

**NORTH BETHESDA MARKET II
FOREST CONSERVATION PLAN NO. F20230170
PRELIMINARY PLAN AMENDMENT NO. 12012006C
SITE PLAN AMENDMENT NO. 82012004B**



Description

Request to develop the first phase of the overall development approval, comprised of one 7-story multi-family residential building containing 280 dwelling units and one single-story retail building containing up to 7,500 square feet of commercial uses.

Nos. F20230170, 12012006C and
82012004B
Completed: 6-30-2023

MCPB
Item No.
7-13-2023

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
Nicholson Lane and Woodglen Drive.

MASTER PLAN

2010 *White Flint Sector Plan*

ZONE

CR-4.0, C-3.5, R-3.5, H-300'

CR-3.0, C-1.5, R-2.5, H-150'

PROPERTY SIZE

4.41 acres

APPLICANT

AvalonBay Communities, Inc., Woodglen Master
Owner, LLC, and Woodglen Master Owner II, LLC

ACCEPTANCE DATE

3/13/2023 F20230170/82012004B

6/21/2023 12012006C

REVIEW BASIS

Chapters 22A, 50 and 59

(Zoning Ordinance in effect on October 29, 2014)



Summary:

- Staff recommends approval with conditions of the Applications.
- The Site Plan Amendment requests approval for the development of one seven-story building containing up to 280 residential dwelling units and one single-story retail building containing up to 7,500 square feet of commercial use.
- The Preliminary Plan Amendment requests to change Preliminary Plan Condition No. 3 to extend the Preliminary Plan validity period, from March 12, 2024 to March 12, 2026, as well as to change Preliminary Plan Condition No. 21 to allow for the demolition of existing buildings and associated infrastructure prior to recordation of plats.
- The Final Forest Conservation Plan establishes a 0.66-acre afforestation requirement, which will be met off-site in a forest bank or by payment of fee-in-lieu.
- Pursuant to Section 7.7.1.B.3 of the Zoning Ordinance, the Subject Applications have been reviewed under the development standards of the Zoning Ordinance in effect prior to October 30, 2014, with the exception of parking.
- Applicant is requesting a waiver from the bicycle parking requirements of Section 59.6.2.6.B.1.c.
- Staff has not received any correspondence about the Applications.

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SECTION 1: EXECUTIVE SUMMARY

The Subject Property received approval of Sketch Plan Amendment 32011003B and Preliminary Plan Amendment 12012006B in August of 2021. These plans fully superseded all previous approvals for the Subject Property and set the stage for the Subject Property to be developed in three phases, which were identified as Phase 1A, Phase 1B and Phase 2. Phase 1A included a single-story commercial building on the corner of Executive Boulevard and Rockville Pike (Building A), a public plaza along Rockville Pike, and an interim surface parking lot on Lot 2. Phase 1B included a seven-story mixed-use building on the north side of the property (Building B), a public courtyard along Woodglenn Drive, and an internal street grid consisting of an east-west private street (Private Street A) and a north-south private street called Paseo Drive. Phase 2 included the redevelopment of the existing office building at 11333 Woodglenn Drive into a two-tower, high-rise, mixed-use building. The Subject Applications will implement all elements of Phases 1A and 1B as part of a unified Phase 1, and do not include Phase 2.

AvalonBay Communities, Inc., Woodglenn Master Owner, LLC, and Woodglenn Master Owner II, LLC (Applicant) requests approval of Preliminary Plan Amendment No. 12012006C and Site Plan Amendment No. 82012004B for approval of up to 7,500 square feet of commercial uses in a single-story building along Rockville Pike (Building A) and up to 285,000 square feet or 280 units in a seven-story multifamily residential building (Building B). This project will further the development of this area of North Bethesda with residential units, retail, and an inviting public plaza that includes placemaking elements near transit and other successfully redeveloped areas.

The entirety of the Subject Property contains 4.41 acres of tract area. The Phase 1 portion of the Property is zoned CR-4.0, C-3.5, R-3.5, H-300', and the Phase 2 portion, which is within the Preliminary Plan area but is unaffected by the Subject Site Plan Amendment, is zoned CR-3.0, C-1.5, R-2.5, H-150'. Pursuant to Section 7.7.1.B.3 of the Zoning Ordinance, the Subject Applications have been reviewed under the development standards of the Zoning Ordinance in effect prior to October 30, 2014, with the exception of parking, which is permitted to be evaluated under the current Zoning Ordinance standards in accordance with Section 7.7.1.B.3.b.

The Preliminary Plan Amendment proposes to change two previously approved conditions of the previous Preliminary Plan approval. The first change is to extend the validity period of the Preliminary Plan. Existing approvals state the Preliminary Plan is valid through March 12, 2024. Given the multi-phased nature of the Project, the Applicant is seeking to extend Preliminary Plan validity by two years, so that it will expire at the same time as the Adequate Public Facilities validity period, on March 12, 2026. The second change is to Condition No. 21 of the previously approved Preliminary Plan, which will allow the Applicant to demolish existing structures and related infrastructure prior to recordation of plats.

The Site Plan Amendment is limited to Phase 1 and does not include the existing office building at the northeast corner of Woodglenn Drive and Executive Boulevard, which will be included as part of Phase 2. The Site Plan Amendment modifies and implements the details of Phase 1 including the

development of Building A containing up to 7,500 square feet of commercial uses at the southeast of the site along Rockville Pike, and the development of Building B as a 7-story multi-family residential building containing up to 280 dwelling units. Also included as part of the Site Plan Amendment is the creation of a private street grid to provide circulation through the site, a pocket park along Woodglen Drive, and a landscaped public plaza that will include placemaking sculptural signage along Rockville Pike.

The Final Forest Conservation Plan covers the areas of both Phase 1 and Phase 2, with a total net tract area for forest conservation purposes of 4.41 acres. The Site does not contain any forest. However, there is a 0.66-acre afforestation requirement as calculated in the Forest Conservation Worksheet, as determined by the property size and 15% afforestation threshold. The afforestation requirement will be met off-site in a forest bank or by payment of fee-in-lieu.

At the time of posting of this Staff Report, the Applicant has not yet received an approval letter from the Department of Permitting Services, Fire Department Access and Water Supply Section. The Fire Department Access and Water Supply Section has been part of the review process, and no major issues have been identified during that review. The Applicant anticipates receiving the Fire Department Access and Water Supply Section's approval letter prior to the Planning Board hearing. If the Applicant does not receive this approval, the item will be removed from the Planning Board agenda until the approval letter has been received.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT 12012006C

Staff recommends approval with conditions of the Preliminary Plan Amendment to extend plan validity and allow for demolition on the Subject Property prior to an approved Record Plat. All site development elements shown on the latest electronic version of the Preliminary Plan No. 12012006C as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions. Condition Nos. 3 and 21 hereby modify the previous conditions of approval, which otherwise remain in full force and effect:

3. The Preliminary Plan Amendment will remain valid for ~~60 months~~ 84 months from its Initiation Date pursuant to Planning Board Resolution MCPB 15-010 (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan Amendment must be recorded in the Montgomery County Land Records or a request for an extension filed.
21. There shall be no clearing or grading of the site prior to recordation of plat(s), except for demolition of the existing structures and related site infrastructure.

SITE PLAN AMENDMENT 82012004B

Staff recommends approval of Site Plan Amendment No. 82012004B for the construction of a seven-story, 280-unit residential building and a 7,500-square-foot commercial building. The development must comply with the conditions of approval for Sketch Plan Amendment No. 32011003B as listed in the MCPB Resolution No. 21-071 dated August 11, 2021 and Preliminary Plan 12012006C. 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, which supersede all previous Site Plan conditions.¹

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 292,500 square feet of total development on the Subject Property, including 285,000 square feet of residential uses, for up to 280 multi-family dwelling units, and 7,500 square feet of new non-residential uses.

2. Height

The development is limited to a maximum height of 80 feet, as measured in accordance with Section 59-A-2.1 from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated June 23, 2023, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which MCDHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide 12.5 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

OPEN SPACE, FACILITIES AND AMENITIES

4. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 15,900 square feet of public use space, and 6,350 square feet of public open space (total of 14% of net lot area) on-site.
- b) Before issuance of final use and occupancy certificate for Phase 1 buildings, the Applicant must construct the streetscape improvements along the property's frontages on Nicholson Lane, Woodglen Avenue, Rockville Pike and Executive Boulevard.

¹ For the purposes 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.

- c) Before issuance of final use and occupancy certificate for Phase 1 buildings, the Applicant must underground the utilities along the property's frontage on Woodglen Avenue.
- d) Before the issuance of final use and occupancy certificate for Building A, all public use space and public open space areas on the Subject Property associated with the Public Plaza must be completed.
- e) Before the issuance of final use and occupancy certificate for Building B, all public use space and public open space areas on the Subject Property associated with the Pocket Park 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 Facilities

Before final use and occupancy certificate for Building B, the Applicant must construct the bike facility along Nicholson Lane, extending from Woodglen Drive east to the intersection with Rockville Pike.

b) Transit Proximity

c) Connectivity between Uses, Activities, and Mobility Options

i. Minimum Parking

The Applicant must not provide or construct more than 574 parking spaces as part of Phase 1.

ii. Neighborhood Services

iii. Wayfinding

The Applicant must establish a way-finding circulation system. The Wayfinding Plan may include, but is not limited to internal and external signage, banners, lighting, and design elements that efficiently direct patrons through the Property. The Wayfinding Plan will be incorporated into the Certified Site Plan and will be approved by M-NCPPC Staff before certification. The locations of the proposed signage shall be free of all obstructions and clearly visible from the directed routes.

d) Quality Building and Site Design

i. Exceptional Design

ii. Public Open Space

The Applicant must provide a minimum of 6,350 square feet of public open space, which is in excess of the minimum code requirements of 15,900 square feet of public use space (total of 14 percent of net lot area) on-site.

iii. Structured Parking

The Applicant must provide a minimum of 319 parking spaces within an above-grade structure.

e) Protection and Enhancement of the Natural Environment

i. Building Lot Terminations (BLTs)

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.49 BLTs to the MCDPS and M-NCPPC staff.

ii. Cool Roof

The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

6. Recreation Facilities

- a) The Applicant has demonstrated substantial conformance with the M-NCPPC Recreation Guidelines through Scenario ID 9196.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to sculptural signage, streetscapes, the public plaza and the pocket park.

ENVIRONMENT

8. Noise Attenuation

- a) Before issuance of the any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that the building shell for residential dwelling units on the north and east building faces will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

9. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated March 8, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations 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.

TRANSPORTATION & CIRCULATION

10. 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 May 19, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

- b) Before the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).
- c) The applicant shall satisfy the off-site parking by agreement requirements per section 59.6.2.3.G of the Zoning Ordinance prior to the release of the first above-grade building permit.

11. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 114 long-term and 8 short-term bicycle parking spaces.
- b) The new long-term spaces must be in a secured, well-lit bicycle room on the ground floor of the parking garage or a bicycle room located in a parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The existing long-term spaces must remain in a secure location within the existing office parking garage. 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.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before right-of-way permit.
 - i. Nicholson Lane: 8-foot-wide sidewalk, 5-foot-wide pedestrian/bicycle buffer, 6-foot-wide bike lane with 3-foot-wide buffer from traffic.
 - ii. Rockville Pike (MD 355): 2-foot-wide maintenance buffer, 10-foot-wide sidewalk, 10-foot-wide bikeway with 6-foot-wide buffer from traffic.
 - iii. Woodglen Drive: 10-foot-wide sidewalk with 6-foot-wide buffer from traffic.

12. 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 letter² and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

² At time of Staff Report posting, the Applicant has not yet received an approval letter from the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section. The Applicant anticipates receiving this approval letter prior to the scheduled Planning Board hearing. If the approval letter has been received, Planning Staff will include the date of the letter as a redline to the Staff Report in its presentation to the Planning Board. If the approval letter is not received prior to the Planning Board hearing, the Subject Applications will be removed from the Planning Board agenda until the approval letter has been received.

SITE PLAN

13. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A-31, A-31-R, and A-41 of the submitted architectural drawings, as determined by M-NCPPC Staff.

14. Lighting

- a) Before 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 new 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 street lights within the right-of-way.
- 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.

15. Site Plan Surety and Maintenance Agreement

Before 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, 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, including, but not limited to: plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, private roads and sidewalks, private utilities, 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.

16. Development Program

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

17. 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 Preliminary Plan and Site Plan 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 conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments 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) Label the east-west private road as “Private Street A”.
- g) Include a wayfinding plan.
- h) The parking data table should be updated to reflect Planning Board approved parking spaces.
- i) The parking data table should be updated to reflect the number of bicycle parking spaces approved by the Planning Board.
- j) Update Public Benefits table to reflect Public Benefit points calculation approved by the Planning Board.
- k) Label the proposed commercial building as “Buildings A” and the proposed residential building as “Building B”.
- l) Update all drawings to show proposed large street trees along Woodglen Drive and Nicholson Lane, planted at a maximum of 30’ on center.
- m) Update all drawings to show an entryway to the bike storage facilities from the sidewalk along the Private Street A.

- n) Update all elevation drawings for the parking structure and residential building to clearly identify and separately label all areas for screening treatments, murals, and artworks, provide information regarding the materials and colors for screening treatments, and include photographic examples, with Staff approval.
- o) Update vehicular parking table on Sheet T-1 to show minimum structured parking of 319 spaces will be provided, with a footnote added to “319” in the provided parking spaces column to permit up to 21 additional parking spaces, for a total of up to 340 structured parking spaces, if there are no impacts to building footprint or above-grade architecture.
- p) Show garage screening details based on Staff’s exhibit for the proposed location and size of all screening elements. Final design of garage screening will be determined at Certified Site Plan and subject to Staff approval.

