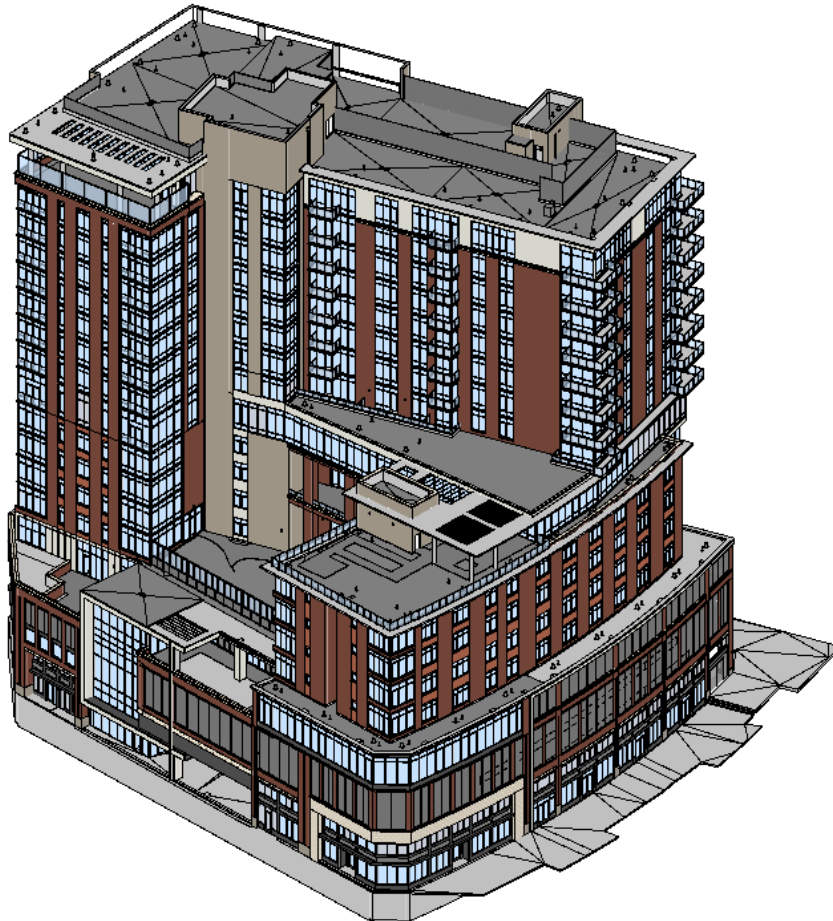


Montgomery Planning
GRAND PARK
PRELIMINARY PLAN AMENDMENT NO. 12019016A
SITE PLAN NO. 820220040



Description

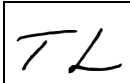
The Grand Park Preliminary Plan Amendment No. 12019016A & Site Plan No. 820220040 is the first building of a three-building project, which included up to 1,051,012 square feet of total development. The proposal amends the preliminary plan, and proposes a site plan for a mixed-use building containing up to 301,000 square feet to include a residential care facility. The proposal modifies a portion of the previously approved use, from multi-family residential to residential care facility, and therefore the site plan will amend the conditions and binding elements of the approved sketch plan.

Nos. 12019016A & 820220040
Completed: 7-11-2022

MCPB
Item No. 10
07-21-2022

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

Southeast quadrant of the intersection of Old Georgetown Road and Executive Boulevard

MASTER PLAN

2010 *White Flint Sector Plan*

ZONE

CR-4.0 C-2.0, R-3.5, H-250

PROPERTY SIZE

5.93 acres

APPLICANT

Investment Partners, II LP as the contract purchaser of Phase 1 of the development, and Silverstone Bethesda Owner, LLC as the Applicant of the Site Plan

ACCEPTANCE DATE

December 1, 2021

REVIEW BASIS

Chapters 50, 59, and 22A



Summary:

- Staff recommends approval of the Preliminary Plan Amendment and Site Plan, with conditions.
- In accordance with Section 59.7.3.3.I., the Site Plan will amend the conditions and binding elements of Sketch Plan No. 320190040 to allow residential care facility units within the density calculations.
- Project is dedicating 21,494 sq. ft. of land to the Parks Department.
- Applicant must provide proof of purchase and/or payment of 5.66 BLTs to the MCDPS and M-NCPPC staff.
- Project is correcting the density allocation for the 4% Bonus Density, which is a reduction of 984 sq. ft of residential use from the original approval.
- Staff has not received any community correspondence regarding the Subject Applications.
- The joint application review period was extended twice in accordance with Section 50.4.1.E of the Subdivision Regulations and Section 59.7.3.4.C of the Zoning Ordinance. The Application was accepted on December 1, 2021 with an original tentative Planning Board date of March 31, 2022. The Planning Director approved a one-month extension of the regulatory review period to April 28, 2022. The Planning Board approved a three-month extension to July 28, 2022.

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SECTION 1: EXECUTIVE SUMMARY

The Grand Park Preliminary Plan Amendment No. 12019016A & Site Plan No. 820220040 is the first building of a three-building development. The previously approved development was for 1,051,012 square feet, with up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses for up to 1,000 units. The amendment slightly reduces the overall density for the project, resulting in 1,050,028 square feet of total development.

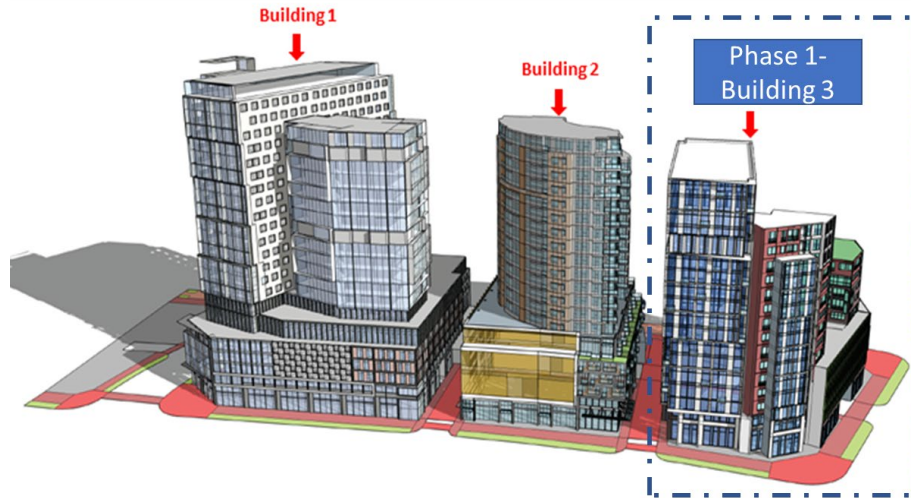


Figure 1: Illustrative Massing and Concept Perspectives (Facing South)

The Applicant proposes to develop Phase 1 (Building 3), located at the northwest corner of the Site, as a mixed-use building containing up to 301,000 square feet. The Proposal includes up to 285,000 square feet of Senior Residential Care Facility uses, with up to 210 Residential Care Facility units and up to 16,000 square feet of ground floor retail.

The Planning Board previously approved Sketch Plan 320190040, which established the Project's maximum height, density, public benefit schedule and conceptual design of the Project. In accordance with Section 59.7.3.3.I., the Site Plan will amend Condition 1 of Sketch Plan 320190040 to allow residential care facility units within the density calculations.

The Application includes an Alternative Compliance modification (Section 59.6.8.1) to Section 59.6.4.4.D, Excessive Illumination, of the Zoning Ordinance for the proposed open space lighting.

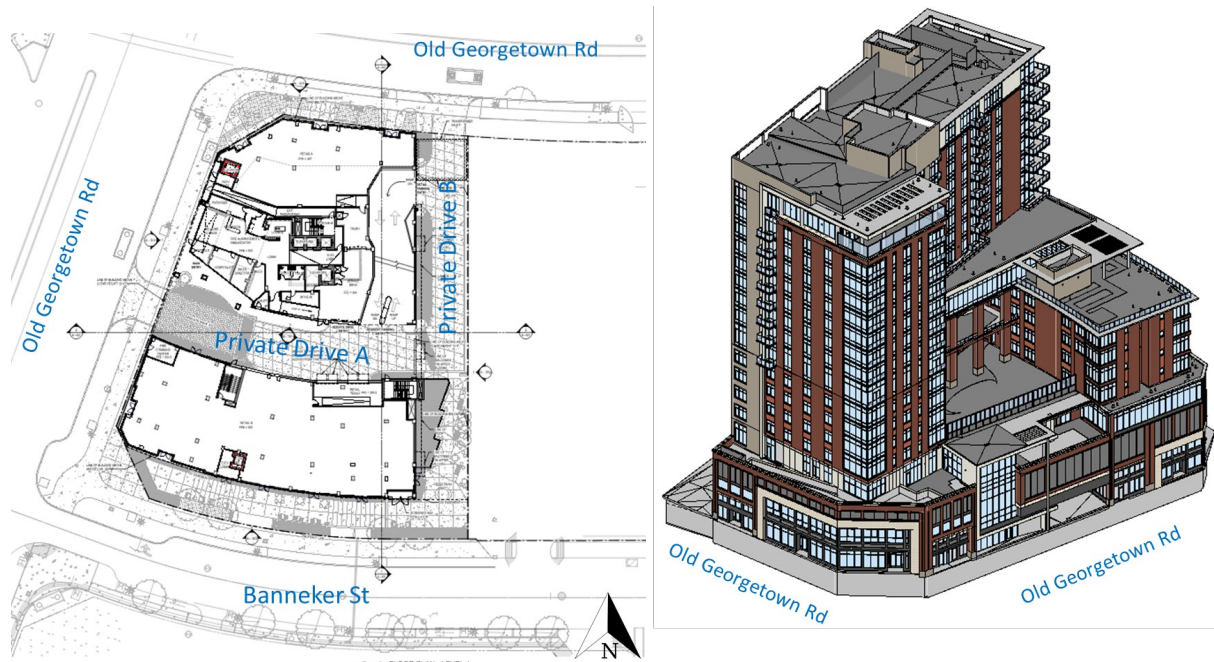


Figure 2: Site Plan and Rendering of Phase 1 Area

SECTION 2: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN NO. 320190040

Staff recommends approval of an amendment to conditions or binding elements of Sketch Plan No. 320190040 as part of Site Plan No. 820220040 pursuant to Section 59.7.3.3.I. Except as modified below, all previous conditions of approval and binding elements remain in full force and effect.

1. Density

The Sketch Plan is limited to a maximum of ~~1,051,012~~ 1,050,028 square feet of total development on the Subject Property, which may include up to a maximum ~~940,843~~ 939,859 square feet of residential uses (to include up to 285,000 square feet of residential care facility units) and 110,169 square feet of non-residential uses. This includes a 4% Bonus Density on the residential uses for providing the 13% MPDUs. The maximum number and distribution of residential dwelling units and non-residential uses will be determined at Site Plan.

PRELIMINARY PLAN AMENDMENT NO. 12019016A

Staff recommends approval with conditions of the Preliminary Plan Amendment to modify conditions, including: a change of use from the overall multi-family residential use to 210 residential care facility units for portion of the overall residential use, modify park dedication requirements, and modify the Adequate Public Facilities validity period. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment as of the date of this Staff Report, submitted via ePlans to the M-NCPPC are required except as modified by the following conditions. The following Conditions modify and supersede the previous Condition Nos. 1, 2, 3, 7, 8, 9 and 26, and Condition Nos. 29 -31 are new conditions; all other conditions remain in full force and effect:

Modified Conditions

GENERAL APPROVAL

1. This Preliminary Plan is limited to two (2) lots; Lot No. 1 (approximately 145,712 square feet) and Lot No. 2 (approximately ~~21,490~~ 21,494 square feet), with a proposed development maximum of ~~1,051,012~~ 1,050,028 square feet on the Subject Property, which includes up to ~~940,843~~ 939,859 square feet of residential uses (up to ~~1,000~~ 790 multi-family residential and 210 residential care facility units), and up to 110,169 square feet of non-residential uses.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for ~~eighty four (84) months~~ one hundred and twenty (120) months from the date of mailing of ~~this~~ the original Planning Board Resolution MCPB No. 19-062. ~~and is subject to the following phasing schedule:~~
~~Phase 1—the Applicant must obtain building permits for a minimum of 279 of the 1,000 dwelling units and 30,000 square feet of non-residential uses within five (5) years of the resolution mailing date, and a minimum of 13% of the units must be MPDUs or units approved by DHCA; the Applicant must dedicate the 21,490 square foot park; provide on-street parking on Grand Park Avenue; and build the applicable area for the Promenade.~~
~~Phase 2—Applicant must obtain the remaining 721 building permits of the 1,000 dwelling units and 80,169 square feet of non-residential uses within seven (7) years of the resolution mailing date; a minimum of 13% of the units must be MPDUs or units approved by the Department of Housing and Community Affairs ("DHCA"); and build the applicable area for the Promenade.~~

OUTSIDE AGENCIES

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated April 25, 2019, ~~and as modified by the letter dated May 13, 2022~~, and 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 MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. 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 June 22, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board 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 March 4, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated May 12, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Parks

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

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

~~In the event the Applicant is to complete improvements on the land to be dedicated, the Applicant must enter into a Recreational Facilities Agreement ("RFA") or a Park Permit with~~

~~the Montgomery County Department of Parks. Both the deed and the RFA/Park Permit must be in a form approved by the Department of Parks and the Office of General Counsel.~~

26. The Applicant shall dedicate to the Maryland-National Capital Park & Planning Commission ("Commission") approximately 21,494 square feet of parkland ("Future Parkland") as identified on the Grand Park Development Phase 1 Site Plan No. 820220040 Interim Park exhibit.
- a) Prior to Record Plat that includes the Future Parkland, the Applicant must provide to Parks staff, an executed deed for the Future Parkland to be dedicated to the Commission, in a form approved by the Commission's Office of General Counsel. The Commission will hold the deed in escrow until all construction on the Future Parkland is complete and all conditions of the Park Construction Permit(s) have been completed and accepted by the Commission, at which time the deed will be recorded in the Land Records to transfer title of the Future Parkland to the Commission.
 - b) The Record Plat that includes the Future Parkland must be recorded prior to issuance of the first residential use and occupancy permit for the first residential building.
 - c) The Applicant must provide Interim Park Improvements on the Future Parkland.
 - i. The scope and Applicant obligations for the Interim Park Improvements will be determined during review of the Phase 1 Site Plan.
 - d) During the Phase 2 Site Plan or major Phase 1 Site Plan Amendment, whichever comes first, for the second phase of the overall development, the scope of the Permanent Park Improvements and the Applicant's obligation for the Permanent Park Improvements will be determined in conjunction with the Department of Parks and will require a Park permit for construction.
 - e) The Applicant shall provide an Interim Park Improvements on the Future Parkland. The scope and Applicant obligations for the Interim Park Improvements will be determined during review of the Phase 1 Site Plan.

New Condition

29. Phase 1- no later than 5 years from the initiation date of June 28, 2019, the Applicant must obtain building permits for Building 3 (Site Plan 820220040) and up to 16,000 square feet of non-residential uses and a minimum of 13% of the units must be MPDUs or equivalent square footage approved by the Department of Housing and Community Affairs ("DHCA"); the Applicant must dedicate the 21,490 square foot park; provide on-street parking on Grand Park Avenue; and build the applicable area for the Promenade.
30. Phase 2- no later than ten years from the initiation date of June 28, 2019, the Applicant must obtain building permits for the remainder of the 1,000 dwelling units and 94,169 square feet of non-residential uses, and a minimum of 13% of the units must be MPDUs or equivalent square footage approved by DHCA; and build the applicable area for the Promenade.

ABANDONMENT

31. Prior to First Use and Occupancy Certificate, the Applicant must obtain the County's approval for the abandonment of approximately 170 square feet of the Old Georgetown Road right-of-way to accommodate the steps at the northwest corner of the building.

SITE PLAN 820220040

Staff recommends approval of Site Plan No. 820220040 Phase 1 for the construction of a Residential Care Facility for up to 210 units (285,000 square feet), including a minimum of 13% MPDUs, and up to 16,000 square feet of retail uses for a total project density of up to 301,000 square feet; providing 35% open space, including a park dedication. The development must comply with the conditions of approval for Sketch Plan No. 320190040 as listed in the MCPB Resolution No. 19-061, dated May 30, 2019, Preliminary Plan No. 120190160 as listed in the MCPB Resolution No. 19-062, dated May 30, 2019, and as amended, including Preliminary Plan Amendment No. 12019016A. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report, submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 301,000 square feet of total development on the Subject Property, including 285,000 square feet of residential uses, for up to 210 residential care facility units, and 16,000 square feet of non-residential uses.

2. Height

The development is limited to a maximum height of 210 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Occupancy Provisions (*Senior Housing*)

- a) All residential units must be Age-Restricted (restricted to persons who are fifty-five (55) years of age or older), as defined by Section 59.1.4.2. of the Zoning Ordinance.
- b) Prior to Certified Site Plan:
 - i. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
 - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
 - iii. The Book/Page reference must be included on the Certified Site Plan and Record Plat.

OPEN SPACE, FACILITIES AND AMENITIES

4. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 6,973 square feet of public open space (10% of Site area) on-site.
- b) Prior to issuance of the first residential Use and Occupancy Certificate, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontages, consistent with the *2010 White Flint Sector Plan* and Western Workaround CIP Streetscape Standards.

- c) Before the issuance of the First Use and Occupancy Certificate for the residential development, all public open space areas on the Subject Property must be completed.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

- a) Major Public Facility, achieved through dedication of 21,494 square feet of future Parkland.
- b) Transit Proximity, achieved through Property's location within ½ mile of the White Flint Metro Station (level 1).
- c) Connectivity between Uses, Activities, and Mobility Options
 - i. Advanced Dedication - achieved through dedication of land for the right-of-way related to the Western Workaround CIP.
 - ii. Minimum Parking – achieved through providing fewer than the maximum allowed number of parking spaces. The Applicant must not provide/construct more than 200 parking spaces for Phase 1.
 - iii. Through-Block Connection - The Applicant must provide the pedestrian connection between Banneker Street north to Old Georgetown Road for Phase 1. The pedestrian connection must be shown on the CSP.
- d) Diversity of Uses and Activities
 - i. Affordable Housing/MPDUs
 - a) The development must provide 13 percent of the independent living units as MPDUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
 - b) Before issuance of any building permit for any residential unit, the MPDU Agreement to Build between the Applicant and the DHCA must be executed.
 - c) The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated May 12, 2022, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- e) Quality Building and Site Design
 - Structured Parking – The Applicant must provide a minimum of 193 parking spaces within an above-grade and a below-grade structure.
- f) Protection and Enhancement of the Natural Environment
 - Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 5.66 BLTs to the MCDPS and M-NCPPC staff.

