The Property is located in the Walter Johnson High School Cluster, which is conditionally open for new residential development in FY19. The student enrollment and capacity projections from the FY19 Annual School Test for the Cluster are noted in the table below:

Table 4: Projected Cluster Totals

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Project Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	4,586	4,541	101.0%	5,450	4,641
Middle	2,333	2,429	96.0%	2,915	2,355
High	2,718 ²	2,330	116.7%	2,797	2,749

¹ The projected cluster high school enrollment of 3,118 has been modified to reflect the estimated impact of a future boundary change that will reassign students from Walter Johnson HS to a reopened Charles W. Woodward HS prior to September 2023.

The Moratorium Enrollment Threshold identified in the table above is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this project fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient

capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

Overview Service Area Status and Adequacy

The project is located within the Tilden MS and the Luxmanor ES service areas. For FY19, the Tilden MS service area as well as the Luxmanor ES service area are open for new residential development.

Based on the FY19 Annual School Test, the student enrollment and capacity projections for these schools are noted in the following table:

Table 5: School Service Area Adequacy

School	Projected School Totals, September 2023				Moratorium Thresholds		Projected Enrollment +
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Seat Deficit	Project Impact
Luxmanor ES	569	758	75.1%	+189	910	868	624
Tilden MS	1,145	1,200	95.4%	+55	1,441	1,380	1,167

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120%, and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school’s projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this project falls below both applicable moratorium thresholds for Tilden MS and Luxmanor ES. Therefore, the schools’ service areas are open for residential development for FY19, and there is adequate school capacity for the amount and type of development approved.

Transportation

Local Area Transportation Review (LATR)

The Applicant’s property falls within the White Flint Special Taxing District. As such, the Applicant pays an annual ad valorem tax. It is not required to prepare a trip generation study to test whether further pedestrian, bicycle, transit, or vehicle adequacy reviews are required. With payment of the annual tax, the LATR test is satisfied.

Planned Public Road Improvements- Western Workaround

WFWW capital improvement project (CIP) 50116 will impact both Old Georgetown Road, Executive Boulevard, Banneker Street, and Grand Park Avenue. Design has been completed for the Western Workaround and construction of the project is underway, to be scheduled for completion in FY 2021, before this application is to begin construction.

Pedestrian Facilities and Streetscape

The Applicant proposes concrete pavers along all pedestrian facilities fronting the site, which will require a maintenance agreement with MCDOT. As some of the facilities are intended to serve bicycle circulation in addition to vehicular circulation per the WFWW Plans, the Applicant will work with Planning Staff and MCDOT during Site Plan review to ensure the proposed facilities balance mobility and maintenance needs with aesthetics.

Banneker Street is intended to primarily serve pedestrian mobility. As such, the Applicant proposes active street frontages and a double row of six (6)-foot-wide tree panels separated by a 12-foot-wide concrete paver walkway. Additional space will be provided in the frontage zone to accommodate café seating and street furniture.

The location of building entrances impacts street aesthetics and activity. Thus, building entrances must be located at the grade of adjacent sidewalks and any elevation change to meet floorplates must be accommodated internally. While this preference may reduce the efficiency of the Applicant's buildings, it conversely improves the public realm and experience of adjacent streets.

Vehicular Site Access and Loading

The Applicant proposes vehicular site access by providing four (4) curb cuts that lead to an interior circulation network that links to two (2) garage entries and a main service corridor. The Applicant proposes to locate one (1) curb cut on the north-south segment of Old Georgetown Road (MD 187), one (1) curb cut on Grand Park Avenue, and two (2) curb cuts on the east-west segment of Old Georgetown Road (MD 187). The service corridor bisects the site lengthwise, roughly paralleling Banneker Street and the east-west segment of Old Georgetown Road (MD 187). The 32-foot-wide service corridor contains three (3) lanes, one (1) of which is intended to accommodate truck loading, and two (2) of which provide internal movement. This segment provides access to some, but not all, levels of the Applicant's vehicle parking, and is accessible via one (1) proposed curb cut on the north-south segment of Old Georgetown Road (187) and one (1) proposed curb cut on Grand Park Avenue. The Applicant is also proposing two (2) north-south vehicle connections which link the east-west segment of Old Georgetown Road to the service corridor. These two (2) segments measure 20 feet and 24 feet, respectively, and include sidewalks for pedestrian mobility and terminate as pedestrian-only stubs that link further south through to Banneker Street. The two

(2) north-south connections provide access to additional levels of vehicle parking. Neither the north-south links nor the service corridor will be lotted as private streets as they function as internal driveways and fail to provide significant network connectivity for vehicles. A more detailed program will be provided at Site Plan, including a provision to encourage flexibility to relocate trash and loading facilities, as warranted by further analysis.

