




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Item No.
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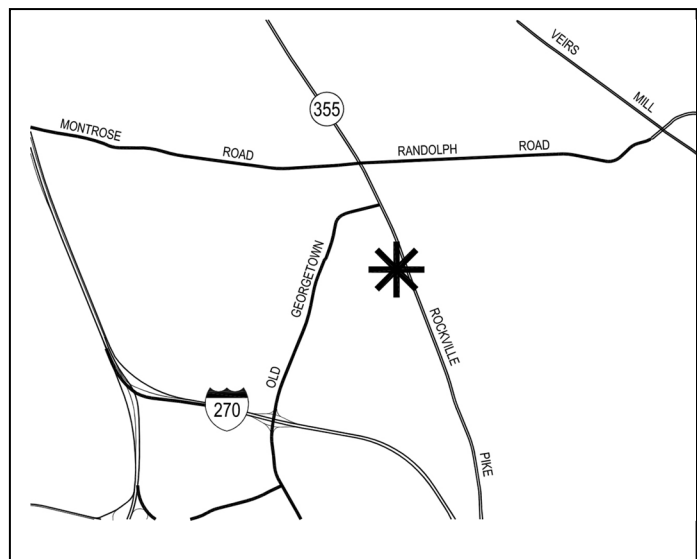
North Bethesda Market II Sketch Plan Amendment No. 32011003B, Preliminary Plan Amendment No. 12012006B

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Completed: 7/16/21

Description

- Sketch Plan: Request to modify massing, building footprints, public open space, internal private streets, phasing, and public benefit categories.
- Preliminary Plan: Request to reconfigure lots and private street parcels, adjust phasing, and modify the preliminary forest conservation plan to reflect revised site layout.
- Location: southeast corner of the intersection of Nicholson Lane and Woodglen Drive
- Property Size: 4.41 acres
- Zone: CR3.0, C1.5, R2.5, H150' and CR4.0, C3.5, R3.5, H300'
- Master Plan: *White Flint Sector Plan*
- Applicant: Woodglen Master Owner, LLC and Woodglen Master II, LLC
- Acceptance date: 4/6/2021
- Review Basis: Chapters 50, 59



Summary

- Staff recommends approval of the Sketch and Preliminary Plan Amendments with conditions.
- Pursuant to Section 59-7.7.1.B.3, the Applications are reviewed under the development standards and procedures of the of the Property's zoning on October 29, 2014.
- Public benefits are proposed in the following categories: Transit Proximity, Connectivity and Mobility, Quality Building and Site Design, and Protection and Enhancement of the Natural Environment.
- Staff has not received any correspondence about the Subject Applications.

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ATTACHMENTS:

- A. Prior Approvals
- B. Agency Letters

SECTION 1: RECOMMENDATIONS AND CONDITIONS

Sketch Plan Amendment Recommendation and Conditions

Staff recommends approval of Sketch Plan Amendment No. 32011003B with conditions. All prior conditions of approval remain in full force and effect, except for modified condition no. 3 and additional condition no. 5 shown below.

Modified Condition

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d). Total points must equal at least 100 and must be chosen from at least 4 categories as required by Section 59-C-15.82(a). The requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit.

- a. Major Public Facility achieved through extension of a bicycle facility;
- b. Transit proximity to Level 1 transit, Metrorail station;
- c. Connectivity and Mobility achieved through public amenities in the sub-categories of, Neighborhood Services, Minimum Parking, ~~Through-Block-Connection~~, and Way-finding.
- d. Quality Building and Site Design achieved through public amenities in the sub-categories of Structured Parking, ~~Tower-Step-back~~, Public Art, Public Open Space, and Exceptional Design.
- e. Protection and Enhancement of the Natural Environment achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs), ~~Tree-Canopy, and~~ Vegetated Roofs, and Cool Roof.

Additional Condition

5. Future Coordination for Site Plan(s)

- a. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements.
- b. Undergrounding of utilities on Woodglen Drive along the Property frontage.
- c. Coordinate with Planning, MCDOT, and MCDPS on bikeway improvements on Nicholson Lane between Woodglen Drive and Rockville Pike.

Preliminary Plan Amendment Recommendation and Conditions

Staff recommends approval of Preliminary Plan Amendment No. 12012006B subject to the following conditions, which supersede all prior conditions of approval:

General Approval

1. This Preliminary Plan Amendment is limited to four lots and one private road parcel for a maximum total density of 740,528 square feet of development including up to 268,000 square feet of commercial uses and up to 492,000 square feet of residential uses for 470 dwelling units, with a minimum of 12.5% MPDUs.

APF/Plan Validity¹

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan Amendment will remain valid for eighty-five (85) months from mailing date of Planning Board Resolution MCPB 15-010 (February 12, 2015), approving Preliminary Plan 12012006A.
3. The Preliminary Plan Amendment will remain valid for 60 months from its Initiation Date pursuant to Planning Board Resolution MCPB 15-010 (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan Amendment must be recorded in the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 25, 2021 and incorporates them as conditions of the Preliminary Plan Amendment 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 Amendment approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendation of the Maryland State Highway Administration’s (MDSHA) in its letters dated November 14, 2013, and March 17, 2014, and hereby incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan Amendment approval. If a traffic signal is warranted at MD 355 and Executive Boulevard, the installation of the signal and associated intersection improvements shall be the responsibility of the Special Taxing District.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.

¹ The APF and Preliminary Plan Validity Periods have been automatically extended by the Montgomery County Council.

8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated August 31, 2011 (and reconfirmed in a letter dated April 28, 2021) and incorporates them as conditions of the Preliminary Plan Amendment 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 Amendment approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated June 22, 2021 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 the Preliminary Plan Amendment approval.
10. The Applicant must comply with the White Flint Urban District requirements when it is established by the Montgomery County Council.

Site Plan Approval

11. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved site plan. The 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.
12. 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.

Environment and Noise

13. Prior to plat recordation or any demolition, clearing, grading or construction for this development Application, the Applicant must obtain approval of a Final Forest Conservation Plan. The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan.
14. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek watershed to satisfy the reforestation requirement for a total of 0.65 acres of mitigation credit. The offsite requirement may be met by purchasing from a mitigation bank elsewhere in the County, subject to Staff approval, if forest is unavailable for purchase within the Rock Creek watershed, or through payment of a fee-in-lieu of planting if forest banking credits are unavailable.
15. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
16. A noise study must be submitted with each subsequent Site Plan, showing existing noise impacts on the Property and projected noise impacts based on the proposed development. The noise study must include recommendations for limiting projected noise impacts to no more than 65 dBA Ldn for the exterior public use spaces (to the extent feasible), and projected interior levels not to exceed 45 dBA Ldn.

Transportation

Existing Frontage Improvements

17. The Applicant must dedicate and show on the record plat(s) all land necessary to accommodate:
 - a. forty-five (45) feet from the existing pavement centerline along the Subject Property frontage for Nicholson Lane; and
 - b. forty (40) feet from the existing pavement centerline along the Subject Property frontage for Executive Boulevard along Lot 3 and the private road parcel.

18. Prior to issuance of any building permit for Phase 2 (Building C), the Applicant must dedicate and show on a record plat:
 - a. forty (40) feet from the existing pavement centerline along the Subject Property frontage for Executive Boulevard west of the private road parcel; and
 - b. truncation at the intersection of Executive Boulevard and Woodglen Drive.

19. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS or MDSHA, as applicable, to ensure construction of:
 - a. a 10-foot wide sidewalk and 10-foot wide separated bike lane along the Property frontage on Rockville Pike;
 - b. an eight-foot sidewalk and six-foot separated bike lane along the Property frontage on Nicholson Lane;
 - c. a shared-use path on Nicholson Lane between the Property and Rockville Pike (final design to be determined at site plan); and
 - d. a 10-foot sidewalk along Woodglen Drive.

Private Roads

20. The Applicant must provide Private Roads Private Street A and Paseo, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan Amendment or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
 - a. If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the Private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
 - b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
 - c. Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of

access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

- d. A separate bond shall be set aside for ongoing maintenance requirements with respect to the private roads, in an amount approved by M-NCPPC Staff.

Record Plats

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

Easements

- 22. The record plat must show necessary easements.
- 23. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

Certified Preliminary Plan

- 24. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Amendment Resolution on the approval or cover sheet(s).
- 25. The certified Preliminary Plan Amendment 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 Amendment are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

- 26. Prior to submittal of the Certified Preliminary Plan Amendment, the Applicant must make the following changes:
 - a. Update plan and cross section to show the following:
 - i. along the Property's Nicholson Lane frontage, an eight-foot sidewalk, five-foot lawn panel, 6-foot bike lane, and 3-foot street buffer; and
 - ii. along the Property's Rockville Pike frontage, a 10-foot sidewalk, a 10-foot bikeway, and an eight-foot green panel.
 - b. Label Buildings A, B, and C consistent with the Staff report.

SECTION 2: VICINITY AND SITE ANALYSIS

Vicinity

The subject Site (Site or Property) occupies the majority of the block bounded by Rockville Pike (MD 355) on the east, Woodglan Drive on the west, Nicholson Lane on the north, and Executive Boulevard on the south. The North Bethesda Gateway I mixed-use development is located south of the Site across Executive Boulevard. The site of the demolished White Flint Mall is located to the southeast, the Kennedy Shriver Aquatics Center to the northwest, and the Bethesda North Marriott Hotel and Conference Center to the north. Along with the blocks immediately to the north and south, the Site forms a transition between the dense commercial uses along Rockville Pike (MD 355) and the primarily residential uses to the west.

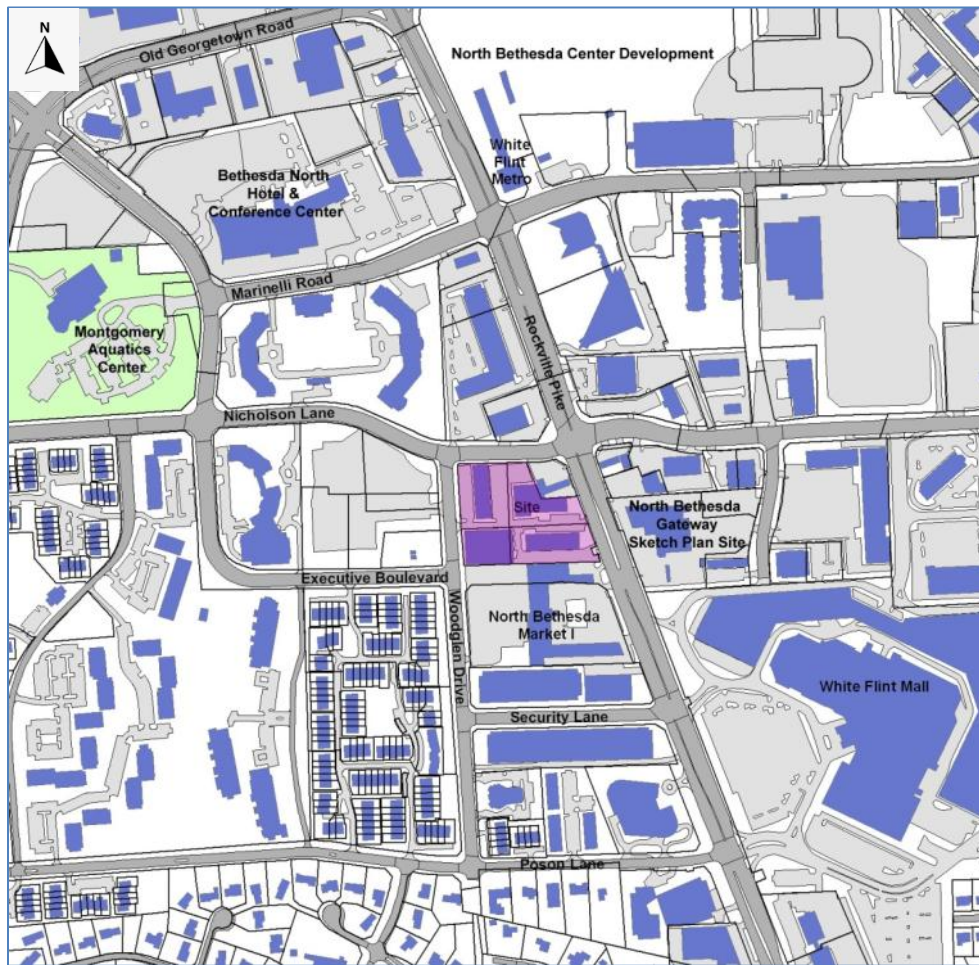


Figure 1: Vicinity Map

Site Analysis

The Site is located in the NoBe District of the 2010 Approved and Adopted *White Flint Sector Plan* (the Sector Plan) and is bounded by Rockville Pike, Executive Boulevard, Woodglen Drive and Nicholson Lane. The Site is split-zoned between CR 3.0 C1.5 R2.5 H150' Zone (the existing office building, located at 11333 Woodglen Drive) and CR 4.0 C3.5 R3.5 H300' Zone for the rest of the Site.

The Site is currently occupied by four commercial buildings and surface parking lots. According to the Maryland State Department of Taxation and Assessment records, the existing commercial buildings contain approximately 195,726 square feet of floor area. The remainder of the block features a gas station at the corner of Nicholson Lane and Rockville Pike that is not part of this proposal. The Site is currently served by public water and sewer.

There are no known rare, threatened, or endangered species on Site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on Site. There are no known historic properties or features on Site.



Figure 2: Site and Context

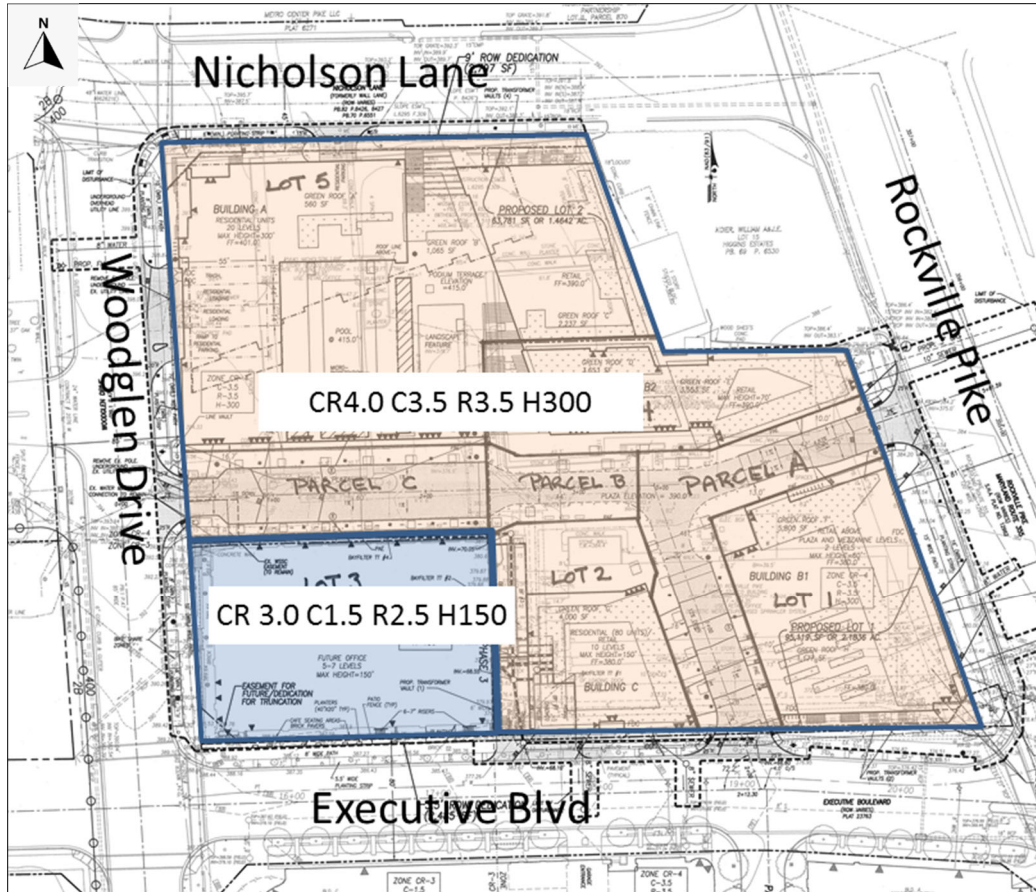


Figure 3: Zoning

Previous Approvals

Sketch Plan

The Planning Board approved Sketch Plan No. 320110030 by Corrected Resolution, MCPB No. 11-07 (see Attachment A), on August 12, 2011, which established a maximum total density of 740,528 square feet, including a maximum of 368,000 square feet of non-residential development; maximum height of 150 feet in the CR3.0 C1.5 R2.5 H150 Zone and 300 feet in the CR4.0 C3.5 R3.5 H300 Zone; general location and extent of public use space; and a total of 150 percentage points for public benefits from the incentive categories of Transit Proximity, Connectivity, Diversity, Design, and Environment.

The Planning Board approved Sketch Plan No. 32011003A (Figure 4) by Resolution 15-009 on February 12, 2015 to allow the Applicant to build the development in three phases instead of one; reallocate 100,000 square feet of the approved non-residential floor area to residential density; and add an option to not build a residential building.

Preliminary Plan

The Planning Board approved Preliminary Plan No. 120120060 by Resolution, MCPB No. 12-30 (Attachment A) on April 9, 2012, to create one lot to allow a maximum of 740,528 square feet of mixed-use development including a maximum of 368,000 square feet of non-residential development, and up to 392,000 square feet of new residential uses (up to 414 units). One existing 67,260-square-foot commercial building was to remain as part of the maximum 368,000 square feet of commercial uses allowed. Additional dedications along Rockville Pike and

Nicholson Lane, and a truncation at the intersection of Woodglen Drive and Executive Boulevard were required as part of the approval.

The Planning Board approved Preliminary Plan No. 12012006A, MCPB No. 15-010 on February 12, 2015 to amend the plan for creation of five lots and three private street parcels for a maximum of 740,528 square feet of development, including up to 268,000 square feet of non-residential uses and up to 492,000 square feet of residential uses, including a minimum of 12.5% MPDUs. Preliminary Plan Amendment 12012006A was never certified and plats were never recorded. Based on this approval, and subsequent automatic extensions granted by the County Council in 2015 and 2020, the Preliminary Plan remains valid until 2024 and the Adequate Public Facilities determination is valid until 2026.

Site Plan

The Planning Board approved Site Plan No. 820120040 by Corrected Resolution, MCPB No. 12-31 on March 1, 2012, to allow up to 740,528 square feet of mixed-use development including up to 368,000 square feet of non-residential development and 392,000 square feet of residential (up to 414 residential units). The Site Plan approved the transformation of the existing strip commercial property surrounded by surface parking into three mixed-use, pedestrian-friendly, urban blocks with buildings of various heights. The approved plan was an extension of North Bethesda Market I, located just south of the Site. It extended the tree lined “retail paseo” and added a new central plaza that blended vehicular, bicycle and pedestrian circulation to create a vibrant retail space.

The Planning Board approved Site Plan No. 82012004A by Resolution MCPB 15-011 on February 12, 2015 to build the development in three phases instead of one, with the third phase to be approved in a separate, future site plan amendment; to reallocate 100,000 square feet of the approved non-residential floor area to residential density; and to add an option in Phase One to not build a residential building. This Site Plan was never certified and none of the previously approved improvements have been implemented.

SECTION 3: PROPOSAL

The Subject Applications propose a two-phased redevelopment of the Property that maintains the overall vision established through the original Preliminary Plan and Sketch Plan approvals, including a multiple-building, mixed-use, office, residential, and retail development. The Amendments seek to retain the currently approved density of 740,528 total square feet, including up to 268,000 square feet of non-residential use and up to 492,000 square feet of residential use. As a result of changes in market conditions and ownership, the Applicant is proposing to:

- reallocate the approved density within the Site;
- adjust the phasing;
- modify building footprints and placement;
- reconfigure lots and open space;
- adjust the design of the internal private streets; and
- modify public benefit categories and points.

Buildings and Massing

The Sketch Plan Amendment proposes the following buildings:

- A single-story 10,000 square-foot specialty retail building located at the intersection of Executive Boulevard and Rockville Pike (Building A). This building is designed to frame the internal and external streets and to activate the adjacent outdoor plaza. Along with the plaza, this building will help define the prominent corner of the Property.
- A seven-story mixed-use, predominately residential, building on the northern portion of the Property (Building B). This building will include up to 250,000 square feet of residential use (up to 300 dwelling units, of which 12.5% would be MPDUs) and up to 15,000 square feet of commercial uses. This building has been designed to define the Property's frontage on Nicholson Lane, Woodglen Drive and Rockville Pike. The main pedestrian entrance will be located along Woodglen Drive, within an approximately 3,500-square foot recessed courtyard that will be available as public use space. The residential building includes active ground floor uses, including ground floor retail proposed on the eastern portion of the building.
- A 67,260-square foot existing office building that will be replaced in Phase 2 with a two-tower, high-rise, mixed-use building (Building C). The Phase 2 building will contain up to 400,000 total square feet, including up to 300,000 square feet of residential and/or up to 200,000 square feet of commercial use. The building is likely to include a 29-story tower, located more internal to the site, and a second 12-story tower at the intersection of Woodglen Drive and Executive Boulevard. The building provides an architectural tower backdrop for the Project, as viewed from Rockville Pike, that complements the heights and densities of the confronting NoBe I development and provides a compatible transition to the surrounding residential uses.

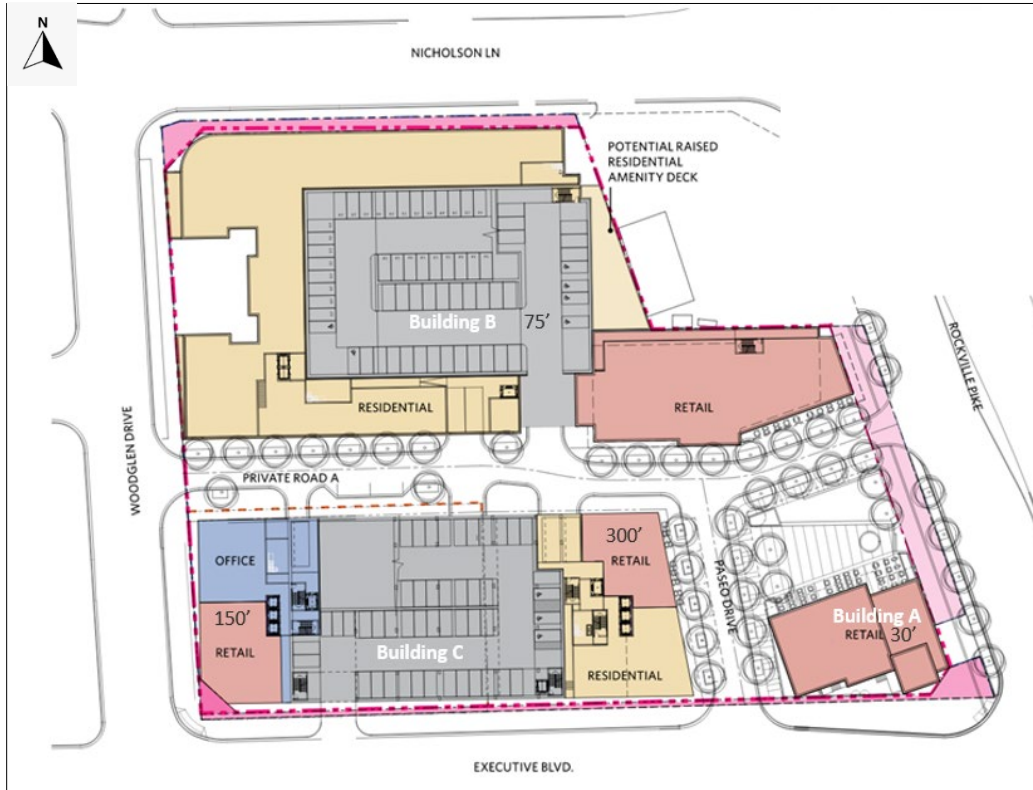
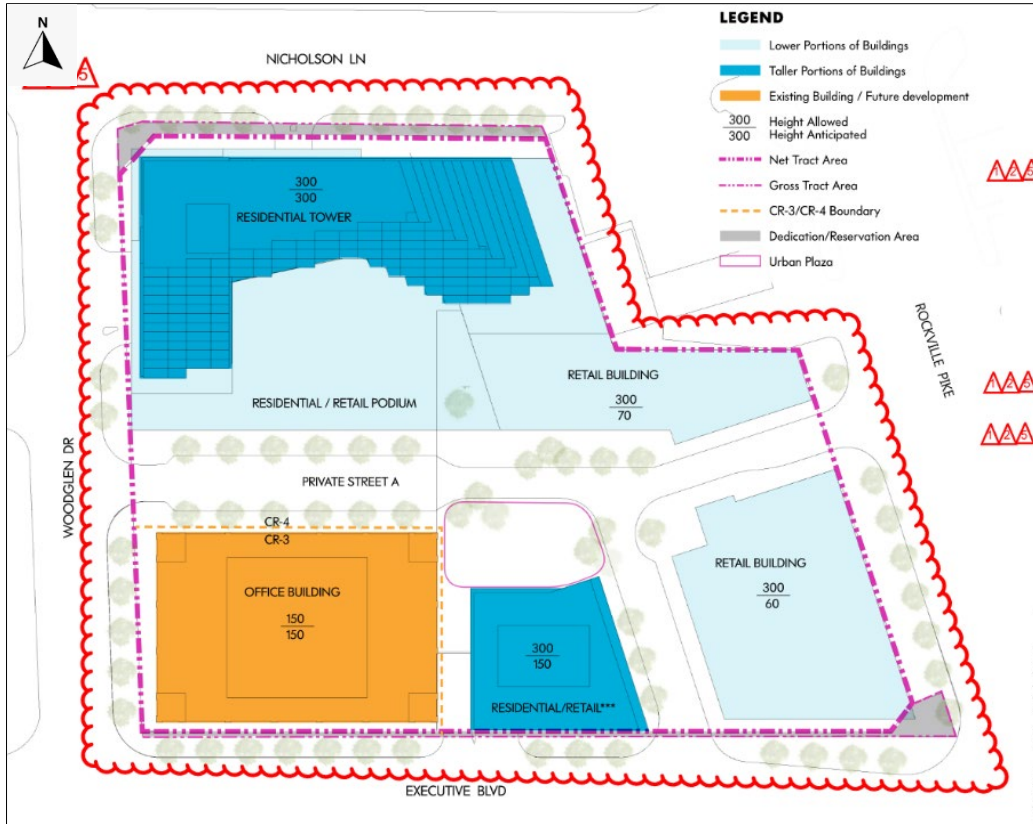


Figure 4: Sketch Plan (previously approved above, proposed below)

The Amendment shifts the taller (up to 300' building) to the south side of the Property while retaining lower retail buildings along Rockville Pike. All buildings are planned to have active ground floor uses to help engage the internal/external streets, as well as the public plaza proposed close to the intersection of Executive Boulevard and Rockville Pike. The building design will incorporate transparency and articulation at the building base to provide interest and activation at a human scale, enhancing the pedestrian experience. The proposed architectural aesthetic will incorporate elevation planar changes, architectural details, materials and massing strategies to break down the perceived mass of the mixed-use buildings. Elements like terraces and balconies will provide outdoor space to the residents, as well as articulation and activation of building facades. The architectural design and details will be developed further during the Site Plan approval process.

