

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-077

Site Plan No. 820220040

Grand Park Development (Phase 1)

Date of Hearing: July 21, 2022

AUG 10 2022

RESOLUTION

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

WHEREAS, on December 1, 2021, 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 ("Applicant") filed an application for approval of a phase 1 site plan 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; providing 35.9% open space, including a park dedication on 2.14 acres of CR-4.0, C-2.0, R-3.5, H-250 zoned-land, located in the southeast quadrant of the intersection of Old Georgetown Road and Executive Boulevard ("Subject Property"), in the 2010 *White Flint Sector Plan* ("Sector Plan") area; and

WHEREAS, 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 show the correct use as residential care facility units within the density calculations; and

WHEREAS the site plan application for the Subject Property was designated Site Plan No. 820220040, Grand Park Development ("Site 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 July 11, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 21, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Vice Chair Verma, seconded by Commissioner Patterson, with a vote of 4-0; Chair Anderson, Commissioners Cichy Patterson and Verma voting in favor with Commissioner Rubin being absent.

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220040, which includes an amendment to the conditions and binding elements of Sketch Plan No. 320190040 pursuant to Section 59-7.3.3.I of the Zoning Code, 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, including a park dedication; on the Subject Property, subject to the following conditions:¹

Sketch Plan 320190040 Condition Modifications

In accordance with Section 59.7.3.3.I., Site Plan 820220040 will amend the following conditions and binding elements of Sketch Plan 320190040:

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.

BE IT FURTHER RESOLVED that all other Sketch Plan 320190010 conditions of approval and binding elements for this project remain valid, unchanged and in full force and effect.

Site Plan 820220040 Conditions of Approval

Density, Height & Housing

1. Density

The Site Plan for Phase 1 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*)

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

a. Prior to Certified Site Plan:

- i. The Applicant must enter into a draft covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
- b. Prior to the issuance of the first building permit the covenant must be recorded in and among the Land Records of Montgomery County.

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 Phase 1 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 205 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 only the independent living units (which are within the residential care facility) 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 191 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 0.63 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 ft x20 ft 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 only the independent dwelling units included within the residential care facility, 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 or issuance of the Use and Occupancy Certificate 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 or leases 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 or amend the plans to eliminate the need for the abandonment.

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 Traffic Mitigation Agreement

(TMAg) 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 second 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 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance 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. "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."
 - i. "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.
- i) Include reference to the age restricted Covenant to be entered into with the Planning Board.

32. Density Allocation

Building permits may only be issued after a staging allocation is granted under the Staging Allocation Request Regulations (COMCOR 50.35.02.01.A) in the White Flint Sector Plan Implementation Guidelines approved by the Planning Board.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Grand Park Development, Site Plan No. 820220040, submitted via ePlans to the M-NCPPC as of the date of the Staff Report (July 11, 2022), are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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. 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;***

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 has been provided for the amendment to the binding element or condition of approval, and the Planning Board has made the applicable sketch plan findings in addition to the findings necessary to approve the site plan. The Planning Board approves the amendments, 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 Dedications	n/a	2,593 sf
	Total Net Area	n/a	51,504 sf
	<i>total net area includes Park dedication</i>		167,202 sf
4.5.4.B.2.b	Density		21,560sf
	Combined FAR	4.0 FAR	1,051,012
	Non-Residential	2.0 FAR	1,050,028 sf
	Residential <i>(including up to 285,000 square feet of residential care facility units)</i>	3.5 FAR	110,169 sf
	4% MPDU Bonus Density	12.50%	940,843-939,859 sf
			13.00%
4.5.4.B.2.b	Building Height (feet)	250 ft	13.00%
4.5.4.B.1	Minimum Public Open Space (%)	10%	262 ft
	Park dedication		21.8 %(36,529 SF)
			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.