FOREST CONSERVATION PLAN F20230170

1. The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan No. F20230170.
 - a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per section 22.00.01.10 of the Forest Conservation Regulations.
 - b. 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.
 - c. Before the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the reforestation requirement for a total of 0.66 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 or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
 - d. 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.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property occupies the majority of the block bounded by Rockville Pike (MD 355) to the east, Woodglen Drive to the west, Nicholson Lane to the north, and Executive Boulevard to the south. It is located approximately one block from the WMATA North Bethesda Metro Station to the north, the Kennedy-Shriver Aquatic Center and Wall Local Park to the northwest, and the Bethesda North Marriott Hotel and Conference Center to the north. Along with the blocks immediately to the north and south, the Subject Property serves as a transition between the dense commercial uses along Rockville Pike (MD 355) and the primarily residential uses to the west.



Figure 1 – Neighborhood Vicinity Map with Subject Property outlined in yellow

PROPERTY DESCRIPTION

The Subject Property is located in the NoBe District of the 2010 Approved and Adopted White Flint Sector Plan (the Sector Plan) and is bounded by Rockville Pike, Executive Boulevard, Woodglen Drive and Nicholson Lane. The Subject Property is split-zoned between the CR-3.0 C-1.5 R-2.5 H-150' zone (the existing office building to remain as part of this Amendment, located at 11333 Woodglen Drive) and the CR-4.0 C-3.5 R-3.5 H-300' zone for the rest of the Subject Property.

The Subject Property is currently occupied by four commercial buildings and surface parking lots. According to the Maryland State Department of Taxation and Assessment records, the existing commercial buildings contain approximately 209,729 square feet of floor area. The remainder of the block features a gas station at the corner of Nicholson Lane and Rockville Pike that is not part of the Subject Property. The Subject Property is currently served by public water and sewer.

The Subject Property is located within the Cabin John Creek watershed, which is classified as a Use Class I-P by the State of Maryland. The Subject Property contains no forest, streams, wetlands or other sensitive environmental features. There are no documented streams or stream valley buffers on or immediately adjacent to the Subject Property, and no wetlands or rare or endangered species. No historic resources or cemeteries are known to exist on the Property.

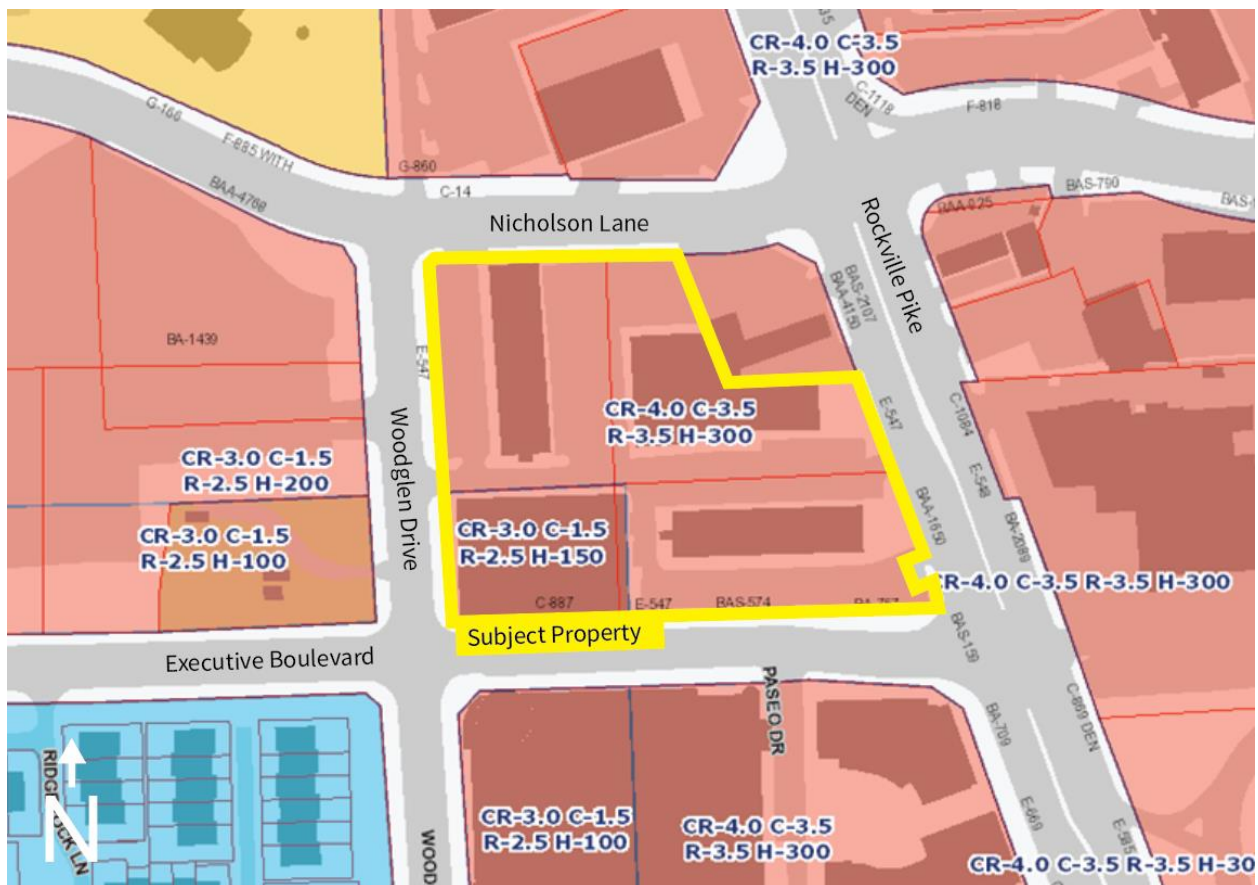


Figure 2 – Zoning Map (in effect on October 29, 2014)



Figure 3 – Subject Property outlined in Red, with Phase 1 Area outlined in yellow

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Sketch Plan No. 320110030

The Planning Board approved Sketch Plan No. 320110030 by Corrected Resolution, MCPB No. 11-07 on August 12, 2011, which established a maximum total density of 740,528 square feet, including a maximum of 368,000 square feet of non-residential development; maximum height of 150 feet in the CR-3.0 C-1.5 R-2.5 H-150' zone and 300 feet in the CR-4.0 C-3.5 R-3.5 H-300' zone; general location and extent of public use space; and a total of 150 percentage points for public benefits from the incentive categories of Transit Proximity, Connectivity, Diversity, Design, and Environment.

Site Plan No. 820120040

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

Preliminary Plan 120120060

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

Sketch Plan Amendment 32011003A, Preliminary Plan Amendment 12012006A & Site Plan Amendment 82012004A

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

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

The Planning Board approved Site Plan Amendment No. 82012004A by Resolution MCPB No. 15-011 on February 12, 2015 to build the development in three phases instead of one, with the third phase to be approved in a separate, future site plan amendment; to reallocate 100,000 square feet of the approved non-residential floor area to residential density; and to add an option in Phase 1 to not build a residential building. This Site Plan was never certified and none of the previously approved improvements have been implemented. The subsequent Sketch Plan and Preliminary Plan approvals fully superseded these approvals.

[Sketch Plan Amendment 32011003B & Preliminary Plan Amendment 12012006B](#)

The Planning Board approved Sketch Plan Amendment No. 32011003B by Resolution MCPB No. 21-071 on August 11, 2021, for construction of up to a maximum of 740,528 square feet of development, comprising up to 492,000 square feet of residential uses and up to 268,000 square feet of non-residential uses on the Subject Property.

The Planning Board approved Preliminary Plan Amendment No. 12012006B by Resolution MCPB No. 21-072 on August 11, 2021, to reconfigure lots and private street parcels, adjust phasing, and modify the preliminary forest conservation plan to reflect the revised site layout on the Subject Property.

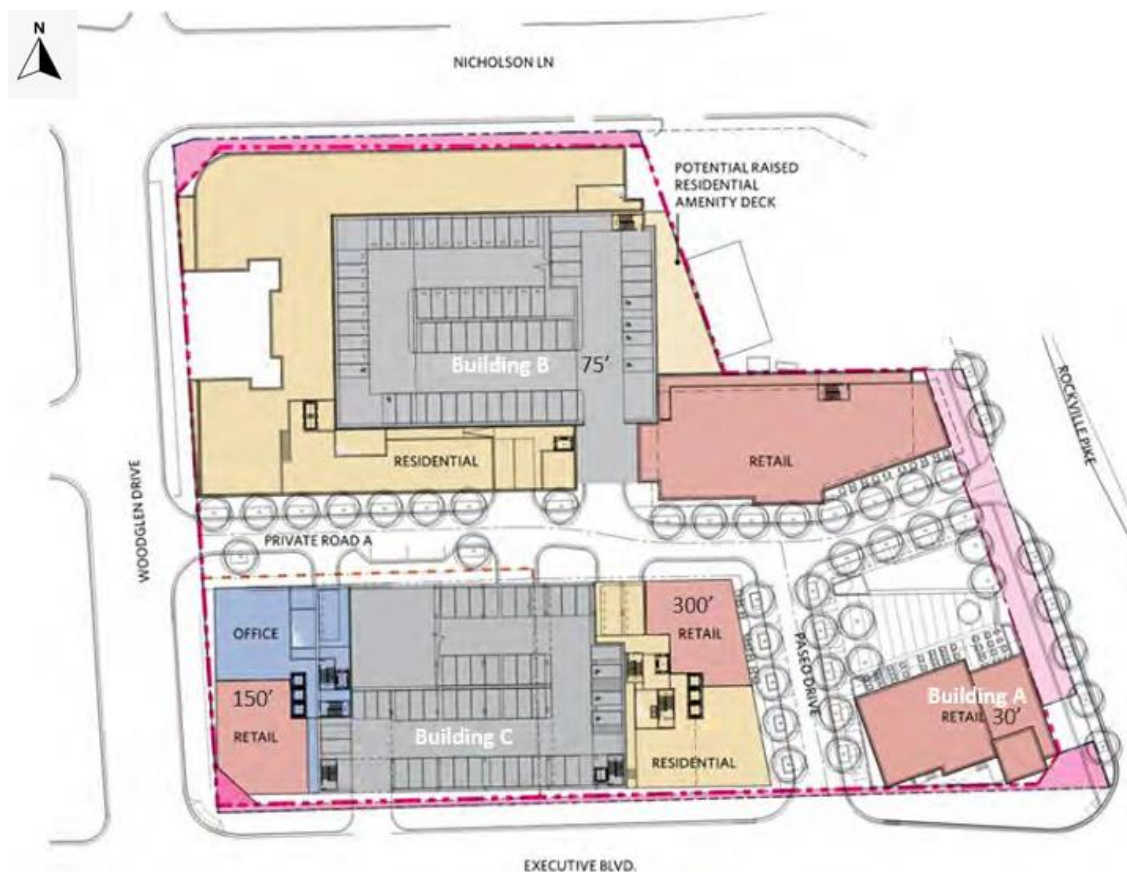


Figure 4 - Sketch Plan 32011003B

PROPOSAL

PRELIMINARY PLAN AMENDMENT 12012006C

The Subject Preliminary Plan Amendment is limited to two changes to the conditions of approval associated with the prior Preliminary Plan Amendment No. 12012006B. The first change, to Condition No. 3, is to extend the validity period of the Preliminary Plan, and the second change is to revise Condition No. 21 of the approved Preliminary Plan to allow for demolition of existing buildings prior to recordation of plats.

On July 29, 2021, the Planning Board approved Preliminary Plan Amendment No. 12012006B for the subdivision of the Subject Property into five lots to accommodate the redevelopment of the Property with up to 740,528 square feet of development, including up to 268,000 square feet of non-residential uses and up to 492,000 square feet of residential uses. Preliminary Plan Condition No. 2 (Resolution No. 21-072, date of mailing August 11, 2021) provides for an 85-month Adequate Public Facilities (APF) validity period. The mailing date of the Resolution was February 12, 2015, so the APF validity period was set to expire on March 12, 2022. Pursuant to Preliminary Plan Condition No. 3, the Preliminary Plan remains valid for 60 months from the initiation date on February 12, 2015. However, both the APF and Preliminary Plan validity periods were subsequently extended through Subdivision Regulation Amendments 15-01 (Ordinance No. 18-04) and 20-01, which collectively provide a four-year automatic extension to all valid approvals. As a result, the APF validity period runs through March 12, 2026 and the Preliminary Plan validity period runs through March 12, 2024.

As part of the Subject Applications, the Applicant is seeking approval of a Site Plan Amendment to implement Phase 1 of the Project. However, the Record Plat application cannot be submitted until after the Site Plan Amendment has been approved by the Planning Board and certified. Given this timing, and the typical Record Plat review period, the Applicant is seeking to extend the Preliminary Plan validity period by two years. This extension will allow the Preliminary Plan validity period to run concurrently with the APF validity period, such that both the Preliminary Plan and APF validity periods would remain valid until March 12, 2026.

The Applicant is also requesting a modification to Condition of Approval No. 21 to facilitate demolition of the existing structures prior to Record Plat. This timing is important to the overall project sequencing, and necessary to facilitate the timely construction of this development. Specifically, the Applicant is requesting the following modification:

21. There shall be no clearing or grading of the site prior to recordation of plat(s), except for demolition of the existing structures and related site infrastructure.

SITE PLAN AMENDMENT 82012004B

The previously approved Sketch Plan and Preliminary Plan Amendments allowed the construction of 740,528 square feet of total development over three phases, including 268,000 square feet of non-residential use and 492,000 square feet of residential use. The Subject Site Plan Amendment proposes to implement Phase 1 of the proposed development, which is a combination of previously approved Phases 1A and 1B. Phase 1 includes the redevelopment of the Subject Property with the exception of the 67,260-square foot office building located at 11333 Woodglen Drive, which will be redeveloped as part of Phase 2. Phase 1 will include the development of one single-story building at the southeast of the site that will contain up to 7,500 square feet of commercial uses (Building A), and one 7-story multi-family residential building containing 280 dwelling units at the north of the site (Building B).

Phase 1 will also implement a new private street grid, creating smaller blocks that promote more efficient circulation within this area of North Bethesda. The proposed development is organized around an internal private street designated Private Street A that runs through the approximate center of the Subject Property and provides a connection between Rockville Pike and Woodglen Drive. Additionally, a north-south private street, running between Executive Boulevard and Private Street A, is proposed and is commonly known as “The Paseo” or Paseo Drive. Paseo Drive is an extension from the North Bethesda Market I project to the south and an important element of the Sector Plan. Phase 1 will provide enhanced streetscapes, not only through the building placement and design, but also through substantial streetscape improvements. The proposed development will significantly enhance the pedestrian environment and further promote the walkable district envisioned by the Sector Plan.