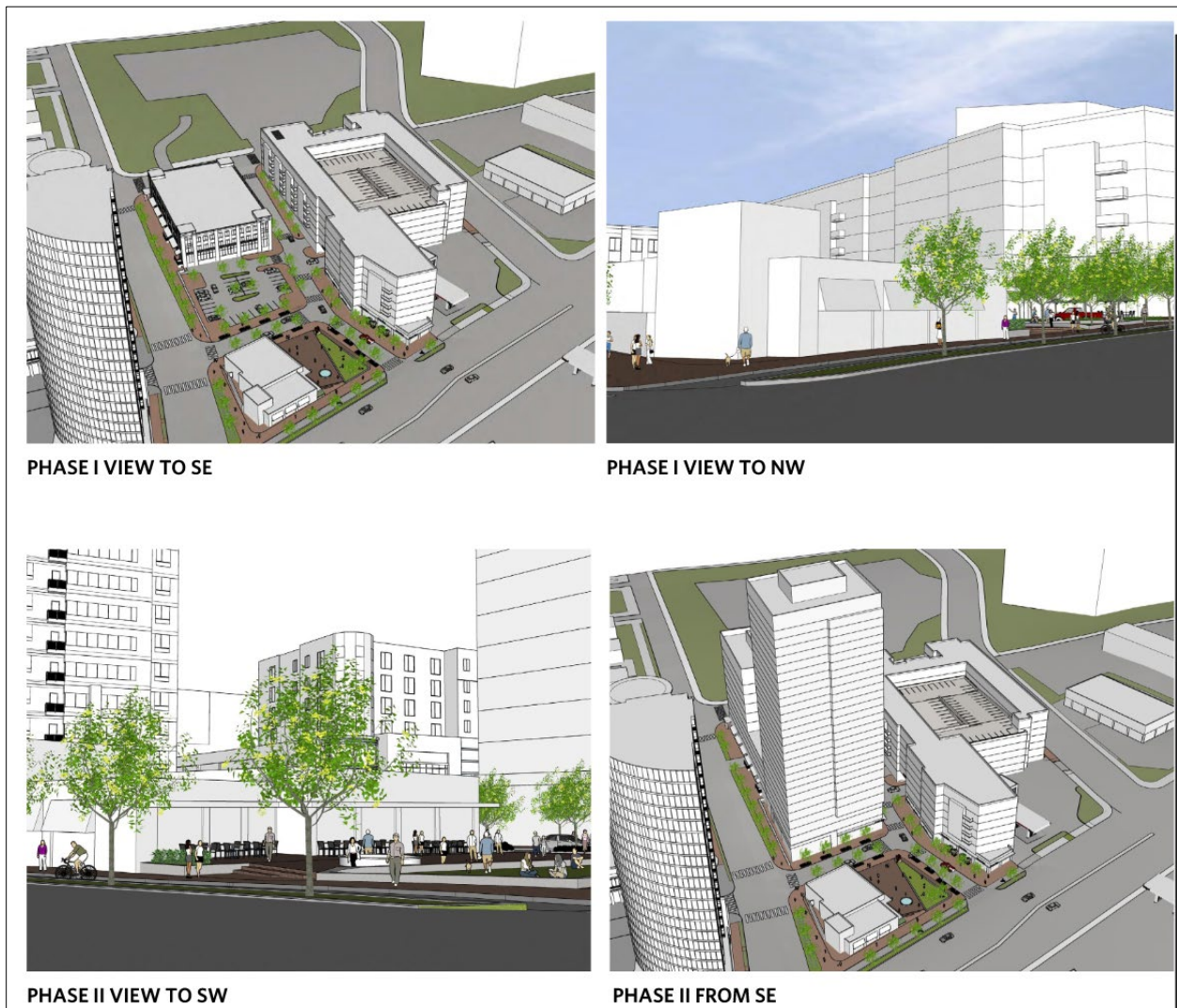


Figure 5: Conceptual Massing

Open Space

An organizing element in the design of the proposed Project is the public plaza (public open space), located at the intersection of Rockville Pike and Executive Boulevard. The plaza is defined by two surrounding retail buildings and is framed by the Paseo, to the west, and the east-west private street, to the north. The plaza is designed to be both inviting to, and protected from, the traffic along Rockville Pike. Through strategic landscaping and street design, the plaza is envisioned to expand across the Paseo to accommodate larger single day events or activities like a farmer's market, a craft fair, or a festival with live music.

The Project also includes 15,900 square feet of public use space, as required by the zone, which is comprised of a 3,500-square foot courtyard along Woodglen Drive and streetscape improvements. Portions of the streetscape about the Paseo and will provide an extension for the public plaza when the Paseo is closed to vehicular traffic. The streetscape improvements will incorporate seating opportunities and street trees.

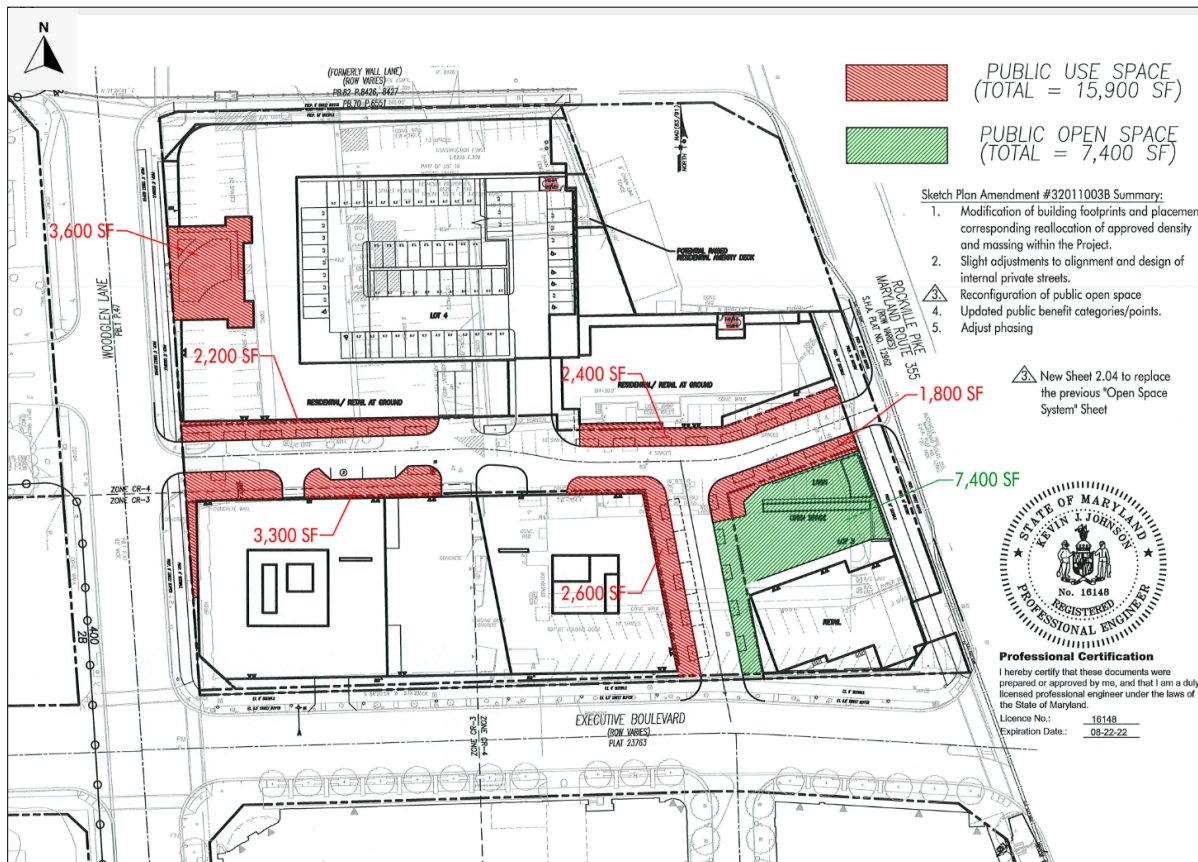


Figure 6: Public Use Space and Public Open Space²

Access/Circulation

The Site has frontage on Rockville Pike on the east, Executive Boulevard on the south, Woodglen Drive on the west, and Nicholson Lane on the north. Pedestrian access to the Site will be from the established sidewalk network along each of the four public roads, which will be enhanced by streetscape improvements along each of the Property frontages, consistent with recommended streetscape standards within the 2010 *White Flint Sector Plan*. Pursuant to the previous Concept Plan submission, the Applicant proposes to construct a planned local street

² Public Use Space is a requirement of the zone and public open space is provided for public benefit points.

connection, identified within the Sector Plan, from Executive Boulevard to Woodglen Drive. The new private street will also connect to Rockville Pike.

The Project will establish a street grid that will promote safe and efficient internal circulation that favors the pedestrian, while also accommodating cars. The Project extends the existing tree lined "Paseo" and creates a new east-west private street that connects Rockville Pike and Woodglen Drive. As such, the Project will consolidate the existing site access points, provide improved access and connections to the surrounding neighborhood, and extend the walkable neighborhood begun by North Bethesda Market I.

The Project also will provide significant enhancements to the pedestrian and bicyclist environment. The internal streets will have tree lined sidewalks, and also include on-street parking, where feasible, to serve as a buffer and enhance pedestrian safety.

A new vehicular access point is proposed to be built along Executive Boulevard as a means of extending Paseo Drive, northwards from North Bethesda Market. Out of the two existing vehicular access points into the site from Rockville Pike, one will be removed. The existing curb cut on Woodglen Drive, currently providing driveway access to the office structure, is proposed to remain. Finally, the existing driveway from Nicholson Lane is proposed to be removed. The new local east-to-west street connection will create a T-intersection with the Paseo Drive extension and provide all access into the internal circulation for parking and loading for the existing and proposed mixed-use complex.

Each proposed mixed-use structure features its own respective loading and garage entrances, providing ingress and egress to each respective garage. Loading access will be provided from the proposed loading docks accessed from the internal streets. No parking and loading access will occur directly from Rockville Pike, Nicholson Lane, or Woodglen Drive. The loading dock in the first phase mixed-use building is intended to primarily serve residents moving in and out of the building. The east-to-west private street will also service the temporary surface parking area in phase one. Commercial truck deliveries will be limited to access through the private local street. Likewise, all trash collection will occur from the proposed loading dock areas as well.

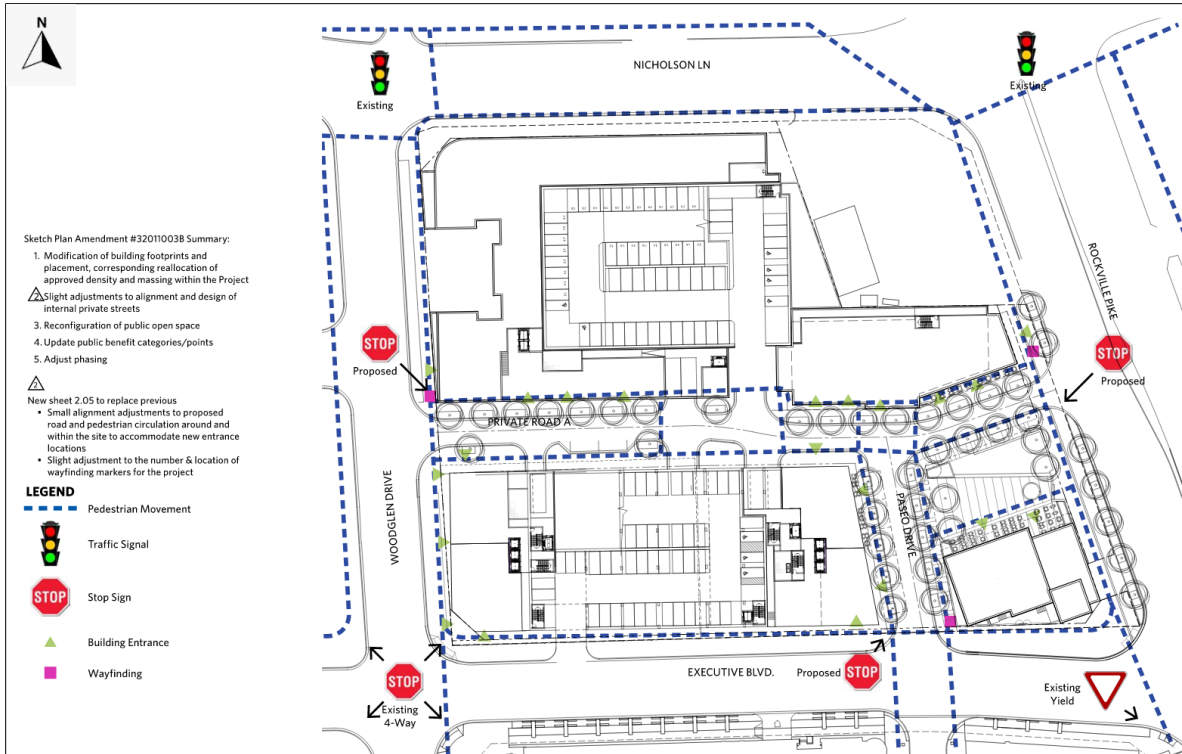


Figure 7: Pedestrian Circulation

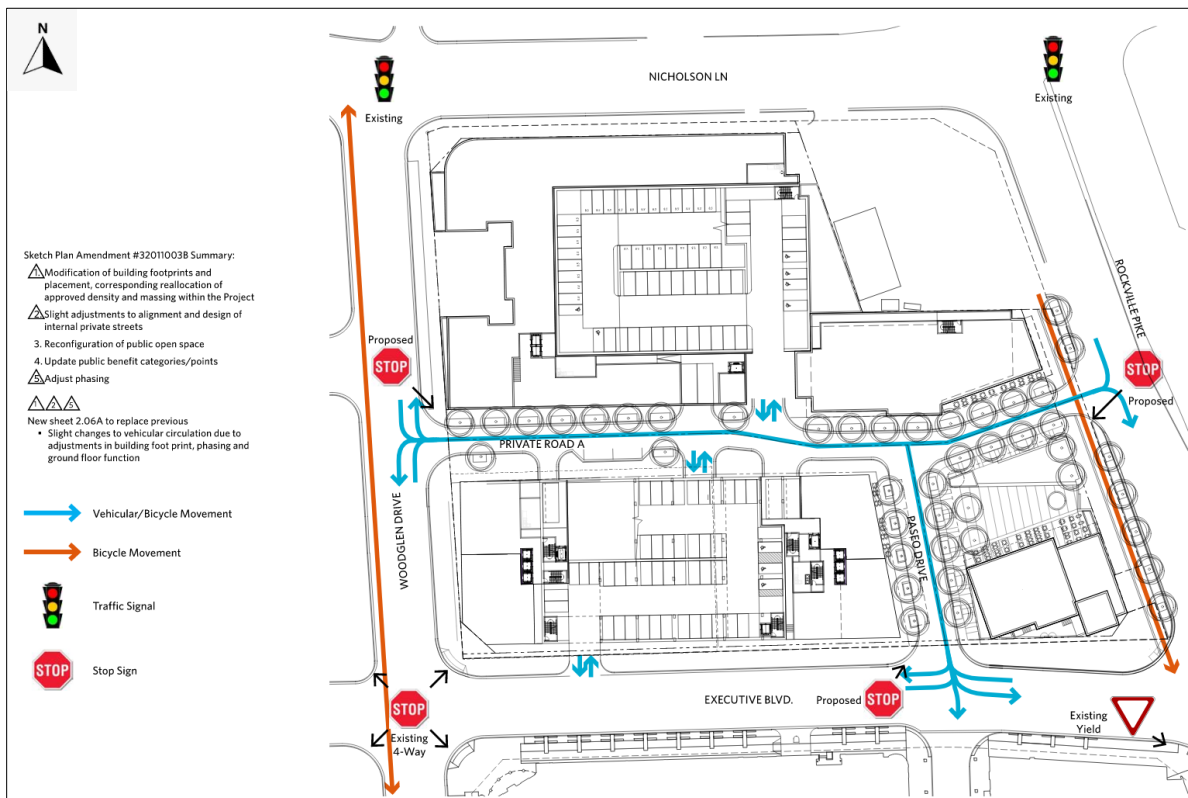


Figure 8: Vehicular/Bicycle Movement

Phasing

The Preliminary Plan Amendment will be implemented in phases, with each phase finalized through Site Plan Review. Unless otherwise specified through a condition of approval, construction phasing for any site covered by the Preliminary Plan Amendment can take place in any order, either sequentially or simultaneously.

During the first phase of development, the existing office building on the corner of Executive Boulevard and Woodglen Drive will be retained with an adjacent surface parking lot. Other buildings on the Property will be removed to allow redevelopment. The Applicant seeks flexibility to split the first phase (shown in Figure 9) into two potential sub-phases as follows:

Phase 1A will include:

- The single-story commercial building (up to 10,000 square feet) on the corner of Executive Boulevard and Rockville Pike (Building A);
- The urban plaza along Rockville Pike;
- The interim surface parking lot on Lot 2;
- The Paseo; and
- A portion of the private, east-west internal street.

Phase 1B will include:

- The seven-story mixed use building on the north side of the Property (Building B) including up to 300 dwelling units and 15,000 square feet of commercial use);
- The public courtyard along Woodglen Drive; and
- The connection between Woodglen Drive and Rockville Pike.

In Phase 2, the existing office building and the interim surface parking lot will be redeveloped with a high-rise, mixed-use development (Building C). Phase 2 is shown in Figure 4.

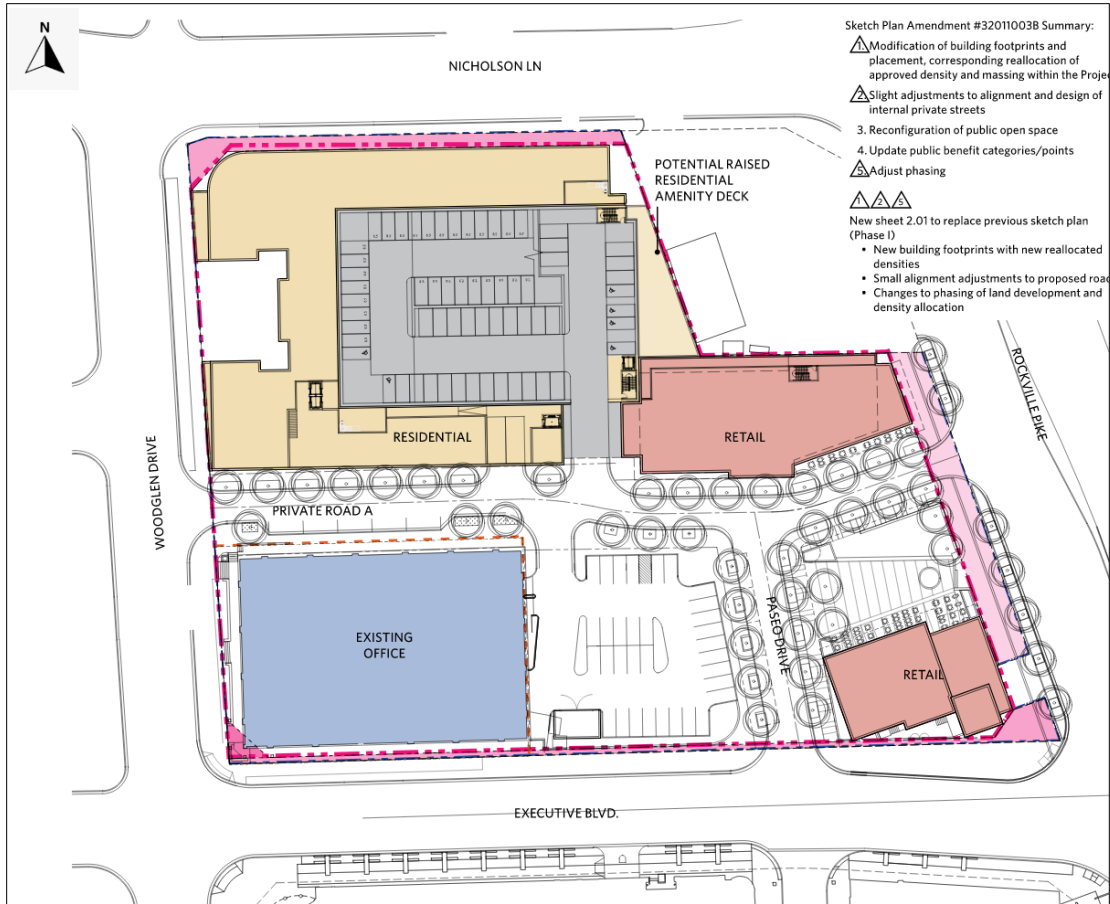


Figure 9: Phase 1

Subdivision

The Preliminary Plan Amendment proposes four lots and one private road parcel (Figure 10). Previously approved Lots 4 and 5 have been consolidated into one lot and the previously approved three private road parcels have been consolidated into one parcel. Prior to Phase 2, the Applicant will seek approval of a Preliminary Plan Amendment to consolidate proposed lots 1 and 2 to allow for a larger building.

Community Outreach

The Applicant has met all signage and noticing requirements. A pre-submittal public meeting was not required. Staff has not received correspondence about the Subject Applications.