M-NCPPC Department of Parks

6. The Applicant shall dedicate the Future Parkland as described and conditioned in Preliminary Plan No. 12019016A Condition 26.
7. Prior to any activity on the Future Parkland, the Applicant shall apply for and receive a Park Permit for Construction from the Department of Parks. All facilities and site amenities of the Interim Park Design as shown on the Phase 1 Certified Site Plan must be acceptable to M-NCPPC Montgomery County Department of Parks staff and must meet or exceed the Department's design standards and specifications. Minor changes to the park design may be directed by Department of Parks staff during the park permit process without requiring a revision to the approved Certified Site Plan.
8. Prior to issuance of the First Use and Occupancy Certificate for the improvements associated with this Phase 1 Site Plan, the Applicant shall satisfactorily complete construction of the Interim Park Improvements per the Park Permit for Construction. The Park construction shall be accepted and deemed as substantially complete by the Department of Parks, although plantings may be deferred to the next planting season. Improvements shall include, but are not limited to:
 - a. A large, level lawn for Parks programming.
 - b. A continuous six-foot wide, ADA compliant loop trail around the site. The loop may include portions of the public sidewalks along Old Georgetown Road, Grand Park Avenue and Banneker Street.
 - c. Approximately 15'x20' hard surface space ("Picnic area") with a minimum of three picnic tables (round table per Montgomery Parks specification) and an outdoor recreational ping pong table.
 - d. Outdoor furnishings including a minimum of six, six-foot long benches with concrete footings and three concrete pads for trash and recycling receptacles.
 - e. Electric utilities for site lighting and outlets for special events.
 - f. Site Lighting.
 - g. Landscape Plantings.
 - h. Stormwater management facilities that treat stormwater generated by parkland only. Facilities shall be designed as integral site amenities with gentle side slopes and extensive landscape planting.
9. All facilities to be constructed and all associated site amenities (benches, seating and stage) provided by the Applicant must be acceptable to M-NCPPC Montgomery County Department of Parks staff and must meet or exceed the Department's design standards and specifications.
10. Landscape design and vegetative plantings shall meet M-NCPPC Montgomery County Department of Parks standards, specifications, and native species requirements.
11. Prior to Commission acceptance of the Future Parkland and recordation of the deed and release of the Park Construction Permit, the Interim Park Improvements must be completed and be approved by M-NCPPC Montgomery County Department of Parks staff.
12. Recreation Facilities
 - a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for the independent dwelling units for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.

- b) The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

ENVIRONMENT

Forest Conservation & Tree Save

- 13. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- 14. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- 15. Prior to any above-ground building permit, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Cabin John Creek watershed to satisfy the reforestation requirement for a total of 0.46 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Cabin John Creek watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.
- 16. 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.

Noise Attenuation

- 17. Prior to the issuance of the first residential building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
 - a) The building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, as indicated in the Phase 1 Noise Analysis dated October 20, 2021, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- 18. Before the final inspection for any residential unit, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- 19. If any changes occur to the Site Plan which affect the validity of the noise analysis dated October 20, 2021, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- 20. Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units, as indicated in the Phase 1 Noise Analysis dated October 20, 2021, have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

21. For all noise impacted residential dwelling units, as indicated in the Phase 1 Noise Analysis dated October 20, 2021, the Applicant/developer/builder must disclose in writing to all prospective purchasers or renters that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

22. Stormwater Management

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 June 22, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

ABANDONMENT

23. Prior to First Use and Occupancy Certificate, the Applicant must obtain the County's approval for the abandonment of approximately 170 square feet of the Old Georgetown Road right-of-way to accommodate the steps at the northwest corner of the building.

TRANSPORTATION & CIRCULATION

24. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated April 20, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Prior to the issuance of any above-grade building permit (excluding retaining walls), the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

25. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 46 long-term and 2 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor in a parking garage and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's retail frontage/in a location convenient to the main entrance. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station within the parking garage.

26. Fire and Rescue

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 March 4, 2022, and hereby 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 amendments do not conflict with other conditions of Site Plan approval.

27. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A301 – A303 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) Prior to the issuance of the first Use and Occupancy Certificate, the Applicant must provide details for Staff approval and install all "Artistic Treatments" as identified in the drawings submitted as a part of the Certified Plan Set.

28. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way and the open space lighting approved through the Alternative Compliance provisions of Section 59.6.8.1 of the Zoning Ordinance.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

29. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance in effect prior to October 31, 2014, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements (excluding future parkland Lot 2), including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, railings, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

30. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

31. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b) Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
 - iii. "The Applicant must schedule a preconstruction meeting ("pre-con"), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan (CSP) conformance and compliance, upon approval of the Certified Site Plan. The pre-con must occur prior to any site work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the preconstruction meeting with DPS CSP staff. A copy of the approved Certified Site Plan is required to be on-site at all times."
- c) Fire and Rescue Access plan should be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) The Applicant must update all elevation drawings to clearly identify and separately label all areas for "Enhancement Screening Treatments" and "Artistic Treatments," provide

information regarding the materials and colors for "Enhanced Screening Treatments," and include photographic examples for "Artistic Treatments," with Staff approval.

- g) Prior to Certified Site Plan, the Applicant must revise the worksheet on the Final Forest Conservation Plan to remove the 0.18-acre deduction for land dedication of roads and adjust the afforestation total to reflect the removal of the deduction.
- h) Applicant must provide a Recreation Facilities plan.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property (“Subject Property” or “Property” - outlined in red in Figure 3 below) is described as Lots 5, 9, and 10, and Parcels 613 and 614, and the right-of-way referred to as S-21 and SHA-32. The Subject Property is part of the Metro West district of the *2010 White Flint Sector Plan* area and is located less than a half-mile from the White Flint Metro Station.

The Subject Property is surrounded by commercial, high-density residential, and mixed-use development. Diagonally across the intersection of Executive Boulevard and Old Georgetown Road (to the northwest) is the Willco Companies property, currently developed with three office buildings and recently approved as the “Rose Village” (Sketch Plan No. 320210120). To the north is the mixed-use Pike & Rose development, which has a variety of building types and uses, including multi-family residential, office, restaurant, retail and a hotel. To the south, the Gables White Flint project is approved for a multi-family building with 476 dwelling units and an adjacent parking garage that will also serve the Kennedy Shriver Aquatic Center (Preliminary Plan Amendment No. 12015001A & Site Plan Amendment 82015001A). Rockville Pike (MD 355) is to the east of the Property and immediately adjacent to the Property on the east is the existing commercial building Steinway Piano Gallery. To the west, is 6000 Executive Boulevard, an existing office building that has Sketch Plan approval for up to 927,420 square feet of total development (Sketch Plan No. 320180140).



Figure 3: Vicinity Map

PROPERTY DESCRIPTION

The Subject Property includes the following seven properties: (i) 11565 Old Georgetown Road (the former VOB Saab dealership) containing 44,508 square feet; (ii) 11575 Old Georgetown Road (the former Capital One Bank) containing 39,989 square feet; (iii) 11605 Old Georgetown Road (the former VOB dealership) containing 82,243 square feet; (iv) 5995 Executive Boulevard (P613) containing 6,618 square feet; (v) Parcel 614 containing 9,763 square feet; (vi) S-21 containing 14,787 square feet; and (vii) SHA 32 containing 22,430 square feet. The Property contains a total of 258,203 square feet of tract area, zoned CR-4.0, C-2.0, R-3.5, H-250.



Figure 4: Subject Property and Phase 1 area within Lot 1

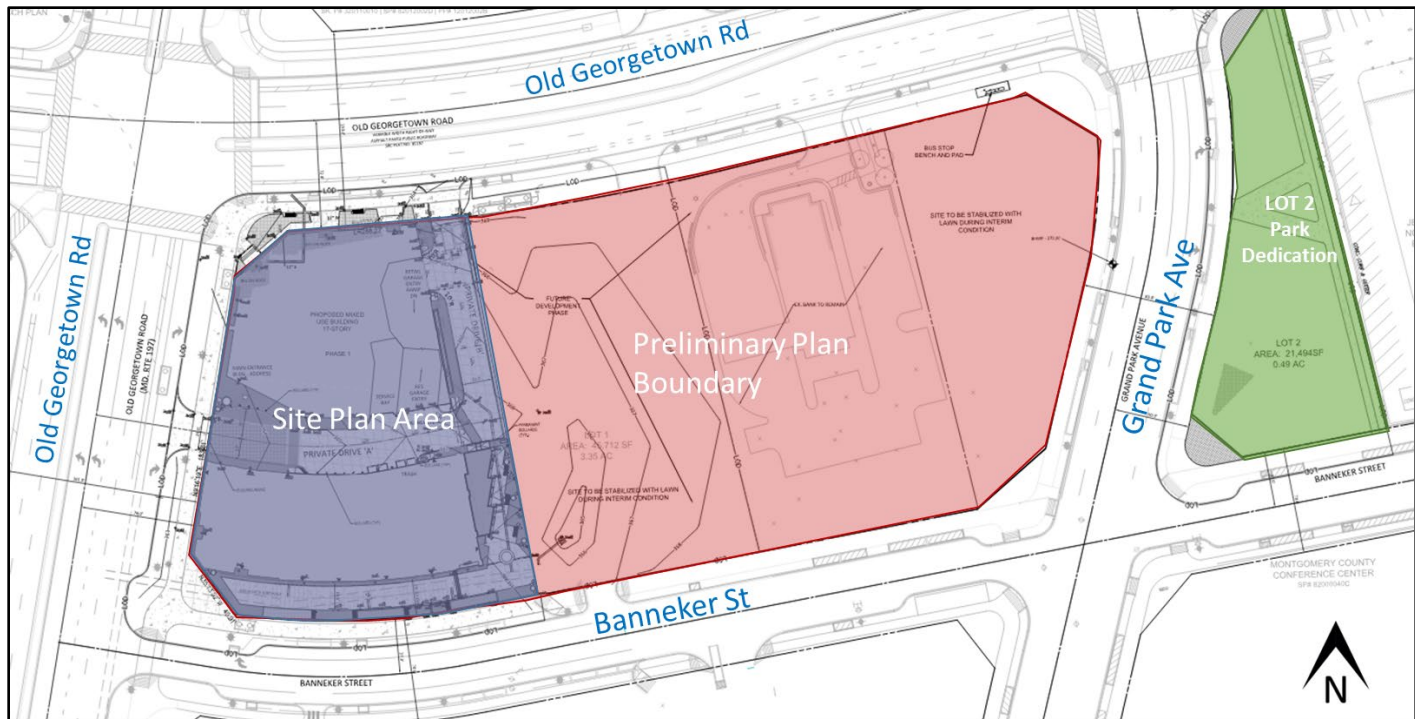


Figure 5: Subject Property

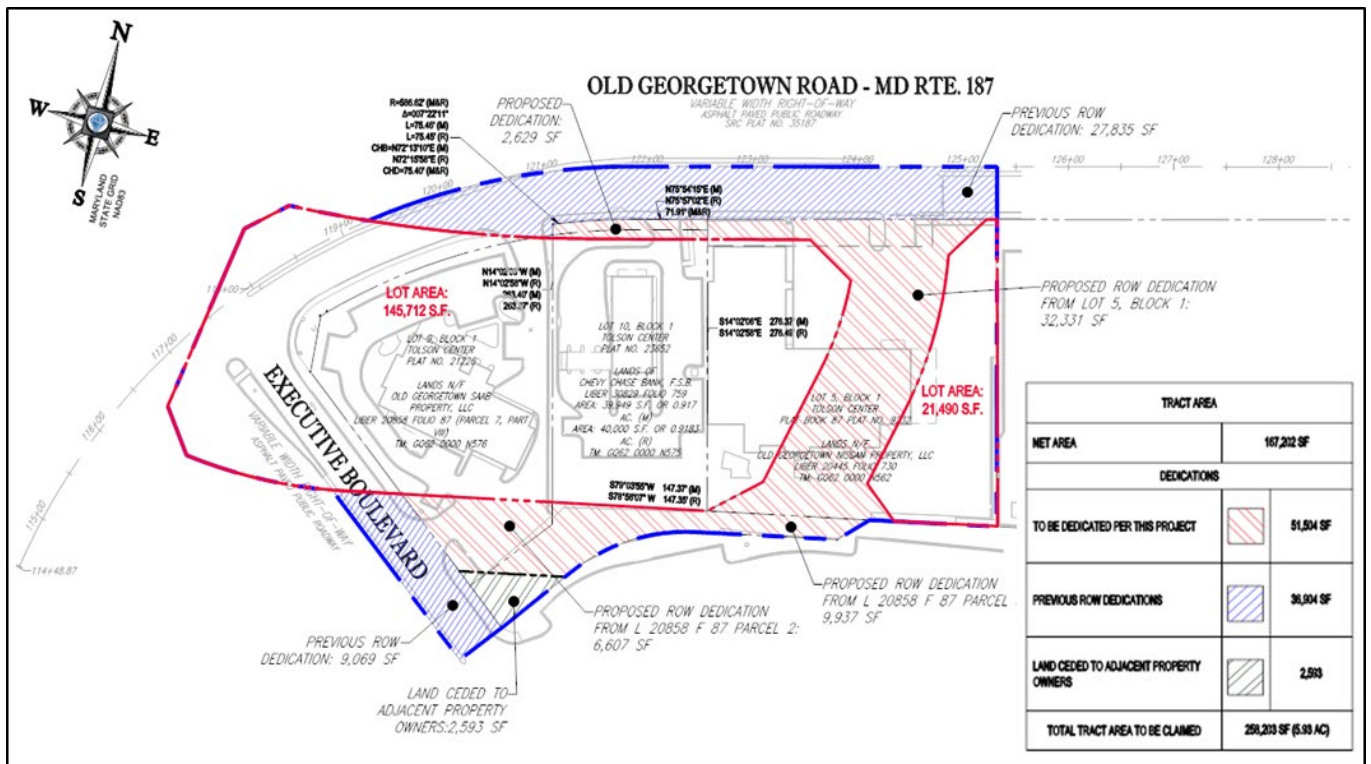


Figure 6: Lotting Plan

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Sketch Plan No. 320190040 (MCPB No. 19-061, dated 5/30/2019), approved the request to transform the existing car dealership, bank, retail building and associated surface parking lots into mixed-use development. The total development was 1,051,012 square feet, including up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses. It also provided a minimum 13% MPDUs which included up to 4% bonus density. (See Figure 7)

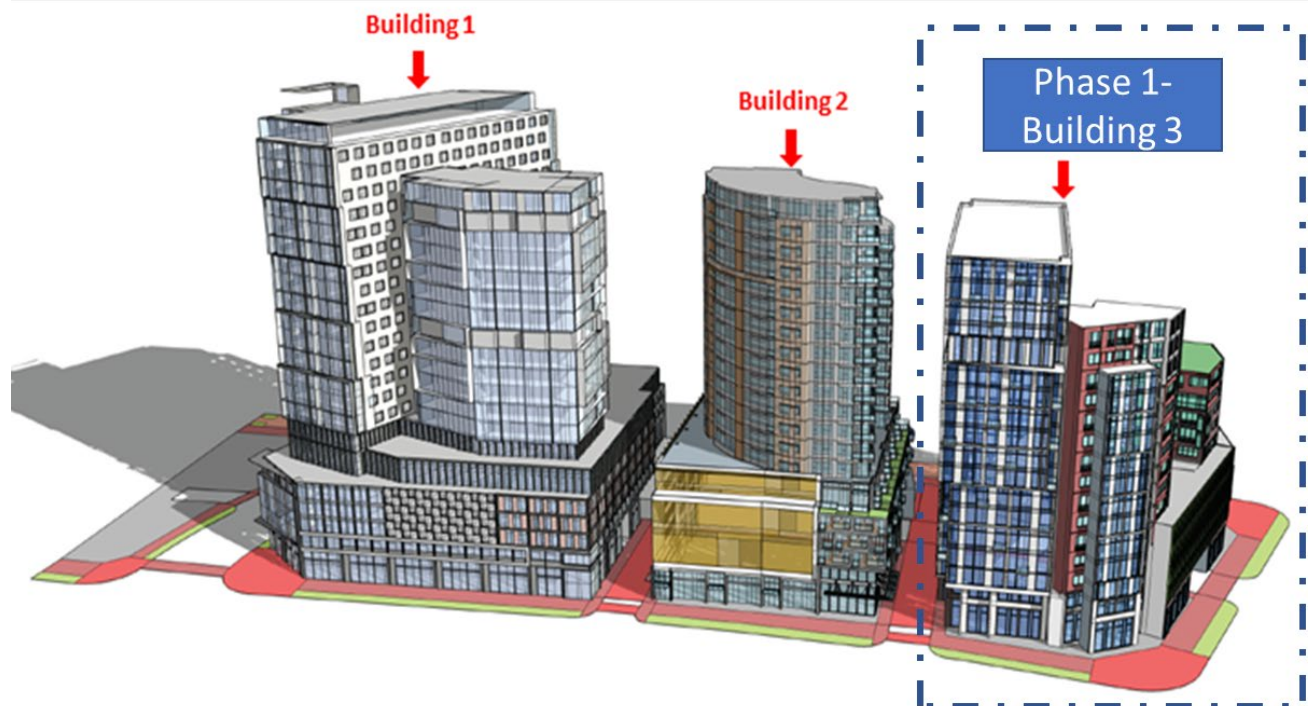


Figure 7: Illustrative Massing and Concept Perspectives (Facing South)

Preliminary Plan No. 120190160 (MCPB No. 19-062 dated 5/30/2019), approved the request to consolidate Lots 5, 9, and 10, and Parcels 613 and 614, and the ROW referred to as S-21 and SHA-32 into two (2) lots. Lot 1 was approximately 145,712 square feet in size and Lot No. 2 was approximately 21,490 square feet. Lot 2 was proposed to be dedicated to the Parks Department. The total development was for 1,051,012 square feet, with up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses for up to 1,000 units. It also provided a minimum 13% MPDUs and included up to 4% bonus density.

PROPOSAL

The Applicant proposes to develop Phase 1 (Building 3), located at the northwest corner of the Site, as a mixed-use building containing up to 301,000 square feet. The Proposal includes up to 285,000 square feet of Senior Residential Care Facility uses, comprised of: up to 210 Residential Care Facility

units (up to 122 independent dwelling units, with 13 percent MPDUs); 38 assisted living units; 24 mild cognitive impairment units; 26 memory care units; and corresponding amenity and common spaces. The development will also include up to 16,000 square feet of ground floor retail.

Phase 1 is bounded on the west and north by Old Georgetown Road, on the south by Banneker (formerly Market) Street and on the east by one of the two master-planned, north-south mid-block connections. An internal east-west service drive, extending eastward to Grand Park Avenue in future phases, will bisect the ground floor of Phase 1. Approximately 4,400 square feet of the Project's retail will be in the northern portion of Phase 1 with primary frontage along the east-west stretch of Old Georgetown Road. The remaining 11,600 square feet of retail will occupy the footprint of the building located south of the service drive. The Residential Care Facility will be oriented toward the west, with the lobby and main entrance facing the north-south stretch of Old Georgetown Road, just north of the internal east-west service drive.

