



Staging Allocation Request No. 27600 for East Village at North Bethesda Gateway, Site Plan No. 82014018A



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Emily Tettelbaum, Acting Supervisor, Mid-County Planning, Emily.Tettelbaum@montgomeryplanning.org, 301-495-4569

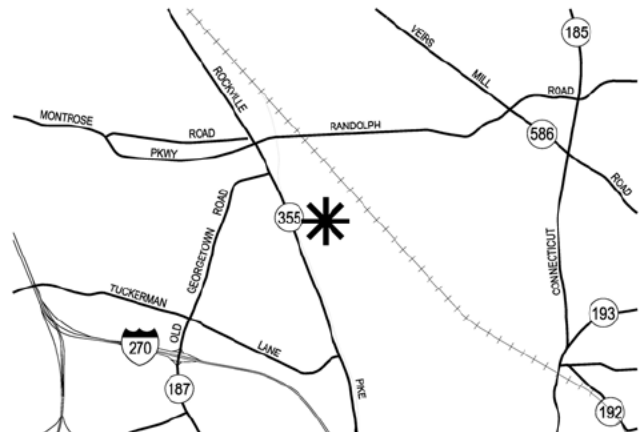


Carrie Sanders, Chief, Mid-County Planning, carrie.sanders@montgomeryplanning.org, 301-495-4653

Completed: 01/07/21

Description

- Staging allocation for 335 residential dwelling units and 5,000 square feet of non-residential development;
- Located at the southeastern intersection of Nicholson Lane and Huff Court;
- 5.1 acres in the CR 3.0 C 1.5 R 2.5 H-200 in the *White Flint Sector Plan* area;
- Applicant: New Lake Waverly Associates, LLC filed on December 15, 2020.



Summary

- Staff recommends approval of the Staging Allocation Request (SAR) No. 27600 for Site Plan No. 82014018A, East Village at North Bethesda Gateway.

BACKGROUND

To ensure compliance with the phasing limits in the Approved and Adopted *White Flint Sector Plan* (2010) and three properties in the *White Flint 2 Sector Plan* (2018), the Planning Board has approved the *White Flint Sector Plan Implementation Guidelines* specifying how development capacity is allocated (Council Resolution No. 17-213, Approval of Planning Board Regulation 11-01, White Flint Allocation). Staging limits for phase one in both White Flint plans are 4,800 residential units and overall 2.75 million square feet of non-residential development. Most of the prior White Flint SARs have been allocated at Pike & Rose and at an infill development along Hillary Way, which are shown in the table below.

Approved Development Under Phase 1	Residential	Non-Residential
SAR No. 25400 issued for Site Plan No. 820120020	493 residential units	211,958 square feet
SAR No. 25800 issued for Site Plan No. 82012002A	0	1,000 square feet
SAR No. 26000 approved for Site Plan No. 820130120 (Buildings 6 and 7)	368 residential units	0
SAR No. 26200 approved for Site Plan No. 820130120 (Buildings 1A, 3A, 4 and 8)	0	99,628 square feet constructed (160,705 square feet was originally approved, but 61,077 square feet was not constructed and expired)
SAR No. 26400 approved for Site Plan No. 820130120 (Buildings 3A, 4 and a Park Kiosk)	0	75,000 square feet
SAR No. 26800 approved for Site Plan No. 82012002D and No. 82013012D	1 unit	216,944 square feet (+ 17,056 square feet of demolition credits not counted toward staging for a total of 234,000 square feet for Building 3b)
SAR No. 27200 proposed for Site Plan No. 820150140	4 residential units	0
Approved	866 residential units	604,530 square feet
Remaining Staging Capacity	3,934 residential units	2,145,420 square feet

PROPOSED STAGING ALLOCATION REQUEST

On December 15, 2020, New Lake Waverly Associates, LLC, filed Staging Allocation Request (SAR) No. 27600 for 335 residential units and 5,000 square feet of non-residential development. A demolition credit of 5,000 square feet of non-residential development is also associated with this proposal. This SAR request is associated with Site Plan No. 82014018A, East Village at North Bethesda Gateway. Figure No. 1, below, shows the first phase of East Village at North Bethesda Gateway, which is the area for the requested SAR.