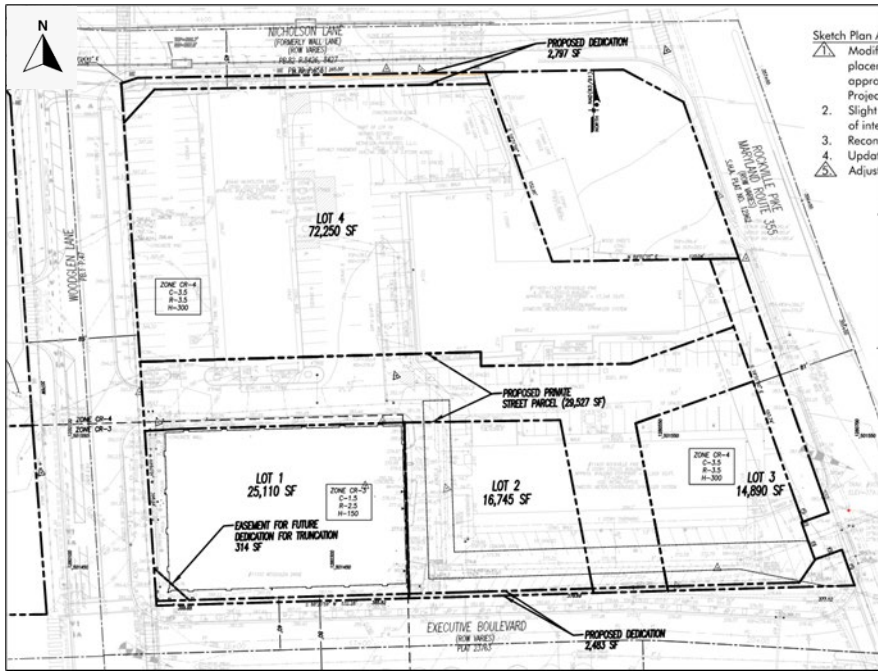
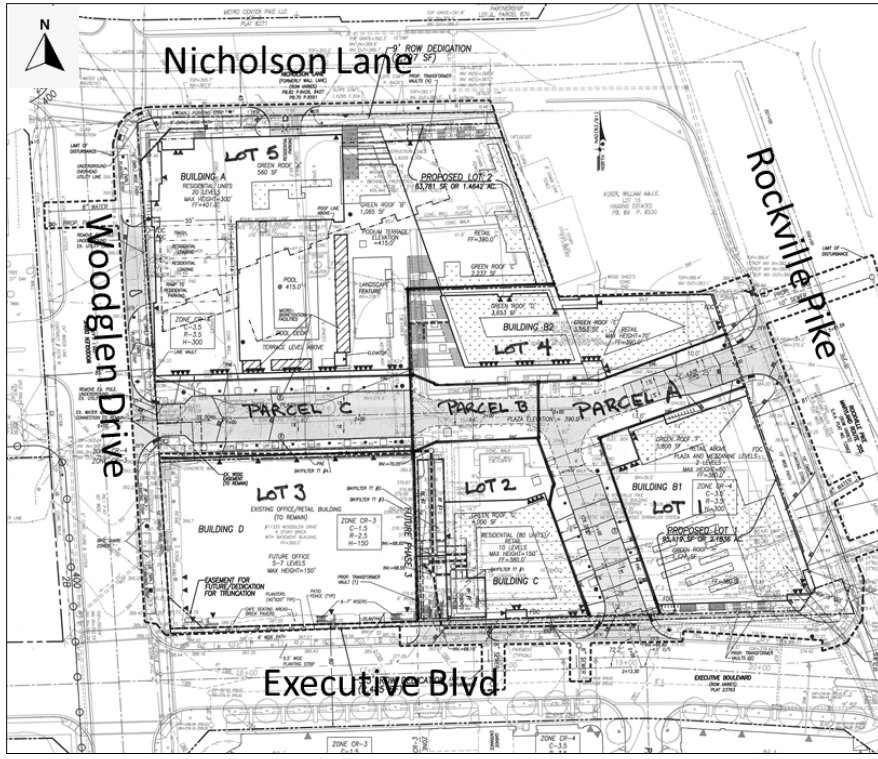


Figure 10: Previously approved lotting plan above, proposed below

SECTION 4: SKETCH PLAN FINDINGS

According to Section 7.7.1.B.3 of the current Zoning Ordinance, an applicant may apply to amend any plan approved before October 30, 2014 under the development standards and procedures of the Property's zoning on October 29, 2014 if the amendment meets certain criteria. The Sketch Plan was originally approved in 2011 and is being reviewed under the provisions of Section 59-C-15.43 of the Zoning Ordinance in effect on October 29, 2014.

In approving a Sketch Plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:

1. *Meet the objectives, general requirements, and standards of this Division;*

Objectives

The proposed Sketch Plan Amendment meets the objectives of Section 59-C-15.2. as follows:

- i. *Implement the policy recommendations of applicable master and sector plans.*

The 2010 *White Flint Sector Plan* establishes policies for transforming an auto-oriented suburban development pattern into an urban center of residences and businesses. The proposed Project will replace auto-oriented office buildings currently surrounded by surface parking into an urban, mixed-use community with emphasis on the pedestrian experience in an improved public realm. It meets the recommendation of the Sector Plan as fully described on page 23 of this report.

- ii. *Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses.*

The Project will replace four commercial buildings and their associated surface parking lots with a mix of high- and low-rise buildings with structured parking. The development will accommodate a mix of uses including office, retail and residential.

- iii. *Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities.*

The Project will provide a range of residential unit types and commercial services with public facilities and amenities, all within ¼ mile of the White Flint Metro Station in areas that will have sidewalks, bike paths and transit facilities.

- iv. *Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors.*

The mix of uses, densities and height of the proposed Project are compatible with existing and approved developments on adjoining properties. The Project achieves an appropriate mix of density and building heights as recommended in the 2010 *White Flint Sector Plan*.

- v. *Allow an appropriate balance of employment and housing opportunities.*

The proposed Project will offer a variety of housing options including market-rate units and MPDUs. It also includes office and retail spaces, which will provide opportunities for employment.

- vi. *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The proposed Project will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit.

General Requirements

The proposed Sketch Plan Amendment meets the requirements of Section 59-C-15.6, General Requirements, as follows:

Section 15-C-15.61 - Master Plan and Design Guidelines Conformance

The Project conforms to the Sector Plan and Design Guidelines as described in Finding #2 below.

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

The Project provides for the minimum required number of bicycle parking spaces for residents and visitors and commuter shower/change facilities.

Section 59-C-15.63 – Parking

According to Section 7.7.1.B.3.b of the current Zoning Ordinance, “An applicant may apply for a minor site plan amendment to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.2) in a manner that satisfies the parking requirements of the Section 6.2.3 and Section 6.2.4.” The Applicant has requested that the proposed project be allowed to meet this provision of the Zoning Ordinance. Accordingly, the proposed project meets the parking requirements of the current Zoning Ordinance, as applicable. The final number of parking spaces will be determined at Site Plan based on the final number of residential units.

Development Standards

Table 1: Optional Method Development Standards (Section 59-C-15.7)

CR-4 C-3.5 R-3.5 H-300 & CR-3 C-1.5 R-2.5 H-150 Zones

Standard	Permitted/ Required	Provided
Gross Tract Area	n/a	191,925 sf (4.4 ac)
CR-4 Zone Area CR-3 Zone Area	n/a	164,753 sf 27,172 sf
Previous Dedication	n/a	27,743 sf
Proposed Dedication	n/a	2,799 sf (Executive Blvd) 2,797 sf (Nicholson Ln)
Net Lot Area	n/a	158,586 sf
Total floor area (max) CR-4 Zone Area CR-3 Zone Area	740, 528 sf 659,012 sf 81,516 sf	740,528 sf 659,012 sf 81,516 sf
Non-residential floor area (max)	617,394 sf	268,000 sf*
Residential floor area (max)	644,566 sf	492,000 sf*
Public Use Space (min)	15,859 sf (10% of net tract)	15,900 sf
Building height (max) CR-4 Zone Area CR-3 Zone Area	300 ft 300 ft 150 ft	300 ft 300 ft 150 ft
MPDUs (min)	12.5%	12.5%
Total vehicle parking spaces ¹	872 (min)/1,482 (max)	Approx. 1,071 (Final count determined at site plan)

* The Applicant requests flexibility to adjust the allocation of non-residential and residential floor Area at Site Plan, with the total density not to exceed 740,528 sf.

¹ Reviewed under Section 6.2.3 and Section 6.2.4. of the current Zoning Ordinance

2. *Further the recommendations and objectives of the applicable master or sector plan;*

The vision of the 2010 *White Flint Sector Plan* “establishes policies for transforming an auto-oriented suburban development pattern into an urban center of residences and business” (pg. 6). The proposed Project implements this vision by replacing auto-oriented office and retail buildings surrounded by surface parking

lots into an urban, mixed-use community with emphasis on the pedestrian experience in an improved public realm. The proposed project supports the goals and objectives of the Plan (pg. 25) by:

- Creating compact building footprints and a mix of uses in a walkable environment;
- Providing up to 470 residential units including 12.5% MPDUs in a place where no units currently exist; and
- Providing retail space for local retail and commercial services for existing and new residents within walking distance of the White Flint Metro Station.

The Site is within the NoBe District (Block 2) in the 2010 *White Flint Sector Plan*. The Sector Plan notes the “significant redevelopment opportunity north of Executive Boulevard that could include retail, residential, and offices uses” (pg.36). It also states that “building heights may be less than 150 feet to achieve compatibility with the residential development southwest of this block” (pg.36). The Project includes a 50-foot building at the southwest corner of the Site, consistent with the Sector Plan and the zoning on that portion of the Property. Compatibility with the residential development southwest of the Site will be further evaluated at the time of site plan.

Transportation

The proposed street network is consistent with the Sector Plan recommendations. The Sector Plan envisions Rockville Pike as an urban boulevard with improved pedestrian sidewalks, on-road bicycle accommodation, and bus priority lanes (pg.53). The segment of Rockville Pike between Nicholson Lane and Executive Boulevard is classified as M-6, a major highway with planned Bus Rapid Transit service. The segment is currently 120-foot wide and planned to be 162-foot wide with six (6) divided travel lanes and two (2) bus-only lanes. A public right-of-way dedication to meet this requirement was completed from the previously approved preliminary plan (120120060). The 2013 *Countywide Transit Corridors Functional Master Plan* recommends a Bus Rapid Transit corridor in the median of Rockville Pike along the frontage of this Site. The MD 355 South Rapid Transit service is planned to travel in dedicated transit lanes along this portion of its overall route. The Rockville Pike property frontage will be enhanced with a 10-foot sidewalk, 10-foot bidirectional bikeway, and 8-foot green panel in accordance with the Downtown Boulevard streetscape requirements in the draft *Complete Streets Design Guide*.

Woodglen Drive is designated as a Business Street, B-3, with a recommended 70-foot right-of-way, and existing separated two-way bicycle lanes along the west side of the street. The roadway is 70-foot wide, which meets the right-of-way requirement outlined in the Master Plan of Highways and Transitways. The Applicant proposes to construct a new ten-foot sidewalk and six-foot green panel that meets the requirement of the Downtown Street standard per the draft *Complete Streets Design Guide*. A portion of the streetscape is proposed to remain in its current state until the existing office structure is replaced as part of the second phase of the development.

Nicholson Lane is designated as an arterial, A-69, with a recommended 90-foot right-of-way, and recommended separated one-way bicycle lanes along both sides of the roadway. The Applicant proposes to dedicate nine-feet along the property frontage to meet the 45-foot right-of-way requirement from centerline. The Applicant proposes to reconstruct the curb as a means of accommodating a wider sidewalk, green panels, and one-way separated bicycle lane. Existing utility poles will be maintained in the buffer between the bicycle lane and sidewalk to preserve clear paths of travel.

Executive Boulevard is designated as an arterial, B-7, with a recommended 90-foot right-of-way, and recommended separated on-way bicycle lanes. The Applicant proposes to dedicate 3.5-feet along the property frontage to meet the 40-foot right-of-way requirement from centerline.³ The Applicant proposes to maintain the existing eight-foot sidewalk and 5.5-foot green panel that meets the requirement of the Downtown Street standard per the draft *Complete Streets Design Guide*.

Proposed Street 'A' (east-west) and the 'Paseo' (north-south) are internal private, local streets consistent with the Sector Plan's recommendation for local streets, which "provide access into the interior of the blocks and can have special features to distinguish the different enclaves of development from each other, such as distinctive paving materials" (pg.18). These new streets provide important extensions of the White Flint Recreation Loop.

Utilities

The Sector Plan recommends undergrounding of utilities noting that "undergrounding utilities and locating "wet" and "dry" utilities under the pavement or under the sidewalk will allow the street tree canopy space to grow" (pg.17). The Applicant will underground existing overhead utilities along the east side of Woodglen Drive north of the existing office building E (11333 Woodglen Drive).

3. *Achieve compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*

The proposed buildings and open spaces are compatible with existing nearby buildings, open spaces and uses. This compatibility is achieved through: building heights similar to those of the existing North Bethesda Market I to the south (approximately 289 feet), approved-but unbuilt North Bethesda Gateway across Rockville Pike to the east (approximately 250 feet), and approved-but unbuilt Saul Centers White Flint to the north (approximately 300 feet); creation of blocks that transform the suburban, auto-oriented strip shopping center into a mixed-use, walkable environment; creation of defined streetscapes and open spaces; replacement of surface parking lots with structured parking creating an urban pattern of buildings, sidewalks, and streets; and continuation of the existing public space and internal street grid established by North Bethesda Market I.

4. *Provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The proposed circulation network for vehicles, pedestrians and bicyclists is safe, adequate and efficient, and will integrate this development into the surrounding area. Structured parking and loading provides adequate access with efficient on-site circulation for vehicles, bicyclists and pedestrians. Safety is enhanced by several improvements, including generously landscaped sidewalks and a narrow internal street which will encourage slower traffic. The proposed vehicular circulation efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation.

5. *Propose an outline of public benefits that support the requested incentive density;*

For the proposed development, the Zoning Ordinance requires 100 points in four categories. The Applicant proposes 117 points in four categories and Staff recommends 114.92 points in five categories. Although at the time of the Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits recommended at Sketch Plan to demonstrate the Project's ability

³ As discussed in Preliminary Plan finding no. 2, the Applicant requests to defer dedication along Executive Boulevard until Phase II.

to meet the requirement to provide sufficient benefit points. Staff supports the public benefit points in Table 2 at this time, but the final point determination will occur at Site Plan.

Table 2: Public Benefits Calculations

Public Benefit	Incentive Density Points		
	Max. Allowed	Requested	Staff Recommended
59-C-15.851 Major Public Facilities			
Off-site bike lane improvements	70	0	2.8
59-C-15.852 Transit Proximity			
Within ¼ and ½ mile of a Level 1 Transit Stop	50	36.88	36.88
59-C-15.853 Connectivity and Mobility			
Neighborhood Services	10	7.5	7.5
Minimum Parking	10	8.14	8.14
Through-Block Connection	20	15	0
Way-Finding	10	5	5
59-C-15.855 Quality of Building and Site Design			
Structured Parking	20	9.93	9.93
Public Art	10	7.5	7.5
Public Open Space	20	4.67	4.67
Exceptional Design	10	10	10
59-C-15.853 Protection & Enhancement of the Natural Environment			
Building Lot Terminations	5	5	5
Vegetated Roof	15	7.5	7.5
Cool Roof	10	0	10
TOTAL		117.12	114.92

Major Public Facilities

Staff recommends that the Applicant extend the Nicholson Lane bicycle lane east to Rockville Pike, resulting in major public facility points using the following calculation:

$(\text{constructed area of facility}/\text{net lot area})/4 * 100$

$(1,128 \text{ sq ft}/158,586 * 4) * 100 = 2.8 \text{ points}$

Transit Proximity

A portion of the Property (approximately 132,014 square feet tract area) is located within ¼ mile of the White Flint Metro Station (a level 1 transit center), and the remaining portion falls just outside. As such, the Transit Proximity points are calculated based on the proportionate share of the tract area that falls within ¼ mile radius, and the remaining land area located within ¼ and ½ mile, as follows:

$$[(t1/T)*P1] + [(t2/T)*P2]$$

$$T \text{ (total tract area)} = 191,925 \text{ sf}$$

$$t1 \text{ (tract area within proximity range 1)} = 132,014$$

$$t2 \text{ (tract area within proximity range 2)} = 59,911$$

$$P1 \text{ (points for range 1)} = 40$$

$$P2 \text{ (points for range 2)} = 30$$

$$[(132,014/191,925)*40]+[(59,911/191,925)*30] = 36.88 \text{ points}$$

Connectivity and Mobility

Neighborhood Services

The Sketch Plan Amendment seeks to retain the previously approved points for Neighborhood Services. The project is within ¼ mile radius of retail establishments and other numerous offerings along Rockville Pike that meet this criterion:

1. Whole Foods Market – 1355 Woodglen Drive
2. LA Fitness – 11416 Rockville Pike
3. Stella’s Bakery – 11510 D Rockville Pike
4. Seasons 52 – 11414 Rockville Pike
5. Dunkin Donuts – 11520 Rockville Pike
6. 7-Eleven – 11421 Rockville Pike
7. Taipei Tokyo – 11510 Rockville Pike
8. Verizon Wireless – 11431 Rockville Pike
9. A&B’s Barbershop – 11520 Rockville Pike
10. DryClean plus – 11520 Rockville Pike
11. Arhaus – 11412 Rockville Pike
12. Russian Gourmet – 11431 Rockville Pike

Additionally, the Project will provide diverse commercial/retail/service/restaurant offerings in both Phase One and Phase Two. Phase One proposes two stand-alone commercial buildings with approximate square footages of 2,500 square feet and 5,150 square feet. In addition, Phase One includes approximately 10,500 square feet of ground floor non-residential space that is anticipated to be broken down into two or more smaller commercial bays. Phase Two includes approximately 25,000 square feet of additional ground floor retail uses. The exact size and configuration of the commercial buildings and space will be determined at the time of Site Plan.

Minimum Parking

Parking will be provided above the minimum requirements but below the maximum allowed spaces. Accordingly, the Applicant is seeking 8.14 points for minimum parking, based on the calculation below.

$$[(A/P)/(A/R)] * 10$$

$$A \text{ (maximum allowed spaces)} = 1,482$$

$$R \text{ (minimum required spaces)} = 872$$

P (proposed spaces) = 1,071
[(1,482/1,071)/(1,482/872)]*10 = 8.14 points.

Through Block Connection

The Applicant proposes 15 public benefit points for providing a through-block connection along the Project's private streets. The private streets will include sidewalks, but they will also provide access to the parking garages and loading bays for vehicles and trucks. While Staff concurs with the Applicant that the private streets will enhance connectivity within the area, Staff does not support the points requested for a through-block connection public benefit since the Zoning Ordinance defines through block connections as "safe and attractive *pedestrian connections between streets*" (emphasis added by Staff). Further, the proposed private streets do not meet the guideline criteria for granting points in the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines*.

If the Applicant designs the private streets as "shared streets" that favor pedestrians, Staff will consider granting a small amount of public benefit points at Site Plan.

Wayfinding

The Project will install wayfinding signs in the proposed open and public spaces that orient pedestrians and cyclists to nearby parks, trails/paths, transit stations and stops etc. As such, and consistent with the prior approvals, the Applicant is seeking 5 points for wayfinding. The wayfinding program will be finalized at the time of Site Plan.

Quality Building and Site Design

Structured Parking

The Project will provide the majority of parking on-site through above-grade structured parking. Based on the calculation below, the Applicant is seeking 9.93 points for structured parking.

[(A/T)*10] + [(B/T)]*20
A (above-grade spaces) = 1,064
B (below-grade spaces) = 0
T (total spaces) = 1,071
[(1,064/1,071) * 10] + [(0/1,071)] * 20 = 9.93 points

Public Art

The Amendments propose to modify the previously approved public art. The proposed Project will provide public art through interactive art or a water feature in the public plaza and/or an artistic mural along the exposed garage façade (either in Phase One or Phase Two). The proposed public art will achieve the following goals:

- Achieve aesthetic excellence;
- Ensure an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context;
- Ensure public access and invite public participation;
- Encourage collaboration between the artist(s) and other project designers early in the design phases;
- Ensure long-term durability of permanent works through material selection and/or a documented maintenance program; and

- Encourage a rich variety of arts including permanent installations, revolving temporary works, and event programming.

The Applicant has identified several potential locations for public art within the Project – the final location(s) and artwork will be determined at the time of Site Plan and reviewed for comment by the Art Review Panel under the Public Art Guidelines. The Applicant is exploring either a permanent, interactive sculptural piece within the plaza or a mural on the “exposed” parking garages (either at the east end of the Phase One residential garage or on the southern elevation of the Phase Two garage).

Accordingly, the Applicant is seeking 7.5 points from this category. The final design, location, and details of the art will be finalized at the time of Site Plan and must be reviewed by the Art Review Panel under the Public Art Guidelines.

Public Open Space

The Project provides significant improvements to the public open space offerings on-site. The Project includes approximately 15,900 square feet of public use space, in accordance with the requirements of Section 59-C-15.73 of the Zoning Ordinance. In addition to the public use space, the Project provides an approximately 7,400-square foot public plaza at the intersection of Rockville Pike and Executive Boulevard. The plaza is easily accessible and visible from Rockville Pike. This public plaza will provide a dynamic public open space, activated by the surrounding retail, to serve the surrounding community.

(P/N)*100

P (public open space) = 7,400

N (net lot area) = 158,586

$(7,400/158,586)*100 = 4.67$ points

Exceptional Design

The Project will provide exceptional architectural design that will positively contribute to the walkable urban core envisioned in the Sector Plan. The building architecture will be further refined at time of Site Plan but is anticipated to meet the exceptional design criteria below and the Applicant requests 10 points.

- *Provide innovative solutions in response to the immediate context*

The Project will contribute to the connected street grid envisioned for White Flint through the extension of the Paseo into the center of the Project, which intersects with a new, cross-block private street connecting Woodglan Drive with Rockville Pike.

The Project proposes a compact building design with contextual massing. All proposed buildings will align to the new and existing street grid to provide a continuous street facade and, to the extent possible, will line the streets with uses intended to enhance and enliven pedestrian activity. The highest densities, along Executive Boulevard, are designed to complement the existing densities at NoBe I. The two towers proposed in Phase Two have been designed to create a strong urban expression that matches that of NoBe I, while also providing a transition to the residential neighborhoods west of Woodglan Drive. The mid-rise, mixed-use building on the northern portion of the Property will line the new east-west private street with retail/restaurant activity at the ground floor and create the north boundary of the plaza. This mid-rise building will provide some boundary relief for the plaza allowing more light and air, as well as a more varied sense of space, from within the plaza.

- *Create a sense of place that serves as a landmark*

The Project will turn a collection of low-rise, out-of-date commercial buildings and a maze of parking lots into a neighborhood destination. The public plaza centrally located within an organized street grid is planned to be the main feature for the Project and for the surrounding area. The connections made by the additions to the street grid will allow for residents from the surrounding areas to safely access this new amenity and the events that will likely take place therein – creating an activated central destination.

- *Enhance the public realm in a distinct and original manner*

The public plaza will serve as a centerpiece to the Project. It will be easily accessed by many routes due to the integrated street grid. It has been designed to provide outdoor dining for the adjacent restaurants, as well as public seating opportunities to promote public gatherings. The adjacent retail building and landscaping have been strategically designed to create a protected area – a shaded green respite from the urban landscape along Rockville Pike. The stormwater management bio-retention planters that surround the plaza not only collect stormwater runoff but also include green plantings and urban green-scape habitat for birds and other creatures.

The Paseo will be designed as a connector street lined with trees, sidewalks and special paving, that can become an extension of the plaza that includes the sidewalk to the west. This additional area augments the 7,400 square feet of open space by at least 25% and allows for larger single day events like a farmer’s market, a craft fair or a festival with live music. It would be possible to close the eastern half of the new, east-west private street along with the Paseo without disturbing the service and parking access to all the permanent occupants of the Property. And, with those closures, the area fully engages the heart of the Property, including the pedestrian realm along the eastern side of Rockville Pike, to create a synergy of activity and place that would be unique to the area.

Large windows, balconies and terraces will overlook the plaza providing layers of interest and activity. A sense of quality will be transmitted by the use of durable materials especially at the areas that can be touched along the pedestrian walkways. Details and scaling elements like bay projections, inset terraces, material changes and horizontal differentiation between different uses will be used to add interest to the street wall. Tall building elements will utilize strategies designed to break down the mass and reduce the apparent length of the façades. These details will be developed further during the Site Plan approval process.

- *Introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way;*

The buildings and building heights have been strategically laid out throughout the Property to enhance the pedestrian environment and public plaza, promote a compatible transition to the surrounding uses, and also create the urban expression envisioned for the Property in the Sector Plan. The specialty retail building at the intersection of Rockville Pike and Executive Boulevard has been designed to activate and engage the plaza through human-scaled design, while simultaneously providing a protected area that, in combination with the landscaping, is shielded from the noise and traffic along Rockville Pike. The seven-story mixed-use building on the northern portion of the Property will provide active ground floor uses that will engage and activate the internal east-west

street and introduce a mid-rise building type. Phase Two will provide a two-tower high-rise building that has been designed to complement the heights and densities of the NoBe I development to the south and also provide a compatible transition to the residential neighborhoods to the west of Woodglen Drive.