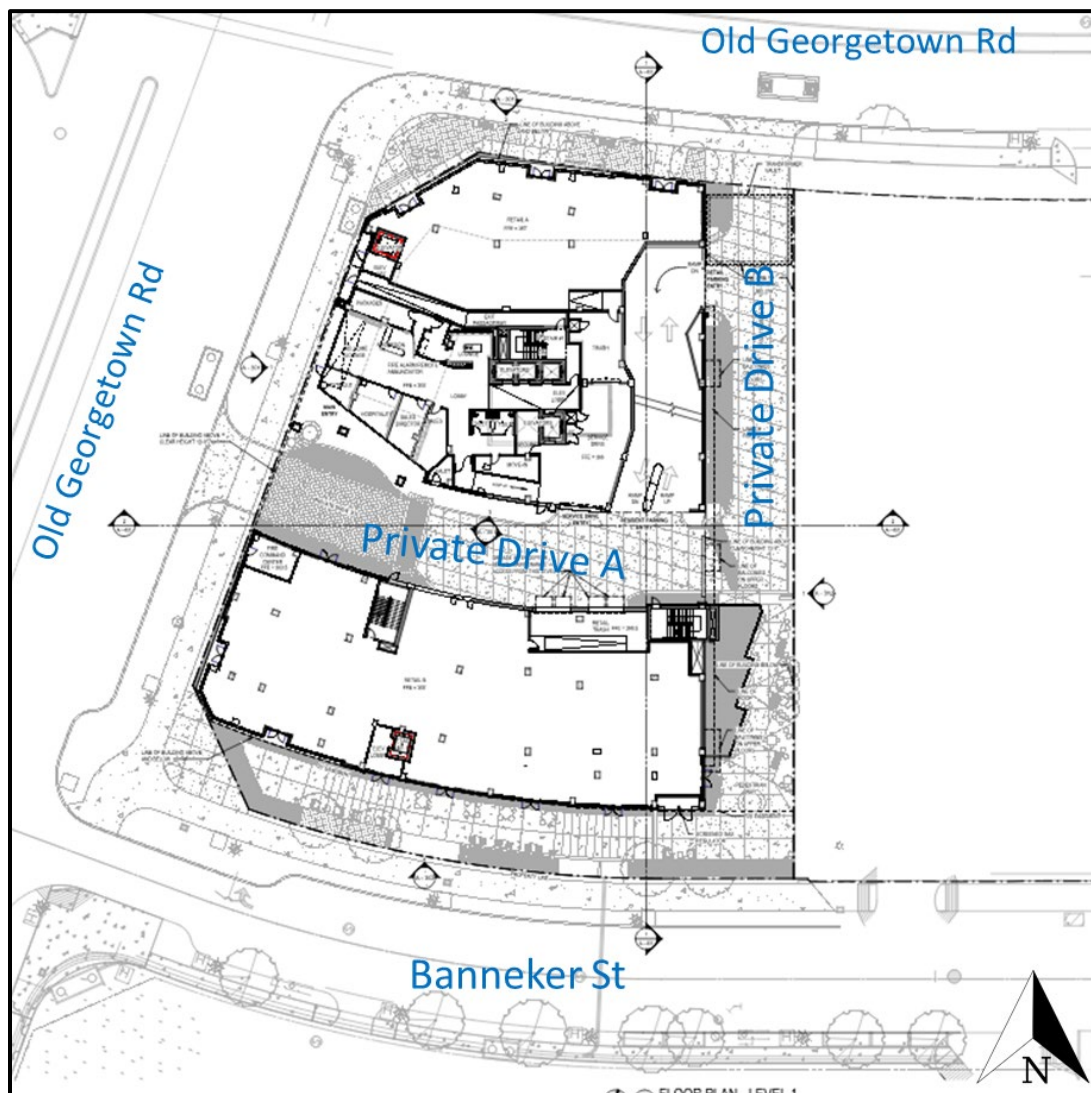


Figure 8: Site Plan of Phase 1 Area

BUILDING/ARCHITECTURE

The proposed building is comprised of eighteen-stories for a total height of up to 208 feet. The building has a four-story building base comprised of street lining retail, a main lobby for the residential care facility, and two-and-a-half levels of above-grade residential parking. In addition to the above-grade parking, the Project also includes one level of below-grade parking for the proposed retail uses. Access to the main lobby of the residential care facility fronts the Site's western Old Georgetown Road facade and provides a pedestrian drop-off under the building along the internal, east-west service drive. The residential care facility lobby entrance is expressed along the building's façade as a four-story glass volume, providing a prominent focal point at the base of the building.

The building façade is made up of a variety of materials including brick, stone, metal panels, and glass, as well as perforated metal louvers for screening the above-grade parking. In addition, building art is incorporated into the design, creating visual interest and screening some of the above-grade parking.

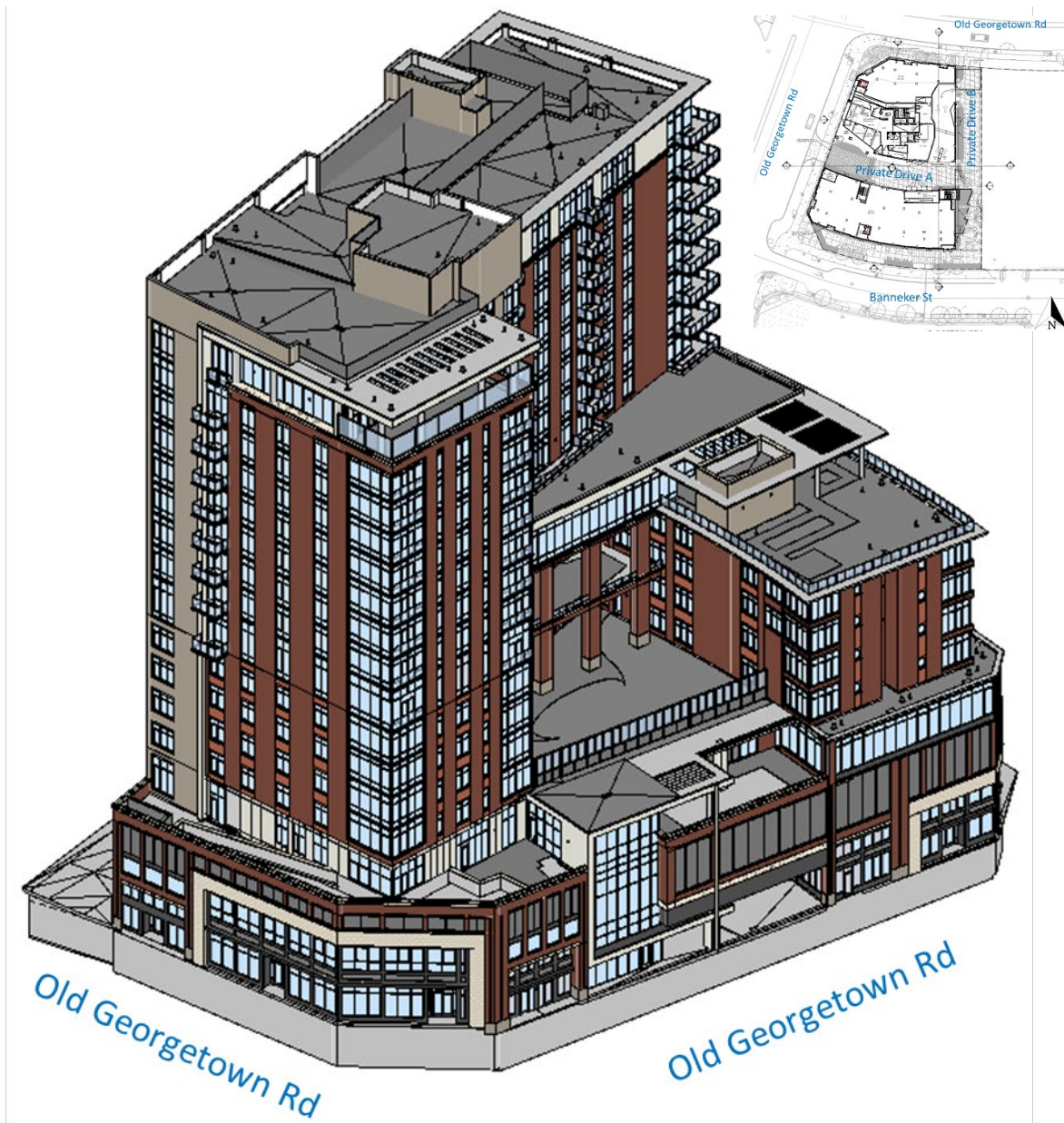


Figure 9: 3D Rendering of Northwest View

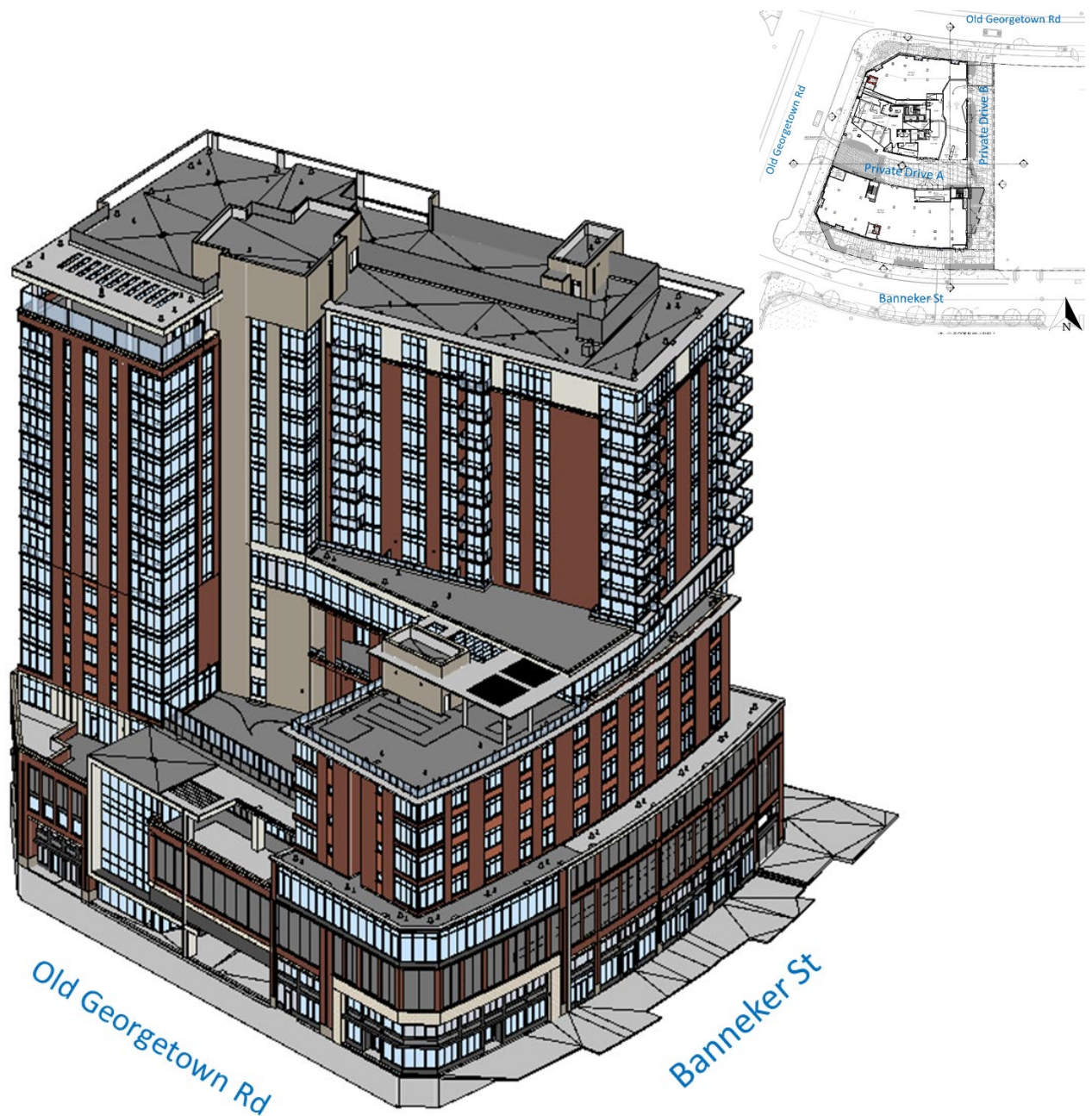


Figure 10: 3D Rendering of Southwest View

STREETSCAPE AND RIGHT-OF-WAY ABANDONMENT

Based on site topography constraints, the Applicant requests that the Planning Board find a lesser corner truncation than the standard 25-foot set forth in the Subdivision Regulations¹. Additionally, the Applicant will submit Abandonment Petition to the Montgomery County Council to abandon a small

¹ Section 50.4.3.E.2.F.iii of the Subdivision Regulations requires that corner lots be truncated 25 feet to provide clearance for sight distance, pedestrian circulation, and traffic control devices. The Planning Board may specify a greater or lesser truncation, depending on specific site conditions.

portion of previously dedicated right-of-way necessary to accommodate stairs into the proposed building (Figure 11).

Staff evaluated the Applicant's requested modification to corner truncation and abandonment petition and determined that there is adequate sight distance, pedestrian circulation, and room to accommodate existing traffic control equipment if both the modified truncation and abandonment petition were granted. Staff supports the Applicant's request for modified truncation and right-of-way abandonment.

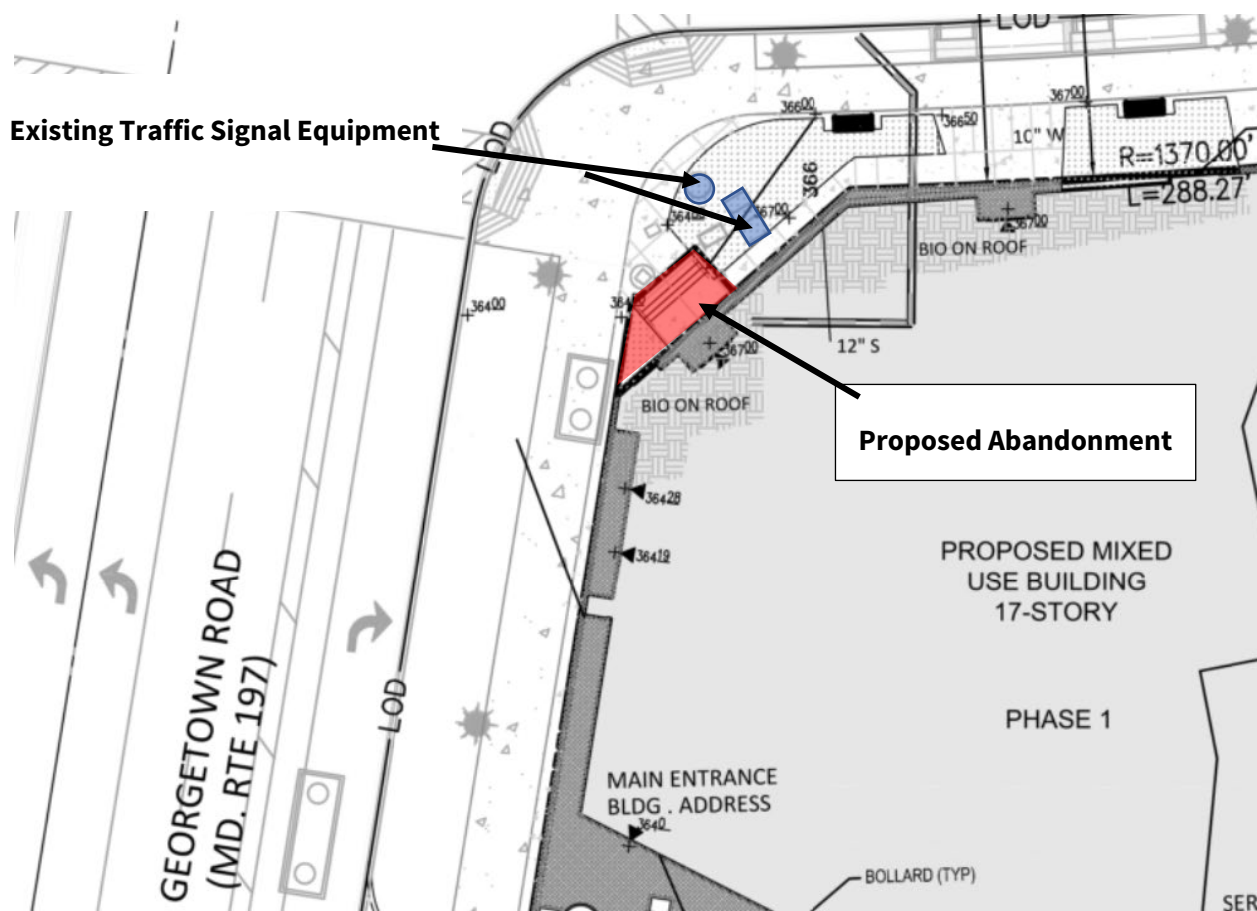


Figure 11: Proposed Amendment to Right-of-Way Abandonment

As proposed, the modified truncation and right-of-way abandonment allow the Applicant to place stairs within the area formerly dedicated as public right-of-way and provide a more attractive and efficient leasable space to prospective ground-floor retail tenants.

OPEN SPACE

The Project is exceeding the 10% open space requirement set forth in Section 59.4.5.4.B.1 of the Zoning Ordinance, by providing a minimum of 30,000 square feet of public open space. This open

space will be provided in the form of a new dedicated urban park, comprised of approximately 21,494 square feet (30.8%), and a portion of the Banneker Street Promenade, comprised of approximately 3,576 square feet (5.1%). Also, the Applicant proposes to maintain the undeveloped portions of the Property as a green lawn once the construction is complete for Phase 1. This is intended to provide an amenity to the community while the Project is between development phases.

Park Dedication

In accordance with Amended Preliminary Plan Condition No. 26, the Applicant will dedicate Lot 2 (located at the NW corner of Old Georgetown Road and Grand Park Avenue) to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) prior to the issuance of the final residential use and occupancy certificate for Phase 1. The dedication of Lot 2, which comprises 21,494 square feet of land area, will provide the interim layout as a condition for the urban park. The interim design includes the following elements:

- a. A large, level lawn for Parks programming.
- b. A continuous six-foot wide, ADA compliant loop trail around the site. The loop may include portions of the public sidewalks along Old Georgetown Road, Grand Park Avenue and Banneker Street.
- c. Approximately 15’x20’ hard surface space (“Picnic area”) with a minimum of three picnic tables (round table per Montgomery Parks specification) and an outdoor recreational ping pong table.
- d. Outdoor furnishings including a minimum of six, six-foot long benches with concrete footings and three concrete pads for trash and recycling receptacles.
- e. Electric utilities for site lighting and outlets for special events.
- f. Site Lighting.
- g. Landscape Plantings.
- h. Stormwater management facilities that treat stormwater generated by parkland only. Facilities shall be designed as integral site amenities with gentle side slopes and extensive landscape planting.