Phase 1 includes the development of Building A with up to 7,500 square feet of commercial development on Lot 3. This commercial building is located at the southeast of the Subject Property, at a prominent location between the intersection of Private Street A with Rockville Pike to the north, and the intersection of Executive Boulevard with Rockville Pike to the south. Also included on Lot 3 will be a public plaza near the intersection of Private Street A with Rockville Pike. Building A has been designed to not only frame the internal and external streets, but to activate the outdoor plaza, which collectively will help to define this prominent corner and activate the pedestrian environment. An interim surface parking lot will be constructed on Lot 2, west of the Paseo, which will serve the commercial uses in Building A.

Phase 1 will also include the development of Building B with a seven-story multi-family residential building on the north side of Private Street A, containing up to 280 dwelling units, including 12.5%³ or 35 MPDUs. The seven-story residential building has been designed to define and activate the Property’s frontage on Nicholson Lane, Woodglen Drive, Rockville Pike, and Private Street A, as it has been “pulled up” to the street along all frontages. The main pedestrian entrance is located along Private Street A, along with a model unit showroom and residential walk-up units, which will activate and enliven the internal private street. Building B has also been designed to create an approximately 3,500-square-foot pocket-park along Woodglen Drive that provides a respite from the street for the public use.

³ Montgomery County Bill No. 38-17, which increased the MPDU requirement from a minimum of 12.5% of total units to 15% of total units, became effective on October 31, 2018. The Subject Property originally received Site Plan Approval in 2014, prior to the effective date of Bill No. 38-17. Therefore, the Subject Applications are legacied into the requirements of Chapter 25A prior to October 31, 2018.

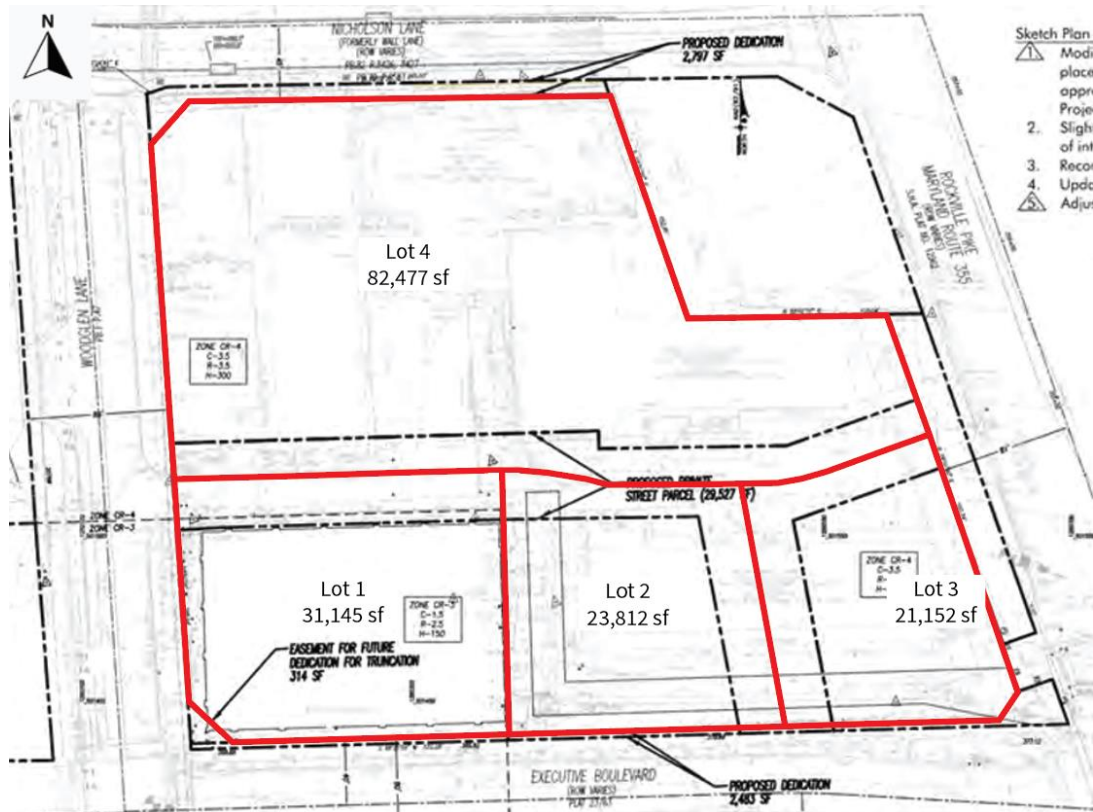


Figure 6 - Lotting Plan

Condition 20.a of previously approved Preliminary Plan 12012006B states “If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the Private Road, the record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.” As part of the proposed Site Plan Amendment, the Applicant is providing balconies that extend over Private Street A. Therefore, Private Street A will not be shown in a separate parcel. Instead, the Subject Property will be subdivided into four lots, and the Record Plat will include a clear delineation and a metes and bounds description of the boundaries of the Private Road. The Subject Site Plan amendment is in compliance with and meets the conditions of the previously approved Preliminary Plan, with the four lots each shown as slightly larger than the lotting plan approved as part of the Preliminary Plan due to the fact that Private Street A and Paseo Drive will not be shown in a separate Private Road parcel.

Table 1: Subdivision Information

	Previously Approved	Proposed
Lot 1	24,796 sf	31,145 sf
Lot 2	17,015 sf	23,812 sf
Lot 3	14,750 sf	21,152 sf
Lot 4	72,240 sf	82,477 sf
Private Road Parcel (Private Street A and "Paseo")*	29,785 sf	0 sf
Total Site Area	158,586 sf	158,586 sf

*Private Road not in a separate parcel pursuant to Preliminary Plan 12012006B Condition 20.a.

Urban Design

This development continues to implement the vision of the *White Flint Sector Plan* by transforming the existing auto-dominated development into a walkable, pedestrian-friendly urban neighborhood centered around open spaces. Additionally, this development will create a framework for future phases at the corner of Executive Boulevard and Woodglan Drive to build upon.

Phase 1 of this development creates three new blocks by extending Paseo Drive from Executive Boulevard to the new Private Street A connecting Woodglan Drive and Rockville Pike. These new streets will create important pedestrian connections for the residential and commercial areas surrounding the site and the North Bethesda Metro Station two blocks north. Phase 1 incorporates a mix of densities and building heights to contribute to the urban core envisioned by the *White Flint Sector Plan*, providing a compatible transition to the surrounding residential uses and appropriately engaging the public open space.

Open Space

An organizing element in the design of Phase 1 is the public plaza, located at the intersection of Rockville Pike and Executive Boulevard. The Plaza is defined by Building A and is framed by Paseo Drive, to the west, and Private Street A, to the north. The public plaza is the active center of the Project and the larger neighborhood. The plaza is designed to be both inviting to and protected from the traffic along Rockville Pike. Interactive features like artistically designed movable seating, ground surface treatments that help to suggest "outdoor rooms," and lighted NOBE sculpture suggest and support active use of the public plaza space.



Figure 7 - Public plaza

Building A, a single-story specialty retail building proposed adjacent to the plaza helps create a human-scaled pedestrian environment that the occupying uses activate while providing an important buffer to Rockville Pike.

This retail building is accessed through the plaza and has been designed with four-sided architecture and glazing on three sides. Large expanses of storefront glazing face the plaza and provide a backdrop for outdoor dining.



Figure 8 - Commercial Building viewed from Rockville Pike looking west

Building Design

The exterior design of Building A incorporates a pleasing combination of durable masonry and metal panel cladding, combined with the well-placed expanses of the storefront to ensure a well-thought-out, unified, high-quality design are presented on all facades and that the materials adjacent to the pedestrian realm provide interest as well as lend a sense of quality and permanence.

The most-northern block spans the width of the Subject Property, between Rockville Pike and Woodglen Drive, and is proposed to be improved with Building A, a seven-story multi-family residential building. This mid-rise building defines and actively engages the surrounding streets through the building placement and active ground-floor residential uses. The residential lobby, expansive glass storefronts, and residential lofts with at-grade private stoops help to activate and enliven the prominent internal private street and confronting plaza.



Figure 9 - View looking northwest from Rockville Pike



Figure 10 - View looking east from Woodglen Drive



Figure 11 - View looking southeast from Nicholson Lane

The proposed architectural aesthetic uses elevation plane changes, details, materials, and massing strategies to scale the environment of the public realm and the public plaza to a comfortable human scale and at a quality level meant to enhance the pedestrian experience and impart a sense of permanence.

Elements like terraces and balconies will provide a private layer of outdoor space for the residents and much-needed articulation and activation of building facades. Taller building elements utilize strategies like inset balconies, horizontal banding, and various materials, all designed to break down the mass and reduce the perceived bulk of the building. Materials and elevation plane changes indicate important building functions like the front entry.

The exposed portion of the above-grade garage, adjacent to the existing gas station, will be visually concealed, as seen from the intersection of Nicholson Lane and Rockville Pike, with artistic screening. Specifically, the Applicant proposes incorporating an artistic mural or decorative panels, which will functionally conceal the parking garage while providing a colorful and/or artistic addition to the public realm.

Public Art

The Subject Application includes a placemaking sculptural sign that originally was included as Public Art. The Applicant brought this proposed Public Art before the Art Review Panel during their meeting on May 17, 2023. The Art Review Panel determined that the proposed Public Art did not meet the definition or standards of Public Art. The Art Review Panel cited the fact that the sculptural signage was not created by an artist (it was designed by the Applicant's design team), and that the sculptural signage would be more accurately classified as branding than art.



Figure 12 - NOBE Sculptural Signage

Although the Art Review Panel determined that the proposed sculptural signage does not qualify as Public Art, the Art Review Panel did not object to the proposal as a sculptural element for the public plaza. The signage will not be given Public Benefit points, but the Applicant will still be providing the placemaking sculptural signage in the originally proposed location. The Applicant will be providing a different and new piece of Public Art for Public Benefit points as part of Phase 2 of development. This new Public Art will go before the Art Review Panel as part of the future Phase 2 site plan amendment and will be subject to the approval of the Panel.

Transportation

Vehicular access to the site will be made via Rockville Pike (MD 355) to the east, Executive Boulevard to the south, and Woodglen Drive to the west. The parking garage is located on Private Street A. An interim surface parking lot can also be accessed via Private Street A as well as the entrance to an existing parking garage located under the existing office building at the southwest corner of the site. Future phases of development will eventually remove the interim surface parking lot and office building.

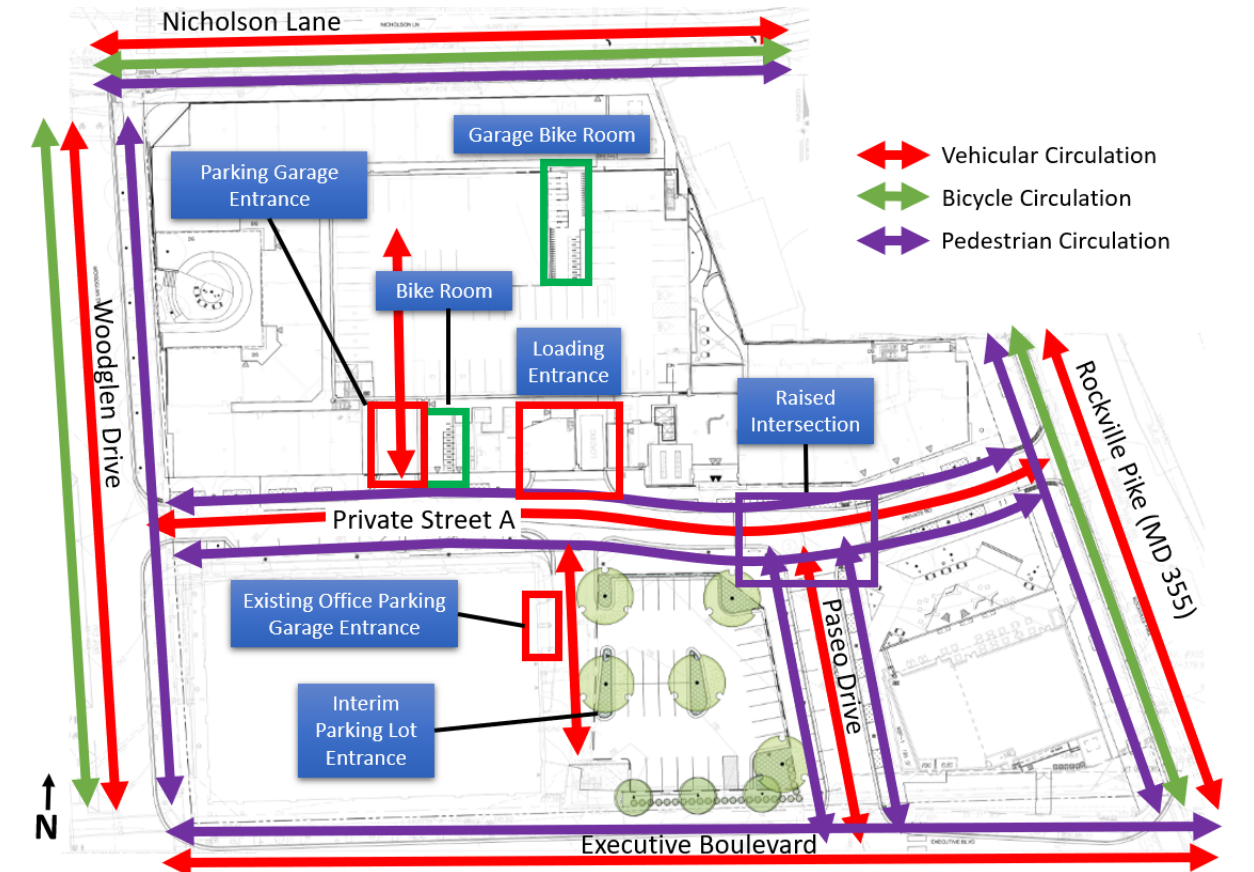


Figure 13 - Multimodal Circulation

Private Street A can be accessed via Woodglen Drive via a full access or Rockville Pike (MD 355) via a limited right-in-right-out access. Loading will also occur via Private Street A. A north-south private roadway, Paseo Drive, connects Private Street A with Executive Boulevard to the south.