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 2- Site Plan Data Table

Development Standard	Permitted/ Required	Overall Project	Application/ Phase 1	Future Phase(s)
Tract Area	n/a	258,203 sf	93,043 sf	165,160 sf
Previous ROW		(36,904 sf)	--	--
Dedications		(2,593 sf)	--	--
Prior Land Transfer(s) ²		(51,504 sf)	23,280 sf	28,224
Dedications		TBD (estimated 170 sq ft)	TBD (estimated 170 sq ft)	--
Abandonment Area				97,439 sf⁴
Total Site Area³		167,202 sf	69,763 sf	
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)	n/a	36,148 (0.14 FAR)		<i>TBD at Site Plan</i>
Residential Density ⁶ (Units)	12.5%	1,000 sf	210 units	13%
MPDUs	1,032,812 sf (4.0 FAR)	13%	13% ⁷	749,028 sf (4.54 FAR)
Total Project Density		1,050,028 sf (4.07 FAR)	301,000 sf (3.23 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) 133 provided	
Bicycle Parking				
Long Term spaces			46	
Short Term spaces			2	
Loading			1	

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 approximately 122 independent living units which are part of the residential care facility.

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:

Table 3 – 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. The Planning Board approves 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. The Planning Board approves 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. The Planning Board approves 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. The Planning Board approves 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. The Planning Board approves 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 The Planning Board approves **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. The Planning Board approves 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 approves 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 $[(500 \text{ (above grade spaces)}/1,000 \text{ (total spaces)}) * 10] + [(500 \text{ below grade spaces}/1,000 \text{ (total spaces)}) * 20] = 15 \text{ points}$

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT)

The Applicant requests points permitted for the purchase of approximately 0.63 BLTs. The Planning Board approves 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 5.66 points for the **purchase of 0.63 BLTS**

iii. Division 6 General Development Standards

(1) Division 6.1 Site Access

The Site Plan 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

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.

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.

Loading

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.

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

The Project will meet the Open Space and Recreation requirement by providing onsite open space for Phase 1 and dedication of an urban park. 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.

(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. Additionally, it meets Section 6.8.1. Alternative Method of Compliance by addressing the following:

- *Satisfy the intent of the applicable Division* – The relevant intents of Division 6.4, General Landscaping and Outdoor Lighting is to preserve property values and preserve and strengthen the character of the community. The proposed lighting will accomplish these intents by improving an underutilized site and creating an attractive outdoor area that will attract visitors. The proposed development, with its focus on providing attractive outdoor spaces, advances the objectives of this area of White Flint.
- *Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints* – The requested modification will allow tasteful decorative lighting, with lighting levels sufficient to create the desired atmosphere and provide adequate lighting for the senior residents of the development.
- *Provide necessary mitigation alleviating any adverse impacts* – There are no adverse impacts anticipated from the proposed lighting levels. Nonetheless, it is noted that the area in question is adjacent to the proposed promenade that will run between the building and Banneker Street and thus the proposed lighting will be set back a significant distance from the back of curb.

- *Be in the public interest* – The proposed lighting is in the public interest. The string lights provide a decorative atmosphere and will contribute to the White Flint Sector Plan goals of creating an exciting and welcoming streetscape. The use of string lights to enhance outdoor public spaces has become increasingly common over the past few years and is always well-received.

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. 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 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;

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.

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*.

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* provide 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 was not required to submit a Transportation Impact Study with the Site Plan to satisfy the LATR. However, as conditioned, the Applicant must obtain approval of a Traffic Mitigation Agreement (TMag) from the Montgomery County Department of Transportation (MCDOT). The Board finds that the Project will be served by adequate public services and facilities.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 AUG 10 2022 (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 Vice Chair Verma, seconded by Commissioner Cichy, with a vote of 4-0-1; Chair Anderson, Vice Chair Verma, and Commissioners Cichy, and Patterson, voting in favor of the motion, Commissioner Rubin abstaining, at its regular meeting held on Thursday, July 28, 2022, in Wheaton, Maryland and via video conference.



Casey Anderson, Chair
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820220040 Grand Park Development
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