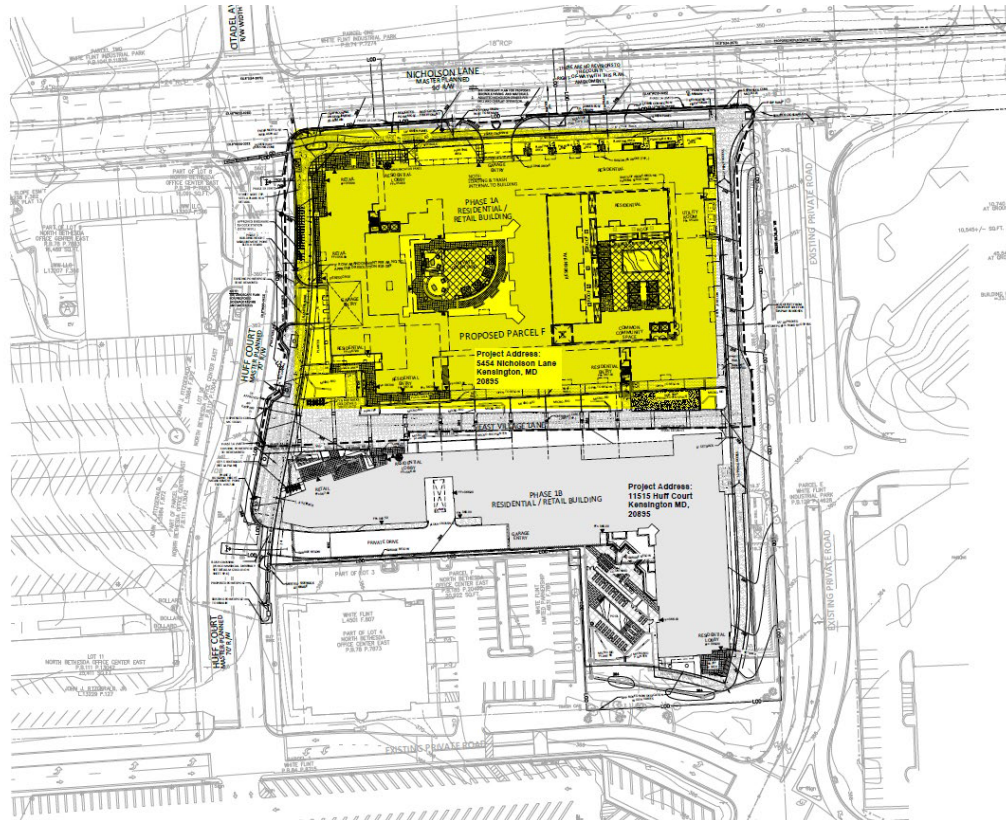


Figure No. 1: The highlighted area is phase one for the East Village at North Bethesda Gateway and the proposed SAR area.

Upon approval of SAR 27600, the remaining staging capacity will be reduced to 3,579 dwelling units and 2,145,420 square feet of non-residential.

RECOMMENDATION

The proposed Staging Allocation Request is consistent with the previous approvals for the site and the White Flint Sector Plan Implementation Guidelines. Staff recommends approval of the Staging Allocation Request No. 27600.

Attachments:

1. Site Plan No. 82014018A Resolution
2. Staging Allocation Request



ATTACHMENT 1

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 19-095

Site Plan No. 82014018A

East Village at North Bethesda Gateway

Date of Hearing: July 18th, 2019

JUL 24 2019

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

WHEREAS, on September 8, 2016, the Planning Board, by Resolution MCPB No. 16-091, corrected January 4, 2017, approved 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 5.1 acres of CR-3.0, C-1.5, R-2.5, H-200 zoned-land, located at the southeast quadrant of Nicholson Lane and Huff Court ("Subject Property"), in the Area 2 Policy Area and White Flint Sector Plan area; and

WHEREAS, on January 24, 2019, Lake Waverly, LP, c/o ProMark ("Applicant") filed an application for approval of an amendment to the previously approved site plan to reduce Phase I dwelling units from 382 to 335 and reduce of retail square footage from 20,000 to 5,000; change Phase I parking from underground to above-ground and reduce Phase I parking spaces from 416 to 244; revise Nicholson Lane streetscape, and update stormwater, green area, and public benefit points on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82014018A, East Village at North Bethesda Gateway ("Site Plan," "Amendment," 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 July 8, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on July 18, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82014018A for reduction of Phase I dwelling units from 382 to 335 and reduction of retail square footage from 20,000 to 5,000; change of Phase I parking from underground to above-ground and reduction of Phase I parking spaces from 416 to 244; revision of Nicholson Lane streetscape, and updates to stormwater, green area, and public benefit points by adding and modifying the following conditions:¹

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 to 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. 82014018A:

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.