- *Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a site.*

The Project will substantially improve the pedestrian environment and experience. An important component of the proposed improvements is the proposed public plaza and adjacent Paseo. With the Paseo, the plaza completes the pedestrian realm initiated to the south at NoBe I. It provides a natural visual terminus in the architecture, and a meaningful destination in the plaza. The shade trees, the native plantings in the bio-retention system, and the human-scaled single-story retail building within and around the plaza provide the necessary elements of respite from Rockville Pike. In addition, the secondary street grid provides an important, smaller scaled set of access points and corridors that allow for safer travel to and through the site.

At full build-out, all of the private and public parking will be largely concealed from view in two structured garages that will be easily accessible from the public realm. Exposed garage elevations will be concealed by architectural screening and/or a public mural installation.

- *Integrates low-impact development methods into the overall design of the site and building beyond green building and site requirements*

The Project will result in significant improvements to the treatment of stormwater management on-site. There are no known stormwater management facilities located throughout much of the Property (with the exception of the green roof on the 11333 Woodglen Drive office building), and drainage flows from rooftops and parking areas directly into the storm drain system unabated. The Project will include an approximately 8-inch green roof in Phase Two, spread across up to 25% of the roof, significantly reducing impervious cover and providing microclimate cooling and pollinator benefits. In addition to the proposed green roof, micro-bioretenion facilities are proposed to treat the stormwater runoff from the remaining roof area not being treated by green roof. The streetscape design also incorporates a variety of plant material slowing, filtering, and infiltrating additional runoff. In combination, the planting and stormwater facility design will act as an integrated system lowering the impact of development and will substantially improve water quality.

Protection and Enhancement of the Natural Environment

BLTs

The Applicant will purchase Building Lot Termination easements, or make an equivalent payment to the Agricultural Land Preservation Fund, in an amount equal to 5 percent of the incentive density floor area. Based on the density proposed by this Sketch Plan (up to 740,528 square feet) the Applicant would be required to purchase 1.61 BLTs, based on the following calculation:

- 740,528 square feet total development proposed – 95,962.5 square feet base density = 644,565.5 square feet of incentive density

- 644,565.5 square feet x 0.05 = 32,228.275/20,000 = 1.61 BLTs

The Applicant is seeking 5 points from this category. The BLTs will be phased with the overall development.

Vegetated Roof

The Project will provide a vegetated roof with a soil depth of 8 inches, covering at least 33% of the Phase Two building roof. Per the Incentive Density Guidelines, points may be pro-rated per building for multi-building developments. The Phase Two roof area accounts for approximately 44% of the overall enclosed building roof area (e.g. 87,500 sf) within the Project. However, the Applicant is seeking additional points for providing a greater soil depth. As such, the Application is seeking 7.5 points from this category.

Cool Roof

Staff recommends that the Applicant pursue up to 10 points for constructing any roof area that is not covered by a vegetated roof with 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.

6. *Establish a feasible and appropriate provisional phasing plan for all structures uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications;*

The proposed project will be built in two phases, with a logical sequence for provision of uses, right-of-way dedications and construction of public and private sidewalks. Further, some of the major public amenities, including the urban plaza along Rockville Pike, will be provided with the first phase of development.

Table 3: Phased Public Benefit Points

Public Benefit	Incentive Density Points		
	Total	Phase One	Phase Two
59-C-15.851 Major Public Facilities			
Off-site bike lane improvements	2.8	2.8	0
59-C-15.852 Transit Proximity			
Within ¼ and ½ mile of a Level 1 Transit Stop	36.88	18.44	18.44
59-C-15.853 Connectivity and Mobility			
Neighborhood Services	7.5	3.75	3.75
Minimum Parking	8.14	4.0	4.14
Way-Finding	5	5	0
59-C-15.855 Quality of Building and Site Design			
Structured Parking	9.93	4.5	5.43
Public Art	7.5	7.5	0
Public Open Space	4.67	4.67	0
Exceptional Design	10	4	6
59-C-15.853 Protection & Enhancement of the Natural Environment			
Building Lot Terminations	5	2.5	2.5
Vegetated Roof	7.5	0	7.5
Cool Roof	10	5	5
TOTAL	114.92	62.16	52.76

SECTION 5: PRELIMINARY PLAN FINDINGS

The proposed Preliminary Plan Amendment was reviewed for compliance with Chapter 50 of the Montgomery County Code. It meets the required findings as follows:

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 proposed Preliminary Plan Amendment will create five lots and three parcels for private streets. The application meets the requirement and standards of all applicable sections of Chapter 50 of the Montgomery County Code, the Subdivision Regulations. With the proposed improvements, access and public facilities will be adequate to support the proposed lots, density, and use. The size, width, shape, and orientation of the proposed lots are appropriate for this type of mixed-use subdivision with internal private streets. Staff has also reviewed the proposed subdivision for compliance with the dimensional requirements of the CR3.0 C1.5 R2.5 H150 and CR4.0 C3.5 R3.5 H300 Zones as specified in the Zoning Ordinance in effect prior to October 30, 2014. The proposed development meets all dimensional requirements of those zones, as detailed in Table 1.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan*

As discussed on page 23 of this report, the Preliminary Plan Amendment substantially conforms with the 2010 *White Flint Sector Plan*.

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

Based on the Planning Board approval of Preliminary Plan 12012006A, by Resolution MCPB No. 15-101 on February 12, 2015, and subsequent extensions granted by the County Council in 2015 and 2020, the prior Adequate Public Facilities determination is valid until March 12, 2026. Except as modified below, the previous finding of Adequate Public Facilities remains in full force and effect and is not impacted by the Amendment.

Vehicular Circulation and Access Points

The Site has frontage on Rockville Pike on the east, Executive Boulevard on the south, Woodglen Drive on the west, and Nicholson Lane on the north. Pedestrian access to the Site will be from the established sidewalk network along each of the four public roads, which will be enhanced by streetscape improvements along each of the Property frontages, consistent with recommended streetscape standards within the 2010 *White Flint Sector Plan*. The Applicant proposes to construct a planned local street connection, identified within the Sector Plan, from Executive Boulevard to Woodglen Drive. The new local east-to-west street connection will create a T-intersection with the Paseo Drive extension and provide all access into the internal circulation for parking and loading for the existing and proposed mixed-use complex. The new private local street will also connect to Rockville Pike.

A new vehicular access point is proposed to be built along Executive Boulevard as a means of extending Paseo Drive, northwards from North Bethesda Market. Out of the two existing vehicular access points into the site from Rockville Pike, one will be removed. The existing curb cut on Woodglen Drive, currently providing driveway access to the office structure, is proposed to remain. Finally, the existing driveway from Nicholson Lane is proposed to be removed.

Each proposed mixed-use structure features its own respective loading and garage entrances, providing ingress and egress to each respective garage. Loading access will be provided from the proposed loading docks, displayed on the truck loading zone turning exhibits. No parking and loading access will occur directly from the Rockville Pike, Nicholson Lane, or Woodglen Drive. The loading dock in the first phase mixed-use building is intended to primarily serve residents moving in and out of the building. The east-to-west private street will also service the temporary surface parking area as indicated in phase one. Commercial truck deliveries will be limited to access through the private local street, and vehicular/loading turning movements are displayed on the submitted truck turning exhibits. Likewise, all trash collection will occur from the proposed loading dock areas as well.

Existing and Planned Transit Service

The immediate area is well served by transit that includes Ride On, Metrorail, and Metrobus within walking distance to the site. The Ride On 5 and 46 routes provide service between the Twinbrook, White Flint, Rockville, Grosvenor-Strathmore, and Silver Spring Metro stations; downtown Rockville; the Pike District; Kensington; and downtown Silver Spring.

Additionally, the future MD 355 Bus Rapid Transit route is planned along Rockville Pike, with planned stations identified at the White Flint Metrorail Station and the Rockville Pike-Security Lane intersection. The proposed mixed-use, high density development meets the intent of the NoBe District identified in the Sector Plan, furthering the vision for developing urban, walkable communities in close proximity to existing and planned transit networks.

Pedestrian and Bicycle Facilities

As a means to address needed pedestrian upgrades in the sidewalk network envisioned in the *White Flint Sector Plan*, Staff and the Applicant have coordinated to enhance sidewalk infrastructure along each respective street frontage, with added care given to the Rockville Pike frontage. Along the Rockville Pike Property frontage, the Applicant proposes to construct a wider sidewalk and two-way separated bikeway, both with shaded buffering from the street, consistent with guidance within the Sector Plan and the draft *Complete Streets Design Guide*. By implementing the envisioned redevelopment of Rockville Pike into an urban boulevard, the improvement will help foster a more comfortable space for people walking and bicycling parallel to the future Bus Rapid Transit route.

Likewise, the Applicant is committed to upgrading the Property's frontage with Nicholson Lane, proposing to construct a new sidewalk with a wider green panel and one-way separated bikeway to support east-to-west connectivity across the Pike District.

Furthermore, the Applicant proposes to construct new sidewalks along Woodglen Drive and Executive Boulevard, ensuring safe and comfortable space for people walking, following conclusion of the phase II replacement of the existing office building. New crosswalks will be built hand-in-hand with each sidewalk and curb ramp reconstruction, providing a high visibility crossing between the mixed-use complex and adjacent blocks. New crosswalks and ADA-compliant curb ramps will also be built in the internal east-to-west private street and Paseo Drive Extension, that would tie directly with the aforementioned new sidewalk connections along the public streets.

A bidirectional separated bikeway was recently built along the opposite frontage of Woodglen Drive. The existing bicycle facilities will not be affected as part of this request.

Master-Planned Roadways, Bikeways, and Transitways

The segment of Rockville Pike between Nicholson Lane and Executive Boulevard is classified as M-6, a major highway with planned Bus Rapid Transit service. The segment is currently 120-feet wide and planned to be 162-feet wide with six (6) divided travel lanes and two (2) bus-only lanes. A public right-of-way dedication to meet this requirement was completed from the previous approved preliminary plan (120120060). The MD 355 South Bus Rapid Transit service is planned to travel in dedicated transit lanes along this portion of its overall route. As indicated in Figure 11, the Rockville Pike property frontage will be enhanced with a 10-foot sidewalk, 10-foot bidirectional bikeway, and 8-foot green panel in accordance with the Downtown Boulevard streetscape requirements in the draft *Complete Streets Design Guide*.

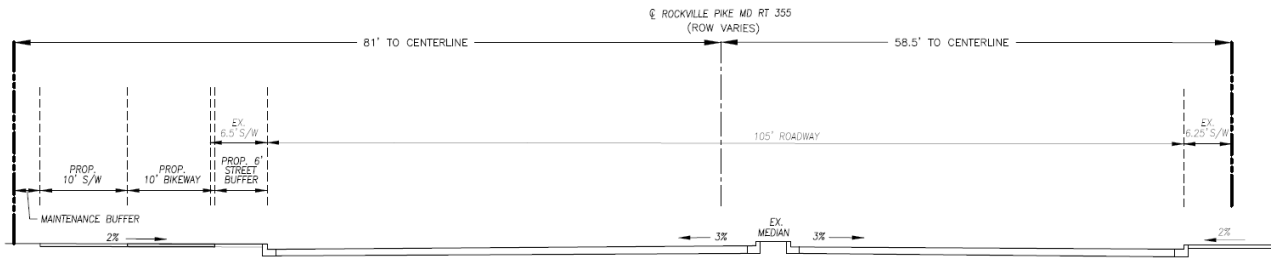


Figure 11: Rockville Pike Section

Nicholson Lane is designated as an arterial, A-69, with a recommended 90-foot right-of-way, and recommended separated one-way bicycle lanes along both sides of the roadway. The Applicant proposes to dedicate nine-feet along the property frontage to meet the 45-foot right-of-way requirement from centerline. As indicated in Figure 12, the Applicant proposes to reconstruct the curb as a means of accommodating a wider sidewalk, green panels, and one-way separated bicycle lane. Existing utility poles will be maintained in the buffer between the bicycle lane and sidewalk to preserve clear paths of travel.

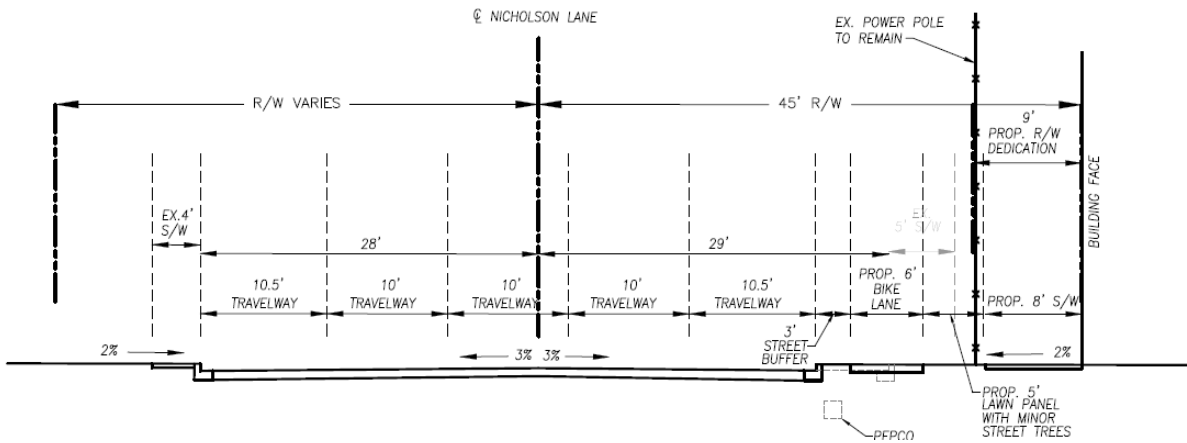


Figure 12: Nicholson Lane Section

Woodglen Drive is designated as a Business Street, B-3, with a recommended 70-foot right-of-way, and existing separated two-way bicycle lanes along the west side of the street. The roadway is 70-feet wide, which meets the right-of-way requirement outlined in the *Master Plan of Highways and Transitways*. The Applicant proposes to construct a new ten-foot sidewalk and six-foot green panel that meets the requirement of the Downtown Street standard per the draft *Complete Streets Design Guide*. A portion of the

streetscape is proposed to remain in its current state until the existing office structure is replaced as part of the second phase of the development.

Executive Boulevard is designated as an arterial, B-7, with a recommended 90-foot right-of-way, and recommended separated on-way bicycle lanes. The applicant proposes to dedicate 3.5-feet along the property frontage to meet the 40-foot right-of-way requirement from centerline. The Applicant proposes to maintain the existing eight-foot sidewalk and 5.5-foot green panel that meets the requirement of the Downtown Street standard per the draft *Complete Streets Design Guide*. There is an existing Declaration of Covenants for Future Dedication along Executive Boulevard, recorded among the Land Records of Montgomery County, Maryland at Liber 34683 Folio 165. Given the existing site improvements located within the future dedication area, which will remain as part of Phase One, the Applicant is seeking to retain this approved Covenant for future dedication with these Amendments. The right-of-way for Executive Boulevard will be dedicated in connection with the construction of the Phase Two building.

The Applicant is seeking reconfirmation of the Planning Board's previous approval to defer dedication for the right-of-way located at the intersection of Executive Boulevard and Woodglen Drive. The existing 11333 Woodglen Drive building sits along Executive Boulevard and Woodglen Drive and a portion of the building, together with the entrance feature to the restaurant space, is located within the area that would be dedicated to the County for the truncation at this intersection. As part of the original Preliminary Plan approval, MCDOT accepted an arrangement whereby the Applicant would enter into an Easement for Future Dedication for a portion of the truncation area, such area to be dedicated when the 11333 Woodglen Drive building was removed and redeveloped in proposed Phase 2.

The Applicant is requesting that MCDOT (i) support a reduced width truncation for this location or (ii) accept an Easement for Future Dedication as was agreed to for the original approval but for the entire truncation area and defer dedication until such time as the 11333 building is removed and redeveloped, in connection with Phase Two. Sight distance is not an issue at this location as the intersection contains a 4-way stop. Thus, a reduced-width truncation or deferring the timing of public right-of-way dedication will not harm the public or result in an unsafe condition. Staff and MCDOT support the request to defer dedication of the truncation area until Phase II.

Private Roads

Staff supports the Project's internal road network. The classification of the internal streets as private roads is consistent with the Sector Plan, which recognized that the finer grained system of local connections (and even some Business District Streets) could be provided as private streets (Pages 50, 52). The private classification also will allow for the creation of a "shared street" on the Paseo, which includes enhanced pavement and pedestrian friendly features. The Paseo has been designed to function as an extension of the adjacent plaza for special events, when closed to vehicular traffic (the exact design of which will be finalized at the time of Site Plan). This is an integral element of the Plan that was part of the prior approvals. Importantly, the proposed streets will provide an extension of the Paseo that was provided by the NoBe I development to the south (also a private road). This is an important goal in the Sector Plan that this Project continues to achieve.

Section 50-4.3.E.4.a states that although "the creation of public roads is preferred, an Applicant may justify the use of a private road based upon [certain] criteria." The Paseo, running between Executive Boulevard and the proposed east-west internal street, has been designed as a shared street that will provide for efficient vehicular circulation but at a pace that is calmed to ensure pedestrian safety.

Specifically, the Paseo is proposed as a 56-foot-wide private right-of-way that will have 10' wide travel lanes in either direction and sidewalks on both sides. The Paseo will be lined by ground floor retail on both sides (with full build-out of the Project) and abuts the public plaza - as mentioned above, the Paseo has been designed to permit closure so as to function as an extension of the plaza for special events. The character and design of the Paseo as a private street is critical to the success of the overall Project. The proposed "shared street" could not be accomplished if the Paseo were a public road, as the following design elements do not meet public road standards:

- Grading & Paving. Specialty paving is proposed for the Paseo to match or be similar to the materials used on the existing Paseo to the south in NoBe I to create a pedestrian friendly woonerf.
- Cross-Section.

The east-west internal private street, connecting Rockville Pike and Woodglen Drive will similarly be classified as a private road, to ensure the Project does not create a segmented road ownership pattern. In all other respects, the proposed private roads will meet public standards. Specifically, the private roads will be platted in a separate parcel and will satisfy the following construction standards:

- Secondary Residential Street Standard Pavement Section (for east-west internal private street)
- Secondary Residential Street Standard Pavement Width as modified for Complete Streets proscribed travel lane widths of 10.5 feet
- Secondary Standard Curb Type
- Secondary Standard Design Speed, Maximum Grade, and Minimum Radius

MCDOT has determined that the proposed road is not needed to maintain area circulation, provide continuous corridors to serve the general public and quasi-public needs such as communication, utility, and future potential transportation or other systemic needs that serve the public on a long-term basis, and is not needed to be part of the network modeled for area capacity. Additionally, the private roads have been designed to ensure fire and rescue vehicles can be safely accommodated, in terms of width, load capacity, and adequate turning radius.

Transportation Demand Management

As a project within the North Bethesda Transportation Management District (TMD) that is greater than 40,000 square feet of gross floor area, the development is required to develop a Level 3 Results Transportation Demand Management (TDM) Plan with the Planning Board and MCDOT to participate in the North Bethesda TMD. Specific details of the agreement will be determined at Site Plan.

The Preliminary Plan application satisfies the Adequate Public Facilities Ordinance.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied.*

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved by Planning staff on August 9, 2010. The site contains no streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, hydraulically-adjacent steep slopes, or known occurrences of Rare, Threatened and Endangered species. The property lies within the Lower Rock Creek watershed, which is a Maryland Use Class I stream. The site does not lie within a Special Protection Area. The plan as submitted is in conformance with the Planning Department's *Environmental Guidelines*.

Forest Conservation

This site has previously approved Preliminary (120120060 and 12012006A) and Final Forest Conservation Plans (820120040 and 82012004A). However, the previously approved Preliminary Plans and Site Plans have changed dramatically with this application. There have also been changes to the approved Limits of Disturbance (LOD). This plan application includes an amended Preliminary Forest Conservation Plan that reflects the new site layout and LOD. The Net Tract Area for this plan is 4.31 acres, including off-site disturbance. The property contains no forest, and there are no significant, specimen or champion trees on the site. The Net Tract Area and land use category results in an afforestation requirement of 0.65 acres. No variance approval is needed. The Applicant proposes to fulfill their planting requirement through off-site forest banking or payment of a fee-in-lieu of planting. Determination of the final mitigation method will be made at the time of the amended Final Forest Conservation Plan submission, and is dependent on the availability of off-site banking. The plan as submitted is in compliance with Chapter 22A, Forest Conservation.

Noise

The Applicant will be required to submit a noise study and incorporate recommendations from the analysis of noise impacts to ensure that the noise levels of residential units and the exterior public use spaces comply with the Planning Department's Noise Guidelines.

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

The Montgomery County Department of Permitting Services (MCDPS) approved a stormwater management concept plan on August 31, 2011 and reconfirmed it in a letter dated April 28, 2021. The proposed project meets stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-biofilters. Runoff not treated in these facilities will be treated in proprietary underground filter systems before being discharged to the existing storm drain system.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

Not applicable; there are no known burial sites on the Property.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

Not applicable.

SECTION 6: CONCLUSION

Based on the analysis contained in this report and subject to the conditions recommended at the beginning of this report, Staff concludes that the proposed Project complies with all the applicable requirements of Chapters 50 and 59 of the Montgomery County Code. The Project is consistent with the vision and objectives of the *White Flint Sector Plan* and the existing and proposed infrastructure is appropriate to support the uses and densities proposed for the Site.

ATTACHMENT A

AUG 12 2011



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-07
Sketch Plan No. 320110030
Project Name: North Bethesda Market II
Date of Hearing: January 20, 2011

CORRECTED RESOLUTION

WHEREAS, under Section 59-C-15.42 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on September 24, 2010, JBG/Nicholson Lane East, LLC ("Applicant"), filed an application for approval of a sketch plan for a multi-building mixed-use development with a maximum of 368,000 SF of non-residential uses and limited by a total cumulative density of up to 740,528 SF, on 4.41 acres of CR-zoned land, located on the west side of Rockville Pike between Nicholson Lane and Executive Boulevard ("Property" or "Subject Property"); and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320110030, North Bethesda Market II (the "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 10, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on January 20, 2011, the Planning Board held a public hearing on the Application; and

WHEREAS, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 20, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor and Commissioner Alfandre absent.

Approved as to
Legal Sufficiency:

A handwritten signature in blue ink, appearing to be "Mi", written over a horizontal line.

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 · Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Sketch Plan No. 320110030 for a multi-building mixed-use development with a maximum of 368,000 SF of non-residential uses and limited by a total cumulative density of up to 740,528 SF, on 4.41 gross acres of land in the CR Zones, including as binding elements under Section 59-C-15.42(b)(4)(B) the maximum density and heights, general location and extent of public use space, public benefits, and phasing program as shown on the sketch plans, subject to the conditions below and modification at Site Plan per the restrictions enumerated in section 59-C-15.42(d). This approval is subject to the following conditions and binding elements:

1. Density

The proposed development is limited to a maximum total of 740,528 sf. of development, including a maximum of 368,000 sf. of non-residential development.

2. Height

The proposed development is limited to a maximum of height of 150 feet in the portion zoned CR-3 C1.5 R2.5 H150, and 300 feet in the portion zoned CR-4 C3.5 R3.5 H 300.

3. Incentive Density

The proposed development must be constructed with a proportion of the following public benefits necessary to achieve the proposed density. During site plan review, the Planning Board may find that alternative public benefits and their associated incentive density requested are equally acceptable.

a. Transit Proximity

The Applicant proposes 40% incentive density for proximity to the White Flint Metro Station, a Level 1 transit portal.

b. Connectivity and Mobility

The Applicant proposes 30% incentive density overall for the Connectivity and Mobility category, which is achieved through public amenities in the sub-categories of Neighborhood Services (10% incentive), Minimum Parking (10% incentive), Through Block Connection (15% incentive), and Public Parking (6.4% incentive).

c. Diversity of Uses & Activities

The Applicant proposes 5% incentive density through the Dwelling Unit Mix.

d. Design Quality

The Applicant proposes the maximum of 30% allowed incentive density for the Design Quality category, which is achieved through public amenities in the sub-categories of Structured Parking (14.6% incentive), Tower Setback (5% incentive), Public Art (5% incentive), Streetscape (3% incentive), and Exceptional Design (10% incentive).

e. Natural Environment Protection and Enhancement

The Applicant proposes 25% incentive density overall for the Natural Environment Protection and Enhancement category, which is achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs) (5% incentive), Tree Canopy (10% incentive), and Vegetated Roofs (10% incentive).