These improvements will provide valuable, useable open space to the surrounding community while not impeding development of future phases on the Subject Property. Final details and expansion limits of the Park will be determined through subsequent site plans for future phases. (See Figure 12)

Banneker Street Promenade

In addition to the Park, Phase 1 will provide the western portion of the Banneker Street promenade and a mid-block connection as public open space. The promenade will be extended eastward to Grand Park Avenue with future phases of development. The promenade will measure approximately 25 feet in width and when added to the approximately 18-foot wide streetscape, will provide a generous linear open space. The promenade will be improved with planters, streetscape furniture and private dining space. The Applicant will also provide pedestrian space along the southern portion of the mid-block connection. This area will be improved with planters, special paving and streetscape furniture. (See Figure 12)



Figure 12: Open Space and Park Dedication Area

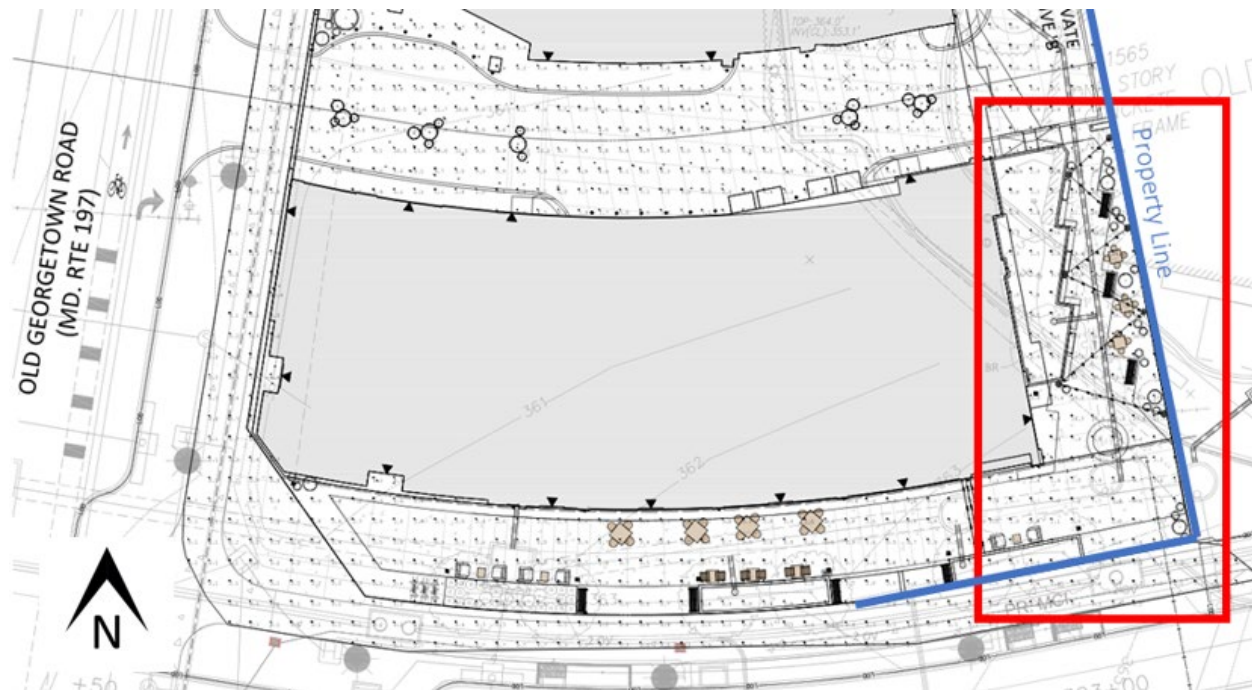


Figure 13: Alternative Compliance – Open Space Illumination

TRANSPORTATION

Circulation and Access

Consistent with the approved Preliminary Plan, vehicular access to the Site is proposed to be provided from two previously identified access points: a mid-block ingress and egress point for the proposed “Private Drive A” from the north-south segment of Old Georgetown Road (MD 187) to the west, and a right-in/right-out access point for “Private Drive B” from the east-west segment of Old Georgetown Road to the north. The Applicant proposes the vehicular site access for each internal driveway to lead to an interior circulation network that links to a garage entrance, service bays, and Private Drive A that will function as a main service corridor that is proposed to be extended eastwards to Grand Park as part of subsequent construction phases. Private Drive A bisects the site lengthwise, roughly paralleling Banneker Street (formerly Market Street) and the east-west segment of Old Georgetown Road.

Formerly illustrated as a three-lane, 32-foot-wide internal driveway, the Applicant proposes to alter Private Drive A’s configuration for two-way vehicular movement measuring 24-feet in width, with a westbound layby area for the drop-off and pick-up of residents adjacent to the main entrance. Vehicular access to the above-grade resident garage parking area is provided from Private Drive A. Consistent with the approved circulation pattern outlined in the approved Preliminary Plan, Private Drive B is proposed as a 20-foot-wide, north-south segment from the east-west segment of Old Georgetown Road to Private Drive A, providing vehicular access to the below-grade retail parking garage area.

Sidewalks are proposed alongside each internal driveway, that will connect with a pedestrian-only open space area that in-turn, link southwards through to the Banneker Street (formerly Market Street) promenade. Neither Private Drive A or B will be lotted as private streets as they function as internal driveways and do not provide significant network throughput for vehicles. Pedestrian access to Phase 1 of the overall development will be provided from the sidewalk network currently under construction as a part of the White Flint West Workaround (WFWW) Capital Improvement Project (CIP #P501116). A ten-foot sidepath will be provided along the north-south segment of Old Georgetown Road as part of the CIP project, while a seven-foot sidewalk is in the process of being built along the east-west segment. Sidewalks will be provided along both sides of Private Drive A and along the western side of Private Drive B. A sidewalk will be constructed along the eastern side of Private Drive B as part of a future phase to the east of the Subject Site. Furthermore, the proposed mixed-use structure will support the promenade along Banneker Street (formerly Market Street) by locating storefronts, outdoor seating, and generous street tree plantings along the Property’s southern frontage, in accordance with guidance established by the 2010 *White Flint Urban Design Guidelines*.

Contrary to the location of the previously approved loading dock, the Applicant proposes to locate a loading dock adjacent to the vehicular access point, which provides ingress and egress into the residential parking garage area from Private Drive A. The proposed loading dock meets the location

and design requirements set forth in Section 59.6.2.8.B of the Zoning Ordinance. The internal private street network will provide circulation for the storage of private vehicles, pick-up/drop-off, deliveries, as well as other short-term parking needs. As illustrated on the submitted circulation plan sheets, vehicular access into the mixed-use structure is proposed to occur via Private Drives A and B, preventing multimodal conflicts within the public rights-of-way.

Parking

The total number of parking spaces in the on-site parking garage meets Section 59.6.2.4, by providing a maximum of 193 vehicle spaces, 46 long-term bike spaces, and 2 short-term bike racks. Long-term bicycle parking spaces are provided within a secure bicycle room on level 2 of the proposed structure and short-term spaces are proposed adjacent to the future promenade along Banneker Street (formerly Market Street), to the south of the retail uses. All private vehicular parking within the garage structure will be accessed from the internal private driveways.

Master-Planned Roadways

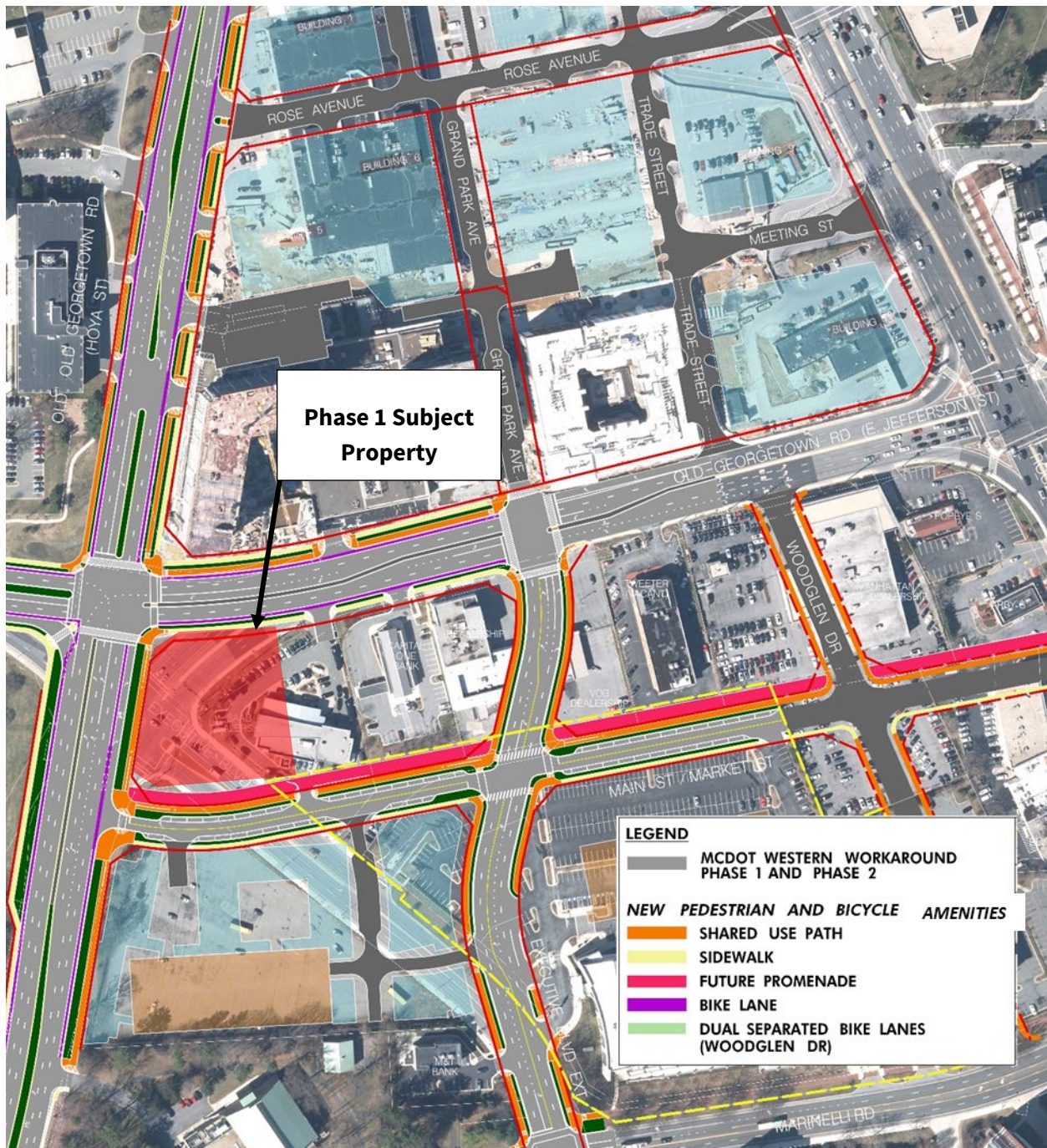


Figure 14: White Flint Western Workaround

While the development of the overall Project is circumscribed by both east-west and north-south segments of Old Georgetown Road, Banneker Street (formerly Market Street), and Grand Park Avenue, solely the two segments along Old Georgetown Road as well as along Banneker Street (formerly Market Street) will be affected by this Preliminary Plan Amendment and Site Plan request. As

illustrated in Figure 14, the WFWW CIP project, when complete, will build out the street grid network identified for the Metro West District within the Sector Plan, in addition to frontage improvements for both segments of Old Georgetown Road. The Applicant proposes to implement the active zone streetscape along Banneker Street (formerly Market Street) by constructing the planned promenade.

Both frontages of Old Georgetown Road are classified as major highways with planned Bus Rapid Transit (M-4), and are planned to be accommodated within 150-foot and 120-foot wide rights-of-way for the respective north-south and east-west segments. As identified in the *Master Plan of Highways and Transitways*, the north-south segment is planned to feature six travel lanes, one dedicated bus lane, in addition to a central raised median. The east-west segment is planned as a four-lane roadway with a central raised median. The future North Bethesda Transitway Bus Rapid Transit (BRT) service is planned to run within the dedicated lane along the north-south segment of Old Georgetown Road and will shift into mixed traffic along the east-west segment. Both segments are classified as Downtown Boulevards per the Planning Board's *Complete Streets Design Guide*.

Formerly designed as a curvilinear highway that provided direct connectivity from Tilden Lane to Rockville Pike, the existing north-south segment is currently undergoing reconstruction and will be rebuilt to tie into a four-legged signalized intersection with Executive Boulevard, transitioning into Towne Road to the north. When complete as part of the WFWW CIP project, it will feature two (2) northbound travel lanes, two (2) northbound left turn lanes onto Executive Boulevard, a northbound right turn lane onto the east-west segment of Old Georgetown Road, a six-foot raised median, and two (2) southbound travel lanes. As indicated in the submitted circulation plan shown in Figure 15, one-way six-foot-wide bicycle lanes with three-foot-wide buffers are being installed along both flanks of the roadway. The Applicant proposes to retain the rights-of-way already established and dedicated in conjunction with the WFWW CIP project, with the implementation of previously approved frontage improvements illustrated in the capital project engineering plans as part of future construction outside of the public right-of-way.

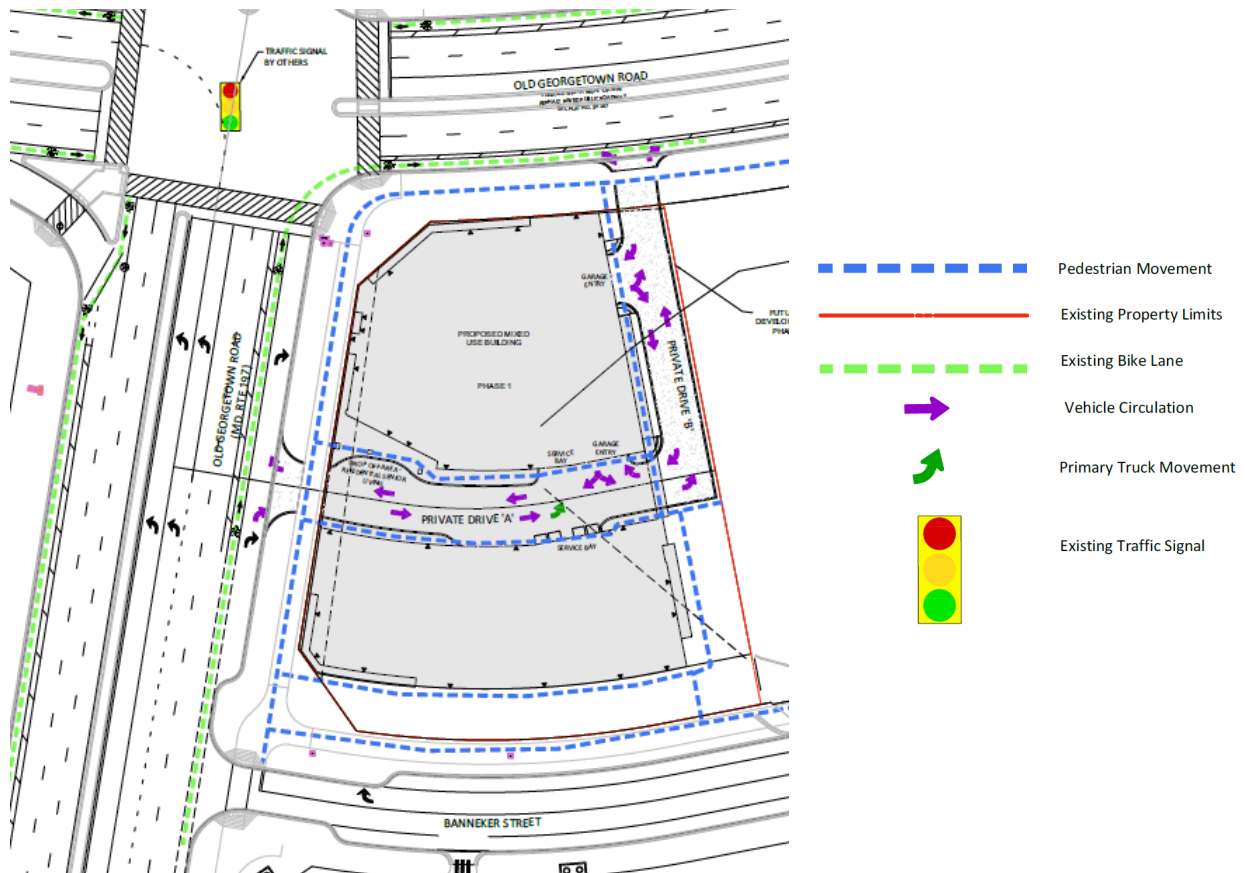


Figure 15: Proposed Circulation Plan

Likewise, the east-west Old Georgetown segment along the Property Frontage is being rebuilt to serve as the eastern leg of the new signalized intersection. Once complete, the roadway will include two (2) eastbound travel lanes, an eastbound left turn lane, a raised seven-foot median, a westbound left turn lane onto the north-south segment of Old Georgetown Road, and two (2) westbound travel lanes. One-way six-foot bicycle lanes with three-foot buffers are also included on both sides of the road.

Future Sector Plan recommended streets, Banneker Street (formerly Market Street) and Grand Park Avenue, bound the Site along the south and east frontages respectively. Banneker Street (formerly Market Street), classified as B-10, is planned to be 70-feet-wide with two (2) travel lanes while Grand Park Avenue, classified B-15, is planned to be 80-feet-wide with four (4) travel lanes.

The WFWW CIP project impacts both the northern and western property frontages of Old Georgetown Road, as well as along Banneker Street (formerly Market Street) and Grand Park Avenue. The Western Workaround is actively under construction with an anticipated completion by the end of 2022, before the Subject Application is expected to commence construction.

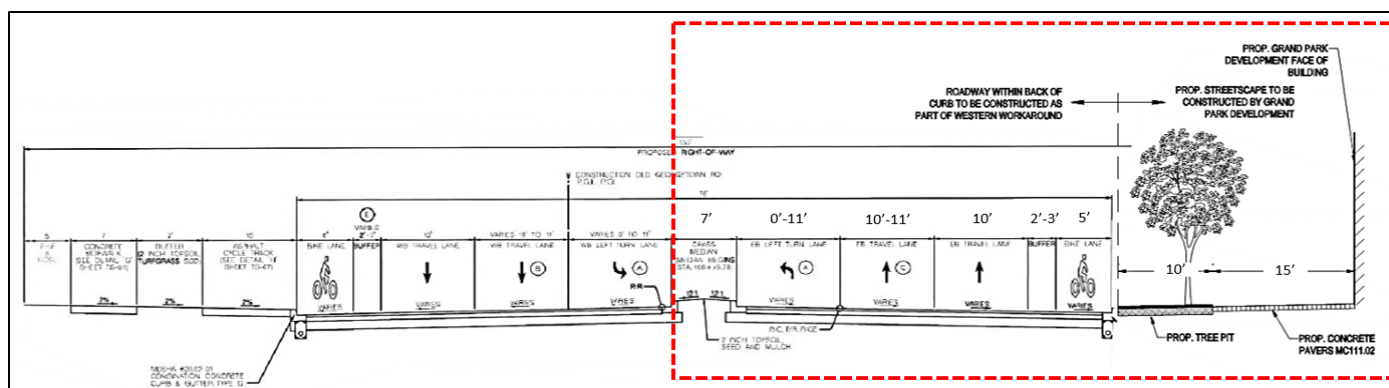
All portions of the private drives will be fully accessible to the public. The proposed private connections will promote safe and efficient internal circulation with additional care towards the promotion of pedestrian circulation to and from the Banneker Street (formerly Market Street)

promenade. The private drives will provide vehicular connectivity to accommodate local traffic circulation for the lobby of the residential care facility located adjacent to it and loading and service entrances will be minimized.