Private Street A is designed as a two-lane road. Near the intersection with Woodglen Drive, the design includes on-street parking on the south side of the street. Further east, there is no on-street parking. The roadway design includes sidewalks on each side.

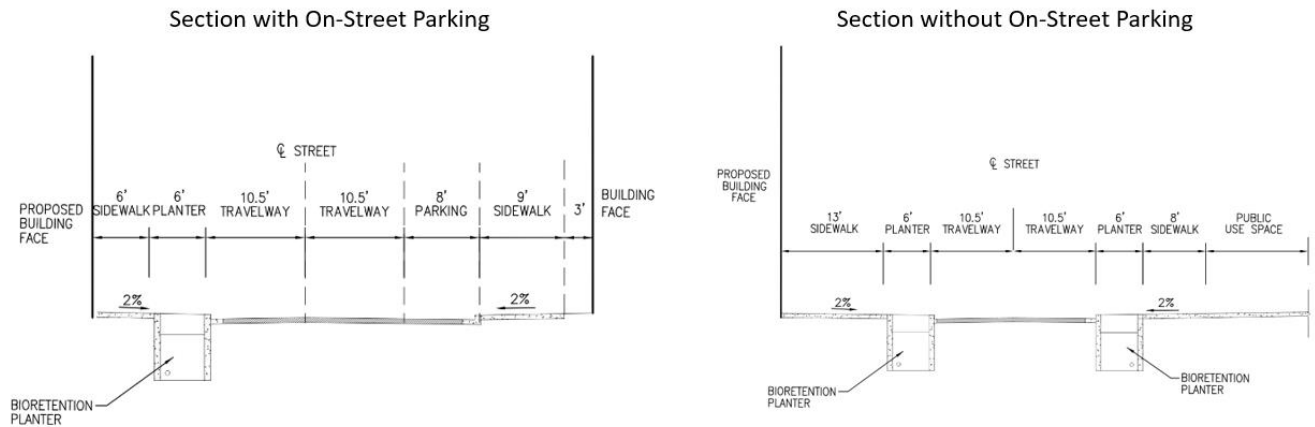


Figure 14 - Private Street A Cross-Sections

Paseo Drive is also a two-lane road, with on-street parking along the west side of the street and sidewalk provided on both sides. Where the two streets intersect, the intersection will be raised providing a flush curb design.

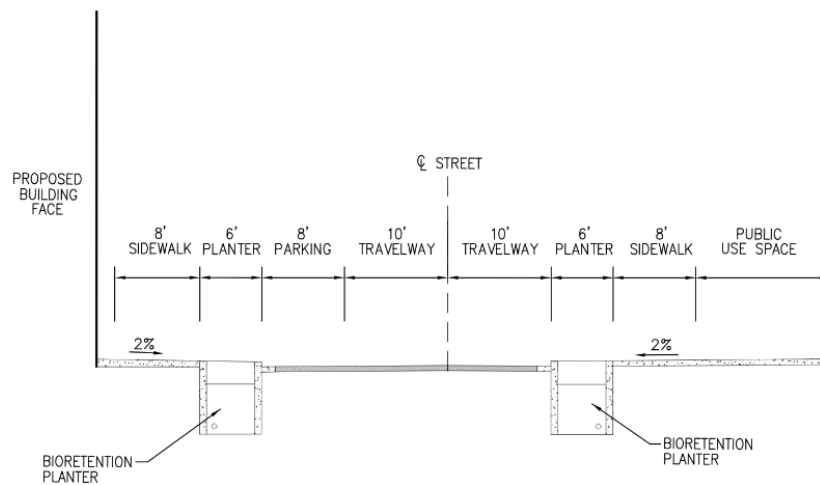


Figure 15 - Paseo Drive Cross-Section (Private)

The parking structure within Building B, accessed off Private Street A includes 319 spaces. This includes 255 standard parking spaces, 30 compact spaces, 6 standard ADA spaces, 2 ADA van spaces, 3 carshare spaces, 16 EV spaces, and 7 motorcycle/scooter spaces. The interim surface parking lot, which is also accessed off of Private Street A, includes 33 spaces, including 2 ADA van spaces. The existing office parking garage located in the southwest corner of the Subject Property, is also accessed via Private Street A and includes 45 parking spaces. On-street parking is provided on Private Street A and Paseo Drive with each having 5 on-street parking stalls. An additional 146 parking spaces are also provided in the off-site Luttrell Lot located across Woodglen Drive immediately to the west of the Subject Property. There is an existing Easement Agreement granting access to these spaces and, as

conditioned, the easement will be either plat-restricted, deed-restricted, or a joint use agreement will be in place. A total of 549 parking spaces are provided, which is more than the 390 minimum required spaces but less than the 652 maximum spaces.

The Applicant is seeking flexibility to potentially expand the number of parking spaces in the garage through an expansion of parking level 4. With this expansion, an additional 21 standard spaces would be added, creating 276 total standard spaces, 340 total spaces within the parking structure, and 574 total parking spaces for the Site. This is still below the maximum parking requirement of 652 spaces. A note will be added to the Certified Site Plan, specifying that the additional 21 parking spaces will be permitted if there are no impacts to the building footprint or above-grade architecture.

The parking garage within Building B also contains 65 long-term bicycle spaces in a bike room on the ground floor along Nicholson Lane. Another 37 long-term bicycles spaces are provided in a separate ground floor bike room along the south side of Building B, which can be accessed through Building B or via Private Street A. Within the existing office parking structure there are 12 long-term bicycle parking spaces. In total, there are 114 long-term bicycle parking spaces, which is above the 108 minimum required. Short-term bicycle parking spaces are provided near the Building B entrance on Private Street A and adjacent to the public plaza near the intersection of Private Street A and Rockville Pike (MD 355).

Pedestrians and bicyclists can access the site via Rockville Pike (MD 355) to the east, Executive Boulevard to the south, Woodglen Drive to the west, or Nicholson Lane to the north. The Rockville Pike (MD 355) frontage will be improved and will include a buffered sidewalk as well as a separated bikeway. Executive Boulevard has sidewalk present on both sides of the roadway and no improvements will be made to this frontage. Woodglen Drive will also be improved to include a wider, buffered sidewalk and will have a two-way separated bikeway located on the west side of the street. Nicholson Lane will be improved to include a separated bike lane and sidewalk.

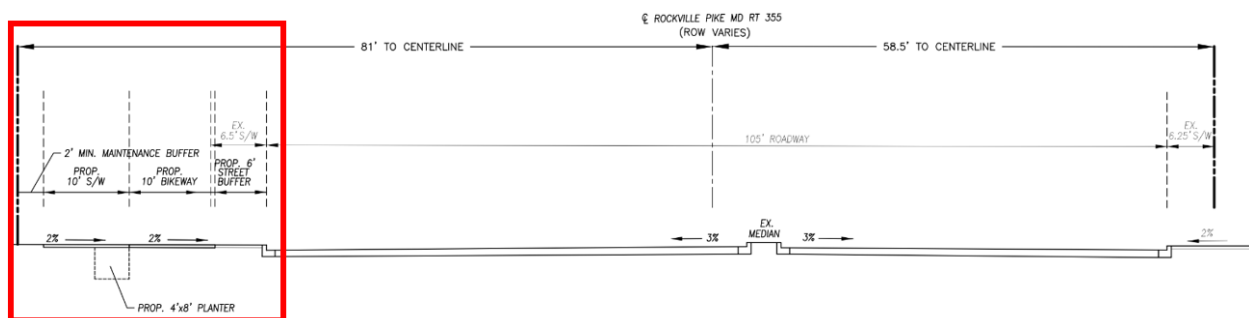


Figure 16 - Rockville Pike Cross-Section, Looking north with Subject Property Frontage in Red

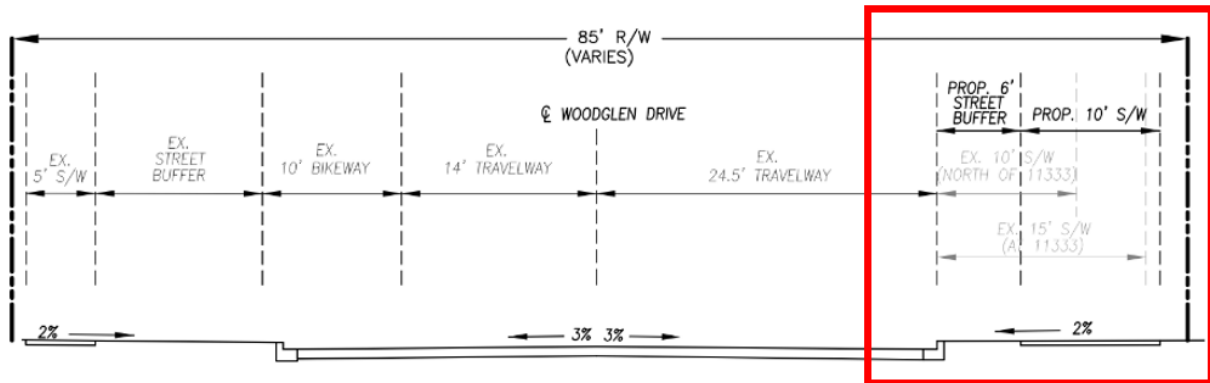


Figure 17 - Woodglen Drive Cross-Section, Looking north with Subject Property Frontage in Red

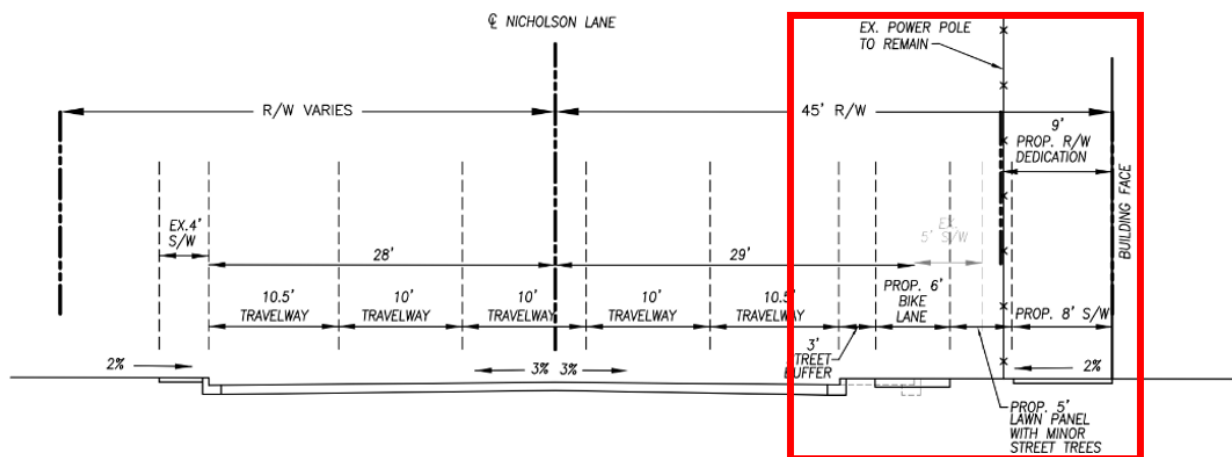


Figure 18 - Nicholson Lane Cross-Section, Looking East with Subject Property Frontage in Red

Adequate Public Facilities

Preliminary Plan Amendment 12012006A made an Adequate Public Facilities finding for up to 656,260 square feet of development, including up to 492,000 square feet of residential development and up to 268,000 square feet of non-residential development. The Subject Site Plan amendment proposes 285,000 square feet, or 280 units, of residential development, and 7,500 square feet of new commercial development in addition to the existing 67,260 square-foot office building to remain as part of Phase 1. The proposed totals of 285,000 square feet of residential development and 74,760 square feet of commercial development are within the previously approved Adequate Public Facilities finding, and therefore no new Adequate Public Facilities finding is required.

Forest Conservation Plan F20230170

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law (“FCL”). As required by Chapter 22A, a Final Forest Conservation Plan, designated F20230170, (“FFCP”) was submitted concurrently with the Preliminary Plan and Site Plan applications. The total net tract area for forest conservation purposes is 4.41 acres. The Property is zoned CR-4.0 and is classified as Mixed-Use Development (“MDP”) as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Site does not contain any forest. However, there is a 0.66-acre afforestation requirement as calculated in the Forest Conservation Worksheet, as determined by the property size and 15% afforestation threshold. The afforestation requirement will be met off-site in a forest bank or by payment of fee-in-lieu.

SECTION 5: FINDINGS AND ANALYSIS

PRELIMINARY PLAN AMENDMENT 12012006C

The Planning Board approved Preliminary Plan No. 12012006B, by Resolution MCPB No. 21-072, to reconfigure lots and private street parcels, adjust phasing, and modify the preliminary forest conservation plan to reflect the revised site layout on the Subject Property with conditions. Preliminary Plan Amendment 12012006C requests to extend the Preliminary Plan validity period by two years, and allow demolition of existing buildings prior to Record Plat approval. 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.***
 - a. *The block design is appropriate for the development or use contemplated***
 - b. *The lot design is appropriate for the development or use contemplated***
 - c. *The Preliminary Plan provides for required public sites and adequate open areas***
 - i. *Master Planned Sites***
 - ii. *Local Recreation***
 - iii. *Transportation and Utilities***
 - d. *The Lot(s) and Use comply with the basic requirements of Chapter 59***

The Subject Preliminary Plan Amendment is limited to the extension of the Preliminary Plan validity period, as well as a condition change that would allow the Applicant to demolish existing structures and related infrastructure prior to recordation of plats. The Subject Preliminary Plan Amendment does not propose any changes to the previously approved subdivision, and therefore this finding is not applicable.