4. Incentive Density Implementation

At site plan, the Applicant must demonstrate delivery of sketch plan incentive density elements in a timely manner commensurate with project phasing.

5. Building Lot Terminations (BLTs)

Prior to the issuance of building permits for the first 5% of incentive density square footage, the Applicant must provide proof of purchase and/or payment for the required BLTs.

6. Moderately Priced Dwelling Units (MPDUs)

The proposed development must provide MPDUs in accordance with Chapter 25A.

7. Transportation Planning

a. The Applicant must obtain access in coordination with the Maryland State Highway Administration (SHA) regarding future site access from Rockville Pike (MD 355).

b. The Applicant's plans must provide the shared use path, SP-41, North Bethesda Trail, along the east side of Woodglen Drive as recommended in the *Countywide Bikeway Functional Master Plan*.

c. At the time of Preliminary Plan, the Applicant must:

- i. dedicate any additional right-of-way along Executive Boulevard Extended to provide the *Sector Plan* recommended 80-foot right-of-way;
- ii. dedicate right-of-way for truncation at the corners of the public roadways adjacent to their site unless a waiver is granted.

- d. At the time of site plan, the Applicant must:
 - i. agree to comply with requirements of participating in the Transportation Management District.
 - ii. provide and show on the plan inverted-U bike racks in front of the main entrances to the buildings and secured bike lockers or similar bike storage facility in the garages.

8. Future Coordination for Preliminary and Site Plan

The following must be addressed as part of the site plan application in conjunction with any other items that may be identified at a later stage:

- a. Provide the square footage for each of the Neighborhood Services with a maximum retail bay floor area of 5,000 sf. to be considered for incentive density.
- b. Define 'Street A' with sustainable materials and a coherent street streetscape.
- c. Underground utilities within public rights-of-way, except those that are the obligation of the Special Taxing District.
- d. Demonstrate how the proposal will achieve sustainability recommendations, including increased tree canopy; maximization of LEED standards; environmental site design as recommended in the Sector Plan.
- e. Implement the bikeway and recreational loop recommendations as established in the Sector Plan and Design Guidelines, including the recreation loop along Nicholson Lane and the dual bikeway recommendation along Woodglen Drive.
- f. Demonstrate how development along Rockville Pike will contribute to the walkable environment envisioned in the Sector Plan.
- g. Consider ways to provide some level of pedestrian sidewalk activation on the outer facing perimeter of the development area.
- h. Consider ways to consolidate "fragments" of public use space into one substantial pedestrian priority space internal to the block.
- i. Consider alternative to screen service access points from Private Street A to reduce their intrusion on pedestrian space.
- j. Consider solar orientation when locating building mass in proximity to spaces for public use.

- k. Implement White Flint Urban Design recommendations.
- l. Continue the established streetscape in North Bethesda Market I along Executive Boulevard Extended.
- m. Demonstrate compliance with the requirements for streetscape improvements, residential amenity space, and parking in the Zoning Ordinance.
- n. Explore ways to reduce overall parking, including shared parking and incentives in the CR zone.
- o. Provide schematic elevations illustrating exterior architectural character, proportion, materials, and articulation of the proposed buildings and especially structured parking.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record and all applicable elements of § 59-C-15.42, the Montgomery County Planning Board finds that, as conditioned herein, the elements of the sketch plan specified in Section 59-C-15.42(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board finds that as shown in the sketch plan:

- (a) The proposed development meets the requirements and standards of Division 59-C-15;**
- (b) The proposed development will further the objectives of the White Flint Sector Plan; and**
- (c) The proposed development will provide more efficient and effective development of the site than the standard method of development.**

The Sketch Plan meets the requirements of the Division and satisfies the specific objectives of the White Flint Sector Plan by providing density and building height, and augments the transportation and bikeway network consistent with the recommendations of that plan. This optional method of development is more efficient and effective than the standard method of development because it provides more public benefits and places higher density in an area that can sustain growth with built in infrastructure improvements, including transit. In particular, this project will provide a high number of residential dwelling units and office space within walking distance of the White Flint transit station, and many

nearby commercial amenities. The public space and potential restaurant opportunities within the project will not only serve residents and workers on the site, but will provide further benefits and amenities to the surrounding community.

- (d) The proposed building massing and height and public use and other open spaces are located and scaled to achieve compatible relationships with each other and with existing and proposed buildings and open space adjacent to the site and with adjacent communities.**

The proposed development extends the architectural massing and public space of the adjacent North Bethesda Market I development across Executive Boulevard. The proposed commercial and residential buildings are consistent with those of the adjacent development and the proposed new Private Street A. The subject site links the primary public space and internal street of North Bethesda Market I with those of those of the proposed North Bethesda Market II, terminating the vista and redirecting pedestrian circulation and focus back into the adjacent residential neighborhoods. Along the section of Woodglen Drive opposite the site is a surface parking lot and further to the west a high-rise multi-family apartment building. For this area, the North Bethesda Market II development will set the standard for height and future compatibility.

- (e) The general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading areas are adequate, safe, and efficient.**

The general circulation for vehicles, pedestrians and bicyclists is safe, adequate and efficient, integrating this development into the surrounding area. Structured parking and loading is adequately designed into the site, providing integrated access with the general on-site circulation. Safety is enhanced by several improvements, including generous streetscaped sidewalks and a narrow internal street which will encourage slower traffic. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. This balance of design with the site, the recommendations of the Master Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles. Dedication of the rights-of-way associated with this project will be determined during the review of the Preliminary Plan.

- (f) The proposed public benefits and associated requested incentive density will further the objectives of the applicable master or sector plan and the objectives of the CR zones.**

The proposed public benefits and associated requested incentive density are appropriate for the site and the applicable zoning, and meet the objectives of the

White Flint Sector Plan, specifically to include enhanced pedestrian connectivity, a diversity of uses and public spaces, increased tree canopy, and excellence in design.

The proposed development must be constructed with the public benefits approved by this resolution, except that the Applicant may request to adjust the percentage or type of public benefits shown on the Public Benefits Table of the sketch plan during site plan review as long as the total equals at least 100 percent of the incentive density required by section 59-C-15.81. The Applicant may eliminate, add, or modify individual public benefits if the Planning Board finds that any changes continue to support the findings required by the zone.

(g) The general phasing of structures, uses, public benefits, and site plans is feasible and appropriate to the scale and characteristics of the project.

The proposed development will be constructed in a single phase, comparable to the companion North Bethesda Market I development. The public benefits proposed will be constructed along with the rest of the project. Timing for the construction of the amenities will be detailed with the Site Plan review.

(h) Other Issues

At the time of site plan, the Planning Board may approve changes to this sketch plan under certain circumstances. If the applicant proposes to change a condition of approval or binding element or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the White Flint Sector Plan. If Planning Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the master plan. In other words, for the Board to approve an applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a staff-proposed binding element that the applicant has not agreed to it must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and master plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved sketch plan, including a binding element, does not meet the requirements of the zone, master plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-15.42(c), which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements of site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, it might have decided to approve fewer elements of this plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan.

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320110030, North Bethesda Market II stamped received by M-NCPPC on December 1, 2010, are required except as modified herein; and

BE IT FURTHER RESOLVED that the original mailing date of the Resolution is July 5, 2011 (which is the date that this Resolution was mailed to all parties of record); and

BE IT FURTHER RESOLVED that the mailing date of this Corrected Resolution is AUG 12 2011 (which is the date that this Corrected Resolution is mailed to all parties of record); and

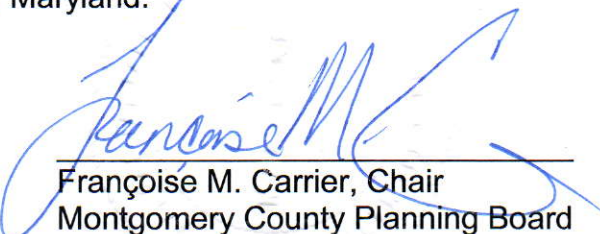
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty day of the date of this Corrected Resolution, 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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley and Commissioner Presley present and voting in favor of the motion, with Commissioner Anderson abstaining, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 21, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board



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

MCPB No. 15-009
Sketch Plan Amendment No. 32011003A
North Bethesda Market II
Date of Hearing: January 15, 2015

FEB 12 2015

RESOLUTION

WHEREAS, under Montgomery County Code Section 59-7.1.2, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, under Section 59-7.7.1.B of the Zoning Ordinance, this sketch plan is being reviewed under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and


WHEREAS, on August 12, 2011, by Corrected Resolution MCPB No. 11-07, the Planning Board approved Sketch Plan No. 320110030 for a multi-building mixed-use development with a maximum total density of 740,528 square feet, including a maximum of 368,000 square feet of non-residential development; a maximum height of 300 feet in the CR4.0 C3.5 R3.5 H300 Zone and 150 feet in the CR3.0 C1.5 R2.5 H150 Zone; the general location and extent of public use space; and a total of 150 percentage points for public benefits from the Transit Proximity, Connectivity, Diversity, Design, and Environment incentive categories, on 4.41 acres of CR-4.0 C3.5 R3.5 H300 and CR3.0 C1.5 R2.5 H150 zoned-land, located on the west side of Rockville Pike between Nicholson Land and Executive Boulevard ("Subject Property") in the White Flint Sector Plan ("Sector Plan"); and

WHEREAS, on August 26, 2014, The JBG Companies ("Applicant"), filed an application for approval to amend the previously approved sketch plan to allow the Applicant to build the development in three phases instead of one; reallocate 100,000 square feet of the approved non-residential floor area to residential density; and add an option to not build a residential building; and

WHEREAS, the Applicant's sketch plan amendment application was designated Sketch Plan Amendment No. 32011003A, North Bethesda Market II ("Sketch 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

Approved as to
Legal Sufficiency:

 1/28/15

Planning Board, dated January 5, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on January 15, 2015, 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, on January 15, 2015, the Planning Board voted to approve the Application subject to certain binding elements and conditions, on the motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor; and

WHEREAS, on January 29, 2015, prior to approving this Resolution, the Planning Board accepted a minor revision to the January 5, 2015 Staff memorandum.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Sketch Plan Amendment No. 32011003A, North Bethesda Market II, for construction of a maximum of 740,528 square feet of development, comprising up to 492,000 square feet of residential uses and up to of 268,000 square feet of non-residential uses on the Subject Property, including as binding elements under Section 59-15.42(b)(4)(B) the maximum density and heights, general location and extent of public use space, public benefits, and phasing program as shown on the Sketch Plan, and subject to the following conditions, which supersede the conditions approved with Sketch Plan No. 320110030:¹

1. Density

The development is limited to a maximum total of 740,528 square feet, including up to 268,000 square feet of non-residential and up to 492,000 square feet of residential floor area.

2. Height

The development is limited to a maximum height of 150 feet in the CR-3.0 Zone and 300 feet in the CR-4.0 Zone.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d). Total points must equal at least 100 and must be chosen from at least 4 categories as required by

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

Section 59-C-15.82(a). The requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit.

- a. Transit proximity to Level 1 transit, Metrorail station;
 - b. Connectivity and Mobility achieved through public amenities in the sub-categories of Neighborhood Services, Minimum Parking, Through Block Connection, and Way-finding.
 - c. Quality Building and Site Design achieved through public amenities in the sub-categories of Structured Parking, Tower Step-back, Public Art, Public Open Space, and Exceptional Design.
 - d. Protection and Enhancement of the Natural Environment achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs), Tree Canopy, and Vegetated Roofs.
4. Moderately Priced Dwelling Units (MPDUs)
The Applicant must provide MPDUs in accordance with Chapter 25A of the County Code.

BE IT FURTHER RESOLVED that, having given full consideration to 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 and all applicable elements of § 59-C-15.43(c), the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. *meets the objectives, general requirements, and standards of Division 59-C-15;*
 - a. The Amendment meets the requirements of Section 59-C-15.122, Density Averaging, as follows:

The Subject Property will contain five lots, all of which are subject to the same Sketch Plan; all the lots will be created by the same preliminary plan; the overall total non-residential and residential densities of the Sketch Plan will not exceed the total maximum allowed by the CR 3.0 and CR 4.0 Zones for the entire Subject Property; no building will exceed the maximum height set by the zone; approved uses are allowed by the Subject Property's zone classifications; the Subject Property is not adjacent to, nor does it confront, a lot or parcel in a one-family residential zone or an

agricultural zone that is not improved with a commercial, industrial or utility use; and approved public benefits are accounted separately for each phase of the Sketch Plan.

b. The Sketch Plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the development as approved will:

i. *“Implement the policy recommendations of applicable master and sector plans.”*

The Sector Plan establishes policies for transforming an auto-oriented suburban development pattern into an urban center of residences and businesses. The Sketch Plan will replace auto-oriented, office buildings and retail uses surrounded by surface parking lots into an urban, mixed-use community with emphases on the pedestrian experience in an improved public realm;

ii. *“Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses.”*

The Sketch Plan will replace four commercial buildings and their associated surface parking lots with a mix of high- and low-rise buildings with structured parking. The Sketch Plan will accommodate a mix of uses, including office, retail and residential;

iii. *“Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities.”*

The Sketch Plan will provide a range of residential unit types and commercial services with public facilities and amenities in an area with sidewalks, bike paths, and transit facilities, including the White Flint Metro Station, which is only $\frac{1}{4}$ of a mile from the Subject Property;

iv. *“Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors.”*

The Sketch Plan’s mix of uses, densities and height are compatible with existing and approved developments on adjoining properties and are consistent with the recommendations of the Sector Plan;

- v. *“Allow an appropriate balance of employment and housing opportunities.”*

The Sketch Plan will offer a variety of housing options, including market-rate units and MPDUs. The Sketch Plan also includes office and retail spaces, which provides opportunities for employment; and

- vi. *“Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.”*

The Sketch Plan provides the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit.

- c. The Sketch Plan meets the general requirements of Section 59-C-15.6 as follows:

- i. Section 15-C-15.61 – Master Plan and Design Guidelines Conformance

The Sketch Plan conforms to the Sector Plan and Design Guidelines, as outlined in Finding #2 below.

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

The Sketch Plan provides accommodation for the minimum required number of bicycle parking spaces for residents and visitors and commuter shower/change facilities.

- iii. Section 59-6.2.4 – Parking

Under Section 7.7.1.B.3.b of the current Zoning Ordinance, “[a]n applicant may apply for a minor site plan amendment to amend the parking requirements of a previously approved application in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4.” As part of the site plan amendment approved alongside this Sketch Plan, the Applicant requested that on-site parking be allowed to

meet the applicable requirements of Section 59-6.2.4 of the current Zoning Ordinance.

The approved number of parking spaces satisfies the minimums and maximums as outlined in Section 59-6.2.4 of the current Zoning Ordinance. The final number of parking spaces will be determined at site plan based on the number of residential dwelling units, retail and office square footage.

iv. Section 59-C-15.7 – Development Standards

The Sketch Plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

Project Data Table-Development Standards

Section 59-C	Development Standards	Permitted/Required	Proposed for this Sketch Plan Amendment (Phases 1, 2, and 3)
	Total Gross Tract Area (sf)		191,925
	CR4.0, C3.5, R3.5, H300'		164,753
	CR3.0, C1.5, R2.5, H150'		27,172
	Total Net Lot Area		158,900
15.71	Maximum Density (sf)		
	<i>CR 4.0 portion (164,753 x 4.0)</i>	659,012	Up to 659,012
	<i>CR3.0 portion (27,172 x 3.0)</i>	81,516	Up to 81,516
	Total maximum density	740,528	Up to 740,528
	<i>Maximum Non-residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	Up to 183,732
	<i>Maximum Non-residential CR3.0 portion (27,172 x 1.5)</i>	40,758	Up to 84,268*
	Total maximum non-residential	698,662	Up to 268,000
	<i>Maximum Residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	Up to 492,000
	<i>Maximum Residential CR3.0 portion (27,172 x 2.5)</i>	67,930	0.0
	Total maximum residential	644,565.5	Up to 492,000
15.71	Maximum Building Height (ft.)		
	<i>CR4.0 Portion</i>	300	Up to 300

Section 59-C	Development Standards	Permitted/Required	Proposed for this Sketch Plan Amendment (Phases 1, 2, and 3)
	CR3.0 Portion	150	Up to 150
15.72	Minimum Setback	n/a	
15.73	Minimum Public Use Space	10%	10%
15.74	Residential Amenity Space		
	Minimum indoor	5,000	7,700 if Option 1 chosen for Building B 6,300 if Option 2 chosen for Building B
	Minimum outdoor @ 411 market rate units	8,220**	10,400
59-6.2.4	Parking		
	Minimum/Maximum	422/1198	422/632
15.62	Bicycle Parking		
	Total Required Public Spaces	45 (28 Phase 1, 17 phase 2, 0 in Phase 3)	70, (32 in Phase 1, 38 in Phase 2, 0 in Phase 3)
	Total Required Private Spaces	146 (42 in Phase 1, 104 in Phase 2, 0 in Phase 3)	150 (50 in Phase 1, 100 in Phase 2, 0 in Phase 3)

*The existing non-residential square footage exceeds the maximum permitted non-residential floor area in the CR3.0 portion. The Application utilizes the provisions of Section 59-C-15.122, density averaging, which allows permitted density to be averaged between 2 or more directly abutting or confronting lots or parcels in one or more CR Zones.

**At least 400 square feet must adjoin or be directly accessible from the indoor amenity space.

2. *further the recommendations and objectives of the White Flint Sector Plan;*

The Sketch Plan conforms to the Sector Plan and the *White Flint Urban Design Guidelines*. The vision of the Sector Plan includes establishing “policies for transforming an auto-oriented suburban development pattern into an urban

center of residences and business.” The Sketch Plan implements this vision by replacing auto-oriented office and retail buildings surrounded by surface parking lots into an urban, mixed-use community with emphasis on the pedestrian experience in an improved public realm. The Sketch Plan supports the goals and objectives of the Sector Plan by:

- Creating compact building footprints and a mix of uses in a walkable environment;
- Providing residential units in a place where no units currently exist; and
- Providing retail space for local retail and commercial services for existing and new residents within walking distance and close to Metro.

The Subject Property is within the NoBe District (Block 2) in the Sector Plan. The Sector Plan notes the “significant redevelopment opportunity north of Executive Boulevard that could include retail, residential, and offices uses,” which the Application facilitates through the inclusion of residential and non-residential uses. The approved maximum building heights of 150 and 300 feet are consistent with the Sector Plan’s building height recommendations.

The Sketch Plan’s street network is also consistent with the Sector Plan recommendations. The Sketch Plan accommodates the improved pedestrian sidewalks, on-road bicycle accommodations, and bus priority lanes recommended by the Sector Plan and 2013 Countywide Transit Corridors Functional Master Plan for Rockville Pike. Internal vehicular circulation will be provided by internal local streets consistent with the Sector Plan’s recommendation for local streets that “provide access into the interior of the blocks and can have special features to distinguish the different enclaves of development from each other, such as distinctive paving materials.” Additionally, the internal streets will serve as an extension to the recreation loop recommended by the Sector Plan.

The Sketch Plan is also consistent with the *White Flint Urban Design Guidelines*. In addition to the features described above, the approved structures provide pedestrian-oriented blocks, appropriate massing with street walls along sidewalks, and density near transit facilities. The Sketch Plan provides a network of sidewalks complemented by a variety of pedestrian-scaled open spaces and more centralized, adaptable, larger open spaces that will provide passive and active areas for a number of activities.

3. *achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*

The buildings and open spaces are compatible with existing nearby buildings, open spaces and uses. The Sketch Plan achieves compatibility through:

- Building heights similar to those of the existing North Bethesda Market I to the south (approx. 289 feet), approved but unbuilt North Bethesda Gateway to the east (approx. 250 feet), and approved but unbuilt Saul Centers White Flint to the north (approx. 300 feet);
 - Creation of blocks that transform the existing auto-oriented development with surface parking lots into a mixed-use walkable environment;
 - Creation of defined streetscapes and open spaces;
 - Replacement of surface parking with structured parking creating a stronger relationship between buildings, sidewalks, and streets; and
 - Continuation of the existing public space and local system established by North Bethesda Market I across Executive Boulevard to the south.
4. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Sketch Plan enhances circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists. Specifically, it provides:

- An internal street system for cars, pedestrians, and bicyclists to increase mobility options;
 - Structured parking and loading that is adequately designed to integrate vehicular access with the general on-site circulation.
 - Sidewalks, shared use paths and bike lanes to facilitate the safe movement of pedestrians and bicyclists throughout the Subject Property;
 - Increased parking for bicycles and sufficient vehicular parking, mostly below-grade, for residents and visitors; and
5. *includes public benefits that support the approved incentive density;*

The Application includes public benefits that address the general incentive and density considerations required by Section 59-C-15.83. The public benefits:

- a. Take into consideration “the recommendations, objectives, and priorities of the applicable master or sector plan” by providing quality building and site design, 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 providing the criteria for each public benefit and proposing public open space, structured parking, and public art as recommended in the Design Guidelines;

- c. Are appropriate for “the size and configuration of the tract” by improving the configuration of surface parking lots being replaced by structured parking to allow for public use and public open spaces in proximity to Metro;
- d. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for their surroundings with heights and a layout that contributes to the framework for this emerging, urban area;
- e. Consider “the presence or lack of similar public benefits nearby” through the provision of environmental benefits, central public plaza for sitting, and dining, and public art; and
- f. Provide “enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit” which will be developed and assessed during Preliminary and Site Plan reviews.

To achieve the incentive density for this development, The Applicant must provide public benefits from at least four of the seven categories to total at least 100 points. The public benefit categories are approved as follows:

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max. Allowed	Requested	Approved
59-C-15.852 Transit Proximity			
	50	36.88	36.88
59-C-15.853 Connectivity and Mobility			
Neighborhood Services	10	7.5	7.5
Minimum Parking	10	8.83	8.61
Through-Block Connection	20	15	15
Way-Finding	10	5	5
59-C-15.855 Quality and Building Site Design			
Structured Parking	20	17.31	17.31
Tower Step-Back	10	5	5
Public Art	10	10	10
Public Open Space	20	4.28	4.28
Exceptional Design	10	10	10

59-C-15.853 Protection & Enhancement of the Natural Environment			
Building Lot Terminations	5	5	5
Tree Canopy	15	10	10
Vegetated Roof	15	10	10
TOTAL	205	144.8	144.58

Transit Proximity

Under Section 59-C-15.852, the Planning Board may approve up to 50 incentive density points for the development that confronts a service level one transit stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop. A level one transit station or stop is defined in the zoning ordinance as a Metrorail station. The Subject Property is located within a split-proximity range from the White Flint Metro Station (Level 1 Transit Service), which allows the development to be eligible for a weighted average of the percentage of area in each range as defined in the Zoning Ordinance. The Applicant requested 36.88 incentive density points, because 69% of the Subject Property is located within ¼ mile of a level one transit stop. The Planning Board grants 36.88 requested points for this public benefit as suggested in the 2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (“CR Guidelines”).

Connectivity and Mobility

Neighborhood Services

Under Section 59-C-15.853(a), the Planning Board may approve up to 10 incentive density points for a development providing safe and direct pedestrian access to at least 10 different retail services on-site or within ¼ mile, of which at least 4 have a retail bay floor area of no greater than 5,000 square feet. The Subject Property is within ¼ mile of over 10 retail establishments and other services along Rockville Pike. The Planning Board grants 7.5 points for the Neighborhood Services public benefit, as suggested in the 2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (“CR Guidelines”).

Minimum Parking

Under Section 59-C-15.853(b), the Planning Board may approve up to 10 incentive density points for providing fewer than the maximum allowed number of parking spaces. Per the CR Guidelines, these incentive points are calculated on a sliding scale. The Applicant will provide a maximum of 632 parking spaces, fewer than the maximum allowed 1,455 spaces. The calculation yields a total of

8.61 points, with final parking counts to be determined at site plan. The Planning Board grants all requested points for this public benefit.

Through-Block Connection

Under Section 59-C-15.853(c) and the CR Guidelines, the Planning Board may approve up to 20 points for safe and attractive pedestrian connections. The Applicant requested 15 points for providing a safe and attractive connection between Rockville Pike and Woodglen Drive, as well as connecting the site to North Bethesda Marketplace One and the White Flint Recreation Loop Extension. Final design and layout will be approved by applicable agencies prior to permits. The Planning Board grants all requested points for this public benefit.