Pedestrian and Bicycle Facilities

As envisioned by the *White Flint Urban Design Guidelines* and the *Bicycle Master Plan*, separated bicycle lanes are planned for the east-west segment of Old Georgetown Road, which are consistent with Downtown Boulevard standards within the *Complete Streets Design Guide*. The Applicant coordinated with the MCDOT WFWW CIP project team to show road sections that are consistent with the CIP design. Because the County's 2018 *Bicycle Master Plan* was adopted following the design of the WFWW CIP project, the facilities recommended in the *Bicycle Master Plan* are not consistent with the facilities provided by the WFWW's design. To address these inconsistencies, the Applicant developed illustrative section alternatives that balance MCDOT's existing plans with the recommendations of the *Bicycle Master Plan*. These sections are consistent with the CIP design, but also demonstrate how the *Bicycle Master Plan*'s recommended facilities could be implemented in the future if funding for a bicycle capital improvement project were to become available. These potential future capital projects would be developed following the implementation of the Subject Application's project and are not assumed to be the responsibility of the Applicant at this time. The Subject Property is located in the White Flint Taxing District and will continue to make contributions that fund future transportation projects in White Flint.

The *Bicycle Master Plan* recommends two-way separated bike lanes on the south side of the east-west portion of Old Georgetown Road. Typically, separated bicycle lanes require at least two to three feet of raised separation from traffic and are located at an intermediary level between the curb and the street. The WFWW CIP project plans include a six-foot bicycle lane with a two- to three-foot-wide striped buffer at the elevation of the vehicular travel lanes. The Applicant proposes to maintain the WFWW's east-west Old Georgetown section as designed and proposes a 15-foot-wide sidewalk adjacent to the site, which is separated from the vehicular travel lanes by a 10-foot-wide tree panel. In coordination with Staff, the Applicant has modified the proposed streetscape to relocate the street trees from the center of the proposed tree panel south, approximately two and a half feet from the sidewalk, to accommodate the *Bicycle Master Plan*'s recommended facilities in the event a future capital improvement project is pursued. If such a project were pursued, five feet of the landscaped area would be converted to hardscaping to accommodate bicycle traffic, and the existing bicycle lane and associated buffer would be raised to the level of the curb. Figure 16 shows the project's proposed treatment.



The *Bicycle Master Plan* recommends a sidepath facility along the north-south segment of Old Georgetown Road, fronting the site. This segment is a component of the Plan's recommended breezeway network. The WFWW CIP project design provides a five to six-foot-wide on-street bicycle lane, which is separated from traffic by a three-foot-wide striped buffer. The Applicant proposes a seven-foot-wide tree panel and 18-foot-wide paved sidewalk between the vehicular travel lanes and the structure. The Applicant proposes to off-set trees to allow for future flexibility; however, an adjacent right-turn lane separates the WFWW's bicycle facilities from the curb at this location. If a future capital project were to implement the breezeway recommendation, 11 feet of the 18-foot-wide sidewalk could be repurposed for bicycle use, or by converting the right turn lane and a portion of the landscaped area into a bikeway. Figure 17 shows the Applicant's current proposal for the north-south segment of Old Georgetown Road.

Along the Banneker Street property frontage, the Applicant proposes to construct a wide frontage zone for the provision of café seating and a 12-foot-wide sidewalk, both with shaded buffering from

the street, consistent with guidance within the *White Flint Sector Plan Design Guidelines* and the *Complete Streets Design Guide*. Combined, the streetscape is intended to implement a portion of the Banneker Street (formerly Market Street) Promenade, identified in the Sector Plan, to enhance the walking experience in support of the White Flint Metro Station. With the intent of attracting future restaurant and retail tenants, the Applicant proposes to utilize portions of the 18-foot frontage zone along the streetscape for café seating. Additional street trees will be placed to the rear of the proposed sidewalk to provide visual distinction between active and passive spaces, and in order to provide shade and comfort from vehicles. The provision of additional seating accessible to the public realm and use of plants and trees to soften the urban setting meet the vision of the Sector Plan Design Guidelines.

By implementing the envisioned redevelopment of Banneker Street (formerly Market Street) into a Downtown Street as identified in the Planning Board Draft Complete Street Design Guide and the planned promenade, the improvement will help foster a more comfortable space for people walking and an active public realm.

Public Transit Service

The Site is located less than a ½ mile of the White Flint Metrorail Station and is served by Metrorail's Red Line. The following Ride On bus routes serve the station or operate along the Site's adjacent roadways:

- Ride On Route 5 operates along Old Georgetown Road, providing service between the Silver Spring CBD, Rockville, the Pike District, Wheaton, Potomac, and the Twinbrook, White Flint, Grosvenor-Strathmore, and Silver Spring Metrorail stations.
- Ride On Route 26 operates along Old Georgetown Road and MD 187, providing service between the Montgomery Mall Transit Center, Rockville, the Pike District, Aspen Hill, Glenmont, and the Twinbrook, White Flint, and Glenmont Metrorail stations.
- Ride On Route 81 operates along Old Georgetown Road, providing service between Rockville, the Pike District, Tower Oaks Boulevard, and the Rockville and White Flint Metrorail stations.

The 2013 *Countywide Transit Corridors Functional Master Plan* identifies the White Flint Metrorail Station and the MD 355-Montrose Parkway intersection as future station locations for the MD 355 South Corridor Bus Rapid Transit line. The MD 187-Executive Boulevard intersection is also identified as a potential station location for the North Bethesda Transitway.

Local Area Transportation Review

Pursuant to County Council Resolution 16-1324, adopted April 27, 2010, the Site is exempt from Local Area Transportation Review (LATR) analysis. As a result of the Applicant opting to agree to participate in the White Flint Special Taxing District by reducing its trip generation and financially contributing to transportation infrastructure improvements, the Project is not required to submit a Transportation Impact Study with the Site Plan to satisfy the LATR.

Transportation Demand Management (TDM)

The Subject Property is within the boundary of the White Flint Policy Area and the North Bethesda Transportation Management District. The Applicant was required to enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT as part of the original Preliminary Plan approval to assist in achieving and maintaining the staging provisions for the Non-Auto Driver Mode Share (NADMS) goals in the White Flint Policy Area and participating in the North Bethesda Transportation Management District.

SECTION 5: SKETCH PLAN AMENDMENT FINDINGS AND ANALYSIS

Section 59-7.3.3.I. allows an amendment to a binding element or condition of an approved sketch plan during site plan review if the changes are recommended by Planning Board Staff and agreed to by the Applicant. Notice of the site plan hearing must include any proposed amendment to a binding element or condition of approval, and the Planning Board must also make applicable sketch plan findings in addition to the findings necessary to approve the site plan. Staff recommends the amendments included in this staff report, and the Applicant has agreed to the changes. The Sketch Plan Amendment does not substantially modify the development approved through Sketch Plan No. 320190040. Proposed changes do not alter the substance or intent of prior findings and all prior findings of approval remain in full force and effect except as modified below.

1. The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.

a. Development Standards

The Subject Property includes approximately 5.9 acres zoned CR-4.0, C-2.0, R-3.5, H-250. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Table 1- Sketch Plan Data Table

Section 59	Development Standard	Permitted/ Required	Proposed
	CR-4.0, C-2.0, R 3.5, H 250	n/a	
	Gross Tract Area (sf)	n/a	258,203 sf
	Previous Dedications		36,904 sf
	Land ceded to Gables White Flint		2,593 sf
	Dedications	n/a	51,504 sf
	<u>Total Net Area</u>	n/a	<u>167,202 sf</u>
	<i>total net area includes Park dedication</i>		<u>21,560sf</u>
4.5.4.B.2.b	Density		
	Combined FAR	4.0 FAR	1,051,012 1,050,028 sf
	Non-Residential	2.0 FAR	110,169 sf
	Residential (<i>including up to 285,000 square feet of residential care facility units</i>)	3.5 FAR	940,843-939,859 sf
	4% MPDU Bonus Density	12.50%	13.00%
4.5.4.B.2.b	Building Height (feet)	250 ft	262 ft
4.5.4.B.1	Minimum Public Open Space (%)	10%	21.8 %(36,529 SF)
	Park dedication		Park dedication 21,560sf
6.2.4.B	Minimum Parking		TBD Site Plan
	Units – Final number will be determined at Site Plan		1,000

The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in the Table 1 above.

SECTION 6: PRELIMINARY PLAN AMENDMENT 12019016A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 120190160, MCPB No. 19-062, to create two lots for a maximum of 1,051,012 square feet of development, including up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses, with a minimum 13% MPDUs (the application is grandfathered from the minimum 15% MPDU requirement based on the Application's acceptance date), including up to 4% bonus density on the Subject Property with conditions.

Preliminary Plan Amendment No. 12019016A proposes changing the bonus density allocation, changing the use from multi-family residential to a residential care facility, modifying park dedication requirements, and modifying the Adequate Public Facilities validity period. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below:

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

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

Table 2- Preliminary Plan Data Table			
Section 59	Development Standard CR-4.0, C-2.0, R-3.5, H-250	Permitted/ Required	
	Gross Tract Area (sf)	n/a	258,203 sf
	Previous Dedications		36,904 sf
	Land ceded to Gables White Flint Dedications		2,593 sf
		n/a	51,504 sf
	Total Net Area	n/a	<u>167,202 sf</u>
	<i>total net area includes Park dedication</i>		<u>21,494 sf</u>
4.5.4.B.2.b	Density		
	Combined FAR	4.0 FAR	1,051,012–1,050,028 sf
	Non-Residential	2.0 FAR	110,169 sf
	Residential	3.5 FAR	940,843-939,859 sf
	4% MPDU Bonus Density	12.50%	13.00%
4.5.4.B.1	Minimum Public Open Space (%)	10%	21.8 %(36,529 SF)
	Park dedication		Park dedication 21,494 sf
6.2.4.B	Minimum Parking		TBD Site Plan
	Units – Final number will be determined at Site Plan		1,000

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

Adequate Public Facilities (APF) and Plan Validity

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

Planning Staff supports the request to modify the prior approval of the seven (7)-year (84-month) APF Validity Period subject to the following phasing schedule (see redline). This is due to the smaller building 3 being developed first and has less units than the original planned phasing sequence. Furthermore, the overall timing remains the same as the original approval:

- a) Phase 1- no later than 5 years from the initiation date of June 28, 2019, the Applicant must obtain building permits for **Building 3 (Site Plan 820220040)** ~~a minimum of 279~~ of the 1,000 dwelling units and 30,000 square feet of non-residential uses ~~within five (5) years of the resolution mailing date~~, and a minimum of 13% of the units must be MPDUs or equivalent square footage approved by the Department of Housing and Community Affairs ("DHCA"); the Applicant must dedicate the 21,490-square foot park; provide on-street parking on Grand Park Avenue; and build the applicable area for the Promenade.
- b) Phase 2- no later than seven years from the initiation date of June 28, 2019, Applicant must obtain the remaining ~~721~~ building permits of the 1,000 dwelling units and 80,169 square feet of non-residential uses ~~within seven (7) years of the resolution mailing date~~, and a minimum of 13% of the units must be MPDUs or equivalent square footage approved by DHCA; and build the applicable area for the Promenade.

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

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The Applicant received a stormwater concept approval from MCDPS-Water Resources Section on April 5, 2019, and as modified with a letter dated June 22, 2022. The Application meets stormwater management goals through a variety of techniques including environmental site design (ESD) to the maximum extent practicable (MEP) with the use of green roof and micro-bioretenion planter boxes.

SECTION 7: SITE PLAN 820220040 FINDINGS AND ANALYSIS

Site Plan No. 820220040 to construct a Residential Care Facility for up to 210 units (285,000 square feet), including a minimum of 13% MPDUs and up to 16,000 square feet of retail uses for a total project density of up to 301,000 square feet; and providing 35.9% open space which includes a park dedication.

Section 59.4.5.4.A.1 requires that Optional Method projects in the CR and CRT zone receive an approved Site Plan under Section 59.7.3.4 for any development on a property with an approved Sketch Plan.

- 1. *When reviewing an application, the approval findings apply only to the site covered by the application.***

The findings herein apply only to the Subject Property.

- 2. *To approve a Site Plan, the Planning Board must find that the proposed development:***

- a) satisfies any previous approval that applies to the site;***

The Project satisfies prior approvals, including Sketch Plan No. 320190040 and Preliminary Plan No. 120190160, and as amended.

- b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;***

- i. Division 4.5.4.A.2 Zone***

Table 3- Site Plan Data Table				
Development Standard	Permitted/ Required	Overall Project	Phase 1	Future Phase(s)
Tract Area	n/a	258,203 sf	93,043 sf	165,160 sf
Previous ROW Dedications		(36,904 sf)	--	--
Prior Land Transfer(s) ²		(2,593 sf)	--	--
Dedications		(51,504 sf)	23,280 sf	28,224
Abandonment Area		TBD (estimated 170 sq ft)	TBD (estimated 170 sq ft)	--
Total Site Area³		167,202 sf	69,763 sf	97,439 sf⁴
Park Dedication	10%	21,494 sf (12.8 %)	21,494 sf (30.8 %)	--
Open Space		15,035 sf (8.9%)	3,576 sf (5.1%)	11,459 sf (11.7 %)
Total Public Open Space		36,529 sf (21.8%)	25,070 sf (35.9 %)	11,459 sf (11.7 %)
Commercial Density (SF)	516,406 sf (2.0 FAR)	110,169 sf (0.43 FAR)	16,000 sf (0.17 FAR)	94,169 sf (0.57 FAR)
Residential Density ⁵ (SF)	939,859 sf (3.64 FAR)	903,711 sf (3.5 FAR)	285,000 sf (3.06 FAR)	654,859 sf (3.96 FAR)
4% Bonus Density (SF)		36,148 (0.14 FAR)		
Residential Density ⁶ (Units)	n/a	1,000 sf	210 units	<i>TBD at Site Plan</i>
MPDUs	12.5%	13%	13% ⁷	13%
Total Project Density	1,032,812 sf (4.0 FAR)	1,050,028 sf (4.07 FAR)	301,000 sf (3.23 FAR)	749,028 sf (4.54 FAR)
Building Height (feet)	250 ft	262 ft	210 ft	<i>TBD at Site Plan</i>
Vehicle Parking	<i>TBD at Site Plan</i>	<i>TBD at Site Plan</i>	64 (min) 192 (max) 72 provided	<i>TBD at Site Plan</i>
Commercial				
Residential			115 (min) 144 (max) 121 provided	
Bicycle Parking				
Long Term spaces			46	
Short Term spaces			2	
Loading			1	

ii. **Division 4.7 Optional Method Public Benefits**

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes the following public benefits to satisfy the requirements:

² Land conveyed to Gables White Flint (this land was provided through the realignment of the road from the WFWW CIP project).

³ Total Site Area includes Park Dedication (21,494 square feet).

⁴ Future Phase(s) Site Area to be determined with subsequent development applications.

⁵ Including 4% MPDU Bonus density in accordance with Section 59.4.7.3.D of the Zoning Ordinance.

⁶ Including 4% MPDU Bonus density in accordance with Section 59.4.7.3.D of the Zoning Ordinance.

⁷ 13% of the independent dwelling units for a total of 16 units out of the 122 approximate units.

Table 4 – Proposed Public Benefits				
Public Benefit	Incentive Density Points			
	Max Allowed	Total Requested	Total Points Requested (Phase 1)	Future Phase(s)
59.4.7.3.A: Major Public Facility				
Civic Green	70	25.7	25.71	0
59.4.7.3.B: Transit Proximity				
Full Site within ½ mile of Level 1 Transit Station	50	16.85	4.83	12.02
59.4.7.3.C.1 and 5: Connectivity and Mobility Section				
Advanced Dedication	30	30	30	0
Minimum Parking	10	5	1.93	3.06
Through Block Connection	20	10	2.86	7.14
59.4.7.3.D: Diversity of Uses and Activities				
Affordable housing- 13% MPDUs	n/a	6	2.17	3.83
59.4.7.3.E: Quality of Building and Site Design				
Structured Parking	20	15	4.07	10.93
59.4.7.3.F: Protection and Enhancement of the Natural Environment				
Building Lot Termination	30	19.75	5.66	14.09
Total		128.3	<u>77.23</u>	51.07

Major Public Facility

Civic Green

The Applicant seeks to dedicate 21,494 square feet of land to the Parks Department. Staff supports the category based on the following calculation:

Formula: $\{[(L+F)/N]*2\} + [(C/N)*4]*100$ Example

N (Site area)

L (land area conveyed)

F (floor area conveyed)

C (constructed area of facility)

$\{[(21,494 \text{ (land area conveyed)} + 0 \text{ (floor area conveyed)})/167,202 \text{ (Site area)}] * 2\} + [(0 \text{ (constructed area of facility)})/167,202 \text{ (Site area)}] * 4\} * 100 = \mathbf{25.71 \text{ points}}$

Transit Proximity

The entire Property is located between one-quarter and one-half mile from the White Flint Metrorail (level 1) Station. Staff supports the category based on the following calculation:

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

T (total tract area)

t1 (tract area within proximity range 1)

t2 (tract area within proximity range 2)

P1 (points for range 1) 20 points

P2 (points for range 2)

$[(62,187 \text{ (tract area within } \frac{1}{4} \text{ mile)})/167,202 \text{ (net tract area)}] * 20 \text{ (points for range 1)} + [(105,015 \text{ (tract area } \frac{1}{4} - \frac{1}{2} \text{ mile)})/167,202] * 15 \text{ (points for range 2)} = \mathbf{16.85 \text{ points.}}$

Connectivity and Mobility Section

Advanced Dedication:

The Applicant is dedicating land for the right-of-way associated with the White Flint Western Workaround CIP 50116. Staff supports the category based on the following calculation:

Formula: $(D/N)*100$ Example

D (dedicated land area)

N (Site after dedication)

$(51,504 \text{ (dedicated land area)} / 167,202 \text{ (Site area)}) * 100 = \mathbf{30.8 \text{ points}}$; only 30 maximum points allowed.

Minimum Parking

The Project is planning to provide fewer than the maximum allowed number of parking spaces. Staff supports the category based on the following calculation:

Formula: $[(A-P)/(A-R)] * 10$

A (maximum allowed spaces)

R (minimum required spaces)

P (proposed spaces)

$[(1,500 \text{ (max allowed spaces)} - 1,000 \text{ (proposed spaces)}) / (1,500 \text{ (max allowed spaces)} - 500 \text{ (minimum required spaces)})] * 10 = 5 \text{ points}$

Phase 1 accounts for 193 spaces which is 38.6 percent of the total parking and can obtain **1.93 points**.

Through-Block Connection

The Project provides permanent and temporary pedestrian-only lanes within the development. The access areas connect directly to the Banneker Street (formerly Market Street) “Promenade” and limit interaction with vehicular movements. Staff supports the category and the request for **10 points**.

Phase 1 accounts for 28.64 percent of the Project’s through block connections in later phases and therefore Staff supports **2.86 points for this phase**.