- 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 below-

grade structure as necessary to achieve 3.81 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 square feet (13.24% 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 BLTs to the Department of Permitting Services (DPS).

1. Phase 1A requires the purchase of 1.089 BLTs.

2. Phase 1B requires the purchase of 0.736 BLTs.

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 22,494 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 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, it is listed 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.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of East Village at North Bethesda Gateway, 82014018A, 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 set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as

modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- A. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*
- 1. The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the Project Plan.*

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

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

Section 59-C-15.63 - Parking

The Amendment changes the provided Phase I parking from 416 spaces in a structured, below-ground facility, to 244 spaces in an above-ground structured facility. The 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 parking provided is unbundled and is thus subject to the minimum parking standards laid out in Section 59-6.2.3.I.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. Therefore, 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 will provide separate retail and residential parking within the parking structures to adequately manage the use of the parking structures. Thus, the 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 Amendment meets the development standards of Section 59-C-15, as shown in the Project Data Table below:

Table 1: Project Data Table

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

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

Section 59-C-15.82 – Public Benefits Required

The Site Plan Amendment modifies the public benefits points provided for both the 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. There is 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 is 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 complies with the previously approved sketch plan and site plan.

Section 59-C-15.83 – General Incentive Density Consideration

The 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**	Approved 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 replaces 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: This amendment reduces 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 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 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 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.*

a. Forest Conservation

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.

b. Stormwater Management

The Applicant 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. The Applicant is meeting stormwater management requirements via the use of micro-biofilter planters.

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 24 2019 (which is the date that this resolution is mailed to all parties of record); and

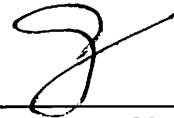
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

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 Patterson, with Chair Anderson and Commissioners Cichy and Paterson voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Fani-González absent, at its regular meeting held on Thursday, July 18, 2019, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board

ATTACHMENT 2

1 of 5



Montgomery County Planning Department
Maryland-National Capital Park and Planning Commission

Effective: February 6, 2019

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

CLEAR

Phone 301.495.4550
Fax 301.495.1306

STAGING ALLOCATION REQUEST

M-NCPPC Staff Use Only

SAR Number	SAR	Lead Reviewer	
Date Final Application Received		Planning Board Date	

An application will not be accepted for review unless all required information is provided. If an item requires more space, attach a separate sheet.

Plan Name (most recently approved): East Village at North Bethesda Gateway Phase 1A

Approval Requested: Planning Board Level

- ☒ Associated with M-NCPPC Approved Plan ☐ SAR Exemption ☐ No-Net Draw on Capacity
☐ Building Permit Only ☐ Pre-Date Sector Plan Approval ☐ Development Plan Approvals

Tax ID No.

Previous Plan Approvals: (enter information, if applicable)

Pre-Application	File Number 7-	
Submission Concept Plan	File Number 5-	
Project Plan	File Number 9-	
Sketch Plan	File Number 3-	2011002A
Preliminary Plan	File Number 1-	20140240
Site Plan	File Number 8-	2014018A

Applicant: ☒ Owner or ☐ Owner's Representative (authorization required if not the owner)

New Lake Waverly Associates, LLC

Brigg Bunker

Company Name

Contact Person

12435 Park Potomac Avenue, Suite 200

Street Address

Potomac

MD

20854

City

State

Zip Code

(240) 499-9600

bbunker@foulgerpratt.com

Telephone Number

Fax Number

E-mail

Owner

Name

Contact Person

Street Address

Select one of the following:

City

State

Zip Code

Telephone Number

Fax Number

E-mail

Landscape Architect

VIKA Maryland, LLC		Jonathan Bondi	
<i>Name</i>		<i>Contact Person</i>	
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Architect

BKV Group		Benjamin Yonce	
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Engineer