Way-finding

Under Section 59-C-15.853(i), the Planning Board may approve up to 10 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities, and transit opportunities. Per the CR Guidelines, up to five points are appropriate for installing way-finding signage in public spaces. The Applicant requested 5 points for identifying potential locations and providing a conceptual design for way-finding devices to destinations such as the Wall Park, White Flint Recreation Loop, and the Metro Station. Final design and layout will be approved by applicable agencies and the Staff prior to Certified Site Plan. The Planning Board grants all requested points for this public benefit.

Quality of Building and Site Design

Structured Parking

Under Section 59-C-15.855(b), the Planning Board may approve up to 20 points for placing parking in above- or below-grade structures. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade. The Sketch Plan's 128 spaces above-grade and 483 spaces below-grade yield 17.31 points, which were requested by the Applicant. The Planning Board grants all requested points for this public benefit. Final parking counts will be determined at Site Plan.

Tower Step-Back

Under Section 59-C-15.855(c), the Planning Board may approve up to 10 points for stepping back a buildings' upper floors by a minimum of 6 feet behind the first floor façade. The step-back must begin at a height no greater than 72 feet. Per the CR Guidelines, 5 points are appropriate for buildings that meet this requirement of the Zoning Ordinance. In multiple-building projects, such as the Sketch Plan, incentive points are pro-rated per building.

The Applicant requested 5 points for providing this public benefit. The Application incorporates a step-back along part of Woodglen Drive and Nicholson Lane. Accordingly, the Planning Board grants all requested points for this public benefit.

Public Art

Under Section 59-C-15.855(d), the Planning Board may approve up to 15 points for the installation of public art reviewed by the Arts and Humanities Council. Per the CR Guidelines, 10 points are appropriate for public art that is found to fulfill at least five of eight stated criteria.

The Amendment's public art includes a series of tree-like sculpted glass columns along the grand staircase and an illuminated art piece located on the ceiling of the elevated arcade, which were reviewed by the Arts and Humanities Council. The Planning Board grants the requested 10 points for this public benefit, but encourages the Applicant to incorporate the recommendations of the Art Review Panel as described in its letter dated November 26, 2014.

Public Open Space

Under Section 59-C-15.855(e), the Planning Board may approve up to 20 points for open space in addition to the minimum 10% public use space required. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The Applicant requested 4.28 points for providing 6,800 square feet of additional open space above the required public use space minimum. The Planning Board grants all requested points for this public benefit.

Exceptional Design

Under Section 59-C-15.855(f), the Planning Board may approve up to 10 points for building or site design that enhance the character of a setting. The Application will enhance the character of the local area in a number of ways, including by creating a sense of place and serving as a landmark, introducing unique materials, enhancing the public realm in a distinct and original manner, and creating a pleasurable working and shopping environment. The Planning Board grants 10 points for this public benefit.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT)

Under Section 59-C-15.856(a), the Planning Board may approve up to 30 points of incentive density for the purchase of BLT easements, of which 5 points are mandatory. Under this Sketch Plan, the Applicant must purchase of a total of 1.61 BLT easements as follows: Phase One: 0.49 BLTs; Phase Two: 0.94 BLTs; and Phase Three: 0.18 BLTs. The Planning Board grants 5 points for this public benefit.

Tree Canopy

Under Section 59-C-15.856(d), the Planning Board may approve up to 15 points for tree canopy coverage at 15 years of growth of at least 25% of the on-site open space. For meeting the requirements, the Planning Board grants 10 points.

Vegetated Roofs

Under Section 59-C-15.856(f), the Planning Board may approve up to 15 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on four buildings. For meeting these requirements, the Planning Board grants 10 points.

6. *Establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development will be built in three phases. All the public benefits and amenities for the development will be provided in Phases One and Two.

Building square footage and phases with Option 1 for Building B

BUILDING	Phase One				Phase Two	Phase Three	Total
	A	B-Option 1	C	E (existing)	D	E (new)	
Non-Residential(sf)	41,000	7,000	23,750	67,260	25,250	84,268	248,528
Residential (sf)/units		85,000 /80			407,000/390		492,000 /470
TOTAL (sf)/units	41,000	92,000/80	23,750	67,260	432,250/390	84,268	740,528 /470

Building square footage and phases with Option 2 for Building B

BUILDING	Phase One				Phase Two	Phase Three	Total
	A	B-Option 2	C	E (existing)	D	E (new)	
Non-Residential (sf)	41,000	18,000	23,750	67,260	25,250	92,740	268,000
Residential (sf)/units					407,000/390		407,000 /390
TOTAL (sf)/units	41,000	18,000	23,750	67,260	432,250/390	92,740	675,000 /390

Phasing of roads, parking and public benefits are proportionally appropriate to the scale and characteristics of the relevant phase of development. The table below shows the public benefits approved with this Sketch Plan by each phase of development:

Public Benefit	Incentive Density Points			Phase One	Phase Two
	Max. Allowed	Requested	Approved		
59-C-15.852 Transit Proximity					
	50	36.88	36.88	18.44	18.44
59-C-15.853 Connectivity and Mobility					
Neighborhood Services	10	7.5	7.5	3.75	3.75
Minimum Parking	10	8.83	8.61	4.0	4.61
Through-Block Connection	20	15	15	10	5
Way-Finding	10	5	5	5	0
59-C-15.855 Quality and Building Site Design					
Structured Parking	20	17.31	17.31	10	7.31
Tower Step-Back	10	5	5	0	5
Public Art	10	10	10	0	10
Public Open Space	20	4.28	4.28	3	1.28
Exceptional Design	10	10	10	4	6
59-C-15.853 Protection & Enhancement of the Natural Environment					
Building Lot Terminations	5	5	5	5	0
Tree Canopy	15	10	10	5	5
Vegetated Roof	15	10	10	5	5
TOTAL	205	144.8	144.58	80.69	63.89

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change

proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the Sector Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the Sector Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element, it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Sector Plan requirements.

Alternatively, based on detailed review of a site plan, the Planning Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Sector Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Planning Board's review of sketch plans is governed by Section 59-C-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, Sector Plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the Sketch Plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

Although the Planning Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

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 all elements of the plans for Sketch Plan Amendment No. 32011003A, North Bethesda Market II, shown on the latest electronic version of Sketch Plan drawings, submitted via ePlans to M-NCPPC as of January 5, 2015, are required except as modified herein; 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 FEB 12 2015 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-Gonzalez, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-Gonzalez voting in favor of the motion, and Commissioners Dreyfuss and Presley temporarily absent at its regular meeting held on Thursday, February 5, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

APR 19 2012



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

MCPB No. 12-30
Preliminary Plan No. 120120060
North Bethesda Market II
Date of Hearing: March 1, 2012

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on August 12, 2011, the Planning Board approved Sketch Plan No. 320110030 ("Sketch Plan") establishing several binding elements, including a maximum density of 740,528 square feet of total development including a maximum of 368,000 square feet of non-residential development, and 392,000 square feet of residential development on 4.41 acres (gross) of land split-zoned CR3 C1.5 R2.5 H150 and CR4 C3.5 R3.5 H300, located in the southeast quadrant of the intersection of Nicholson Lane and Woodglen Drive ("Property" or "Subject Property") in the White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on August 24, 2011, JBG/Nicholson Lane East, LLC ("Applicant"), filed an application for approval of a preliminary plan for one lot; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120120060, North Bethesda Market II ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 17, 2012, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report" or "Report"); and

WHEREAS, on March 1, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

Approved as to
Legal Sufficiency:

Christina S. Smith 3/28/12

8787 Georgia Avenue, NMCPPC Legal Department

Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 1, 2012, the Planning Board approved the Application, subject to certain conditions, on motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120120060, subject to the following conditions:

1. Approval is limited to one (1) lot for a maximum density of 740,528 square feet of total development including up to 368,000 square feet of commercial uses and up to 392,000 square feet of residential uses for up to 414 residential units, including a minimum of 12.5% moderately priced dwelling units (MPDUs). Any non-residential floor area above 348,528 square feet (up to a maximum of 368,000 square feet) must be accompanied by an equal reduction in residential floor area such that the total floor area does not exceed 740,528.
2. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 150-foot right-of-way (75 feet from centerline) and the Sector Plan recommended 12-foot reservation (an additional 6 feet from each right-of-way line) for a total of 81 feet from centerline for Rockville Pike (MD 355) as shown on the Preliminary Plan.
3. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 90-foot right-of-way (45 feet from centerline) for Nicholson Lane as shown on the Preliminary Plan.
4. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 80-foot right-of-way (40 feet from centerline) for Executive Boulevard as shown on the Preliminary Plan. Dedication for truncation at the intersection of Executive Boulevard and Woodglen Drive will occur at the time of future redevelopment of the existing commercial building that is being retained.
5. The Applicant must provide bicycle parking spaces as part of the site plan per at least the minimum number required by the Zoning Ordinance.
6. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) and assist in achieving and maintaining the non-auto driver mode share goals recommended in the White Flint Sector Plan. The Traffic Mitigation Agreement must be executed prior to release of any building permits. One of the trip reduction measures should be providing a centralized location within the

overall site for bike sharing docks approximately 8-by-40 feet as required by MCDOT.

7. The Applicant shall comply with the White Flint Urban District requirements when it is established by the Montgomery County Council.
8. At the time of the issuance of the first occupancy permit for the project, the Applicant shall prepare and submit a supplemental traffic signal warrant study for the intersection of Rockville Pike and Executive Boulevard as required by the Maryland State Highway Administration (SHA) and/or MCDOT if it is determined that such a study is necessary to supplement the previous signal warrant study prepared by the Applicant of Preliminary Plan No. 120060310 – North Bethesda Market I. The installation of the signal and associated intersection improvements shall be the responsibility of the Special Taxing District.
9. The Applicant must prepare and submit a traffic signal warrant study for the intersection of Woodglen Drive and Executive Boulevard to MCDOT. The study must be submitted prior to recordation of the plat unless amended by MCDOT.
10. All required offsite forest conservation areas must be placed in a Category I Conservation Easement. Category I Conservation Easements must be platted prior to any clearing or grading occurring on site.
11. Substitute approved non-invasive and non-exotic species for *Catalpa* species in the planting plan for trees taken for afforestation credit.
12. Applicant to submit and obtain approval of the forest conservation Certificate of Compliance for off-site forest banking prior to any clearing or grading occurring on site.
13. The Applicant must comply with the conditions of approval of the MCDOT letter dated February 3, 2012. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
14. The Applicant must comply with the conditions of approval of the SHA letter dated January 17, 2012. These conditions may be amended by SHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
15. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated August 31, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
16. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
17. The Applicant must satisfy provisions for access permits as required by SHA.
18. The Applicant must comply with the conditions of the Montgomery County Fire and Rescue Service (MCFRS) Development Review Committee memo dated September 26, 2011.

- a. These conditions may be amended by MCFRS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 - b. The Applicant must provide the final MCFRS approval letter and final approval of the fire department access plan prior to approval of the record plat.
19. No clearing, grading, or recording of plats prior to certified site plan approval.
 20. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
 21. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment, the Applicant must obtain approval of a preliminary plan amendment prior to certification of the site plan.
 22. 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 review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
 23. Prior to the issuance of any residential building permit covered by this Preliminary Plan, the Applicant must make a School Facilities Payment at the elementary and middle school levels to the Montgomery County Department of Permitting Services. The Applicant is proposing high/low rise w/parking residential units as defined by the Annual School Test effective July 1, 2011. This amounts to \$819.59 per residential unit at the elementary school level, and \$991.03 per residential unit at the middle school level. If the type of residential units changes the applicable school facilities payment, per the Annual School Test effective July 1, 2011, should apply.
 24. The non-transportation portion of the Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
 25. All necessary easements must be shown on the Record Plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval that:

1. *The Preliminary Plan substantially conforms to the Sector Plan.*

The Property is in the NoBe District (Block 2) within the *Sector Plan*. The Sector Plan rezoned the property to commercial residential ("CR") zones, specifically CR4, C3.5, R3.5, H300 and CR3, C1.5, R2.5, H150. The area near the intersection of Woodglen Drive and Executive Boulevard is in the CR3 zone, while the remainder of the Property is in the CR4 zone.

The Sector Plan's general recommendations for the Property states that the "block contains a significant redevelopment opportunity north of Executive Boulevard and could include a hotel, retail, residential uses, and offices." It also states that "building heights maybe less than 150 feet to achieve compatibility with the residential development southwest of this block." None of the major community facilities proposed in the Sector Plan are intended to be located on the Subject Property.

The Preliminary Plan redevelops the Subject Property with the mix of uses envisioned by the Sector Plan. The existing office building (approximately 45 feet tall) at the intersection of Woodglen Drive and Executive Boulevard will remain, which is closest to the residential development to the southwest.

Street Network

The street network is consistent with the Sector Plan recommendation for an internal private street network. The approved internal private street, with different paving patterns, is consistent with the Sector Plan's recommendation for local streets. Local streets, according to the Sector Plan, "provide access into the interior of the blocks and can have special features to distinguish the different enclaves of development from each other, such as distinctive paving materials."

Woodglen Drive is classified as a commercial business street (B-3) with a 70 foot right-of-way and Nicholson Lane is classified as an arterial roadway (A-69) with a 90 foot right-of-way. Executive Boulevard, between Woodglen Drive and Rockville Pike (MD 355), was constructed when North Bethesda Market I was developed. Executive Boulevard (B-7) is a commercial business street with an 80 foot right-of-way. An easement was granted for the Subject Property during the North Bethesda Market I approval via Preliminary Plan No. 120060310. Condition 8 (b). The Applicant will dedicate the additional 3.5 feet of right-of-way for Executive Boulevard Extended with this Preliminary Plan.

An urban boulevard is envisioned for Rockville Pike with improved pedestrian sidewalks, on-road bicyclist accommodation, and bus priority lanes. Rockville Pike is classified as a major highway with a 150 foot right-of-way. The Sector Plan allows for the right-of-way for MD 355 to be increased to 162 feet with the additional dedication placed in reservation. The Montgomery County Department of

Transportation has initiated a Countywide Bus Rapid Transit (BRT) Study that will inform the location of BRT, either in the median or curb lane. The Preliminary Plan shows dedication along MD 355 up to 75 feet with an additional 6 feet in reservation.

The Preliminary Plan shows the required dedication for Executive Boulevard, Nicholson Lane, and Rockville Pike.

Bikeway Network

Woodglen Drive, between Edson Lane and Nicholson Lane, is identified as a dual bikeway (SP-41 and LB-4), and a bike lane is recommended on Nicholson Lane (BL-27). The Sector Plan also recommends the establishment of a recreational loop on Nicholson Lane, which will occur in the future. The Applicant is providing the bikeways for Woodglen Drive and Nicholson Lane as required by the Sector Plan.

Environment

Environmental site design techniques, increasing the tree canopy in the Sector Plan area to 20 percent, and minimization of carbon emissions are some of the environmental recommendations in the Sector Plan. The site plan indicates green roofs for all of the new buildings. A green roof is already in place on the existing office building that will be retained. The streetscape for the Paseo, private street, Woodglen Drive and Rockville Pike will have canopy trees that are closely spaced.

It is unknown at this time what other onsite environmental benefits, such as on-site renewable energy sources or maximization of LEED or Energy Star standards, the Applicant will utilize for this Property. This Application will also minimize parking, which is viewed as an environmental benefit. These measures will further implement the Sector Plan's environmental recommendations.

Utilities

The Sector Plan recommends undergrounding of utilities noting that "undergrounding utilities and locating 'wet' and 'dry' utilities under the pavement or under the sidewalk will allow the street tree canopy space to grow." The Applicant will utilize underground utilities along the east side of Woodglen Drive. The Special Taxing District is responsible for undergrounding of utilities along Rockville Pike and Nicholson Lane.

White Flint Design Guidelines Compliance

The Planning Board Approved White Flint Urban Design Guidelines (2010) provides specific recommendation for open space, streets, and buildings in the NoBe district. Some of the recommendations are:

- Streetscape elements along business streets should extend into proposed streets to ensure pedestrian continuity.

- Encourage compatibility of streetscape elements between newly constructed and future developments along Rockville Pike.
- Provide signage along designated recreation loop extension.

The Preliminary Plan shows steps, fountains, and seating that extends to the private streets as envisioned by the Design Guidelines. The streetscape elements approved along Rockville Pike for the Subject Property have been designed consistent with the Sector Plan vision, and have been designed to connect to the existing development to the south and to allow for future connection as part of future development on the adjoining property to the north. Signage for the recreation loop extension will be provided in the future when the recreation loop is established.

Therefore, based on the analysis above and with the conditions of approval, the Planning Board finds the Preliminary Plan substantially conforms to the Approved and Adopted 2010 White Flint Sector Plan.

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

Site Location and Vehicular Site Access Points

The site of the subject mixed-use development is located on the block formed by Rockville Pike on the east, Executive Boulevard to the south, Woodglenn Drive to the west, and Nicholson Lane to the north. The vehicular access points are proposed from all four roadways.

Transportation Demand Management

The Property is within the boundary of the North Bethesda TMD. The Applicant must enter into a traffic mitigation agreement to participate in the North Bethesda TMD. The Sector Plan recommends that the TMD achieve a 39% non-auto driver mode share goal for employees that consists of a 26% transit mode share, 5% ridesharing, and 8% other commuting modes of transportation.

Public Transit Service

Ride-On routes 5 and 46, and Metrobus J-5 operate along the Property's eastern boundary on Rockville Pike. The Property is located ¼ mile from the White Flint Metrorail Station.

Sector Plan Roadway and Bikeway

In accordance with the Sector Plan and Countywide Bikeways Functional Master Plan, the Sector Plan roadways and bikeways are as follows:

1. Rockville Pike (MD 355) is designated as a major highway, M-6, with a recommended 150-foot right-of-way and reservation for 12 additional feet (i.e.,

- for a total of 162 feet) with a shared use path, Local Bikeway, LB-5 (on the east side). MCDOT's Capital Improvements Program Project No. 501116, White Flint District West Transportation, includes reconstruction of Rockville Pike.
2. Nicholson Lane is designated as an arterial, A-69, with a recommended 90-foot right-of-way and recommended bike lanes, BL-27.
 3. Woodglen Drive or Mid-Pike Spine is designated as a business street, B-3, with a recommended 70-foot right-of-way and a dual bikeway (bike lanes and a shared use path on the east side).
 4. Executive Boulevard is designated as a business street, B-7, with a recommended 80-foot right-of-way and the White Flint recreation loop extension (on the north side) between Rockville Pike and the internal private street on the Subject Property.

Transportation Adequate Public Facilities Review

In lieu of the typical Local Area Transportation Review and Policy Area Mobility Review tests, the transportation Adequate Public Facilities test would be satisfied for new developments in the White Flint Sector Plan area by requiring the property owners to participate and pay for infrastructure improvements as part of the White Flint Special Taxing District. The revenue generated from this project will go towards funding the MCDOT Capital Improvements Program Project No.501116, White Flint District West Transportation, which includes reconstruction of Rockville Pike.

Other Public Facilities and Services

Except for schools, other public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is served by public water and sewer. Gas, electric, and telecommunications services are also available to serve the Property. Police stations, firehouses, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. Pursuant to County Council Resolution 16-1324, adopted April 27, 2010, the Property is exempt from LATR and PAMR analysis because it is subject to payments under the White Flint Special Taxing District. The Application has been reviewed and conditionally approved by MCFRS, which must verify that the proposed development has adequate access for emergency vehicles prior to recordation of the plat.

The Property is located in the Walter Johnson High School Cluster, which requires a School Facilities Payment at the elementary and middle school levels. This amounts to \$819.59 per residential unit at the elementary school level, and \$991.03 per residential unit at the middle school level. The School Facilities Payment must be made prior to the issuance of any residential building permit covered by this Preliminary Plan.

Therefore, based on the analysis above and with the conditions of approval, the Planning Board finds public facilities are adequate to support and service the area of the Preliminary Plan.

- 3. The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.*

The lot has been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lot are appropriate for the location within the subdivision.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") for the Property was approved by Staff on August 30, 2010. The Property contains no forest, streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, or rare, threatened or endangered species.

Forest Conservation

The net tract area of the site is 4.41 acres. Based on the Mixed-use Development Area land use category, the required afforestation is 0.66 acres. The Preliminary and Final Forest Conservation Plans satisfy this requirement with a combination of 0.21 acres of credit for on-site landscaping, and 0.45 acres of off-site reforestation credit to be fulfilled at an approved forest conservation bank.

Therefore, the Planning Board finds the Preliminary and Final Forest Conservation Plan meets the Environmental Guidelines and Forest Conservation Law.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the Property. This finding is based on the determination by DPS that the Stormwater Management Concept Plan approval meets DPS' standards.*

A stormwater management concept plan was approved by MCDPS on August 31, 2012, meeting stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-bioretenment, to be supplemented by underground filters.

BE IT FURTHER RESOLVED that for the purpose of this Resolution, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

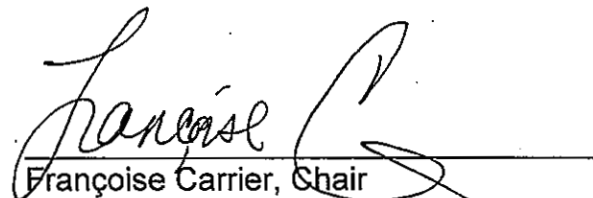
BE IT FURTHER RESOLVED, that this Resolution is the written opinion of the Planning Board, and the date of this Resolution is APR 19 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 an Order adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and Commissioner Anderson absent at its regular meeting held on Thursday, April 5, 2012, in Silver Spring, Maryland.



Françoise Carrier, Chair
Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FEB 12 2015

MCPB No. 15-010
Preliminary Plan No. 12012006A
North Bethesda Market II
Date of Hearing: January 15, 2015

RESOLUTION

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

WHEREAS, on April 9, 2012, the Planning Board, by Resolution MCPB No. 12-30, approved Preliminary Plan No. 120120060, creating one lot on 4.41 acres (gross) of land split-zoned CR3.0 C1.5 R2.5 H150 and CR4.0 C3.5 R3.5 H300, located in the southeast quadrant of the intersection of Nicholson Land and Woodglen Drive ("Subject Property"), in the White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on August 26, 2014, The JBG Companies ("Applicant") filed an application for approval to amend the previously approved preliminary plan to allow the Applicant to create five lots and three private street parcels for a maximum of 740,528 square feet of development, including up to 268,000 square feet of non-residential uses and up to 492,000 square feet of residential uses, including a minimum of 12.5% MPDUs; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12012006A, North Bethesda Market II ("Preliminary 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 January 5, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on January 15, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence regarding the Application; and

WHEREAS, on January 15, 2015, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Presley, seconded

Approved as to
Legal Sufficiency:

 1/28/15

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by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor; and

WHEREAS, on January 29, 2015, prior to approving this Resolution, the Planning Board accepted a minor revision to the January 5, 2015 Staff memorandum.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan Amendment No. 12012006A, including a waiver under Section 50-38(a)(1) of the Subdivision Regulations, subject to the following conditions, which supersede the conditions of approval of Preliminary Plan No. 120120060:¹

1. Approval is limited to five lots and three private street parcels for a maximum total density of 740,528 square feet of development, including up to 268,000 square feet of non-residential use, and up to 492,000 square feet of residential uses including a minimum of 12.5% MPDUs.
2. Prior to issuance of any building permit, the Applicant must dedicate, and the record plat must show, the following:
 - a. the Sector Plan recommended a 150-foot right-of-way (75 feet from centerline), and 12 feet of reservation (an additional 6 feet on either side of the 150-foot right-of-way), for a total of 81 feet from centerline for Rockville Pike (MD 355); and
 - b. the Sector Plan recommended 80-foot right-of-way (76.5-feet of dedication and a 3.5-foot easement) from the opposite right-of-way line for the Executive Boulevard frontage.
3. Prior to issuance of any building permit for the residential tower on Lot 5 (at the corner of Nicholson Lane and Woodglen Drive), the Applicant must dedicate, and the record plat must show, the Sector Plan recommended 90-foot right-of-way (45 feet from centerline) for Nicholson Lane.
4. Private streets, Street A and the 'Paseo,' must be located in their own parcels, separate from the approved development, and the record plat must reflect a public use and access easement over private streets and adjacent parallel sidewalks.
5. Prior to issuance of any above-grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAG) with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) and assist in achieving and maintaining the non-auto driver mode-share goals recommended in the Sector Plan. The TMAG must include a requirement for the Applicant to provide space for one bike sharing docking station and to pay the capital cost of the station. In negotiating

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.

the TMAG, high priority should be given to also including five years of operating costs.