Diversity of Uses and Activities

Moderately Priced Dwelling Units

The Applicant is requesting points for providing 13 percent MPDU's, one of the highest White Flint 2 Sector Plan goals. The project will provide 13 percent MPDUs, .5 percent above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5 percent MPDUs. Staff supports the category based on the following calculation:

Formula: $(P-R)*12 + W*2 + T*5$

P (percentage MPDUs provided)

R (percentage MPDUs required)

W (percentage 2 bedroom MPDUs provided, not otherwise required)

T (percentage 3 bedroom MPDUs provided)

(13 (percentage of MPDUs provided) – 12.5 (percentage required)) * 12 + 0 (percentage of 2 bedroom MPDUs not required) * 2 + 0 (percentage of 3 bedroom MPDUs) * 5 = **6 points**

Quality of Building and Site Design

Structured Parking

The Applicant seeks 15 points out of a possible twenty for providing structured parking across the development. Staff supports the request based on the following calculation:

Formula: $[(A/T)*10]+[(B/T)*20]$

A (above-grade spaces)

B (below-grade spaces)

T (total spaces)

Structured Parking $[(500 \text{ (above grade spaces)}/1,000 \text{ (total spaces)}) * 10] + [(500 \text{ below grade spaces}/1,000 \text{ (total spaces)}) * 20] = \mathbf{15 \text{ points}}$

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT)

The Applicant requests points permitted for the purchase of approximately 5.66 BLTs. Staff supports the category based on the following calculation:

$(7.5\% \text{ of } 921,910 \text{ (incentive density gross floor area)})/31,500 * 9 = 19.75 \text{ points}$

Phase 1 accounts for 28.64 percent of the total Project's density and recommends ** points for the **purchase of 5.66 BLTS**

iii. ***Division 6 General Development Standards***

(1) Division 6.1 Site Access

The Project for Phase 1 will provide two access points: a mid-block ingress and egress point for the proposed "Private Drive A" from the north-south segment of Old Georgetown Road (MD 187) to the west, and a right-in/right-out access point for "Private Drive B" from the east-west segment of Old Georgetown Road to the north.

(2) Division 6.2 Parking, Queuing and Loading

As discussed in the transportation section of this Staff Report, the Project meets the on-site parking requirements by providing structured parking and loading requirements through an internal drive aisle. No queuing is being proposed for this project.

(3) Division 6.3 Open Space and Recreation

As discussed in the Staff report, the Project will meet the Open Space and Recreation requirement by providing onsite open space for Phase 1 and dedication of an urban park.

(4) Division 6.4 General Landscaping and Outdoor lighting

There are no particular screening and landscaping requirements per Chapter 59 for this project. However, the project will provide landscaping to enhance the streetscape along the promenade. The project will be meeting the lighting requirement as conditioned, except as modified through the Alternative Compliance provisions of Section 59.6.8.1 of the Zoning Ordinance. Specifically, the alternative compliance will exceed 0.5 foot candles (fc) at the property line within the public open space area. This increased illumination is adjacent to public right-of-way, which is also illuminated by public street lights, and is necessary to ensure the safety and security of the proposed public open space. Although the increased lighting levels will exceed the standard and will be along the main façade of the building, within the public open space, and adjacent to the public right-of-way, the modification will not have adverse impacts on the surrounding community. Furthermore, lighting in these areas will satisfy the intent of 59.6.4.4 and will blend with proposed street lighting along Banneker Street.

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Site Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on June 22, 2022 (Attachment C). The Application will meet stormwater management goals via micro-biorientation and green roof. The application of these approaches will provide for environmental site design (ESD) to the maximum extent practicable (MEP).

ii. Chapter 22A, Forest Conservation.

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Site Plan complies with the Montgomery County Forest Conservation Law, as conditioned in the Staff Report and described below.

Natural Resource Inventory/Forest Stand Delineation

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for this Property was approved by Montgomery County Planning staff on November 20, 2018 (NRI/FSD No. 420190630). The Property

contains no forests, 100-year floodplains, wetlands or their buffers, streams or stream buffers, hydraulically adjacent steep slopes, or known occurrences of rare, threatened and endangered species. The Property drains to the Cabin John Creek, which is a Maryland Use Class I-P watershed. The Property is not in a Special Protection Area. The Project, as submitted, is in conformance with the Montgomery County Planning Department's *Environmental Guidelines*.

Forest Conservation Plan

A Preliminary Forest Conservation Plan (No. 120190160) was submitted with the Preliminary Plan application. No forest exists on the Property; therefore, only the afforestation requirement applies. The net tract area is 5.93 acres; therefore, based on the net tract area and zoning, the afforestation requirement is 0.89 acres of forest planting or 1.78 acres of forest preservation. There were no specimen trees on the site, so a Variance approval is not required.

The Applicant has submitted a Final Forest Conservation Plan ("FFCP") with the current development plan application for Site Plan No. 820220040. The submitted FFCP proposes to phase implementation of the forest conservation mitigation requirements proportionate to the amount of net tract area being disturbed. The site area and offsite disturbance for this Phase 1 Site Plan and FFCP results in a Net Tract Area of 3.08 acres. The worksheet for the Phase 1 Site Plan includes a deduction of 0.18 acres for "Land dedication for roads (construction not required by this plan)." The area indicated for deduction, however, is within the Limits of Disturbance for construction of this phase, and therefore cannot be deducted. Removing this deduction results in an afforestation requirement of 0.46 acres for the Phase 1 development area covered by this Site Plan. A condition requiring the removal of the 0.18 acres of deduction for land dedication of roads from the worksheet and correction of the afforestation requirement prior to Certified Site Plan is included in the conditions of approval for the Site Plan. Any Final Forest Conservation Plan submitted for subsequent phases of development on this site must document the areas being claimed for deduction and demonstrate that the areas being deducted are being constructed by others.

Noise Analysis

Preliminary Plan Resolution MCPB No. 19-062 for this development required that "The Applicant must provide a noise analysis as part of the Site Plan submittal that includes the baseline noise levels and the 20-year projected noise levels for the property. The Applicant must attenuate any noise impacted units to comply with requirements to keep interior noise levels at or below 45 dBA Ldn, with details to be determined at subsequent Site Plans."

In fulfillment of this condition, this Site Plan application included a Phase 1 Noise Analysis prepared by Phoenix Noise and Vibration and dated October 20, 2021. The results of the analysis for this Property indicate that "the residential units located on the north elevations, most units on the west and south elevations, and a small portion of the units located on the east elevation will be exposed to

future transportation noise levels above 65 dBA Ldn... “Units with impact above 65 dBA Ldn require further analysis and may require modifications to proposed standard building construction. Depending upon the noise level specific to each impacted unit, modifications may include increased window/door STC ratings. Further analysis is required to determine the exact mitigation designs necessary, which will be established once architectural plans (building elevations, floor plans, window/door schedule, unit plans) are further developed.”

The conditions of approval include conditions to ensure that the interior noise levels in the constructed units comply with the *Staff Guidelines for Consideration of Transportation Noise Impacts in Land Use Planning and Development* (June 1983).

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

As discussed in the transportation section of this Staff Report, the Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading for the phase of the development. This stage of the development will set the stage for the future phases of the project.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The proposed Grand Park (Phase 1) development is consistent with the *2010 White Flint Sector Plan* recommendations. The 2010 Sector Plan notes that residential units for “seniors and special populations be included in residential development, particularly in locations nearest local services and transit” (p.25). This senior housing development is located within ½ mile to the White Flint Metro Station entrance and will be adjacent to the future North Bethesda BRT, if service to White Flint is determined by MCDOT.

Public Use

The Sector Plan recommends a one-to-two acre Civic Green for the Conference Center block. The proposed development will dedicate approximately 21,494 square feet of land to the Parks Department, which will serve as the first step towards implementing the Civic Green recommendation. The Parks Department is currently exploring options to enlarge this dedicated space.

Pedestrian Promenade

The Sector Plan recommends a 22-foot-wide pedestrian promenade along the northern side of Banneker Street (formerly Market Street) . The proposed development will implement a 25-foot promenade along the Banneker Street frontage to achieve the Sector Plan recommendation.

Transportation Network

The roadways surrounding the property including, Old Georgetown Road and Banneker Street, are included in the MCDOT's Western Workaround CIP project. The proposed development adheres to the provisions of the CIP project.

White Flint Design Guidelines

The Planning Board approved White Flint Urban Design Guidelines provides specific recommendations for properties in the Metro West district where the proposed development is located. As proposed, the development implements several Design Guidelines recommendations, including a multi-tiered building and a consistent building wall.

The building's L-shaped design has a four-level podium, a middle section and a slender tower. The Design Guidelines state that "podium heights that define the pedestrian level space. The podium is the lower massing component of a mixed-use structure, located closest to the street" (p.16). Likewise, the proposed building design adheres to the Guidelines, which recommend "stepbacks or podium setbacks that distance the taller component of a building into the property to separate it from the podium, reducing the impact of its scale on the pedestrian space below" (p.16).

The ground level of the building will have commercial uses that contribute to creating an active ground level. The Design Guidelines state that "facade organization should allow for active ground floor uses to be visible from the street. Retail frontages should be as transparent as feasible. Avoid long stretches of blank walls; if required, provide articulation to minimize their impact on the pedestrian realm" (p.24). The proposed development follows these Design Guidelines recommendations.

h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

The proposed development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations and health care will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available. Due to the proposed use being an age-restricted

building with ground floor commercial, the Project does not generate students. Thus, an analysis of school capacity is not applicable.

Pursuant to County Council Resolution 16-1324, adopted April 27, 2010, the Site is exempt from Local Area Transportation Review (LATR) analysis. As a result of the Applicant opting to agree to participate in the White Flint Special Taxing District by reducing its trip generation and financially contributing to transportation infrastructure improvements, the Project will not be required to submit a Transportation Impact Study with the Site Plan to satisfy the LATR.

The Project will be served by adequate public services and facilities.

SECTION 8: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on August 11, 2021, related to The Grand Park Preliminary Plan Amendment No. 12019016A & Site Plan No. 820220040. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittals and noticing requirements. Planning Staff has not received any correspondence as of date of this Staff Report.

SECTION 9: CONCLUSION

As conditioned, the Preliminary Plan Amendment No. 12019016A and Site Plan No. 820220040 applications each satisfy the findings under Sections 59.7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2010 *White Flint Sector Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Grand Park Preliminary Plan Amendment No. 12019016A and Site Plan No. 820220040 with the conditions specified at the beginning of this Staff Report.

ATTACHMENTS

Attachment A: Preliminary/Site Plan

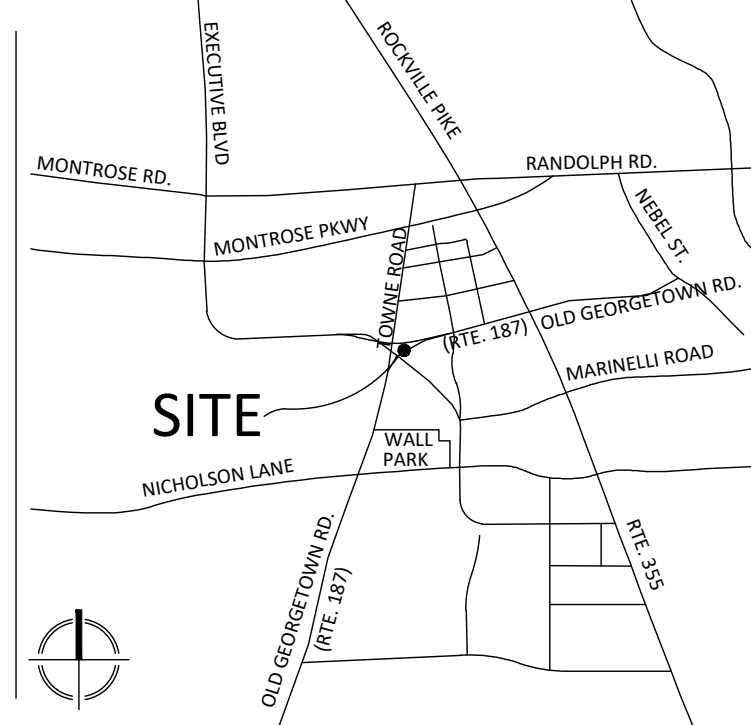
Attachment B: Prior Approvals

Attachment C: Agency Letters

Attachment D: NRI/FSD

E-FILE STAMP

NOTE: THESE PLANS REFLECT FRONTAGE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY TO BE COMPLETED BY MONTGOMERY COUNTY, IN CONNECTION WITH THE CONSTRUCTION OF THE WESTERN WORKAROUND BY MONTGOMERY COUNTY. PROVIDED THAT THE LIGHTING AND STORMWATER MANAGEMENT FACILITIES REMAIN UNAFFECTED, THE APPLICANT MAY REVISE THE HARDSCAPE AND LANDSCAPE ELEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY SUBJECT TO ALL COUNTY PERMITS, WITHOUT FURTHER AMENDING THE SITE PLAN.



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Our Site Set on the Future.

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REVISIONS	DATE
COMMENT RESPONSE	2-15-22
COMMENT RESPONSE	4-12-22

GRAND PARK DEVELOPMENT PHASE 1

4TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 215RW06
TAX MAPGQ62

COMPOSITE PLAN

PROFESSIONAL SEAL

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
NAME: JACOB EVANS, P.E.
LICENSE NUMBER: 1988
EXPIRATION DATE: JANUARY 16, 2023

THE INFORMATION, DESIGN AND CONTENT OF THESE DRAWINGS OR DOCUMENTS ARE PROPRIETARY TO Vika Maryland, LLC AND CONSTITUTE ITS PROPRIETARY INTELLECTUAL PROPERTY. THESE DRAWINGS AND/OR DOCUMENTS ARE TO BE USED ONLY FOR THE PROJECT AND FOR ANY PURPOSE, IN ANY FORMAT, WITHOUT PRIOR WRITTEN AUTHORIZATION FROM Vika Maryland, LLC. VIOLATION MAY RESULT IN PROSECUTION. ONLY APPROVED, SIGNED AND SEALED PLANS OR DRAWINGS MAY BE UTILIZED FOR CONSTRUCTION PURPOSES.

DEVELOPER'S CERTIFICATE
The undersigned agrees to execute all the features of the Site Plan Approval No. 820220040, including Approval Conditions, Development Program and Certified Site Plan.

Developer's Name: Silverstone Bethesda Owner, LLC
Contact Person: Bobby Zeiller
Address: 2200 Rawlins Street, Suite 800, Dallas, TX 75219
Phone: 203.576.8501
Signature: _____ Date: _____

DRAWN BY: _____
DESIGNED BY: _____
DATE ISSUED: 9/10/2021
Vika PROJECT 50505A
DRAWING NO. _____
SHEET NO. SP-3

"FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.misutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

PLAN LEGEND

— CTV — CTV —	PROPERTY LINES	— 8" W —	PROPOSED WATER LINE	— 8" S —	PROPOSED SANITARY SEWER WITH STRUCTURE	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— 520 —	PROPOSED 10' CONTOUR
— E — E — E — E —	EXISTING CABLE TELEVISION CONDUIT	— 8" S —	PROPOSED SANITARY SEWER WITH STRUCTURE	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED STORM WATER EASEMENT	— 524 —	PROPOSED 2' CONTOUR
— X — X — X — X —	EXISTING EDGE OF PAVEMENT	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 520 —	PROPOSED 10' CONTOUR
— G — G — G — G —	EXISTING FENCE LINE	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 524 —	PROPOSED 2' CONTOUR
— CHW — CHW — CHW —	EXISTING NATURAL GAS CONDUIT	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 520 —	PROPOSED 10' CONTOUR
— T — T — T — T —	EXISTING OVERHEAD WIRES	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 524 —	PROPOSED 2' CONTOUR
— T — T — T — T —	EXISTING TELEPHONE CONDUIT	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 520 —	PROPOSED 10' CONTOUR
— S — S — S — S —	EXISTING SANITARY SEWER CONDUIT	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 524 —	PROPOSED 2' CONTOUR
— S — S — S — S —	EXISTING STORM DRAIN CONDUIT	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 520 —	PROPOSED 10' CONTOUR
— W — W — W — W —	EXISTING WATER CONDUIT	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 524 —	PROPOSED 2' CONTOUR
— W — W — W — W —	EXISTING ZONE LIMITS	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 520 —	PROPOSED 10' CONTOUR
— W — W — W — W —	PROPOSED 10' CONTOUR	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 524 —	PROPOSED 2' CONTOUR
— W — W — W — W —	PROPOSED 2' CONTOUR	— LOD —	PROPOSED STORM DRAIN	— LOD —	PROPOSED LIMITS OF DISTURBANCE	— LOD —	PROPOSED STORM WATER EASEMENT	— 520 —	PROPOSED 10' CONTOUR

ATTACHMENT B



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

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

JUN 28 2019

RESOLUTION

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

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

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120190160, VOB Development ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 20, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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

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

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

Approved as to
Legal Sufficiency:

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

following conditions:¹

General Approval

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

APF and Plan Validity Periods

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

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

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

Outside Agencies

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

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

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

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

Site Plan Approval

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

Forest Conservation

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

Noise Attenuation

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

Transportation/Access

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

Utilities

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

Record Plats

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

Easements

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

Notes and Labels

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

Parks

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

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

Certified Preliminary Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sector Planned Roadways

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

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

Sector Planned Bicycle Facilities

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

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

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

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

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

Civic Green

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

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

Recreation Loop

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

Neighborhood Compatibility

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

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

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

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

Community Serving Uses and Facilities

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

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

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

Sustainability

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

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

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

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

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

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

Schools

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

Overview and Applicable School Test

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

Calculation of Student Generation

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

Table 2: Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School

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

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

Table 3: Student Generation

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

Cluster Service Area Status and Adequacy

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

Table 4: Projected Cluster Totals

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

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

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

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

Overview Service Area Status and Adequacy

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

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

Table 5: School Service Area Adequacy

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

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

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

Transportation

Local Area Transportation Review (LATR)

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

Planned Public Road Improvements- Western Workaround

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

Pedestrian Facilities and Streetscape

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

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

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

Vehicular Site Access and Loading

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

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

Transit Service

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

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

Transportation Demand Management (TDM)

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

Other Public Facilities and Services

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

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

Adequate Public Facilities (APF) and Plan Validity

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

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

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

A. Forest Conservation

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

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

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

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

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

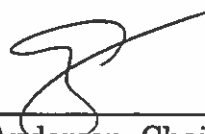
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 28 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

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



Casey Anderson, Chairman
Montgomery County Planning Board



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

MCPB No. 19-061
Sketch Plan No. 320190040
VOB Development
Date of Hearing: May 30, 2019

JUN 28 2019

RESOLUTION

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

WHEREAS, on December 28, 2018, VOB Development ("Applicant") filed an application for approval of a sketch plan for a maximum of 1,051,012 square feet of development, including up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses, with a minimum 13% MPDUs (this application is grandfathered from the minimum 15% MPDU requirement based on the application accepted date), including up to 4% bonus density on 5.9 gross acres of land in the CR-4.0, C-2.0, R-3.5, H-250 Zone, located at 11565, 11575 and 11605 Old Georgetown Road and 5995 Executive Boulevard ("Subject Property") in the 2010 *White Flint Sector Plan* ("Sector] Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320190040 VOB Development ("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 Planning Board, dated May 20, 2019 setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

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

WHEREAS, on May 30, 2019, the Planning Board voted to approve the Application subject to certain binding elements and conditions, on a motion by Commissioner Cichy,

Approved as to
Legal Sufficiency:

seconded by Commissioner Patterson, with a vote of 4-0, Commissioners Anderson, Cichy, Fani-Gonzalez and Patterson voting in favor, Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320190040, VOB Development, for a maximum of 1,051,012 square feet of development, including up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses, with a minimum 13% MPDUs, including up to 4% bonus density on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 1,051,012 square feet of total development on the Subject Property, which may include up to a maximum 940,843 square feet of residential uses and 110,169 square feet of non-residential uses. This includes a 4% Bonus Density on the residential uses for providing the 13% MPDUs. The maximum number and distribution of residential dwelling units and non-residential uses will be determined at Site Plan.