SCAA Engineers, PLLC		Afshin Amiri	
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Attorney

Miles & Stockbridge P.C.		Phillip Hummel	
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<i>Fax Number</i>		<i>Zip Code</i>	

Other: Civil Engineer

VIKA Maryland, LLC		William Robinson	
<i>Name</i>		<i>Contact Person</i>	
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(301) 916-4100		robinson@vika.com	
<i>Telephone Number</i>		<i>E-mail</i>	
<i>Fax Number</i>		<i>Zip Code</i>	

Demolition Credit Plan No. * 1-2014024

*If the Site Plan covers less than the Preliminary Plan boundary, use the Preliminary Plan.

Demolition Credit Accounting Worksheet – Dwelling Units

Existing DU Approved for Demolition _____

Buildings Actually Demolished (attach proof of demolition if credit taken)

Demo Permit No.	Street Address	Residential SF	DU
1.			
2.			
3.			
4.			
5.			
6.			
7.			

Total Res SFTotal DUPreviously Taken Demolition Credits

SAR No.	DU
1.	
2.	
3.	
4.	
5.	
6.	
7.	

Total DU

Remaining Balance _____

Proposed Demo Credits to be taken with this SAR _____

Remaining Balance should this SAR be Allocated _____

Demolition Credit Accounting Worksheet- Non-Residential Square FeetExisting Non-Residential SF Approved for Demolition 140,920

Demo Permit No.	Street Address	Non-Residential SF
1.	5454 Nicholson Lane, Kensington, MD 20895	140,920.00
2.		
3.		
4.		
5.		
6.		
7.		

140,920.00Total SF

Previously Taken Demolition Credits (attach proof of demolition if credit taken)

SAR No.	SF
1.	
2.	
3.	
4.	
5.	
6.	
7.	
Total SF	

Remaining Balance _____

Proposed Demo Credits to be taken with this SAR 5000Remaining Balance should this SAR be Allocated 135,920**Addresses for buildings(s) associated with the SAR**

SAR No.	Street Address
1.	5454 Nicholson Lane, Kensington, MD 20895
2.	
3.	
4.	
5.	
6.	
7.	

Allocation Worksheet**I. Dwelling Units**

	Building A.	Building B.	Building C.	Building D.	Building E.	SAR Total
a. Requested Residential SF	340,768.00					340,768.00
b. Requested DU	335					335
c. MPDU Approved	42					42
d. MPDU Credit						0
e. Demolition Credit Applied						0
f. Net Allocation	340,768.00					340,768.00

II. Non-Residential Square Feet

	A.	B.	C.	D.	E.	SAR Total
a. Requested	5,000					5,000
b. Demolition Credit Applied	5,000					5,000
c. Net Allocation	0.00					0.00

Applicant hereby acknowledges that he/she ☒ is the sole owner of the subject property, or ☐ is otherwise legally authorized to represent the owner(s) (written verification provided), that all required information for the submission of a Staging Allocation Request has been included in this application, and that to the best of his/her knowledge, information, and reasonable belief, the information and data are accurate.

Signature of Applicant(s) (Owner or Owner's Representative)

Signature

Date

Brigg Bunker

Name

Checklist

This application may be submitted by appointment only. Please contact the DARC Intake Section at 301-495-4550 to schedule an appointment. The following items are required to be included in the application. See Submission Requirements for more details about the items below.

1. General Information
 - 1.1 Completed application form and checklist.
 - 1.2 Fee schedule and application fee.
2. Supporting Drawings and Documents
 - 2.1 Building Location Plan Drawing
 - a. Plan base is the most recently approved development plan
 - b. Buildings included in the SAR are highlighted
 - c. Address of each building included in the SAR is noted on the plan drawing
 - 2.2 All Demolition Permits for Demolition Credit taken
 - 2.3 Photos or other evidence to verify that all buildings for which Demolition Credit Taken have been demolished
 - 2.4 Copy of the Planning Board resolution approving any plans associated with the SAR (preliminary, site, etc.)
 - 2.5 Written verification that applicant (if not the property owner) is legally authorized to submit this application on behalf of a property owner, if applicable.

No. Copies	Applicant	M-NCPPC Staff
1		
1		
1		
1ea		
1ea		
1ea		
1		