6. No demolition, clearing, grading, or recordation of plats may occur prior to approval of the Certified Site Plan.
7. The Planning Board accepts the recommendations of MCDOT in its letters dated February 3, 2012, and October 30, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, except for condition Number 2 in the letter dated October 30, 2014, and bullet 11 of Condition 20 in the letter dated February 3, 2012, regarding the bike sharing station. The Applicant must comply with all other conditions of both letters, which may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Planning Board accepts the recommendation of MDSHA in its letters dated November 14, 2013, and March 17, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. If a traffic signal is warranted at MD 355 and Executive Boulevard, the installation of the signal and associated intersection improvements shall be the responsibility of the Special Taxing District.
9. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) - Water Resources Section in its letter dated November 21, 2014, conveying stormwater management concept plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. The Subject Property is within the Walter Johnson High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
11. 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 review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for Site development may also be included in the conditions of the Planning Board's approval."

12. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
13. All necessary easements must be shown on the Record Plat.
14. The Applicant must comply with the White Flint Urban District requirements when it is established by the Montgomery County Council.

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 Preliminary Plan substantially conforms to the Sector Plan.*

The vision of the Sector Plan includes establishing “policies for transforming an auto-oriented suburban development pattern into an urban center of residences and business.” The Preliminary Plan implements this vision by facilitating the replacement of auto-oriented office and retail buildings surrounded by surface parking lots into an urban, mixed-use community with emphasis on the pedestrian experience in an improved public realm. The Preliminary Plan supports the goals and objectives of the Sector Plan by:

- Creating compact building footprints and a mix of uses in a walkable environment;
- Providing residential units, including 12.5% MPDUs, in a place where no units currently exist; and
- Providing retail space for local retail and commercial services for existing and new residents within walking distance and close to Metro.

The Subject Property is within the NoBe District (Block 2) in the Sector Plan. The Sector Plan notes the “significant redevelopment opportunity north of Executive Boulevard that could include retail, residential, and offices uses,” which the Application facilitates through the inclusion of residential and non-residential uses.

The street network created by the Application is also consistent with the Sector Plan recommendations. The Application provides all dedications necessary to meet the master-planned rights-of-way for all abutting public streets, including space needed to accommodate the improved pedestrian sidewalks, on-road bicycle accommodations, and bus priority lanes recommended by the Sector Plan and 2013 Countywide Transit Corridors Functional Master Plan for Rockville Pike. Internal vehicular circulation will be provided by Private Street ‘A’ (east-west) and the ‘Paseo’ (north-south), which are internal local streets consistent with the Sector Plan’s recommendation for local streets that “provide access into the interior of the

blocks and can have special features to distinguish the different enclaves of development from each other, such as distinctive paving materials.” Additionally, the internal streets will serve as an extension to the recreation loop recommended by the Sector Plan.

2. *Public facilities will be adequate to support and serve the area of the approved subdivision:*

Site Location and Access Points

The Subject Property has frontage on Rockville Pike on the east, Executive Boulevard on the south, Woodglen Drive on the west, and Nicholson Lane on the north. Vehicular and pedestrian access into the Subject Property is approved from all four roadways. The approved network of streets and sidewalks is safe, adequate, and efficient for the approved mix of uses.

Transportation Demand Management

This Subject Property is within the boundary of the North Bethesda Transportation Management District (TMD). The Sector Plan recommends that the TMD establish a 50% non-auto driver mode-share (NADMS) goal for employees. The TMD currently has a 26% transit mode-share. The Applicant must participate in the TMD through a traffic mitigation agreement to achieve the NADMS goals of the Sector Plan.

Sector Plan Roadways and Bikeways

The Sector Plan and the Countywide Bikeways Functional Master Plan recommend the following roadways and bikeways:

1. Rockville Pike (MD 355) is designated as a major highway, M-6, with a recommended 150-foot right-of-way, reservation for an additional 12 feet (for a total of 162 feet), and a recommended shared use path, Local Bikeway, LB-5, on the east side. MCDOT’s Capital Improvements Program Project No. 501116, White Flint District West Transportation, includes reconstruction of Rockville Pike as recommended in the Sector Plan.
2. Nicholson Lane is designated as an arterial, A-69, with a recommended 90-foot right-of-way, recommended bike lanes, BL-27 and a recreation loop.
3. Woodglen Drive is designated as a business street, B-3, with a recommended 70-foot right-of-way and a planned cycle track along the west side of Woodglen Drive. The current right-of-way for Woodglen Drive is 85 feet; no additional right-of-way is required.

4. Executive Boulevard is designated as a business street, B-7, with a recommended 80-foot right-of-way and extension of the White Flint recreation loop on the north side of the street.

The Preliminary Plan provides the dedications required to meet the necessary right-of-way needs of all abutting streets. All internal streets are approved to be private streets lined with retail, providing public art, a public plaza, bicycle racks, and the Recreation Loop Extension. Final details and design standards for all private streets will be determined at site plan.

Available Transit Service

Ride-On routes 5 and 46 and Metrobus J-5 operate along Rockville Pike on the Subject Property's eastern boundary. The entire Subject Property is within a quarter-of-a-mile from the White Flint Metrorail Station. Transit services are adequate to support and serve the approved uses.

Adequate Public Facilities Review

Local Area Transportation Review and Transportation Policy Area Review (LATR/TPAR):

Pursuant to County Council Resolution 16-1324, adopted April 27, 2010, the Subject Property is exempt from LATR and TPAR analysis because the transportation Adequate Public Facilities test for new developments in the Sector Plan area is satisfied by requiring the property owners to participate in, and pay the applicable development impact tax as part of, the White Flint Special Taxing District. The revenue generated from this project will go towards funding the MCDOT CIP Project No. 501116, White Flint District West Transportation, which includes reconstruction of Rockville Pike.

Utilities

The Sector Plan recommends undergrounding utilities, noting that "undergrounding utilities and locating 'wet' and 'dry' utilities under the pavement or under the sidewalk will allow the street tree canopy space to grow." During Phase Two construction, the Applicant will underground all existing overhead utilities along the east side of Woodglen Drive north of the existing office building E (11333 Woodglen Drive).

Urban District

Functions of an urban district include maintenance of streetscape within the public right-of-way and promotion of the local area. The Applicant must comply with the White Flint Urban District requirements when it is fully established and operational.

Other Public Facilities and Services

All other public facilities and services are available and will be adequate to serve the approved development. The Subject Property is served by public water and

sewer. Gas, electric, and telecommunications services are also available to the Subject Property. Police stations, firehouses, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. The Application has been reviewed and conditionally approved by the Montgomery County Fire and Rescue Service (MCFRS), which must verify that the approved development has adequate access for emergency vehicles prior to recordation of the plat.

The Subject Property is located in the Walter Johnson High School Cluster, which requires a School Facilities Payment at the high school level. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

The Preliminary Plan satisfies the Adequate Public Facilities Ordinance.

- 3. The size, width, shape, and orientation of the approved lot are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary Plan will create five lots and three parcels for private streets. The Application meets the requirement and standards of all applicable sections of Chapter 50 of the Montgomery County Code, the Subdivision Regulations. With the approved improvements, access and public facilities will be adequate to support the approved lots, density, and use. The size, width, shape, and orientation of the approved lots are appropriate for this type of subdivision. The Application also complies with the dimensional requirements of the CR3.0 C1.5 R2.5 H150 and CR4.0 C3.5 R3.5 H300 Zones as specified in the Zoning Ordinance. Finally, the application has been reviewed by other applicable County agencies, all of which have recommended approval of the Preliminary Plan.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Subject Property on August 30, 2010. The Subject Property contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, specimen trees, or rare, threatened or endangered species.

Staff approved Final Forest Conservation Plan (FFCP) No. 820120040 on February 12, 2012, for the original Preliminary and Site Plans. Based on the Subject Property's size (4.4 acres) and land use category of Mixed-use Development Area, the required afforestation is 0.66 acres. The previous FFCP satisfied the afforestation requirement with 0.21 acres of landscaping credit and 0.45 acres of off-site forest banking. An amended FFCP to alter the composition of the

landscape plantings for afforestation credit was approved as part of the Site Plan Amendment reviewed alongside this Preliminary Plan. The amount of landscape credit requested remains at 0.21 acres, with the balance of the afforestation requirement now to be met through payment of a fee-in-lieu. The FFCP Amendment satisfies all the requirements of the forest conservation law.

5. *All stormwater management requirements shall be met as provided in Chapter 19, article II, title "stormwater management", Section 19-20 through 19-35.*

The Montgomery County Department of Permitting Services (MCDPS) approved a stormwater management concept plan on August 31, 2011 and reconfirmed it in a letter dated November 21, 2014. The approved project meets stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-biofilters. Runoff not treated in these facilities will be treated in proprietary underground filter systems before being discharged to the existing storm drain system.

6. *Subdivision Regulations Waiver – 50-38(a)(1)*

The Planning Board, pursuant to Section 50-38(a)(1), grants a waiver to the requirements of Section 50-20(b) to allow the Applicant to construct a below-grade parking garage under the area covered by new construction in Phase One and Phase Two, which will cross both lot lines and private road parcels. Practical difficulties exist, due to the size and configuration of the Subject Property and the compact, high density character of development envisioned by the Sector Plan, that prevent full compliance with the requirements. The waiver is the minimum necessary to provide relief from the requirements; is not inconsistent with the purposes and objectives of the General Plan; and is not adverse to the public interest.

The approved below-grade parking garages for all the new construction in Phases One and Two will be directly beneath the footprint of these buildings as well as the approved Private Street 'A' and the Paseo. Private Street 'A' and the Paseo divide this segment of Phase One into four separate lots and two parcels, and Phase Two into one lot and one parcel. Due to the size and configuration of the Subject Property, and the compact, high density character of the approved mixed-use development envisioned by the Master Plan, it is not feasible for the below-grade parking garage to avoid crossing the approved lot and parcel lines. Therefore, the waiver is the minimum necessary to provide relief from the requirements.

The Applicant will provide underground structured parking to accompany compact, high density mixed-use development consistent with the recommendations of the Sector Plan. Therefore, the waiver is not inconsistent with the Sector Plan.

The approved below-grade garage allows for safe, adequate, and efficient pedestrian circulation for residents and will not impede public vehicular or pedestrian circulation. No other reviewing agency has raised any concerns or objections to granting the waiver. Therefore, the waiver is not adverse to the public interest.

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 Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 FEB 12 2015 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-Gonzalez, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-Gonzalez voting in favor of the motion, and Commissioners Dreyfuss and Presley temporarily absent at its regular meeting held on Thursday, February 5, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

ATTACHMENT B



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

June 25, 2021

Ms. Emily Tettelbaum, Planner Coordinator
MidCounty Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Dr
Wheaton, MD 20902

RE: Preliminary Plan No. 1212006B
Sketch Plan No. 32011003B
North Bethesda Market II

Dear Ms. Tettelbaum:

This letter replaces prior MCDOT's Preliminary Plan Letters dated February 3, 2012 and October 30, 2014.

We have completed our review of the preliminary and sketch plans uploaded to eplans on May 26, 2021. A previous plan was reviewed by the Development Review Committee at its April 27, 2021 meeting. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services (DPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Significant Plan Review Comments

1. Rockville Pike (MD 355) is classified as a Major Highway (M-6) with 6 divided lanes and 2 proposed lanes for transit and a 162-ft minimum right-of-way (ROW). Additional dedication is not required.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

The applicant shall be responsible to construct a minimum 10-foot wide separated bike lanes along their street frontage per the Bicycle Master Plan. The certified preliminary plan shall reflect the following proposed frontage improvements from the edge of existing curb of the road to the subject property line:

- 6-foot street buffer in the ROW
- 10-foot separated bike lane in the ROW
- 10-foot sidewalk in the ROW.

We defer to MDSHA for all other access and improvements to Rockville Pike (MD 355).

2. Nicholson Lane is classified as an Arterial (A-69) with 4 existing lanes and a right-of-way (ROW) of 90-feet. We recommend the applicant dedicate 9-feet to conform to the master plan.

The applicant shall be responsible to construct a minimum 6-foot wide sidepath along their street frontage per the Bicycle Master Plan. The certified preliminary plan shall reflect the following proposed frontage improvements from the edge of existing eastbound travel lanes of the road to the subject property line:

- Two, 10-foot traffic lane in the ROW
- One, 10.5 traffic lane in the ROW
- 3-foot street buffer in the ROW
- 6-foot sidepath in the ROW
- 5-foot lawn panel in the ROW
- 8-foot sidewalk in the ROW

3. Woodglen Drive is classified as a Business District Street (B-3), with 2 lanes and 70-ft right-of-way (ROW). The existing right-of-way on Woodglen Drive per plat #24837 is 85-feet. Thus, additional dedication is not required.

The certified preliminary plan shall reflect the following proposed frontage improvements from the edge of existing curb of the road to the subject property line:

- 6-foot street buffer in the ROW
- 10-foot sidewalk in the ROW.

4. Executive Boulevard is classified as a Business District Street (B-7), with 4 lanes and 80-ft right-of-way (ROW). We recommend the applicant dedicate 3.5-feet to conform to the master plan.

5. Dedication for the right-of-way truncation area at the intersection of Executive Boulevard and Woodglen Drive may be done by plat at Phase 2 if at that point, it is platted as well. Otherwise, a deed of dedication can be utilized.
6. MCDOT accepts an Easement for Future Dedication for the right-of-way truncation area at the intersection of Executive Boulevard and Woodglen Drive
7. defer dedication until such time as the 11333 building is removed and redeveloped, in connection with Phase Two. Dedication might be waved
8. We defer to Maryland State Highway (MDSHA) for any improvements along Rockville Pike (MD 355) with the exception of the proposed separated bike lanes.
9. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
10. **Sight Distance:**
 - a. Executive Boulevard and Woodglen Dr: A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference. The applicant is responsible to ensure sight distance during tree planting.
 - b. Rockville Pike (MD 355): We defer to MDSHA for sight distance acceptance for proposed access.
11. **Storm Drain Study:** The county-maintained storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan. We defer to MDSHA for storm drain study along Rockville Pike (MD 355):

Standard Comments

1. Design all access points and alleys to be at-grade with sidewalk, dropping down to street level between the sidewalk and roadway. This also applies to locations internal to the site.
2. Must follow White Flint Urban Design Guidelines.

3. Project falls within the Special Taxing District. For the portion of property that is in the White Flint Special Taxing District, pay the tax per Montgomery County Code Chapter 68C.
4. Forest Conservation Easements are NOT ALLOWED to overlap any easement.
5. Provide a minimum 6 ft continuous clear pathway (no grates) along all public streets.
6. If the proposed development will alter any existing streetlights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
7. Upgrade pedestrian facilities at intersections along the site frontage and at adjacent intersections to comply with current ADA standards.
8. Ensure curve radii are as small as practicable to accommodate target design vehicles without intrusion into bicycle or pedestrian travelways. In BPPAs and Urban Areas: curve radii must be 15 ft or less. This includes locations internal to the site.
9. No steps, stoops, balconies or retaining walls for the development are allowed in county right-of-way. No door swings into county ROW.
10. Ensure adequate corner truncation, noting master planned protected intersections. If Planning Staff oppose truncation, see if obtaining truncation in an easement may be an acceptable alternative. Truncation is important for ensuring adequate intersection design for signal infrastructure, protected intersections, ADA design, and sight distances.
11. The owner will be required to submit a recorded covenant for the operation and maintenance of any private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
1. Transportation Demand Management: At Concept Plan, the applicant should be aware of the TDM provisions of County Code Section 42A-26 that will apply to the project.

The North Bethesda Market II project will be required to execute a Project-based TDM Results Plan. TDM Plan requirements apply to developments located in Transportation Management Districts (TMDs). The level of TDM Plan required is determined by the Subdivision Staging Policy (SSP) area in which the project is located and the amount of gross square footage. The North Bethesda Market II project is located within the following areas:

- North Bethesda TMD
- Red Subdivision Staging Policy (SSP) Area
- White Flint Sector Plan Area (NoBe District)

Plan Requirements

An owner or applicant for a development located in a **Red Policy Area** must submit a **Level 3 Project-based TDM Results Plan** for a project with more than 40,000 gross square feet. The NoBe II project, located in the Red White Flint Metro Station Policy Area, proposes to develop more than 40,000 gsf of mixed-use (332,920 gsf). The Level 3 TDM Results Plan must be approved by MCDOT and submitted prior to issuance of any building permit by DPS.

A Level 3 TDM Results Plan requires a commitment by the owner or applicant to achieve a base NADMS that is 5% higher than the North Bethesda TMD's goal, the 50/51 percent NADMS goal for the White Flint Sector Plan (50% for employees/51% for residents), and related commuting goals at that project. The Level 3 TDM Results Plan must be approved by MCDOT and submitted prior to issuance of any building permit by DPS. Level 3 Results plans must include the following:

- Appointment of a Transportation Coordinator (a person to work with MCDOT and TMD representatives to achieve NADMS and other commuting goals).
- Notification of the Transportation Coordinator's contact information
- Access to the Project (owner must provide space on-site by prior arrangement with MCDOT or TMD representatives to allow the department to promote TDM).
- TDM Information (TDM-related information must be displayed in a location(s) visible to employees, residents and other project users).
- Selection of Strategies: The plan must include project-based strategies and demonstrate that the plan is achieving the goals established for the project.
- Additional or Substitution of Strategies: If strategies initially selected by the owner or applicant do not result in the project achieving goals by 6 years after final occupancy, revisions to the plan or strategies initially selected may be required.
- Additional Funding: If strategies selected by the owner or applicant do not result in achievement of the project goals by 6 years after final occupancy, the Department may require increased funding by the owner for existing or new TDM strategies. Additional

increases in funding may be required if goals have still not been met within 8 years of final occupancy.

- Conduct independent monitoring to determine if the project is meeting its goals, until the goals are achieved.

14. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

- a. Two-way separated bike lanes, lawn panel, sidewalk, handicap ramps and street trees along Rockville Pike (MD 355).
- b. Street grading, paving, curbs and gutters, lawn panel, sidepath, sidewalk, handicap ramps, storm drainage and appurtenances, and street trees along Nicholson Lane.
- c. Lawn panel, sidewalk, handicap ramps, and street trees along Woodglen Drive.
- d. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
- e. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- f. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- g. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact myself for this project at brenda.pardo@montgomerycountymd.gov or at (240) 777-7170.

Ms. Emily Tettelbaum
Preliminary Plan No. 12012006B
Sketch Plan No. 32011003B
June 25, 2021
Page 7

Sincerely,

Brenda M. Pardo

Brenda M. Pardo, Engineer III
Development Review Team
Office to Transportation Policy

[SharePoint\teams\DOT\Director's Office\Development Review\Brenda\Preliminary Plan\PP12012006B North Bethesda Market II\12012006B-NoBE II-DOT Preliminary Plan Letter_6.25.21](#)

Attachments: Approved Sight Distance Study

cc: Correspondence folder FY 2021

cc-e: Andrew Bradshaw	Johnson Bernat Associates, Inc.
Kevin Johnson	Johnson Bernat Associates, Inc.
Mark Terry	MCDOT DTEO
Atiq Panjshiri	MCDPS RWPR
Sam Farhadi	MCDPS RWPR
Rebecca Torma	MCDOT OTP



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: North Bethesda Market II Preliminary Plan Number: 1- 2012006B

Street Name: EXECUTIVE BOULEVARD Master Plan Road Classification: BUSINESS

Posted Speed Limit: 30 mph

Street/Driveway #1 (Street B Intersection) Street/Driveway #2 (_____)

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>352</u>	<u>yes</u>	Right _____	_____
Left <u>252</u>	<u>yes</u>	Left _____	_____

Comments: Street Intersection with Existing Executive Blvd
Left Sight Distance exceeds minimums. Extends through intersection of Rockville
Pike and Executive Blvd. limited by end of road
Right Sight Distance exceeds minimums. Limited by minor street trees

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

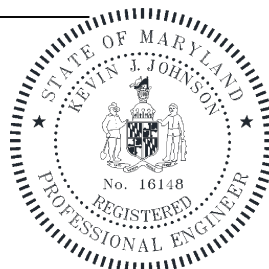
ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Kevin J. Johnson
 Signature

5/11/21
 Date

16148
 PLS/P.E. MD Reg. No.



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>Brenda M. Pardo</u>
Date:	<u>6/25/2021</u>



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: North Bethesda Market II Preliminary Plan Number: 1- 2012006B

Street Name: WOODGLEN DRIVE Master Plan Road Classification: BUSINESS

Posted Speed Limit: 30 mph

Street/Driveway #1 (Street A Intersection) Street/Driveway #2 (_____)

Sight Distance (feet) OK?
 Right 274 yes
 Left 327 yes

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: Street Intersection with Existing Woodglen Drive
Right Sight Distance exceeds minimums. Extends through intersection of Woodglen
Drive and Nicholson Lane. limited by end of road. Left Sight Distance
exceeds minimums. Continues Through Executive Blvd Intersection with Woodglen Dr.