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

The Subject Preliminary Plan Amendment is limited to the extension of the Preliminary Plan validity period, as well as a condition change that would allow the Applicant to demolish existing structures and related infrastructure prior to recordation of plats. The Subject Preliminary Plan Amendment does not change any aspect of conformance with the *White Flint Sector Plan*, and therefore this finding is not applicable. A discussion of how the Subject Site Plan Amendment conforms to the White Flint Sector Plan can be found on Page 37 of this Staff Report.

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

The Subject Preliminary Plan Amendment is limited to the extension of the Preliminary Plan validity period, as well as a condition change that would allow the Applicant to demolish existing structures

and related infrastructure prior to recordation of plats. The Subject Preliminary Plan Amendment does not propose any changes to the previously approved adequate public facilities finding, and therefore this finding is not applicable.

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

The Subject Preliminary Plan Amendment is limited to the extension of the Preliminary Plan validity period, as well as a condition change that would allow the Applicant to demolish existing structures and related infrastructure prior to recordation of plats. The Subject Preliminary Plan Amendment does not propose any changes to the previously approved Forest Conservation Plan, and therefore this finding is not applicable. Forest Conservation Plan F20230170 has been submitted to meet the requirements of Forest Conservation Law. Discussion of Forest Conservation Plan F20230170 can be found on Page 49 of this Staff Report.

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

The Subject Preliminary Plan Amendment is limited to the extension of the Preliminary Plan validity period, as well as a condition change that would allow the Applicant to demolish existing structures and related infrastructure prior to recordation of plats. The Subject Preliminary Plan Amendment does not propose any changes to stormwater management on the Subject Property, and therefore this finding is not applicable. A discussion of how the Subject Site Plan Amendment meets the requirements of Chapter 19 can be found on Page 48 of this Staff Report.

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

Not applicable to this Property.

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

Subdivision Section 50.4.2.H.3.a allows the Planning Board to extend the validity period of a preliminary plan if the Board finds that:

i. delays by the government or some other party after the plan approval have prevented the applicant from meeting terms or conditions of the plan approval and validating the plan, provided such delays are not caused by the applicant; or

ii. the occurrence of significant, unusual and unanticipated events, beyond the applicant's control and not caused by the applicant, have substantially impaired the applicant's ability to validate the plan, and exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by the applicant to implement the terms and conditions of the plan approval in order to validate the plan) would result to the applicant if the plan were not extended.

The Applicant has provided the following justification for the extension of the Preliminary Plan validity period:

“The Applicant purchased the Property on June 5, 2020 and has been diligently pursuing Amendments to the Project approvals since that time, despite the significant economic and market disruption resulting from COVID-19 that was beyond the Applicant’s control. These Amendments are necessary to right-size the Project to current market conditions, such that this much-anticipated redevelopment of the Property can occur in the near-term. To this end, Sketch Plan Amendment No. 32011003B and Preliminary Plan Amendment No. 12012006B were approved by the Montgomery County Planning Board on July 29, 2021. The approved Sketch Plan Amendment contemplated that the first development phase could be broken up into one or two sub-phases (either building the retail parcel concurrently with the multi-family residential building, or separately). However, the Applicant still wanted to deliver a more robust first phase and as such, sought to bring a multi-family residential development partner on-board. To this end, the Applicant has entered into an agreement with AvalonBay Communities, Inc. (“AvalonBay”). This partnership will allow for a critical mass of desirable, additional density in White Flint, which the Applicants believe will serve as a catalyst for more reinvestment nearby. The Applicant and AvalonBay are now concurrently seeking a Site Plan Amendment for the comprehensive development of Phase 1, which includes up to 292,500 square feet of development, including up to 7,500 square feet of non-residential use (excluding the existing 67,260 square foot office building, that will remain) and up to 285,000 square feet of residential use (or up to 280 dwelling units). A future site plan amendment will be filed at a later date to accommodate the remainder of the approve development, when market conditions permit. As discussed herein, the Applicant has been diligently pursuing the necessary plan amendments to implement the Project, since purchasing the Property in 2020. However, to ensure there is adequate time to process the Record Plat application and vest the Preliminary Plan, once the Site Plan Amendment is approved, the Applicant is seeking this extension.”

Staff recommends approval of the extension to the Preliminary Plan validity period based on the Applicant’s explanation above. The Applicant is proposing a modest extension of only two years to the previously approved validity period, which will keep the Preliminary Plan validity concurrent with the validity period of the Project’s Adequate Public Facilities approval. Additionally, the Applicant has made concrete efforts to move forward with the project, including bringing on a residential development partner. In the interest of expediting the development of this important project, Staff recommends approval of the Preliminary Plan validity extension.

SITE PLAN AMENDMENT 82015001B

Pursuant to Section 7.7.1.B.3 of the Zoning Ordinance, the Subject Applications have been reviewed under the development standards of the Zoning Ordinance in effect prior to October 30, 2014, with the exception of parking.

Section 59-D-3.4 establishes the findings required for approval of a site plan application. As set forth below, the Site Plan Amendment satisfies each of these requirements:

- 1. the site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;**

This provision is not applicable.

- 2. the site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;**

The Site Plan complies with the development standards and requirements set forth for the CR Zone in Division 59-C-15 of the Zoning Ordinance. This Property is not located within an urban renewal area.

Table 2 – Development Standards

Development Standard	Permitted/Required	Previously Approved Site Plan Amendment 82012004A	Proposed (Phase 1)
Gross Tract Area (Overall)	n/a	191,925 sf	191,925 sf
Net Lot Area (Overall)	n/a	158,586 sf	158,586 sf
Net Lot Area (Phase 1)*			127,441 sf
Area Zoned:			
CR-4.0, C-3.5, R-3.5, H-300	164,753 sf	164,753 sf	164,753 sf
CR-3.0, C-1.5, R-2.5, H-150**	27,172 sf	27,172 sf	27,172 sf
Residential Density (Building B)	3.5 FAR (max)	492,000 sf	285,000 sf (1.73 FAR) 280 dwelling units
Commercial Density	3.5 FAR (max)	164,260 sf	74,760 sf (0.45 FAR)
Proposed Building A			7,500 sf
Existing Office Building			67,260 sf
Total Density	4.0 FAR (max)	656,260 sf	359,760 sf (2.18 FAR)
Building Height	300 feet (max)	300 feet	75 feet
Public Use Space	15,900 sf (min)	22,700 sf	22,250 sf

*Excludes Lot 1 which is not within the Site Plan area.

**This area is Lot 1, which is the site of future Phase 2 and is not included in the Subject Site Plan Amendment.

OBJECTIVES OF THE CR ZONES

Section 59-C-15.2 of the Zoning Ordinance states that the "CR zones permit a mix of residential and non-residential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable patterns where people can live, work, recreate, and have access to services and amenities while minimizing the need for automobile use." Phase 1 is designed to achieve these goals through redevelopment of the single-use, aging, partially vacant office development with a mix of uses that will help activate this prominent site in North Bethesda.

The objectives of the CRN, CRT, and CR zones are to:

a. Implement the policy recommendations of applicable master and sector plans;

The Property falls within the NoBe District of the 2010 *White Flint Sector Plan*. Phase 1 conforms to the overall goals of the Sector Plan and the specific recommendations for the NoBe District (Block 2).

Phase 1 promotes several overall goals and objectives of the Sector Plan. The Sector Plan seeks to "unify White Flint around an urban core where active public spaces, streets, public parks, and plazas organize the built environment and give it character and style." Phase 1 provides an internal street network that will help to promote the Sector Plan's overall vision for more walkable blocks and a connected street grid. The proposed buildings have been laid out to define and activate the internal and external streets, as well as the public open space. Building B will enhance the pedestrian environment along the internal and external streets through its building placement, architectural design and activating ground floor uses. Building A has been designed and laid out to define and activate the public plaza, located at the intersection of Private Street A and Rockville Pike, as well as Paseo Drive. The proposed building heights have been varied and located to complement the adjacent North Bethesda Market I development to the south, engage the public spaces, and provide a compatible transition to the surrounding neighborhoods.

NOBE DISTRICT

Mix of Uses

Consistent with prior approvals and the vision of the Sector Plan, the Project will transform this largely suburban office development into a more pedestrian-friendly, urban environment that provides a mix of uses, including the office building to remain as part of Phase 1, the commercial use in Building A, and the residential units in Building B. The mix of uses on-site will enhance the recreational and employment opportunities for residents of North Bethesda and will complement the existing North Bethesda Market I project.

The Sector Plan recommends that within each district, signature buildings near the maximum height should be provided to create gateways or focal points. Phase 1 takes an important first step in implementing the goals and recommendations of the Sector Plan and transforming this site. Phase 2 of the Project will include a signature, two-tower building that will serve as a focal point when viewed from Rockville Pike.

Housing

As recommended in the Sector Plan, Phase 1 will "add value and enhance the quality of life that surrounds the area by providing increased services, better facilities, employment opportunities and greater housing opportunities." (Sector Plan, page 22). Phase 1 will provide greater housing

opportunities in the White Flint Sector Plan area, with the residential component of Phase 1 including up to 280 dwelling units, 12.5% of which will be MPDUs. The Project contains diverse housing opportunities by including a variety of market rate unit sizes and layouts to facilitate the availability of new housing in a range of types and rents within walking distance of the nearby Metrorail and Metro Bus stops.

Transportation

The internal private streets created in connection with Phase 1, and envisioned by the prior amendments, will achieve the Sector Plan's goal of expanding the street grid. The internal private streets promote one of the Sector Plan's overarching goals to promote mobility through the creation of a smaller grid of streets that provide convenient access to new developments. Phase 1 also proposes to improve the streetscapes on its street frontages, thereby substantially improving the pedestrian experience. The proposed streetscape improvements will promote pedestrian activity both within the project and throughout the larger White Flint Sector Plan area.

Sustainability

The proposed buildings will be energy efficient and designed to meet National Green Building Standards (NGBS) and Energy Star Standards, thus promoting the Sector Plan's goal of sustainability. Additionally, Phase 1 will improve the on-site stormwater management for both water quality and quantity.

DESIGN GUIDELINES

The Subject Applications are also subject to the June 2010 *Approved White Flint Design Guidelines* (the Design Guidelines). The Design Guidelines are organized around four main principles: (1) Connectivity; (2) Environment; (3) Design; and (4) Diversity. Phase 1 promotes each of these principles, as discussed below.

1. Connectivity

Reconfigure existing transit, streets, trails, and sidewalks to improve connectivity between neighborhoods and to provide alternatives for moving safely through the area.

Phase 1 has been designed to define and activate the public realm, with the buildings pulled up to the street on all four street frontages. Phase 1 will provide significant streetscape improvements to promote an attractive pedestrian environment. Paseo Drive and Private Street A collectively provide an important through-block connection between Executive Boulevard and Woodglen Drive, as envisioned by the Sector Plan. These internal private streets provide important mid-block connections that will enhance pedestrian and vehicular connectivity in this part of North Bethesda.

2. Environment

Combine responsible natural resource management with public open space design to create an integrated, sustainable, and compact fabric of buildings and streets.

Phase 1 will result in a more pedestrian-oriented development, as compared to the existing suburban style office buildings with surface parking lots. This walkable environment will encourage pedestrian

connectivity to nearby developments and throughout North Bethesda, to encourage alternative modes of transportation.

Phase 1 will also provide stormwater management on a site where none currently exists, with the exception of the green roof on the existing 11333 Woodglen Drive office building (which will remain). Additionally, the building design will incorporate sustainable building strategies and comply with the County's green building requirements and with the 2018 Energy Conservation Code.

3. Design

Promote design excellence and encourage sustainable and efficient building design and construction practices.

Phase 1 will transform this aging, suburban-style office development with a compact, mixed-use development. The Project will promote numerous objectives contained in the Design Guidelines. The buildings have been located to define and activate the streets. The entrances to the parking structure have been located on Private Street A to minimize traffic impacts and the parking garage will be wrapped by active uses and architectural treatments to blend into the building facades. The building design will provide ample transparency at the ground level to actively engage the street and façade articulation to break down the perceived mass of the multi-family building. The building design will provide visual and physical connections through ample transparency and individual unit entrances at the ground level to actively engage the street and provide eyes on the street. Unit arrangement in the multi-family building ensures natural light and proximity to open space for all tenants while sustainable construction methods and energy efficient designs provide comfortable tenant environments with lower impacts on natural resources in the short and long term.

4. Diversity

Identify and incorporate distinctive local character into the development of new and vibrant compact centers.

The proposed development will transform this primarily office development (and vacant buildings) into a diverse mix of uses, including retail, office (to remain) and residential. Phase 1's residential component will provide diverse housing opportunities, including studio, one-bedroom and two-bedroom units, that can accommodate residents of all ages and stages of life. The mix of uses on-site and in close proximity to the Metro will allow residents to live within walking distance of various employment opportunities and commercial establishments.

The Subject Application is in substantial conformance with the goals and objectives of the 2010 *White Flint Sector Plan*, including those specific recommendations for the NoBe District.

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

Phase 1 proposes to redevelop the existing commercial buildings and associated surface parking with a vibrant, mixed-use, pedestrian-oriented development. Phase 1 provides multi-family residential, retail and/or restaurant, and office (to remain) uses on-site. As such, Phase 1 will contribute to the mixed-use, walkable urban center envisioned by the Sector Plan.

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

The proposed development provides diverse housing through a mix of unit types and opportunities for office, retail and restaurant uses. The Subject Applications provide substantial improvements to the transportation network through the introduction of Private Street A connecting Woodglen Drive and Rockville Pike, the extension of Paseo Drive, and proposed streetscape improvements. These internal private streets will break down the existing oversized block into a more pedestrian friendly, walkable urban environment. This internal street network, in addition to the proposed building orientations, street activating uses, and streetscape improvements will activate and enhance the pedestrian realm. Additionally, diverse public amenities and open spaces are also provided, including the public plaza, located at the intersection of Rockville Pike and Private Street A, and the public pocket park along Woodglen Drive.

d. Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighborhoods;

Phase 1 provides for a variety of uses, densities and building heights which have been laid out across the site to promote compatibility with the adjacent development, surrounding community and proposed public open spaces. Building A at the intersection of Rockville Pike and Executive Boulevard has been designed to activate and engage the plaza through human-scaled design and associated café seating. Building B will introduce a mid-rise building type that provides street level activation of Private Street A through the multi-purpose lobby, showroom with storefront glass, and walk-up loft units that are designed to provide consistent activity along the street.

e. Allow an appropriate balance of employment and housing opportunities; and

Through the mix of uses proposed and to remain, and as discussed above, Phase 1 provides for a mix of residential and employment opportunities.

f. 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.

