



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

MCPB No. 21-072
Preliminary Plan No. 12012006B
North Bethesda Market II
Date of Hearing: July 29, 2021

'AUG 11 2021

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 CR-3.0 C-1.5 R-2.5 H150 and CR-4.0 C-3.5 R-3.5 H300, located in the southeast quadrant of the intersection of Nicholson Lane and Woodglen Drive ("Subject Property"), in the White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on February 12, 2015, the Planning Board approved an amendment to the Preliminary Plan, No. 12012006A (MCPB No. 15-010), 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 on the Subject Property; and

WHEREAS, on April 6, 2021, Woodglen Master Owner, LLC and Woodglen Master II, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to reconfigure lots and private street parcels, adjust phasing, and modify the preliminary forest conservation plan to reflect revised site layout on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12012006B, North Bethesda Market II ("Preliminary Plan," "Amendment," or "Application"); and

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Approved as to
Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 19, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 29, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12012006B to reconfigure lots and private street parcels, adjust phasing, and modify the preliminary forest conservation plan to reflect the revised site layout on the Subject Property subject to the following conditions:¹

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 Validity²

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan Amendment will remain valid for eighty-five (85) months from the 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

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.

² APF and Preliminary Plan Validity Periods have been automatically extended by the Montgomery County Council.

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 (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.
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.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Preliminary Plan Amendment creates five lots and three parcels for private streets. The application meets the requirements 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 lots, density, and use. The size, width, shape, and orientation of the lots are appropriate for this type of mixed-use subdivision with internal private streets. The Planning Board reviewed the 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 Project meets all dimensional requirements of those zones, as detailed in the Data Table below.

Data Table- 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 Tract 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 Planning Board approves flexibility for the Applicant 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 As allowed in Section 7.7.1.B.3.b of the current Zoning Ordinance, the parking requirements are reviewed under Section 6.2.3 and Section 6.2.4. of the current Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal 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 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 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 150-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-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 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-feet wide, which meets the right-of-way requirement outlined in the *Master Plan of Highways and Transitways*. The Applicant will 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 will 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 will dedicate nine-feet along the property frontage to meet the 45-foot right-of-way requirement from centerline. The Applicant will 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 will dedicate 3.5-feet along the property frontage to meet the 40-foot right-of-way requirement from centerline. The Applicant will 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*.

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. 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 2026.³ 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 will 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 will 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, will remain. Finally, the existing driveway from Nicholson Lane will be removed.

Each 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 loading docks, displayed on the truck loading zone turning exhibits. 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 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 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

³ Based on Resolution MCPB No. 15-101 and subsequent extensions granted by the County Council in 2015 and 2020, the Preliminary Plan is valid until 2024.

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 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 will 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 will construct new sidewalks along Woodglenn 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, which will tie directly with the aforementioned new sidewalk connections along the public streets.

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

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. 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*.

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 will dedicate nine-feet along the property frontage to meet the 45-foot right-of-way requirement from centerline. The Applicant will 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.

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 will construct a new ten-foot sidewalk and six-foot green panel that meets the requirements of the Downtown Street standards per the draft *Complete Streets Design Guide*. A portion of the streetscape will 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 will dedicate 3.5-feet along the property frontage to meet the 40-foot right-of-way requirement from centerline. The Applicant will 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 Planning Board reconfirms 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 Planning Board reconfirms its prior approval to defer dedication for the right-of-way located at the intersection of Executive Boulevard and Woodglen Drive until

Phase II. 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 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 Phase 2.

Private Roads

The Planning Board 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 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 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 designed 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. A "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 for the Project's Paseo will 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 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 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 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 will 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 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.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 11 2021 (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).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Chair Anderson absent at its regular meeting held on Thursday, July 29, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board