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

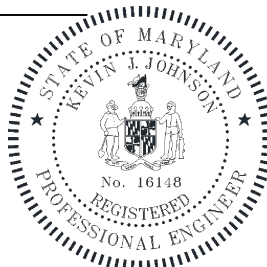
ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Kevin J. Johnson
 Signature

5/11/21
 Date

16148
 PLS/P.E. MD Reg. No.



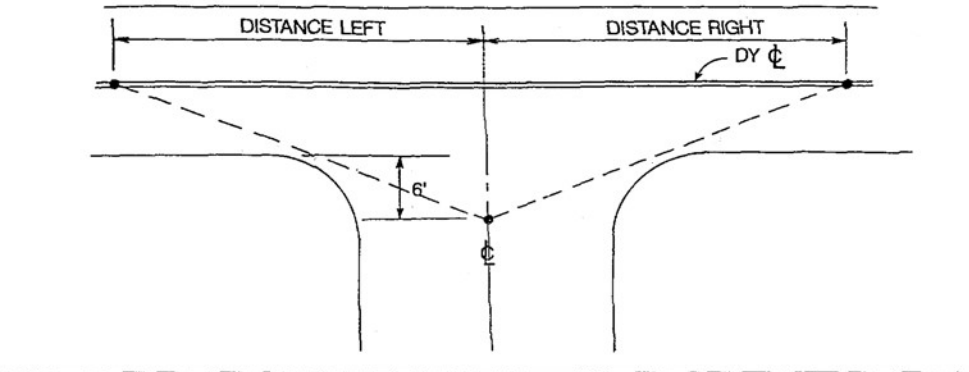
Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>Brenda M. Pardo</u>
Date:	<u>6/25/2021</u>



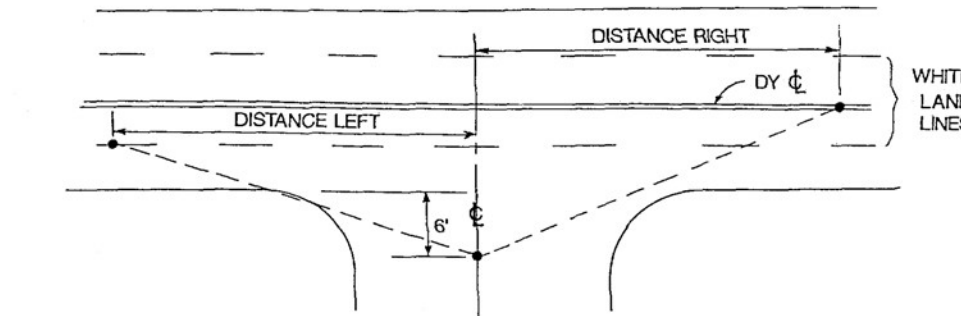
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION ATTACHMENT

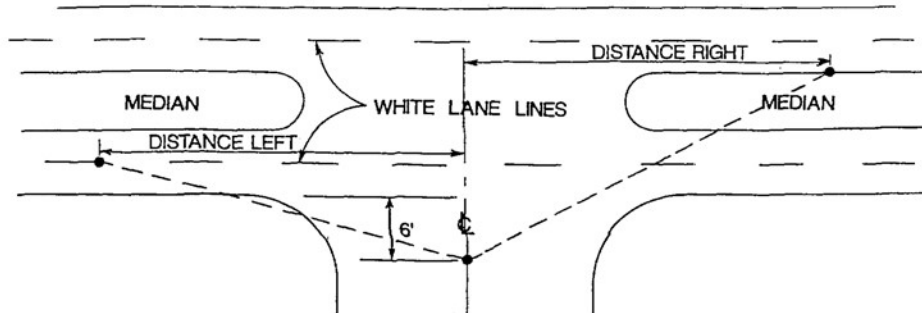
2 LANE UNDIVIDED ROADWAY



MULTI-LANE UNDIVIDED ROADWAY



MULTI-LANE DIVIDED ROADWAY



ISSUED FOR:	DATE:

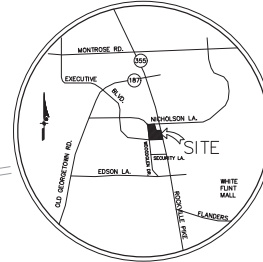
PRELIMINARY PLAN #12012006B

NORTH BETHESDA MARKET II

LOT 33, HIGGINS ESTATE
 PLAT 24837, MISC GRID Z14NW05
 TAX GRID MAP HQ12
 4TH ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

NORTH BETHESDA MARKET II SIGHT DISTANCE EXHIBIT

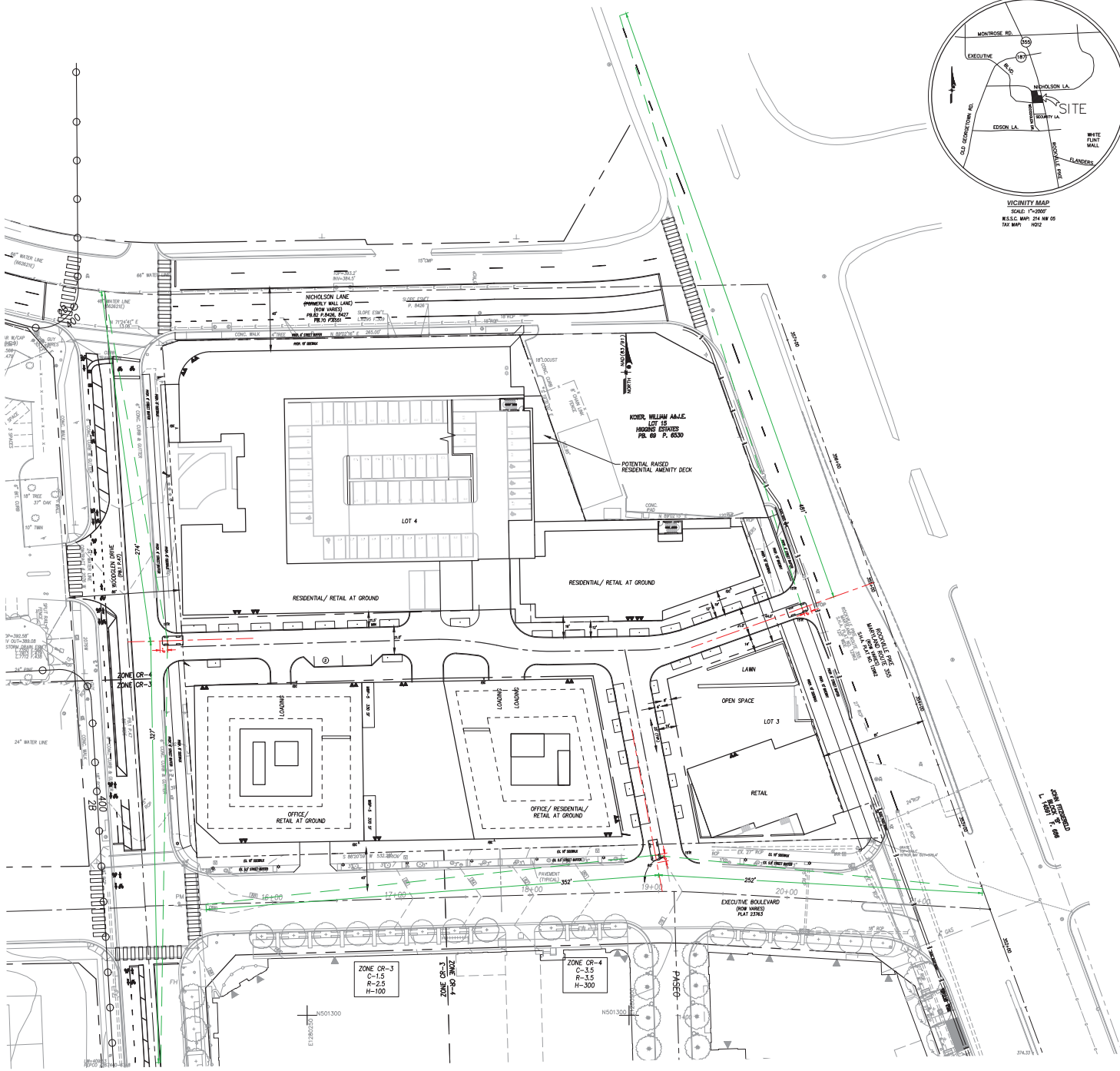
EXHIBIT



VICINITY MAP
 SCALE 1"=300'
 R.E.S.C. MAP: 214 NW 05
 TAX MAP: HQ12

- EX. TOPO LEGEND**
- THICK CEN
 - OPEN DIRT
 - WALL TPOC
 - POLE SIGN
 - SSR
 - INFLATION VALUE
 - WATER VALVE
 - PAVING METE
 - DRAIN
 - STONE M
 - SEWER PIPE
 - CLEAN OUT
 - OV. WRE
 - LIGHT POLE
 - POWER POLE
 - EDGE OF PAVEMENT
 - CURB LINE
 - BOUNDARY
 - CHIM
 - CORNER & GUTTER
 - WALL
 - CATCH BASIN
 - UTILITY VALVE
 - STRUCTURE
 - WIRE LINE
 - EDGE OF BRICK
 - EDGE OF CONCRETE
 - STEPS
 - RAILING LINE
 - ROADWAY CENTERLINE

- PROPOSED BUILDING LEGEND**
- BELOW GRADE FOOTPRINT
 - - - AT GRADE FOOTPRINT
 - BUILDING OVERHAND (OVER 10')
 - - - PROP. WALL
 - ▣ PROP. TRASH/LOADING
 - ▣ PROP. BENCH
 - ▣ PROP. TRASH RECEPTACLE
 - ▣ PROP. SIGN
 - ▣ PROP. BIKE RACK



ZONE CR-3
 C-1.5
 R-2.5
 H-100

ZONE CR-4
 C-3.5
 R-3.5
 H-300



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 22-Jun-21
TO: Andrew Bradshaw - abradshaw@jba-inc.net
Johnson Bernat Associates
FROM: Marie LaBaw
RE: North Bethesda Market II
32011003B 12012006B

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **21-Jun-21** .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.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

April 28, 2021

Mr. Andrew M. Bradshaw, P.E.
Johnson Bernat Associates, Inc.
205 North Frederick Avenue, Suite 100
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT**
RECONFIRMATION for North Bethesda
Market II
SWM Concept #:240712

Dear Mr. Bradshaw:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated August 31, 2011 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact Bill Musico at 240-777-6340.

Sincerely,

Mark Etheridge

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

Cc: SM File #: 240712



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

\\dps50\dpsdata\Special
Access\LD SC&SM Concept\SWM Concept Finals\April 2021\CN240712 North Bethesda Market II Concept
Reconfirmation.WJM.doc.docx



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

August 31, 2011

Andrew M. Bradshaw, P.E.
Johnson Bernat Associates, Inc.
1395 Piccard Drive, Suite 350
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for North Bethesda Market II
Preliminary Plan #: 120120060
SM File #: 240712
Tract Size/Zone: 4.4 Ac./CR-3 & CR-4
Total Concept Area: 3.52 Ac.
Lots/Block: 16
Parcel(s): N923, N924, N978
Watershed: Lower Rock Creek

Dear Mr. Bradshaw:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP with the use of micro-biofilters and green roof. This will be supplemented with structural volume based proprietary filters to meet full onsite control of stormwater management.

The following **items** will need to be addressed **prior to** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Provide adequate access to all structures for inspection and maintenance. Show access path for underground structures on design plans. Also provide a narrative on the plan that details how to access the green roofs and micro-biofilters.
6. At a minimum please provide 22,042 square feet (sf) of green roof. 17,003 sf will be 4 inches thick and 5,039 sf will be 8 inches thick. Try to increase the total amount of green roof coverage as well as increase the amount of 8 inch greenroof.
7. Easements and covenants will be required for all stormwater structures.

This list may not be all-inclusive and may change based on available information at the time.
255 Rockville Pike, Suite 1000, Rockville, MD 20850

www.montgomerycountymd.gov

montgomerycountymd.gov/311



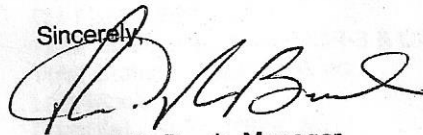
240-773-3556 TTY

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

This letter must appear on the sediment control/stormwater management 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,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla CN240712 North Bethesda Market II.DWK

cc: C. Conlon
SM File # 240712

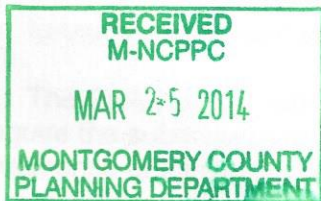
ESD Acres:	0.71
STRUCTURAL Acres:	3.69
WAIVED Acres:	0.00

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*



James T. Smith, Jr., *Secretary*
Melinda B. Peters, *Administrator*

March 17, 2014



Re: Montgomery County
MD 355
North Bethesda Market
SHA Tracking No. 08APMO01809
Traffic Impact Study
Mile Point 5.87

82006017F
120060310

Mr. Ed Axler
Transportation Planner/Coordinator
M-NCPPC Area #2
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Axler:

Thank you for the opportunity to review the Revised Traffic Signal Warrant Study Report dated January 21, 2014 by Integrated Transportation Solutions (ITS), Inc. that was prepared at the MD 355 intersection with Executive Boulevard/Fitzgerald Auto Mall as part of a condition of approval for the North Bethesda Market mixed-use development in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) review is complete and is pleased to respond.

The review determined the major report findings and the SHA comments and conclusions as follows:

- A Traffic Signal Warrant Study was conducted at the MD 355 intersection with Executive Boulevard/Fitzgerald Auto Mall after the completion of the Whole Foods Market and residential component of the site, and the completion of the roadway link of Executive Boulevard between Woodglen Drive and MD 355.
- As recommended in SHA's letter dated November 14, 2013, the Traffic Signal Warrant Study at the MD 355 intersection with Executive Boulevard/Fitzgerald Auto Mall included: 1) an evaluation of Warrant #4 (Pedestrian Volume), 2) an evaluation of the reduced volume warrants that assumed MD 355 speeds greater than 40 MPH, and 3) a reassignment of a portion of the Executive Boulevard traffic that currently travels north on MD 355 via Woodglen Drive and Nicholson Lane to the eastbound Executive Boulevard to northbound MD 355 left turn movement (assuming a full movement intersection with MD 355). The results of the revised Traffic Signal Warrant Study again revealed that zero (0) traffic signal warrants would be satisfied.

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mr. Ed Axler
08APMO01809
Page 2
March 17, 2014

- Based upon the results of the Traffic Signal Warrant Study, a traffic signal was not recommended at the MD 355 intersection with Executive Boulevard/Fitzgerald Auto Mall at this time. However, a follow-up Traffic Signal Warrant Study was recommended as further development proceeds along Executive Boulevard.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. Unless specifically indicated in the SHA response of this study, the comments contained herewith do not supersede previous comments made on this development. If you have any questions regarding the enclosed traffic report comments, please contact Ms. Erica Rigby at 410-545-8395 or erigby@sha.state.md.us.

Sincerely,


for Steven D. Foster, Chief/Development Manager
Access Management Division

SDF/er

cc: Mr. Matt Baker, OPPE RIPD
Ms. Rola Daher, OPPE DSED
Ms. Mary Deitz, SHA RIPD
Mr. Bob French, OOTS CPD
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Craig Hedberg, ITS, Inc.
Mr. Subrat Mahapatra, SHA DSED
Mr. Mark McKenzie
Ms. Anyesha Mookherjee, SHA District 3 Office
Mr. Scott Newill, SHA AMD
Mr. Johnson Owusu-Amoako, OOTS CPD
Mr. Saed Rahwanji, SHA TDSD
Ms. Erica Rigby, SHA AMD
Ms. Lisa Shemer, SHA ICD
Mr. Errol Stoute, SHA TDSD
Mr. Bill Stroud, SHA CPD
Mr. Morteza Tadayon, SHA DSED
Mr. John Thomas, SHA RIPD
Mr. Eric Waltman, SHA AMD

Martin O'Malley, *Governor* |
Anthony G. Brown, *Lt. Governor* |



| Beverley K. Swaim-Staley, *Secretary*
| Melinda B. Peters, *Administrator*

January 17, 2012

Mr. Andrew M. Bradshaw, PE
JBA Associates, Inc.
1395 Piccard Drive, Suite 350
Rockville, Maryland 20850

Re: Montgomery County
MD 335 (Rockville Pike)
at Nicolson Lane
"North Bethesda Market II"
SHA Tracking #: 11-AP-MO-055-XX
Mile Post: 5.87

Dear Mr. Bradshaw:

The State Highway Administration (SHA) would like to thank you for the opportunity to review your site plan package associated with the North Bethesda Market project located in Montgomery County, Maryland. The SHA completed its review and offers the following comments:

District 3 Traffic Engineering Office Comments:

1. Please submit a detailed Maintenance of Traffic (MOT) plan for any proposed work affecting MD 355 associated with the above project.

For clarification of traffic comments, feel free to contact Mr. Miguel Andrews at 301-513-7326 or by emailing (mandrews@sha.state.md.us).

Technical Review Team Highway Hydraulic Comments:

1. As the project design proceeds, please provide documentation of the local agency's review and approval of both the stormwater management and erosion/sediment control plans. [We note that the design engineer is attempting to meet 'Environmental Site Design' (ESD) to the 'Maximum Extent Practicable' (MEP). Three (3) on-site green roofs, three (3) on-site micro-bioretenion facilities, and four (4) on-site 'BayFilter' devices are proposed. See comments #2 and #3a.]
2. Although we defer to the Montgomery County Department of Permitting Services for stormwater management approval, we have the following comments:
 - a. As the project design proceeds, please provide a copy of the stormwater management report.
 - b. As the project design proceeds, please provide (for our records) the enlarged plan views, profiles, sections, and details for the proposed on-site BMP's.

My telephone number/toll-free number is _____

3. Please provide a separate pre-development drainage area map which incorporates the detailed topography shown on the Stormwater Concept Plan. Every attempt should be made to maintain the existing drainage pattern. In looking at the 30-scale Stormwater Concept Plan, we detect that runoff from the northwest corner of the existing parking lot drains southwesterly towards Woodglen Drive. We would anticipate that an existing on-site inlet, within the corner of the parking lot, is intercepting and possibly draining to an existing system along Woodglen Drive. Please clarify, add any required features to the plan view; and provide photographs of the parking lot.
4. Please provide supporting computations for inlet interception efficiency for proposed inlet along MD 355 and entrance trench train. Provide corresponding inlet drainage area mapping.
5. Once finalized, please provide a copy of the signed 'recordable' plat (in SHA format and on SHA border) with accompanying deed – for right-of-way dedication and 'release' of existing easement.


For clarification of highway hydraulics comments, please contact Ms. Makeda Drake at 410-545-8969 or by emailing (mdrake@sha.state.md.us).

Access Management Division Comments:

1. The proposed sidewalk ramps at the entrance to North Bethesda Market II need to be labeled at location with MD Standard.
2. Provide this note on all plan sheets with sidewalk ramps (WHEN CONSTRUCTING A MD 655.12 OR MD 655.13 ALL MEASUREMENTS MUST BE TAKEN FROM THE BACK OF RAMP).
3. Provide this note at location on plan sheet. (**A Minimum 60" pedestrian pathway with a maximum 2% cross slope must be maintained across the entire entrance.**)
4. Show location of proposed sidewalk on plan sheet with shading.
5. Provide a sight distance evaluation at the proposed entrance/exit along MD 355.

Further review of this project will be withheld until the above comments have been addressed. Please reference the SHA tracking number on future submissions. Kindly submit five (5) sets of plans and provide a **written point-by-point response** to the above noted comments directly back to Mr. Steven D. Foster attention of Mr. Michael Bailey. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at (<http://www.marylandroads.gov/page/amdaspx/>). If you have any questions regarding our request, feel free to contact Mr. Bailey at 410-545-5593 or our toll free number in Maryland only 1-800-876-4742 extension-5593 or by emailing (mbailey@sha.state.md.us).

Sincerely,


Es¹ Steven D. Foster, Chief
Engineering Access Management Division

Mr. Andrew M. Bradshaw
North Bethesda Market II
SHA Tracking No. 11-AP-MO-055-XX
Page 3 of 3

Cc: Mr. Miguel Andrews, SHA- District 3 Traffic Engineering Office
Ms. Lisa Choplin, SHA- Chief Innovative Contracting Division
Ms. Cathy Conlon / M-NCPPC
Ms. Makeda Drake, SHA- Access Management Division
Mr. Victor Grafton, SHA- District 3 Utility Engineer
Ms. Kate Mazzara, SHA- District 3 ADE Special Programs
Mr. Mark McKenzie, SHA Access Management Division
Mr. D. Scott Newill, SHA Access Management Division
Mr. Greg Trimmer, Developer/JBG/Nicholson Lane East, LLC/ The JBG Companies,
4445 Willard Avenue, Suite 400, Chevy Chase, Maryland 20815
Mr. John Vranish, SHA- Innovative Contracting Division
Mr. Cedric Ward, SHA- District 3 ADE- Traffic
Mr. Brain Young, SHA- District 3 Metropolitan District Engineer



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

James T. Smith, Jr., *Secretary*
Melinda B. Peters, *Administrator*

Maryland Department of Transportation

November 14, 2013

Re: Montgomery County
MD 355
North Bethesda Market
SHA Tracking No. 08APMO01809
MD 355 (Mile Point 5.87)

12006031 [Photo A]
82006017 [Photo B]

Mr. Ed Axler
Transportation Planner/Coordinator
M-NCPPC Area #2
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Axler:

Thank you for the opportunity to review the Traffic Signal Warrant Study Report dated August 14, 2012 by Integrated Transportation Solutions (ITS), Inc. (received by the AMD on October 16, 2013) that was prepared at the MD 355 at Executive Boulevard/Fitzgerald Auto Mall intersection as part of a condition of approval for the North Bethesda Market mixed-use development in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) review is complete and is pleased to respond.

The review determined the major report findings and the SHA comments and conclusions as follows:

- A Traffic Signal Warrant Study was conducted at the MD 355 at Executive Boulevard/Fitzgerald Auto Mall intersection after the completion of the Whole Foods Market and residential component of the site, and the completion of the roadway link of Executive Boulevard between Woodglan Drive and MD 355. The results of the Traffic Signal Warrant Study revealed that zero (0) traffic signal warrants are satisfied.
- Based upon the results of the Traffic Signal Warrant Study, a traffic signal was not recommended at the MD 355 at Executive Boulevard/Fitzgerald Auto Mall intersection at this time. However, a follow-up Traffic Signal Warrant Study was recommended as further development proceeds along Executive Boulevard.

Based on the information provided, please address the following comments in a point-by-point response:

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

- 1) The study did not analyze Warrant 4 (Pedestrian Volume). SHA recommends that pedestrian counts be conducted at the intersection and the intersection be re-evaluated for traffic signal warrants.
- 2) The study assumed prevailing travel speeds along MD 355 as 40 MPH or less. However, travel speeds are frequently higher than the 40 MPH speed limit posting on MD 355. Therefore, SHA recommends that the applicant re-evaluate the traffic signal warrants based upon 70% of the traffic signal warrant volume thresholds consistent with studies along roadways with greater than 40 MPH travel speeds.
- 3) The study assumed that the southbound MD 355 U-turn movements at the MD 355 at Security Lane would be the only source of determining the traffic that would otherwise want to turn left from Executive Boulevard to northbound MD 355 (Executive Boulevard is restricted to right turn movements only currently). However, the study did not consider traffic on Executive Boulevard that travels north on MD 355 via Woodglen Drive and Nicholson Lane. SHA recommends that a portion of this traffic be considered as potential left turn movements from Executive Boulevard to northbound MD 355 when the traffic signal warrants are evaluated.
- 4) The State's fiscally constrained draft 2014-2019 Consolidated Transportation Program (CTP) includes projects under construction and/or development and evaluation. The CTP includes planning for the future Montrose Parkway East, an extension of existing Montrose Parkway. This project will construct a grade-separated Montrose Parkway East crossing over the CSX Transportation (CSXT) Metropolitan Subdivision. In addition, a grade-separated interchange will be constructed at Montrose Parkway East and Parklawn Drive. Plans do not include closure of the Randolph Road CSXT Metropolitan Subdivision grade crossing. Plans do include connections between Nebel Street and both Montrose Parkway East and Randolph Road. For further information, contact Mr. Luis Gonzalez, Transportation Engineer, Project Management Division, SHA, at 410-545-8826 or lgonzalez@sha.state.md.us.
- 5) The State's fiscally unconstrained Highway Needs Inventory (HNI), the State's long-range plan, includes projects which are critical to Maryland's transportation needs. The HNI includes the 6.6-mile multilane reconstruction, to include interchanges and transit, of MD 355 (Wisconsin Avenue/Rockville Pike) between the District of Columbia line and Randolph Road. If and when such improvements proceed, there may be right-of-way impacts.
- 6) Montgomery County Ride On and WMATA Metrobus provide bus service to the proposed development site. WMATA Metrorail Red Line service is accessible approximately ¼ mile north at White Flint Metro Station. All roadway improvements to SHA roadway facilities should provide for and maintain full ADA-compliant access to existing and future transit facilities. Coordinate design

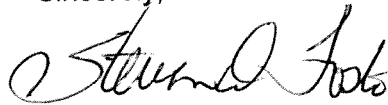
Mr. Ed Axler
08APMO01809
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November 14, 2013

with Ms. Lisa Choplin, Chief, Innovative Contracting Division (ICD), SHA, at 410-545-8824 or lchoplin@sha.state.md.us and Ms. Anyesha Mookherjee, Assistant District Engineer-Traffic, District 3 (D3), SHA, at 301-513-7404 or amookherjee@sha.state.md.us

- 7) The M-NCPPC March 2005 Countywide Bikeways Functional Master Plan includes no bicycle facilities at this intersection. Proposed or existing routes do run along nearby roads including Old Georgetown Road east of MD 355 (Rockville Pike), Marinelli Road, Nicholson Lane, Woodglen Drive/Bethesda Trolley Trail south of Marinelli Road, Nebel Street, and Executive Boulevard west of Woodglen Drive. All roadway improvements to SHA roadway facilities should provide for and maintain bicycle facilities as well as full ADA-compliant pedestrian facilities. Coordinate design with Ms. Lisa Choplin, Chief, SHA/ICD, at 410-545-8824 or lchoplin@sha.state.md.us and Ms. Anyesha Mookherjee, Assistant District Engineer-Traffic, SHA/D3, at 301-513-7404 or amookherjee@sha.state.md.us.

The SHA will require the submission of six (6) hard copies and one (1) electronic revised traffic impact study and point-by-point response. Please send this information to the SHA Access Management Division addressed to Mr. Steven D. Foster to the attention of Ms. Erica Rigby and reference the SHA Tracking Number on the submission. Unless specifically indicated in the SHA response of this study, the comments contained herewith do not supersede previous comments made on this development. Please keep in mind that you can view the reviewer and project status via the SHA Access Management Division's web page at (<http://www.roads.maryland.gov/pages/amd.aspx>). If you have any questions regarding the enclosed traffic report comments, please contact Mr. Larry Green at 410-995-0090 x20.

Sincerely,



Steven D. Foster, Chief/Development Manager
Access Management Division

SDF/er/lg

cc: Mr. Ed Axler, MNCPPC Area #2
Ms. Mary Deitz, SHA RIPD
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Craig Hedberg, ITS, Inc.
Mr. Subrat Mahapatra, SHA Travel Forecasting Section
Ms. Anyesha Mookherjee, SHA District 3 Office
Mr. Scott Newill – SHA AMD
Mr. Saed Rahwanji – SHA TDSD
Ms. Erica Rigby – SHA AMD

Mr. Ed Axler
08APMO01809
Page 4
November 14, 2013

Ms. Lisa Shemer – SHA ICD
Mr. Errol Stoute – SHA TDSD
Mr. Bill Stroud – SHA CPD
Mr. Morteza Tadayon – SHA DSED
Mr. Subrat Mahapatra – SHA DSED
Mr. John Thomas – SHA RIPD
Mr. Eric Waltman – SHA AMD