Properties developed under the Optional Method of Development must comply with the general requirements and development standards of the CR Zone and must provide public benefits under Section 59-C-15.8 to obtain greater density and height than allowed under the Standard Method of Development.

The Project will continue to provide substantial public benefits and also continue to address the Incentive Density Guidelines for the CR Zone. The Applicant is seeking incentive density above the Standard Method of Development. The Standard Method of Development allows for 0.5 FAR, or 95,962.5 square feet of development. Consistent with the prior amendments, the Subject Application at full buildout seeks 644,565.5 square feet of incentive density, to achieve a total density of 740,528 square feet. As such, the Project will achieve a minimum of 100 public benefit points from five categories. Staff recommends the awarding of 106.5 Public Benefit points, 79.42 of which will be provided as part of Phase 1.

Below is a public benefit chart that shows the public benefits to be provided with this Site Plan approval:

Table 3 - Public Benefits

Category	Subcategory	Total Points	Phase 1	Future Phase 2*
Major Public Facility	Off-site extension of Nicholson Lane bike lane to Rockville Pike	2.84	2.84	0
Transit Proximity	Site within 1/4 to 1/2 mile of North Bethesda Metro Station	36.88	36.88	0
Connectivity and Mobility	Neighborhood Services	7.50	7.50	0
	Minimum Parking	6.74	2.98	3.76
	Wayfinding	5.00	5.00	0
Quality Building and Site Design	Structured Parking	8.54	5.81	2.73
	Public Art	7.50	0.00	7.50
	Public Open Space	4.00	4.00	0
	Exceptional Design	10.00	5.00	5.00
Protection and Enhancement of the Natural Environment	Building Lot Terminations	5.00	4.41	0.59
	Vegetated Roof	7.50	0	7.50
	Cool Roof	5.00	5.00	0
		106.50	79.42	27.08

*Not included as part of the Subject Site Plan Amendment

Major Public Facility

The Subject Application proposes to extend the Nicholson Lane bike lane, past the Subject Property's frontage east to Rockville Pike. The Applicant's extension of the bike lane along the adjacent gas station frontage will result in significant improvements to the bike network, as prescribed in the 2018 *Bicycle Master Plan*.

The Subject Application is seeking 2.84 Public Benefit points for the extension of the Nicholson Lane bike lane. This benefit will be provided as part of Phase 1, and therefore all points in this category are proposed to be awarded for Phase 1. The Public Benefit points for Major Public Facility were calculated as shown below.

Table 4 - Major Public Facilities

Major Public Facilities		
N	Net Lot Area	158,586 sf
L	Land Area Conveyed	0
F	Floor Area Conveyed	0
C	Constructed Area of Facility	1,128 sf
	$((C/N)*4)*100$	
	$((1,128/158,586)*4)*100 =$	2.84 points

Transit Proximity

The Subject Application seeks 36.88 Public Benefit points based on the Subject Property's proximity to the North Bethesda Metrorail Station. The Subject Property contains areas that are within 1/4 mile of the transit station, and other areas that fit within the 1/4 mile to 1/2 mile from transit classification. Due to the different proximity classifications, the Public Benefit points are calculated using a weighted average between the two classifications.

Table 5 - Transit Proximity

Transit Proximity		
T	Total Tract Area	191,925 sf
t1	Tract Area within 1/4 mile of Transit	132,014 sf
t2	Tract Area between 1/4 and 1/2 mile of Transit	59,911 sf
P1	Points for Proximity Range 1 (w/in 1/4 mile)	40 points
P2	Points for Proximity Range 2 (b/w 1/4 mile and 1/2 mile)	30 points
	$(t1/T) * P1 + (t2/T) * P2$	
	$(132,014/191,925) * 40 + (59,911/191,925) * 30 =$	36.88 points

Neighborhood Services

Phase 1 seeks to retain the previously approved points for Neighborhood Services. The Subject Property is within 1/4 mile radius of retail establishments and other services along Rockville Pike that meet this criterion. Consistent with prior amendments, the Project is seeking 7.5 points in the Neighborhood Services category.

- Whole Foods Market – 1355 Woodglen Drive
- LA Fitness – 11416 Rockville Pike
- Stella's Bakery – 11510 D Rockville Pike
- Seasons 52 – 11414 Rockville Pike
- Dunkin Donuts – 11520 Rockville Pike
- 7-Eleven – 11421 Rockville Pike
- Taipei Tokyo – 11510 Rockville Pike
- Verizon Wireless – 11431 Rockville Pike
- A&B's Barbershop – 11520 Rockville Pike
- DryClean plus – 11520 Rockville Pike
- Russian Gourmet – 11431 Rockville Pike

Minimum Parking

The Subject Property is located in a Reduced Parking Area pursuant to Section 59.1.4.2 of the Zoning Ordinance⁴ because the Property is not located in a Parking Lot District but is zoned CR. As a result, the Project is eligible for Public Benefit points for providing fewer than the maximum allowable parking spaces specified by the Zoning Ordinance. For this Public Benefit, the proposed number of spaces, as well as the 21 additional spaces that the applicant has requested flexibility to provide, are used to calculate the appropriate number of points. This will result in the more conservative allocation of Public Benefit points for this category. The Subject Application is seeking 2.98 Public Benefit points by proposing fewer parking spaces than the maximum allowed in the Zoning Code.

Table 6 - Minimum Parking

Minimum Parking (Phase 1)		
R	Minimum Parking Allowed	390 spaces
A	Maximum Parking Allowed	652 spaces
P	Proposed Parking	574 spaces
	$((A-P)/(A-R)) * 10$	
	$((652-574)/(652-390)) * 10$	
	$(78/262) * 10 =$	2.98 points

Wayfinding

Phase 1 will install wayfinding signs in the proposed open and public spaces that orient pedestrians and cyclists to nearby parks, trails/paths, transit stations and stops etc. As such, and consistent with the Prior Amendments, the Applicants are seeking 5 points for wayfinding. A wayfinding plan is conditioned to be submitted as part of the Certified Site Plan.

Structured Parking

The Subject Application seeks 5.81 Public Benefit points for providing structured parking. The Phase 1 structured parking garage will contain 319 above-ground spaces and zero below-ground spaces, but the Applicant has requested the flexibility to provide an additional 21 spaces. For this Public Benefit, the scenario in which the additional spaces are not provided is used to calculate the number of points, so as to use the more conservative allocation of Public Benefit points for this category. Staff supports 5.81 points for this category.

⁴ Pursuant to Section 7.7.1.B.3 of the Zoning Ordinance, the Subject Applications have been reviewed under the development standards of the Zoning Ordinance in effect prior to October 30, 2014, with the exception of parking, which is permitted to be evaluated under the current Zoning Ordinance standards in accordance with Section 7.7.1.B.3.b.

Table 7 - Structured Parking

Structured Parking (Phase 1)		
A	Above-grade Spaces	319 spaces
B	Below-grade Spaces	0 spaces
T	Total Spaces	549 spaces
	$((A/T)*10)+((B/T)*20) =$	5.81 points

Exceptional Design

In order to achieve Public Benefit points for Exceptional Design, the following criteria must be met:

- Provides innovative solutions in response to the immediate context

Phase 1 will provide exceptional architectural design that will contribute to the walkable urban core envisioned in the Sector Plan. The Project will create the connected street grid envisioned for North Bethesda through the extension of Paseo Drive into the center of the Project, which intersects with Private Street A which connects Woodglen Drive with Rockville Pike. The new block sizes created by the internal streets are more manageable for pedestrians and provide more public access to the retail, office and residential functions offered by this redevelopment. The private streets have been designed to create a pleasing pedestrian environment, with street trees, on-street parking, broad sidewalks and activated ground floors. These internal streets will provide pedestrian connectivity within the site and facilitate connections to the broader North Bethesda neighborhood.

- Creates a sense of place and serves as a landmark

Phase 1 will turn a collection of low-rise, out-of-date commercial buildings and surface parking lots into a neighborhood destination. The plaza, by its location and design, is meant to be an inviting space to both the on-site residents and tenants, as well as the broader community. The human-scaled Building A has been designed to frame and activate the plaza. In addition, a piece of placemaking structural signage, a lit-up “NOBE” sign, is proposed for the corner of the public plaza.

- Enhances the public realm in a distinct and original manner

The public plaza area will be uniquely flexible to a variety of gathering sizes. It has been designed to provide outdoor dining for the adjacent restaurants, as well as public seating opportunities to promote public gatherings. The internal traffic circulation has been designed to allow Paseo Drive and the eastern half of Private Street A to be closed to accommodate larger single-day events without disturbing the service and parking access to all the permanent occupants of the Property.

- Materials, forms, or building methods unique to the immediate vicinity or applied in a unique way

The Project’s architectural details will give the proposed buildings meaning, character and scale. Rich colored brick with coordinating and contrasting colored window frames, expanses of transparency, wood accents, and alternating textures of metal panel cladding help to enliven the façade and the sidewalk experience. Details and scaling elements like inset terraces, material changes, and horizontal differentiation between different uses are used to add interest to the street wall. Double height entries and lobby amenities help to provide a sense of arrival that emphasizes the importance of these quasi-public spaces fronting the sidewalk. Tall building elements will utilize strategies designed to break down the perceived building mass.

- Compact, infill development so living, working and shopping environments are more pleasurable and desirable

The Project provides a mix of uses and densities on-site. The buildings and building heights have been laid out throughout the Property to enhance the pedestrian environment and public plaza, promote a compatible transition to the surrounding uses, and create the urban expression envisioned for the Property in the Sector Plan. Building A, the retail building at the intersection of Rockville Pike and Executive Boulevard, has been designed to engage the plaza as well as provide a protected area that, in combination with proposed landscaping, is shielded from the noise and traffic along Rockville Pike. Building B, the seven-story residential building on the northern portion of the Property, will provide active ground floor uses that will engage and enliven Private Street A and introduce a mid-rise building type. Phase 2 (not included in this Site Plan) will provide a two-tower high-rise building that has been designed to complement the heights and densities of the North Bethesda Market I development to the south and also provide a compatible transition to the residential neighborhoods to the west of Woodglen Drive.

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

The Project will result in significant improvements to the treatment of stormwater management on-site. There are no known stormwater management facilities located throughout much of the Property (with the exception of the green roof on the 11333 Woodglen Drive office building), and drainage flows from rooftops and parking areas directly into the storm drain system unabated. Phase 1 provides micro-bioretenention facilities and structural stormwater filter vaults to treat the stormwater runoff from the remaining roof area not being treated by the existing green roof and surrounding on-site hardscape.

The proposed development meets all criteria of the Exceptional Design category and Staff therefore supports 10 points for this category, which will be evenly allocated with 5 points for Phase 1 and 5 points for Phase 2.

Public Open Space

The Subject Application seeks 4 Public Benefit points for providing more than the minimum required public open space on site. Based on the net lot area of 158,586 square feet, the Zoning Code-required minimum public use space is 15,900 square feet, or 10% of the net lot area. The Applicant proposes to provide 22,250 square feet of public use space. Based on the calculations shown below, Staff supports 4 Public Benefit points for this category.

Table 8 - Public Open Space

Public Open Space		
N	Net Lot Area	158,586
R	Required Public Use Space	15,900
P	Provided Public Use Space	22,250
	$((P-R)/N)*100$	
	$((22,250 - 15,900)/158,586)*100 =$	4.00 points

Building Lot Terminations

The Applicant will purchase Building Lot Termination easements, or make an equivalent payment to the Agricultural Land Preservation Fund, in an amount equal to 5 percent of the incentive density floor area. Based on the density proposed by this Site Plan Amendment the Applicant would be required to purchase 0.49 BLTs, which equates to 4.41 Public Benefit points, as shown in the calculation below.

Table 9 - Building Lot Terminations

Building Lot Terminations (Phase 1)		
I	Incentive Density	196,537.5 sf
D	5% of Incentive Density	9,826.875
B	BLTs required (One for every 20,000 sf of D)	0.49 BLTs
-		
	B*9 =	4.41 points

Cool Roof

The Subject Application seeks 5 Public Benefit points for providing a Cool Roof. Previous approvals incorrectly awarded 10 points for this category. However, on sites larger than one-acre, Public Benefit points for this category are limited to a maximum of 5. The Applicant will provide a cool roof on the proposed residential building, which qualifies the Project for the maximum of 5 points.

In addition to providing the required Public Benefits, Section 59-C-15.6 of the Zoning Ordinance provides the following requirements for development in the CR Zone:

- a. Development that requires a site plan must be substantially consistent with the applicable master or sector plan and must substantially conform to any design guidelines approved by the Planning Board that implement the applicable plan (Section 59-C-15.61)***

As discussed in the Master Plan finding above, the Subject Applications are consistent with recommendations contained in the Sector Plan and conform to the Design Guidelines.

- b. Bicycle Parking Spaces (Section 59-C-15.62)***

Phase 1 will provide adequate on-site bicycle parking in accordance with the requirements of the current Zoning Ordinance (as permitted by Section 7.7.1.B.3.b).

A total of 65 long-term bicycle parking spaces are provided in secure bicycle parking within the parking garage. Another 37 long-term bicycle spaces are provided in a bike room located on the ground floor of the development which can be accessed from both the building and from the east/west Private Street. Twelve (12) long-term bicycle spaces will remain accessible within the existing office use garage at 11333 Woodglen Drive. The total 114 long-term bicycle spaces provided is above the 108 required. The required 8 short-term bicycle spaces will be located near the main entrance of Building B on Private Street A and adjacent to the public plaza near the intersection of the Private Street A and Rockville Pike (MD 355).