2. Height

The development is limited to a maximum height of 250 feet, as measured from the building height measuring point(s) illustrated on the Certified Site Plan (not including additional height that may be allowed under Section 59-4.5.2. C. for exceeding 12.5% MPDUs). Based on the excess MPDUs, the Sketch Plan includes a maximum height of 262 feet. Final height of the buildings will be determined at Site Plan.

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.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7.1 and the CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit. Final points and phasing will be established at Site Plan approval.

- a. Major Public Facility, achieved through dedication of a 21,490 square foot civic green.
- b. Transit Proximity, achieved through the Subject Property's location within ½ mile of the White Flint metro station (level 1).
- c. Advanced Dedication, achieved through dedication of land for the right-of-way related to the Western Workaround CIP.
- d. Minimum Parking, achieved through providing fewer than the maximum allowed number of parking spaces.
- e. Through-Block Connection, achieved by providing pathways for pedestrians only within the development.
- f. Diversity of Uses and Activities, achieved by providing 13% of the residential units as MPDUs.
- g. Quality Building and Site Design, achieved by providing Structured Parking.
- h. Protection and Enhancement of the Natural Environment, achieved through the purchase of two (2) building lot terminations.

4. Open Space

The Applicant must provide the required minimum 10% of Public Open Space. The Public Open Space must not include any stormwater management facilities, unless approved by Planning Staff. The Public Open Space must be provided as illustrated in the Sketch Plan and finalized at Site Plan.

5. Park Dedication

The Applicant must dedicate Lot No. 2, for a total of 21,490 square feet, to the Department of Parks.

6. Transportation

The Applicant must provide any road improvements, or portions thereof, along the Subject Property frontage other than the improvements constructed or to be constructed by Montgomery County Department of Transportation ("MCDOT") or State Highway Administration ("SHA") as part of the White Flint Western Workaround ("WFWW") CIP 50116 with the timing to be determined at Site Plan(s).

7. Moderately Priced Dwelling Units (MPDUs)

The development must provide MPDUs in accordance with Chapter 25A with the distribution of MPDUs subject to review and approval by the Department of Housing and Community Affairs (DHCA) at Site Plan.

8. Future Coordination for Site Plan(s)

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Site Plan:

- a. Further details about architecture, loading, servicing, streetscaping and park design will be reviewed in detail at the time of Site Plan review.
- b. Staff will evaluate the opportunities for providing active uses above the ground floor retail along Old Georgetown Road, on the western edge of the project.
- c. Submit detail drawings for all garage faces that are proposed to be lined with architectural screens, faux architectural facades or public art installations. All garages should be mechanically ventilated and their facades architecturally indistinguishable from the rest of the building.
- d. Further details for all tree pits and planter strips, which should be a minimum of 6 feet wide from back of curb to edge of planter to accommodate major street tree species per MCDOT standards.
- e. To the extent possible, provide all street facing retail along Old Georgetown Road, Banneker Street and Grand Park Avenue located at the same level as the elevation of the adjacent sidewalk. All steps and ramps required to meet exterior grade must be located within the footprints of the buildings and not within the sidewalk zone.
- f. Provide details for enhanced crosswalks to the park from the rest of the development on the north and south end of the property.
- g. The Applicant must comply with any applicable recreational requirements, which may include providing private spaces as well as publicly accessible amenities, per the Recreational Guidelines.
- h. The Applicant may be required to amend the road cross sections to provide alternate pedestrian and bicycle facilities along all site frontages, based on further coordination with MCDOT and the Montgomery County Planning Department, including:
 - i. The width and grade of bicycle facilities;
 - ii. The location of tree panels or striped buffers in relation to the required facility; and
 - iii. The hardscape material or paving for any bicycle facilities.
- i. The internal pedestrian connections and drive aisles must be a minimum of 20 feet wide.
- j. Provide a more detailed program at site plan, which includes a provision to encourage flexibility to relocate trash and loading facilities.

- k. Consider opportunities to incorporate additional sustainability recommendations, such as features that promote energy conservation and use of renewable energy sources.

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 the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 5.9 acres zoned CR-4.0, C-2.0, R-3.5, H-250. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Data Table

Table 1- Project Data Table			
Section 59	Development Standard	Permitted/ Required	Approved
	CR-4.0, C-2.0, R 3.5, H 250	n/a	
	Gross Tract Area (sf)	n/a	258,203 sf
	Previous Dedications		36,904 sf
	land ceded to Gables White Flint		2,593 sf
	Dedications	n/a	51,504 sf
	Total Net Area	n/a	167,202 sf
	<i>total net area includes Park dedication</i>		<i>21,490sf</i>
4.5.4.B.2.b	Density		
	Combined FAR	4.0 FAR	1,051,012 sf
	Non-Residential	2.0 FAR	110,169 sf
	Residential	3.5 FAR	940,843 sf
	4% MPDU Bonus Density	12.50%	13.00%
4.5.4.B.2.b	Building Height (feet)	250 ft	262 ft
4.5.4.B.1	Minimum Public Open Space (%)	10%	21.8 %(36,529 SF)

	Park dedication		Park dedication 21,490 sf
6.2.4.B	Minimum Parking		TBD Site Plan
	Units – Final number will be determined at Site Plan		1,000

b. Intent of the Zone

The Sketch Plan conforms to the intent of the CR Zone as described below.

i. *Implement the recommendations of applicable Sector Plan.*

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

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

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

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

Civic Green

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

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

Recreation Loop

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

Neighborhood Compatibility

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

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

The Sketch Plan Application substantially conforms to the building height recommendations in the Sector Plan, with the tallest buildings heights at Building 1 on the eastern portion of the property and the lowest building heights at Building 3 on the southwest corner of the property. While the zoning and Sector Plan recommend a maximum of 250 feet for the Subject Property, the Applicant proposes to provide 13 percent Moderately-Priced Dwelling Units (MPDUs), a slight increase over the 12.5 percent MPDUs required. The provision of the additional MPDUs allows, pursuant to Zoning Ordinance Section 4.5.2.C.7, an increase in height of 12 feet. Therefore, the Applicant proposes a maximum building height of 262 feet at the northeastern corner of Building 3, with building heights stepping down from both east to west and north to south across the Subject Property. The transition in building heights, coupled with sculptural tower elements designed to maximize access to air flow and natural light, reduce the overall mass and scale, as perceived from the single-family communities southwest of the site. In addition, the proposed building heights are compatible with those proposed with the redevelopment of 6000 Executive Boulevard and Gables White Flint, both located immediately west of the Subject Property.

Community Serving Uses and Facilities

The White Flint Sector Plan encourages a mixture of uses, including child daycare with new office and residential development as well as grocery stores, restaurants, local retail and commercial services. While the ultimate uses are subject to review with subsequent Site Plan applications, the Sketch Plan identifies several uses as “potential” on the Subject Property, including a grocery store, retail and restaurants on the ground-floor as well as space on the second-floor for child daycare, office, gym, and health care providers.

“Community facilities, such as a library, recreation center and a satellite regional services center can help create an important civic presence and destination in the Sector Plan area. The best locations for the library and regional services center are in the two districts closest to Metro: Metro West and Metro East.” (Page 58 of the 2010 White Flint Sector Plan)

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

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

Sustainability

The White Flint Sector Plan emphasizes sustainability and seeks to reduce vehicle miles traveled, maintain a consistent amount of pervious land cover, increase tree canopy and incorporate stormwater management into all newly developed and redeveloped properties. As stated on page 48 of the Sector Plan, *“redevelopment is an opportunity to improve environmental conditions and create a greener community, which conserves energy and uses roofs and green spaces to filter stormwater and purify the air.”* Furthermore, *“the plan’s recommendations are aimed at maintaining the same amount of pervious land cover, increasing tree canopy and incorporating stormwater management into all new and redeveloped properties.”* (Page 48 of the 2010 White Flint Sector Plan)

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

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

Furthermore, the Applicant and Staff will evaluate the Site Plan(s) for opportunities to incorporate additional sustainability recommendations, such as features that promote energy conservation and use of renewable energy sources.

The Project substantially conforms to recommendations of the 2010 White Flint Sector Plan.

- ii. *Encourage development that integrates target opportunities for redevelopment of single-use commercial areas and surface parking lots with mix of uses.*

The Project removes two auto dealerships and a former bank pad site. It reconfigures the lot design to allow for better street connections and replaces the surface parking lots with a vibrant mixed-use development, with underground and above ground parking structures, public open spaces and a dedicated park, which is the first portion of the Sector Plan recommended civic green. The development includes ground floor retail and restaurant uses, access to residential lobbies, public open space and dedicated parkland to activate the adjacent streets.

- iii. *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project will provide a high-rise residential unit type with a number of private amenity areas within the residential complex. At street level there will be commercial services along Banneker Street and Old Georgetown Road. The dedication of the public park will set stage the for the larger public facilities envisioned for this area. Parking for this development will primarily be underground or structured. While some on-street parking will be implemented along Banneker Street, on-street parking is not envisioned along Old Georgetown Road or Executive Boulevard. While parking is not currently envisioned along Grand Park Avenue, the Applicant will explore the possibility for on-street parking along Grand Park Avenue at subsequent Site Plan review.

- iv. *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

As discussed in the Sector Plan section above, the Project achieves compatibility with surrounding development by stepping down the densities and heights from the eastern portion of the Property to the western portion of the Property, nearest existing residential development. The heights and densities of the Project are compatible and provide appropriate transitions to both the surrounding existing and proposed developments.

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

The Project integrates an appropriate balance of employment and housing opportunities. By providing new residential housing opportunities, including 13 percent MPDUs, in addition to retail and restaurant uses, that will create both employment and housing opportunities close to the White Flint Metro Station and other residential communities.

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

- 2. *The Sketch Plan substantially conforms to the recommendations of the **Sector** Plan.*

As discussed in finding 1b, the Sketch Plan substantially conforms to the recommendations of the Sector Plan.

- 3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

- 4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Project achieves compatible internal and external relationships between existing and pending nearby development. The Project will provide a mixed-use development with residential, retail, and restaurant uses, and will provide Public Open Spaces and a dedicated Park. Additionally, as stated above, the Project achieves compatibility and provides appropriate transitions in this urbanizing area of White Flint with existing and proposed development by stepping down the densities and heights from the eastern portion of the

Property to the western portion of the Property, nearest existing residential development.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The vehicle access will mainly be available from an internal drive that will provide connections to the parking garages, and the loading areas for each building. Bicycle infrastructure will be provided along Old Georgetown Road frontages as part of the WFWW project, and the Applicant will provide on-street parking on the north side of Banneker Street and will explore the possibility of adding on-street parking along Grand Park Avenue at subsequent Site Plan(s).

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan(s).

Table 2 – Public Benefits		
Public Benefit	Incentive Density Points	
	Max Allowed	Total Requested
59.4.7.3.A: Major Public Facility		
Civic Green	70	

		25.7
59.4.7.3.B: Transit Proximity		
Full Site within ½ mile of Level 1 Transit Station	50	16.85
59.4.7.3.C.1 and 5: Connectivity and Mobility Section		
Advanced Dedication	30	30
Minimum Parking	10	5
Through Block Connection	20	10
59.4.7.3.D: Diversity of Uses and Activities		
Affordable housing- 13% MPDUs	n/a	6
59.4.7.3.E: Quality of Building and Site Design		
Structured Parking	20	15
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
Building Lot Termination	30	19.75
Total		128.3

Major Public Facility

Civic Green

The Applicant seeks to dedicate 21,490 square feet of land to the Parks Department. The Planning Board supports the category based on the following calculation:

Formula: $\{[(L+F)/N]*2\} + [(C/N)*4]*100$

N (net lot area)

L (land area conveyed)

F (floor area conveyed)

C (constructed area of facility)

$$\{[(21,490 \text{ (land area conveyed)} + 0 \text{ (floor area conveyed)})/167,202 \text{ (net lot area)}] * 2\} + \{[0 \text{ (constructed area of facility)}/167,202 \text{ (net lot area)}] * 4\} * 100 \\ = \mathbf{25.7 \text{ points}}$$

Transit Proximity

The entire Property is located between one-quarter and one-half mile from the White Flint Metrorail (level 1) Station. The Planning Board supports the category based on the following calculation:

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

T (total tract area)

t1 (tract area within proximity range 1)

t2 (tract area within proximity range 2)

P1 (points for range 1) 20 points

P2 (points for range 2)

$$[(62,187 \text{ (tract area within } \frac{1}{4} \text{ mile)}/167,202 \text{ (net tract area)}) * 20 \text{ (points for range 1)}] + [(105,015 \text{ (tract area } \frac{1}{4} - \frac{1}{2} \text{ mile)}/167,202) * 15 \text{ (points for range 2)}] = \mathbf{16.85 \text{ points.}}$$

Connectivity and Mobility Section

Advanced Dedication:

The Applicant is dedicating land for the right-of-way associated with the WFWW. The Planning Board supports the category based on the following calculation:

Formula: $(D/N)*100$

D (dedicated land area)

N (net lot after dedication)

$$(51,504 \text{ (dedicated land area)}/167,202 \text{ (net lot area)}) * 100 = 40 \text{ or } 30.8 \text{ points; only 30 maximum points allowed.}$$

Minimum Parking

The Project is planning to provide fewer than the maximum allowed number of

parking spaces. The Planning Board supports the category based on the following calculation

Formula: $[(A-P)/(A-R)] * 10$

A (maximum allowed spaces)

R (minimum required spaces)

P (proposed spaces)

$[(1,500 \text{ (max allowed spaces)} - 1,000 \text{ (proposed spaces)}) / (1,500 \text{ (max allowed spaces)} - 500 \text{ (minimum required spaces)})] * 10 = 5 \text{ points}$

Through-Block Connection

The Project provides permanent and temporary pedestrian-only lanes within the development. The access areas connect directly to the Banneker Street “Promenade” and limit interaction with vehicular movements. The Planning Board supports the category and the request for **10 points**.

Diversity of Uses and Activities

Moderately Priced Dwelling Units

The Applicant is requesting points for providing 13 percent MPDU's, one of the highest White Flint 2 Sector Plan goals. The project will provide 13 percent MPDUs, .5 percent above the minimum required. 12 points are allowed for every percentage point over the required 12.5 percent MPDUs. The Planning Board supports the category based on the following calculation:

Formula: $(P-R)*12 + W*2 + T*5$

P (percentage MPDUs provided)

R (percentage MPDUs required)

W (percentage 2 bedroom MPDUs provided, not otherwise required)

T (percentage 3 bedroom MPDUs provided)

$(13 \text{ (percentage of MPDUs provided)} - 12.5 \text{ (percentage required)}) * 12 + 0 \text{ (percentage of 2 bedroom MPDUs not required)} * 2 + 0 \text{ (percentage of 3 bedroom MPDUs)} * 5 = 6 \text{ points}$

Quality of Building and Site Design

Structured Parking

The Applicant seeks 15 points out of a possible twenty for providing structured parking across the development. The Planning Board supports the request based on the following preliminary calculation:

Formula: $[(A/T)*10]+[(B/T)*20]$

A (above-grade spaces)

B (below-grade spaces)

T (total spaces)

Structured Parking $[(500 \text{ (above grade spaces)}/1,000 \text{ (total spaces)}) * 10] + [(500 \text{ below grade spaces}/1,000 \text{ (total spaces)}) * 20] = 15 \text{ points}$

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT)

The Applicant requests points permitted for the purchase of approximately two (2) BLTs. The Planning Board supports the category based on the following calculation:

$(7.5\% \text{ of } 921,910 \text{ (incentive density gross floor area)})/31,500 * 9 = 19.75 \text{ points}$

7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

As conditioned by the Planning Board, the Project includes two phases of development with three proposed buildings, which may come in as multiple Site Plans. The WFWW will be implemented before the construction of this development begins. The Bikeway Master Plan facilities will be implemented as a future CIP. Park dedication will occur prior to issuance of the final residential use and occupancy permit for the first residential building. Furthermore, the Promenade and associated streetscape improvements must be provided with each phase of development, with the extent and design to be determined at each subsequent Site Plan.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review

the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; 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 binding site development elements shown on the latest version of Sketch Plan No. 320190040 VOB Development, received by M-NCPPC as of the date of the Staff Report May 20, 2019, are required, except as modified by the above conditions of approval; 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 JUN 28 2019 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

CERTIFICATION

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



Casey Anderson, Chairman
Montgomery County Planning Board

ATTACHMENT C



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 04-Mar-22
TO: Jason Evans
VIKA, Inc
FROM: Marie LaBaw
RE: Grand Park Development Phase 1
820220040

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **04-Mar-22**. 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 TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

May 13, 2022

Mr. Troy Leftwich, Planner III
MidCounty Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, MD 20902

RE: Preliminary Plan No. 12019016A
Site Plan No. 820220040
Grand Park Development

Dear Mr. Leftwich:

We have completed our review of the preliminary plan amendment uploaded to eplans on April 19, 2022. A previous plan was reviewed by the Development Review Committee at its December 21, 2021 meeting.

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.

All previous comments in our letter dated April 25, 2019 remain applicable with the addition of the following:

1. There is an existing bus stop on Old Georgetown & Grand Park not reflected on plans. Bus stop should be improved with minimum a bench ideally a shelter. Site should be improved with a shelter if multifamily units are proposed. Otherwise accommodations should be made for the bench to be replaced on an ADA compliant pad. Please coordinate with Mr. Wayne Miller of our Division of

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

Transit Services to coordinate bus improvements. Mr. Miller may be contacted at 240 777-5836 or at Wayne.Miller2@montgomerycountymd.gov.

2. The Applicant will construct the improvements from the back of the sidewalk constructed by MCDOT CIP to the ROW line. All other ROW elements will be constructed by MCDOT as part of White Flint West Workaround.
3. A Traffic Mitigation Agreement (TMAG) is required per the approval of the preliminary plan for the overall project (820190160). The DOT letter dated April 25, 2019 states that the TMAG must cover all phases of the project. The TMAG then, will include the Phase I Grand Park assisted living component of the project. The applicant should coordinate with Ms. Beth Dennard on TMag efforts. Ms. Dennard may be contacted at Beth.Dennard@montgomerycountymd.gov or at 240-505-5345.

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.