Transit Service

A Ride On bus stop located adjacent to the site on the east-west segment of Old Georgetown Road (MD 187) provides service to Silver Spring, Twinbrook, Montgomery Mall, Glenmont, and Rockville via the 5, 26, and 81 lines. Additional Ride On and Washington Metropolitan Area Transportation Authority (WMATA) bus service lines are accessible within a half mile. These lines provide service to Montgomery Mall, Medical Center, Shady Grove, Montgomery College, Lakeforest Mall, and College Park via the 42, 46, and 101 Ride On lines and C8 WMATA Metrobus Line. In the long-term, the County is in the process of studying Bus Rapid Transit (BRT) investments along MD 355. The Countywide Corridors Functional Sector Plan also recommends additional BRT service in the North Bethesda area; however, the alignment for the North Bethesda Transitway, whose western terminus is the Montgomery Mall, has neither been fully determined nor studied. The planned BRT may service White Flint via Old Georgetown Road or Grosvenor via Tuckerman Lane.

The site is located within a half mile of the Washington Metropolitan Area Transportation Authority's (WMATA) White Flint Metrorail Station. WMATA is currently studying access improvements to the White Flint Station, including an additional station entrance on the northern side of the existing platform, which would further improve accessibility to the Metro.

Transportation Demand Management (TDM)

As the site is located within White Flint, the Applicant is required to execute a Transportation Mitigation Agreement (or TMAg) with MCDOT that includes monitoring provisions, which will assess the site's non-auto driver mode ("NADMS") share in relation to the overall goal for the White Flint Planning Area.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the full density of the development. The Property is served by public water and sewer service. This Application has been reviewed by the Montgomery County Department of Permitting Services-Fire Department Access and Water Supply Section, which has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the

standards set by the SSP resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

Adequate Public Facilities (APF) and Plan Validity

The Planning Board approves a seven (7)-year (84-month) APF Validity Period. The Planning Board (i) approved a development schedule or phasing plan for completion of the project that shows the minimum percentage of the Project that the Applicant expects to complete in the first five years; and (ii) finds that given the size and complexity of the proposal, and the potential to provide 1,000 dwelling units between three (3) buildings on two lots, the extended validity period is warranted and will not be adverse to the public interest.

The Planning Board approves the seven (7)-year (84-month) APF Validity Period, subject to the following phasing schedule:

- Phase 1- the Applicant must obtain building permits for a minimum of 279 of the 1,000 dwelling units and 30,000 square feet of non-residential uses within five (5) years of the resolution mailing date, and a minimum of 13% of the units must be MPDUs or units approved by DHCA; the Applicant must dedicate the 21,490 square foot park; provide on-street parking on Grand Park Avenue; and build the applicable area for the Promenade.
 - Phase 2- Applicant must obtain the remaining 721 building permits of the 1,000 dwelling units and 80,169 square feet of non-residential uses within seven (7) years of the resolution mailing date; a minimum of 13% of the units must be MPDUs or units approved by DHCA; and build the applicable area for the Promenade.
4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A. Forest Conservation

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

A Preliminary Forest Conservation Plan (No. 120190160) was submitted with the Preliminary Plan application. No forest exists on the Property; therefore, only the afforestation requirement applies. The net tract area (for Forest Conservation purposes) is 5.93 acres; therefore, the afforestation requirement is 0.89 acres of forest planting or 1.78 acres of forest preservation. There were no specimen trees on the site, so a Variance

approval is not required. The final afforestation requirements will be determined by the Final Forest Conservation Plan at subsequent Site Plan(s). Thus, the Preliminary Forest Conservation Plan complies with Chapter 22A, Forest Conservation.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The Applicant received a stormwater concept approval from MCDPS-Water Resources Section on April 5, 2019. The Application meets stormwater management goals through a variety of techniques including ESD to the MEP with the use of green roof and micro-bioretenention planter boxes.


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 28 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Cichy and Fani-González present and voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Patterson absent, at its regular meeting held on Thursday, June 27, 2019, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board