Pursuant to Section 6.2.10 of the Zoning Ordinance, the Planning Board may waive the requirements contained in Division 6.2, so long as the proposed design satisfies the intent of the parking requirements, as set forth in Section 6.2.1 of the Zoning Ordinance. The stated Intent is “to ensure that

adequate parking is provided in a safe and efficient manner.” The Subject Applications, as proposed, satisfy this requirement and provides safe, adequate, and efficient parking on-site.

Section 6.2.6 of the Zoning Ordinance contains certain design standards for bicycle parking, including the requirement that long-term bicycle parking must be provided within a building, covered parking garage or secure parking area. When a development includes more than one building, bicycle parking must be distributed proportionately throughout the project, or can be co-located as long as the bicycle parking is within 200 feet of an entrance to each of the participating buildings.

Section 6.2.4 requires one-long term bicycle parking space for the proposed retail component of the development. Given the relatively constrained footprint of Building A, which contains approximately 7,500 square feet of commercial uses, the Applicant is proposing to co-locate the long-term bicycle parking for Building A, within the long-term bicycle storage rooms proposed in Building B. Through this co-location, the Project will provide the minimum number of bicycle parking spaces (including the required share of long-term secure bicycle storage). Site Plan Condition 17.m requires that the Applicant add an entrance to the long-term bicycle storage room from Private Street A, so as to activate the street as well as provide convenient access to the shared bicycle storage room.

However, the entrance to the long-term bicycle storage rooms in Building B are located more than 200 feet away from the Building A entrance (with the closest entrance being approximately 275 feet from Building A), which does not meet the minimum locational requirements of Section 6.2.6.B.1.c. As such, the Applicant is seeking a parking waiver from the distance requirements.

Four (4) short term bicycle parking spaces will be provided in close proximity to Building A, to ensure there is easily accessible bicycle storage for the retail use. Additionally, the internal private streets and proposed streetscape improvements provide safe, efficient and convenient access between the long-term bicycle storage rooms and retail building. As such, the proposed development will provide adequate bicycle parking on-site to promote alternative modes of transportation.

c. Vehicular Parking (Sections 59-C-15.631 and 59-C-15.633)

Phase 1 will provide adequate on-site vehicular parking in accordance with the requirements of the current Zoning Ordinance (as permitted by Section 7.7.1.B.3.b). The majority of parking provided on-site will be located in a concealed and architecturally treated above-grade parking garage. Additionally, a small, interim surface parking facility is proposed adjacent to the existing office building to support the retail/restaurant uses. Landscaping along Executive Boulevard will provide screening for the interim surface parking lot, which will ultimately be redeveloped with a mixed-use, high-rise tower in Phase 2.

The parking garage will be accessed off Private Street A and will provide 319 vehicle parking spaces. Thirty-three (33) spaces are provided in the interim surface parking lot, which is also accessed off of Private Street A. Forty-five (45) spaces will remain accessible within the existing office use garage at 11333 Woodglen Drive. Five (5) on-street parking spaces are provided on Private Street A and 5 on-street parking spaces are also provided on Paseo Drive. An additional 146 parking spaces are provided off-site in the Luttrell Lot which is located across Woodglen Drive. There is an existing Easement Agreement granting access to these spaces and, as conditioned, the easement will be either plat-restricted, deed-restricted, or a joint use agreement will be in place. The 549 parking stalls exceed the minimum parking requirement of 390 spaces and is below the maximum allowable parking of 652 spaces. The use of a private internal road that bisect the property will minimize conflicts between pedestrians and vehicular movements along the Property’s frontages.

Additionally, the Applicant is seeking flexibility to expand the number of parking spaces in the garage through an expansion of parking level 4. With this expansion, an additional 21 standard spaces would be added, creating 276 total standard spaces and 340 total spaces within the parking structure, as well as 574 total parking spaces for the Site. This is still below the maximum parking requirement of 652 spaces.

d. Drive Thru Facility Design (Section 59-C-15.634)

The Project does not include any drive-thru facility.

e. Landscaping and Lighting (Section 59-C-15.635)

The proposed landscaping and lighting for the Project meet the minimum requirements set forth in Section 59-C-15.635. The interim surface parking lot on Lot 2 meets all landscaping buffer requirements.

3. the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

Phase 1 will provide internal private streets that will be lined with trees and on-street parking, to promote safe and efficient internal circulation of vehicles, pedestrians and bicyclists. The buildings have been located and designed to define and enhance the pedestrian environment, with street-activating ground floor uses. Additionally, streetscape improvements will be provided to enhance the pedestrian environment.

Safe, adequate, and efficient loading to the site will occur via Private Street A at the center of the Site.

4. each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and

Phase 1 has been designed to ensure that it is physically compatible with, and not detrimental to, existing and future development surrounding the Subject Property. Phase 1 has been specifically designed to promote a pedestrian-friendly environment. Phase 1 has been designed to promote connectivity with North Bethesda Market I to the south, with the extension of Paseo Drive to the center of the Subject Property. The Subject Applications also propose to replace an underutilized property with an exciting new Project.

5. the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

Forest Conservation Plan F20230170 has been submitted to meet the requirements of Forest Conservation Law. A separate Forest Conservation finding for the Subject Property can be found on Page 49 below.

Phase 1 will comply with the requirements of Chapter 19 of the Montgomery County Code. Applicable requirements under Chapter 19 are addressed in the approved Stormwater Management Concept Plan, which was reconfirmed by the Montgomery County Department of Permitting Services ("DPS") on March 8, 2023. The Property currently provides stormwater management treatment on-site through a substantial green roof located on the existing 11333 Woodglen office building. There currently are no other existing stormwater management facilities that provide water quality or quantity for this Property.

In connection with Phase 1, the Applicant will utilize environmental site design (ESD) through the use of green roofs and micro-bioretenment facilities to the maximum extent practicable toward meeting the required water quality treatment and water quantity control needs. The remainder of the ESD volume that cannot be provided for onsite through ESD facilities will be provided in underground structural facilities located within the garage. After the runoff has been treated through either ESD or structural facilities, the facilities will outlet to the southern end of the Property to an existing 27-inch pipe within Executive Boulevard. This existing storm drain system has storm drain capacity to safely convey the 10-year storm event.

The Property is not in a Special Protection Area, so no separate water quality monitoring plan is required. A Sediment and Erosion Control Plan will be submitted to DPS for its approval and permit prior to commencement of construction.

FOREST CONSERVATION PLAN F20230170

The Subject Applications meet the requirements of Chapter 22A of the Montgomery County Forest Conservation Law (“FCL”). As required by Chapter 22A, a Final Forest Conservation Plan (“FFCP”) was submitted concurrently with the Preliminary and Site Plan applications. The total net tract area for forest conservation purposes is 4.41 acres. The Property is zoned CR-4.0 and is classified as Mixed-Use Development (“MDP”) as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The Subject Property does not contain any forest. However, there is a 0.66-acre afforestation requirement as calculated in the Forest Conservation Worksheet, as determined by the property size and 15% afforestation threshold. The afforestation requirement will be met off-site in a forest bank or by payment of fee-in-lieu.

SECTION 6: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on December 6, 2022. The meeting was conducted virtually and the Applicant complied with all submittal and noticing requirements.

As of date of this Staff Report, no correspondence has been received.

SECTION 7: CONCLUSION

Preliminary Plan Amendment No. 12012006C, Site Plan Amendment No. 82012004B, and Forest Conservation Plan F20230170 comply with the findings required for approval in the Subdivision Regulations, Zoning Ordinance, and Chapter 22A. Staff recommends approval of Preliminary Plan Amendment No. 12012006C, Site Plan Amendment No. 82012004B, and Forest Conservation Plan F20230170 with the revised and new conditions included at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary Plan

Attachment B: Site Plan

Attachment C: Forest Conservation Plan

Attachment D: Agency Approvals

Attachment A - Preliminary Plan Amendment 12012006B

THE SIZE, LOCATION,
AND CONFIGURATION OF
THE BUILDINGS WILL BE
FURTHER REFINED AT
TIME OF SITE PLAN.

EX. TOPO LEGEND

- TRASH CAN
GROUND SHOT
VAULT REPCO
ROAD SIGN
SIGN
IRRIGATION VALVE
WATER VALVE
PARKING METER
DRAIN
STORM MH
SEWER PIPE
CLEAN OUT
GUY WIRE
LIGHT POLE
POWER POLE
EDGE OF PAVEMENT
CENTER LINE
BOLLARD
CURB
CURB & GUTTER
WALL
CATCH BASIN
UTILITY VAULT
SIDEWALK
WHITE LINE
EDGE OF BRICK
EDGE OF CONCRETE
STEPS
BUILDING LINE
ROADWAY CENTERLINE

PROPOSED BUILDING LEGEND

- BELOW GRADE FOOTPRINT
AT GRADE FOOTPRINT
BUILDING OVERHAND (OVER 10')
PROP. WALL
PROP. TRASH/LOADING
PROP. BENCH
PROP. TRASH RECEPTACLE
PROP. SIGN
PROP. BIKE RACK
PROP. STORMWATER FACILITY
PROP. MICROBID FACILITY
PROP. GREENROOF FACILITY
LIMIT OF DISTURBANCE
PROPOSED BUILDING
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED BIKEWAY

AMENDMENT SUMMARY

1. RECONFIGURATION OF LOTS AND PRIVATE STREET PARCELS
2. ADJUST PHASING
3. MODIFICATION OF PRELIMINARY FOREST CONSERVATION PLAN TO REFLECT REVISED SITE LAYOUT.

NEW SHEET PRELIMINARY PLAN - PHASE 2(PP-2)

mv+a

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Tel: (301) 963-1133
Fax: (301) 963-6306
www.jba-inc.net

ISSUED FOR: DATE:

PRELIMINARY PLAN AMENDMENT 8/11/2021

Professional Certification

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.
Licence No: 16143
Expiration Date: 08-22-22



PRELIMINARY PLAN #12012006B

NORTH BETHESDA MARKET II

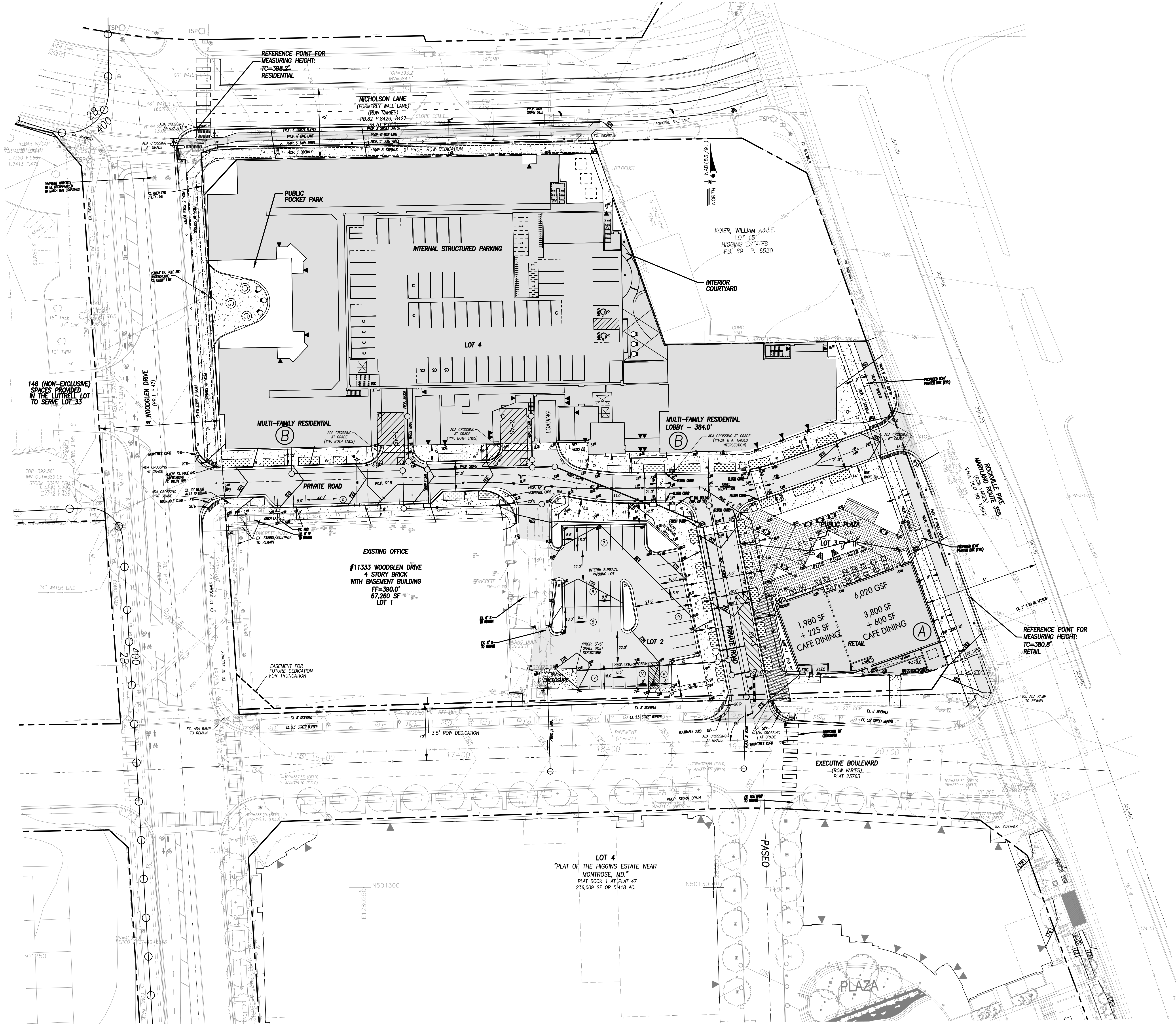
LOT 33, HIGGINS ESTATE
PLAT 24837, WSSC GRID 214NW05
TAX GRID MAP HQ12
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN
PHASE 2