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\PP12019016A Grand Park Development\Letters\12019016A-Grand Park Development-DOT Preliminary Plan Letter_5.13.22](#)

cc: Correspondence folder FY 2022

cc-e:	Ian Duke	Vika Maryland, LLC
	Mark Terry	MCDOT DTEO
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Rebecca Torma	MCDOT OTP
	Beth Dennard	MCDOT OTP

820220040 - Grand Park Development

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

“07-SITE-820220040-004.pdf V5” uploaded on/ dated **“4/18/2022”** and

The followings need to be addressed prior to the certification of site plan:

1. Please address the following MCDOT preliminary plan 120190160 approval letter dated April 25, 2019 comments:
 - a. 1: Complete storm drain study with drainage area maps. Also provide/ show free and clear storm drain easements and ensure sufficient clearances for facilities within them.
 - b. 2: Completed sealed sight distance analysis.
2. Access points on public roads:
 - a. Provide truck turning movement for all (especially right turn) movements.
 - b. All access points per standard County commercial driveway entrance.
 - c. Driveway apron should not cross the frontage, if the same owner, specify on the site plan.
3. Relocate all non-standard structures (such as planters, steps, etc) out of public ROW or PIE.

And the followings need to be conditions of the certified site plan:

1. Private streets to be built to the corresponding public road classification standards per County Code 50.4.3.E.4.c.
2. Please address the following MCDOT preliminary plan 120190160 approval letter dated April 25, 2019 comments:
 - a. 3: TDM requirements.
 - b. 4: Special taxing payment.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

Aseem K. Nigam
Director

May 12, 2022

Troy Leftwich, Planner/Coordinator
Mid-County Planning
Montgomery County Planning Department
2425 Reedie Drive
Wheaton, Maryland 20902

Re: Grand Park Development
Site Plan No. 820220040 & Preliminary Plan Amendment 12019016A

Dear Mr. Leftwich:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval.

The development must provide at least 13% of their independent dwelling units as MPDUs in accordance with their original Preliminary Plan approval (120190160). The applicant is working with DHCA to determine how those units will be provided, due to the high service fees of the senior independent living rental units. As this time, the parties have not reached an agreement.

The Applicant must have an agreement with DHCA to achieve compliance with the requirements of Chapter 25A of the Code prior to obtaining any building permits on the property.

Sincerely,

Somer Cross, Manager
Affordable Housing Programs Section

cc: Ian Duke, VIKa
Pat Harris, Lerch Early

Division of Housing

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

June 22, 2022

Mr. Jason Evans, PE
VIKA Maryland, LLC
20251 Century Blvd., Suite 400
Germantown, MD 20874

Re: **Phase 1 SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN (REV1)**
for The Pinnacle of North Bethesda
Address: 111575 Old Georgetown Road
Preliminary Plan #: 120190160A
Site Plan #: 820220040
SM File #: 284390
PP Tract Size/Zone: 3.8 ac
SP Tract Size: TBD
PP Total Concept Area: 3.8 ac
SP Concept Area: TDB
Zone: CR-2.0C, C-1.75, R-0.5, H1-125T
Legal Description: Lots 5, 9 and 10/Block 1 To
be subdivided into 4 total lots
Watershed: Cabin John Creek/Class I-P

Dear Mr. Evans:

Based on a review by the Department of Permitting Services Review Staff, the Site Development stormwater management plan for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required full on-site ESD to the MEP in micro-bioretenment and green roof.

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

A detailed review of the stormwater management computations will occur at the time of detailed plan review.

1. An engineered sediment control plan must be submitted for this development.
2. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of DPS approved material.
3. The detailed plan must utilize the latest DPS guidance, including WRTP-8.
4. The Site Plan approval includes proposed grading on adjacent lots that will be developed in the future. This disturbance must be permitted by a sediment control plan and permit.



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

Mr. Jason Evans
June 22, 2022
Page 2 of 2

5. Adequate access to all SWM facilities will be detailed at final design. Facilities must be able to be vertically accessed for regular, routine maintenance and inspection and through public routes within and outside of the building.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required** as long full stormwater management compliance is provided at the time of construction.

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 Mary Fertig at 240-777-6202 or at mary.fertig@montgomerycountymd.gov.

Sincerely,

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

MCE: MMF

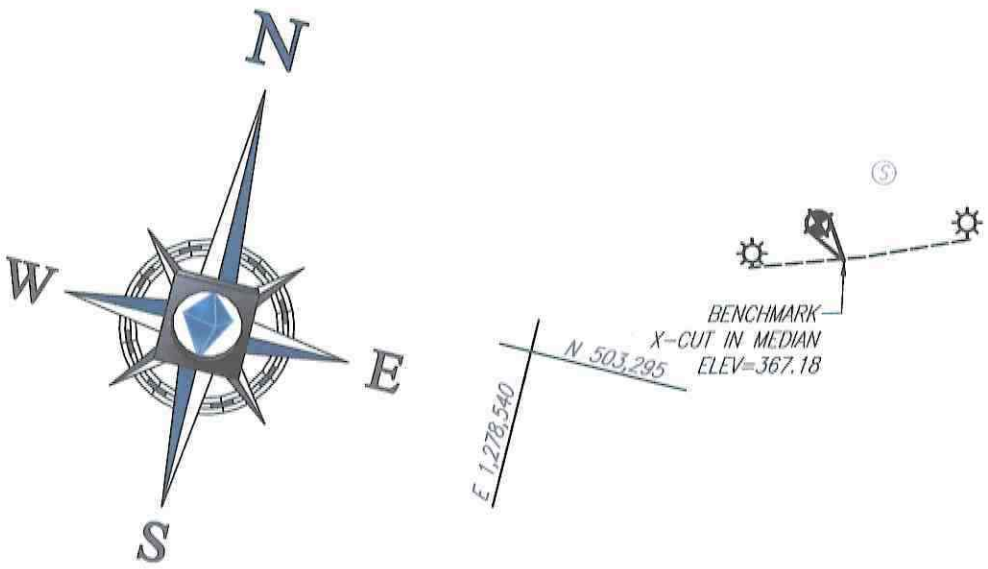
cc: N. Braunstein
SM File # 284390

Phase 1/Lot 9
ESD: Required/Provided 7,285 cf /7,395 cf
PE: Target/Achieved: 2.0"/2.0"
STRUCTURAL: n/a
WAIVED: n/a

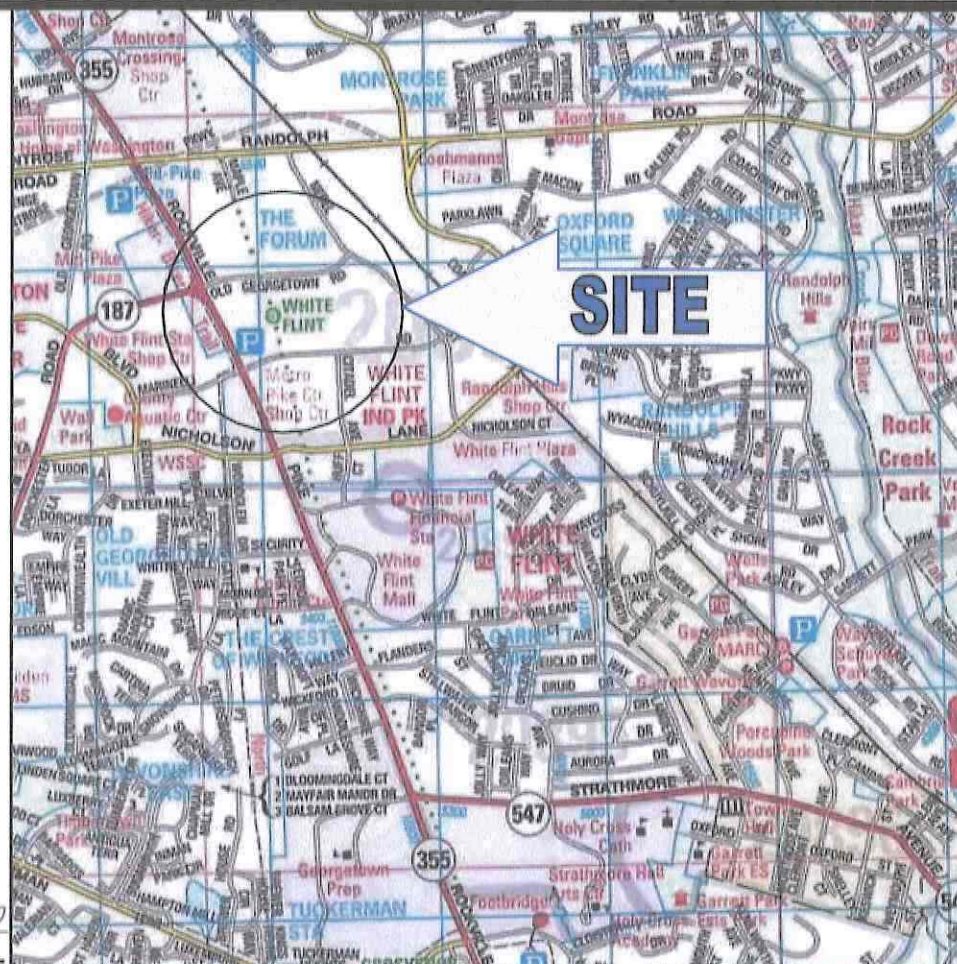
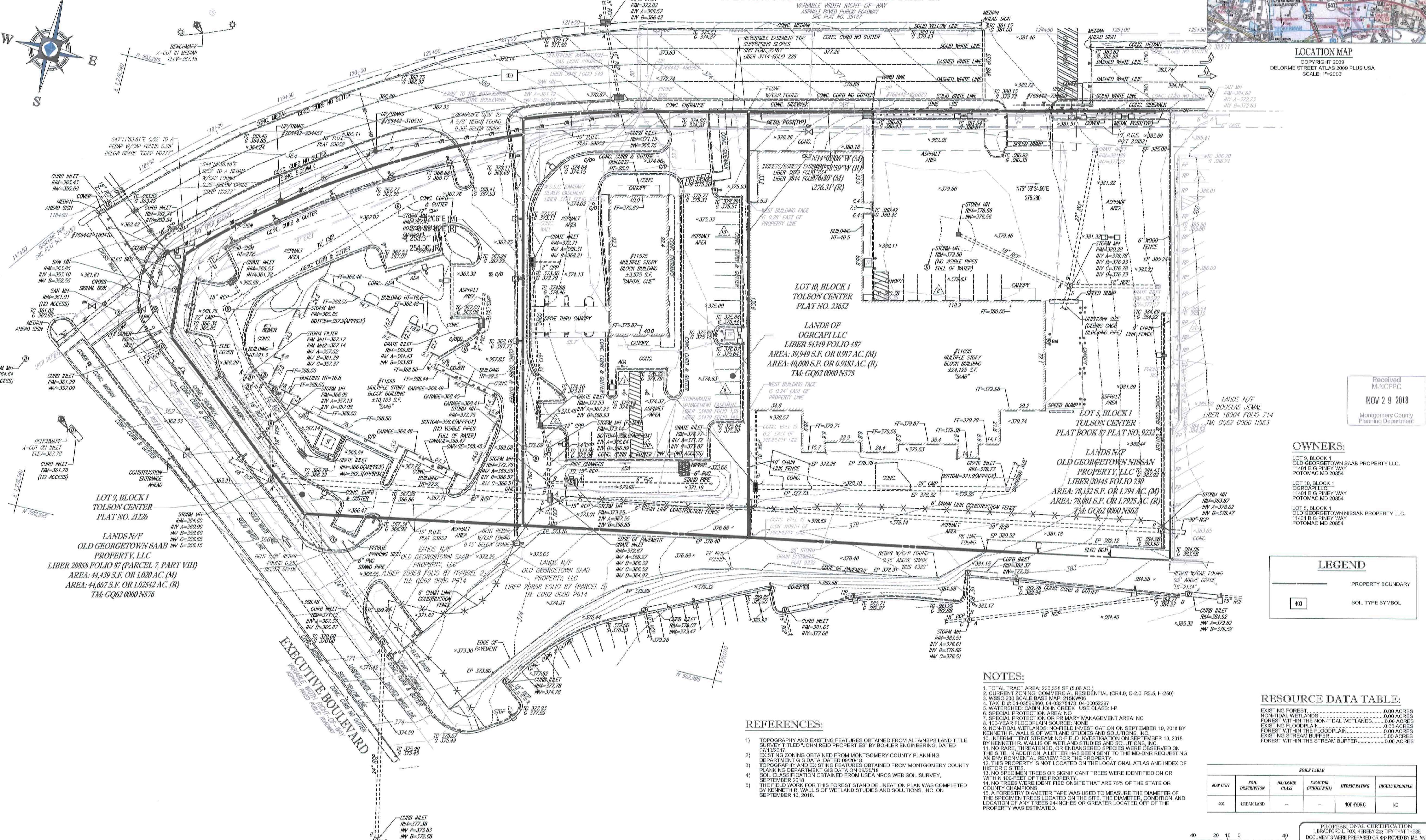
Park Lot
ESD: Required/Provided 7,285 cf /7,395 cf
PE: Target/Achieved: 1.8"/1.8"
STRUCTURAL: n/a
WAIVED: n/a



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www.montgomerycountymd.gov/permittingservices



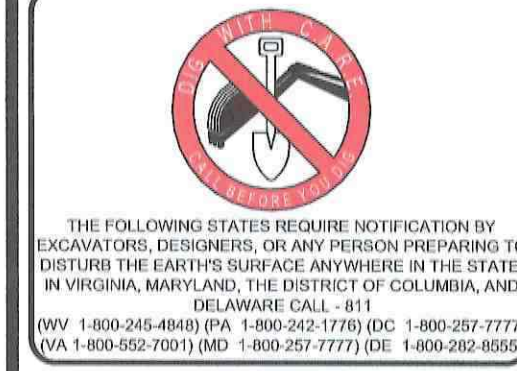
OLD GEORGETOWN ROAD - MD RTE. 187



LOCATION MAP

COPYRIGHT 2009
DELOMRE STREET ATLAS 2009 PLUS USA
SCALE: 1"=200'

REVISIONS			
REV	DATE	COMMENT	BY



NOT APPROVED FOR CONSTRUCTION

PROJECT No.: MB1420371
DRAWN BY: IBG
CHECKED BY: BLF
DATE: 09/20/18
SCALE: 1"=20'
CAD D.L.D.: NRD

PROJECT: VOB
DEVELOPMENT



LOCATION OF SITE
11575 OLD GEORGETOWN ROAD
MONTGOMERY COUNTY
ROCKVILLE, MD 20852

BOHLER
ENGINEERING
16701 MOLFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

WETLAND STUDIES AND SOLUTIONS, LLC
1131 BENFELD BOULEVARD, SUITE L
MILLERSVILLE, MARYLAND 21108
PHONE: (410) 672-5990
FAX: (410) 672-5993

PLAN PREPARED BY:
KENNETH R. WALLIS
QUALIFIED PROFESSIONAL
COMAR 08.19.06.01

SHEET TITLE:
**NRI/FSD
PLAN
NRI #420190630**
SHEET NUMBER:
1

NOTES:

1. TOTAL TRACT AREA: 220.38 SF (5.06 AC.)
2. CURRENT ZONING: COMMERCIAL RESIDENTIAL (CR-4.0, C-2.0, R3.5, H250)
3. WSSC 200 SCALE BASE MAP: 218N008
4. TAX ID #: 04-0399900, 04-0399903, 04-0399904
5. WATERSHED: CABBIN JOHN CREEK USE CLASS: 1P
6. SPECIAL PROTECTION AREA: NO
7. SPECIAL PROTECTION OR PRIMARY MANAGEMENT AREA: NO
8. 100-YEAR FLOODPLAIN SOURCE: NONE
9. NON-TIDAL WETLANDS: NO-FIELD INVESTIGATION ON SEPTEMBER 10, 2018 BY KENNETH R. WALLIS OF WETLAND STUDIES AND SOLUTIONS, INC.
10. INTERMITTENT STREAM: NO-FIELD INVESTIGATION ON SEPTEMBER 10, 2018 BY KENNETH R. WALLIS OF WETLAND STUDIES AND SOLUTIONS, INC.
11. NO SPECIMEN TREES OR SIGNIFICANT TREES WERE IDENTIFIED ON OR WITHIN 100 FEET OF THE PROPERTY.
12. NO SPECIMEN TREES IDENTIFIED ON THE SITE. THE DIAMETER, CONDITION, AND LOCATION OF ANY TREES 24-INCHES OR GREATER LOCATED OFF OF THE PROPERTY WAS ESTIMATED.

REFERENCES:

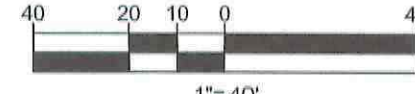
- 1) TOPOGRAPHY AND EXISTING FEATURES OBTAINED FROM ATLAS/SPS LAND TITLE SURVEY, TITLED "JOHN REID PROPERTY" BY BOHLER ENGINEERING, DATED 07/02/07.
- 2) EXISTING ZONING OBTAINED FROM MONTGOMERY COUNTY PLANNING DEPARTMENT GIS DATA, DATED 09/20/18.
- 3) TOPOGRAPHY AND EXISTING FEATURES OBTAINED FROM MONTGOMERY COUNTY PLANNING DEPARTMENT GIS DATA ON 09/20/18.
- 4) SOIL CLASSIFICATION OBTAINED FROM USDA NRCS WEB SOIL SURVEY, SEPTEMBER 2018.
- 5) THE FIELD WORK FOR THIS FOREST STAND DELINEATION PLAN WAS COMPLETED BY KENNETH R. WALLIS OF WETLAND STUDIES AND SOLUTIONS, INC. ON SEPTEMBER 10, 2018.

RESOURCE DATA TABLE:

EXISTING FOREST	0.00 ACRES
NON-TIDAL WETLANDS	0.00 ACRES
FOREST WITHIN THE NON-TIDAL WETLANDS	0.00 ACRES
EXISTING FLOODPLAIN	0.00 ACRES
FOREST WITHIN THE FLOODPLAIN	0.00 ACRES
EXISTING STREAM BUFFER	0.00 ACRES
FOREST WITHIN THE STREAM BUFFER	0.00 ACRES

SOILS TABLE				
MAP UNIT	SOIL DESCRIPTION	DRAINAGE CLASS	E-FACTOR (W/OUT SOIL)	HYDRIC RATING
400	URBANLAND	-	-	NOT HYDRIC

PROFESSIONAL CERTIFICATION
I, KENNETH R. WALLIS, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 37966, EXPIRATION DATE: 11/30/2019





MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 20, 2018

Mr. Ricky Hahn
Kiltrock

RE: Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) 420190630
VOB Development

Dear Mr. Hahn:

This letter is to inform you that Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420190630, for VOB Development, is approved. A forest conservation plan can now be submitted to the Development Applications and Regulatory Coordination (DARC) Division in conjunction with any application to which it is a necessary component.

Since the property is subject to the Montgomery County Forest Conservation law there shall be no clearing of forest, understory, or tree removal on the subject site prior to the approval of a Final Forest Conservation Plan. If there are any subsequent modifications to the approved plan, not including changes initiated by a government agency, a separate amendment must be submitted to M-NCPPC for review and approval prior to the submission of a forest conservation plan.

If you have any questions regarding these actions, please feel free to contact me at (301) 495-4727 or steve.findley@montgomeryplanning.org.

Sincerely,

Steve Findley
Planner Coordinator
Area 2

Cc: File #420190630