PP-2



Attachment B - Site Plan Amendment 82012004B



EX. TOPO LEGEND

- TRASH CAN
- GROUND SHOT
- VAULT
- PEPCO
- ROAD SIGN
- SIGN
- IRRIGATION VALVE
- WATER VALVE
- PARKING METER
- DRAIN
- STORM MH
- SEWER PIPE
- CLEAN OUT
- GUY WIRE
- LIGHT POLE
- POWER POLE
- EDGE OF PAVEMENT
- CENTER LINE
- BOLLARD
- CURB
- CURB & GUTTER
- WALL
- CATCH BASIN
- UTILITY VAULT
- SEWAGE
- WHITE LINE
- EDGE OF BRICK
- EDGE OF CONCRETE
- STEPS
- BUILDING LINE
- ROADWAY CENTERLINE
- EXISTING WATER
- EXISTING SEWER
- EXISTING STORM
- EXISTING ELECTRICAL
- EXISTING GAS
- EXISTING OVERHEAD WIRES

PROPOSED BUILDING LEGEND

- BELOW GRADE FOOTPRINT
- AT GRADE FOOTPRINT
- BUILDING OVERHAND (OVER 10')
- PROP. WALL
- PROP. TRASH/LOADING
- PROP. BENCH
- PROP. TRASH RECEPTACLE
- PROP. SIGN
- PROP. BIKE RACK
- PROP. STORMWATER FACILITY
- PROP. MICROBIO FACILITY
- PROPOSED SITE LIGHT
- PROPOSED STREET LIGHT
- 6' CLEAR PATH FOR ALL PUBLIC SIDEWALK

AMENDMENT SUMMARY #82012004B

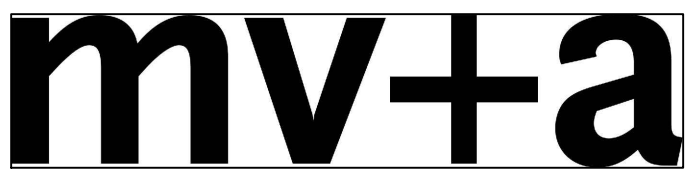
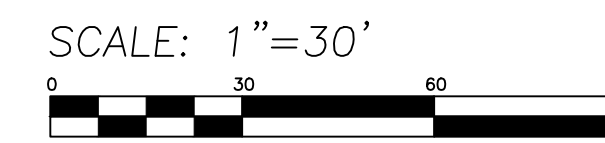
1. MODIFICATION OF BUILDING FOOTPRINTS AND PLACEMENT, AND CORRESPONDING REALLOCATION OF DENSITY AND MASSING WITHIN THE PROJECT, TO ACCOMMODATE PHASES 1A AND 1B
2. UPDATES TO PUBLIC OPEN SPACE, PARKING, RECREATIONAL AMENITIES, AND PUBLIC BENEFITS.
3. ADJUSTMENTS TO INTERNAL PRIVATE STREETS (CONSISTENT WITH THE APPROVED PRELIMINARY AND SKETCH PLAN APPROVALS).

STAFF NOTE: THIS AMENDMENT WILL BE CLASSIFIED AS A MAJOR SITE PLAN AMENDMENT; RECONFIRMATION OF SWM.

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Site Plan Approval No. 82012004B including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name:
Contact Person:
Address:
Phone:
Signature:



OWNER
Woodglenn Master Owner, LLC
Woodglenn Master Owner II, LLC
4800 Hampton Ln, Suite 800
Bethesda, MD 20814
Tel: 301.657.7325

APPLICANT
AvalonBay Communities, Inc.
4040 Wilson Blvd Suite 1000
Arlington, VA 22203
Tel: 703.329.6300

ARCHITECT
MVA-1 Mushinsky Voelke Associates, CHTD
1200 S Street, Suite 250
Washington, DC
Tel: 202.682.2822

CIVIL ENGINEER
Johnson Bernat Associates, Inc.
205 N Frederick Suite 100
Gaithersburg, MD 20877
Tel: 301.963.1133

LANDSCAPE ARCHITECT
LandDesign, Inc.
200 S Peyton St
Alexandria, VA 22304
Tel: 703.549.7784

STRUCTURAL ENGINEER
Structura, Inc.
12358 Parklawn Dr Suite 140
North Bethesda, MD 20852
Tel: 301.987.9234

INTERIOR DESIGN
AvalonBay Communities, Inc.
4040 Wilson Blvd Suite 1000
Arlington, VA 22203
Tel: 703.329.6300

MEP ENGINEER
Scot Engineering, Inc.
509 Germantown Pike Bldg 2
Lafayette Hill, PA 19444
Tel: 215.774.1429

KANSO NOBE II

NORTH BETHESDA, MARYLAND

SITE PLAN

PROJECT NUMBER
22002.00

REV.	ISSUE:	DATE
	SITE PLAN AMENDMENT #82012004B	4/21/23

KEY PLAN

DRAWING STAMP



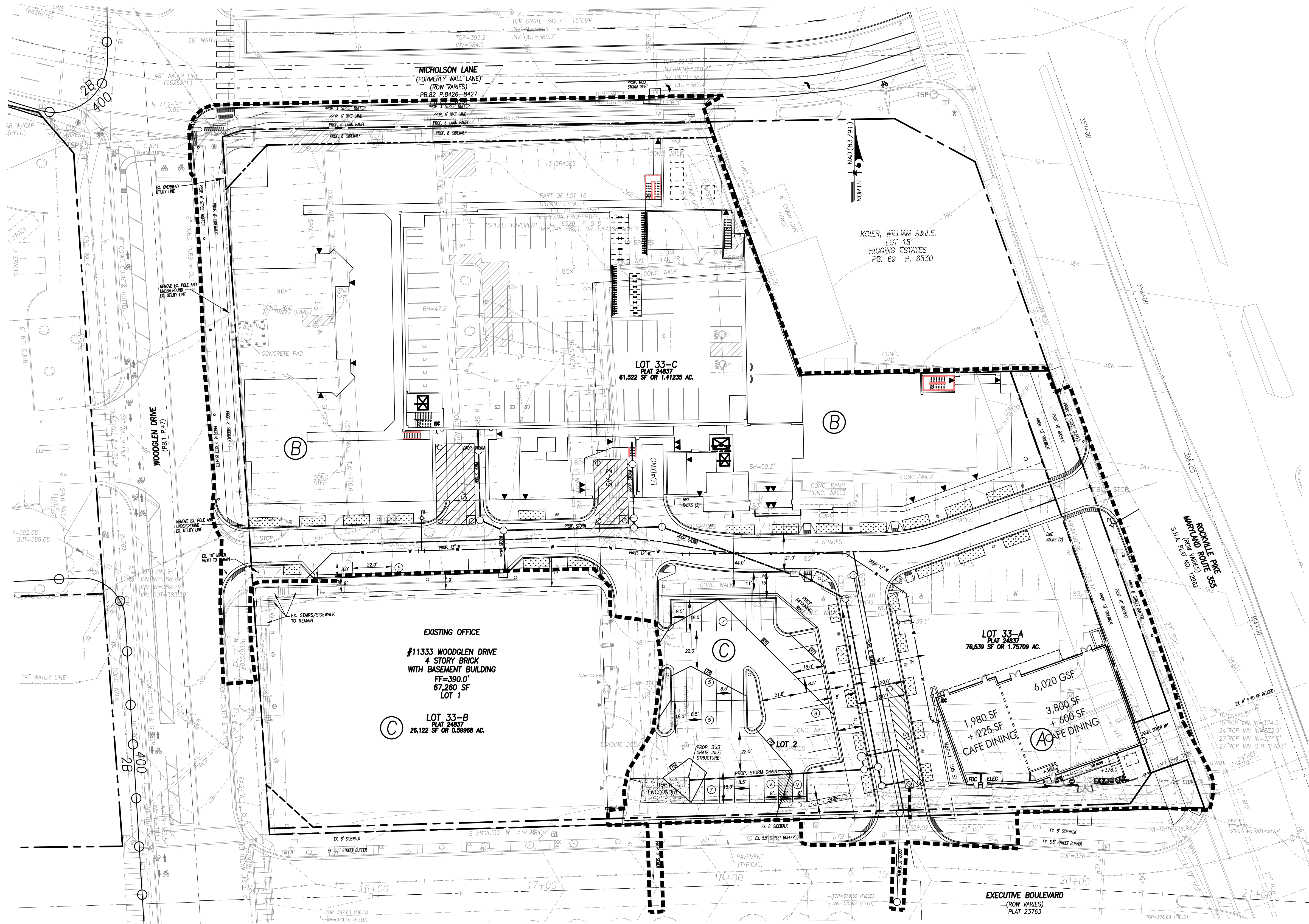
Professional Certification

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.

License No: 16146
Expiration Date: 08-22-24
SHEET NUMBER

C-2.00

Attachment C - Forest Conservation Plan F20230170

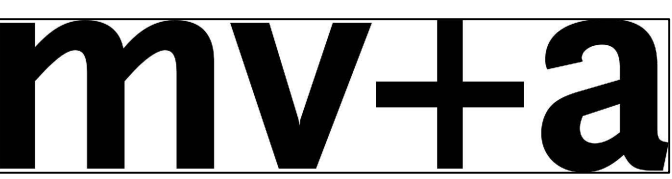


EX. TOPO LEGEND

TRASH CAN	GROUND SHOT
VAULT PERIOD	ROAD SIGN
IRRIGATION VALVE	WATER VALVE
PARKING METER	SEWER PIPE
SEWER PIPE	CLEAN OUT
GUY WIRE	LIGHT POLE
POWER POLE	EDGE OF PAVEMENT
CENTER LINE	BOLLARD
CURB	CURB & GUTTER
WALL	CATCH BASIN
UTILITY VAULT	SIDEWALK
WHITE LINE	EDGE OF BRICK
EDGE OF CONCRETE	STEPS
BUILDING LINE	ROADWAY CENTERLINE
CONCRETE	

PROPOSED BUILDING LEGEND

BELOW GRADE FOOTPRINT	AT GRADE FOOTPRINT
BUILDING OVERHAND (OVER 10')	PROP. WALL
PROP. TRASH/LOADING	PROP. BENCH
PROP. TRASH RECEPTACLE	PROP. SIGN
PROP. BIKE RACK	PROP. STORMWATER FACILITY
PROP. MICROBIO FACILITY	SOIL TYPE LINE
LIMIT OF DISTURBANCE	



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Woodglen Master Owner II, LLC
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Bethesda, MD 20814
Tel: 301.657.7325

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MEP ENGINEER
Scot Engineering, Inc.
509 Germantown Pike Bldg 2
Lafayette Hill, PA 19444
Tel: 215.774.1429

North Bethesda Market II

NORTH BETHESDA, MARYLAND

FINAL FOREST
CONSERVATION PLAN
#F20230170

PROJECT NUMBER
22002.00

REV.	ISSUE:	DATE
	SITE PLAN AMENDMENT #82012004B	1/20/23
	FCP AMENDMENT #F20230170	2/21/23

KEY
PLAN

AMENDMENT SUMMARY #82012004B
1. MODIFICATION OF BUILDING FOOTPRINTS AND PLACEMENT, AND CORRESPONDING REALLOCATION OF DENSITY AND MASSING WITHIN THE PROJECT, TO ACCOMMODATE PHASES 1A AND 1B
2. UPDATES TO PUBLIC OPEN SPACE, PARKING, RECREATIONAL AMENITIES, AND PUBLIC BENEFITS.
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STAFF NOTE: THIS AMENDMENT WILL BE CLASSIFIED AS A MAJOR SITE PLAN AMENDMENT; RECONFIRMATION OF SWM.

DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Site Plan Approval No. 82012004B including Approval Conditions, Development Program, and Certified Site Plan.
Developer's Name:
Contact Person:
Address:
Phone:
Signature:

SCALE: 1"=30'
0 30 60 90

DRAWING STAMP
STATE OF MARYLAND
JERRY L. JOHNSON
No. 16148
PROFESSIONAL ENGINEER
Professional Certification
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.
License No.: 16148
Expiration Date: 08-22-24
SHEET NUMBER
R

C-5.01



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

Aseem K. Nigam
Director

June 23, 2023

Mr. Parker Smith
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: North Bethesda Market II
Site Plan Amendment # 82012004B

Dear Mr. Smith:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval for the two hundred and eighty (280) dwelling units including thirty-five (35) MPDUs. The project is required to provide 12.5% MPDU's, although it is now in a 15% MPDU zone it was previously approved at the 12.5% MPDU requirement.

An Agreement to Build must be submitted to DHCA before building permits are obtained from the Department of Permitting Services (DPS). The final MPDU locations, layouts and bedroom mix will need to be approved by DHCA at the MPDU Agreement to Build stage.

Distribution of additional MPDUs must meet standards set in Chapter 25A and be approved by DHCA.

Sincerely,

Maggie Gallagher, Program Manager I
Affordable Housing Programs Section

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

Rabbiah Sabbakhan
Director

March 8, 2023

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

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

Dear Mr. Bradshaw:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated August 31, 2011 and its subsequent Reconfirmation of November 21, 2014 are hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,

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

Cc: SM File #: 240712



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

DPS-ROW CONDITIONS OF APPROVAL

May 19, 2023

82012004B North Bethesda Market II

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

“07-BSITE-82012004B-001.pdf V5” uploaded on/ dated **“5/16/2023”**,
“07-BSITE-82012004B-010.pdf V4” uploaded on/ dated **“5/16/2023”** and

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

1. Please address the following MCDOT conditions of their preliminary plan approval letter dated June 25, 2021 for preliminary plan 12012006B:
 - a. Significant comment 10: Sight distance.
 - b. 10: No non-standard items in ROW (retaining walls, planters, steps, etc).
2. Provide safe truck turning movement for all (especially right turn) movements.
3. Provide public sidewalk:
 - a. ensure/ show all sidewalks/ handicap ramps have matching receiving counterparts, are aligned and ADA connection is provided. Show/ label the existing sidewalks where connection is made.
 - b. Clarify cycle track traffic management at either end of the site.
 - c. Clarify the purpose of the leadwalk at the corner of Rockville Pike and Executive Blvd.
4. Where road pavement utilization is changed, please show the road crown on the section clearly.

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

1. Please address the following MCDOT conditions of their preliminary plan approval letter dated June 25, 2021 for preliminary plan 12012006B:
 - a. Significant comment 9: Private streets to be built to the corresponding public road classification standards per County Code 50.4.3.E.4.c.
 - b. 2: White Flint Design Guidelines.
 - c. 3: Taxing District.
 - d. TDM requirements.