

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-061
Site Plan No. 82015001B
Evolution Labs North Bethesda
Date of Hearing: June 1, 2023

JUN 1 6 2023

RESOLUTION

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

WHEREAS, on April 30, 2015, the Planning Board, by Resolution MCPB No. 15-42, approved Site Plan No. 820150010 for up to 521,000 square feet of mixed-use development, including 490,000 square feet of residential uses and 31,000 square feet of non-residential uses on 5.14 acres of CR-3, C-1.5, R-2.5 H-70' and CR-4, C-2, R-3.5, H-250' zoned-land, located along Old Georgetown Road (MD-187), south of Banneker Avenue and west of realigned Executive Boulevard (now Grand Park Avenue) ("Subject Property"), in the White Flint Policy Area and 2010 White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on March 9, 2017, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82015001A (MCPB No. 17-013), to increase the height of the western wing of the building; change the limits of disturbance ("LOD") to accommodate stormwater management facilities; remove the pedestrian bridges between two wings of the proposed building; remove the private dog park; modify the design of the green roof areas; relocate the bikeshare station into the public right-of-way; redesign and relocate the public art elements; and effectuate minor changes to the architectural detail of the proposed building on the Subject Property; and

WHEREAS, on February 8, 2023, Stonebridge Acquisitions, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plans to develop 236,466 square feet of Research and Development use in proposed Building A and construct a parking garage containing 692 spaces on the Subject Property; and

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82015001B, Evolution Labs North Bethesda ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 22, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 1, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedoeem, seconded by Commissioner Hedrick, with a vote of 5-0; Chair Zyontz, Commissioners Bartley, Hedrick, Pedoeem and Piñero voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82015001B for 236,466 square feet of Research and Development use in Building A and a 692-space parking garage by adding the following conditions which supersede the previously approved conditions:¹

1. Density

The Site Plan is limited to 236,466 square feet of Research and Development use in Building A.

2. The development is limited to a maximum height of 150 feet, as measured from the building height measuring point(s), as illustrated on the Certified Site Plan, pursuant to Section 59.4.5.4.5 for R&D uses.
3. The development must comply with the applicable binding elements and conditions of Sketch Plan No. 32013001A and Preliminary Plan No. 12015001B, as may be amended.

4. Public Open Space, Facilities, and Amenities

Before issuance of Final Use and Occupancy certificate for Building A, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage on Old Georgetown Road and Grand Park Avenue, consistent with the 2010 *White Flint Sector Plan Streetscape Standards*.

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

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 issuance of first Use and Occupancy permit for Building A, the Applicant must construct and lease a minimum of 100 parking spaces within the proposed structured parking garage to Montgomery County, to be used by visitors of the Kennedy Shriver Aquatic Center, Wall Local Park, and the Josiah Henson Museum according to the terms of the Parking Agreement between the Applicant and Montgomery County.

b) Transit Proximity - the Property is partially within ¼ mile, and partially between a ¼ mile and a ½ mile from North Bethesda Metrorail Station;

c) Connectivity between Uses, Activities, and Mobility Options

i. Minimum Parking

The Applicant must not provide/construct more than 692 parking spaces within the Phase 1 parking garage.

ii. Through-Block Connection

The Applicant must provide the north-south pedestrian connection between Wall Local Park to the south and the proposed private driveway to the north as part of this Phase 1 Site Plan. The pedestrian connection must be shown on the Certified Site Plan.

d) Diversity of Uses and Activities

i. Adaptive Buildings

The Applicant must provide, at a minimum, floor-to-floor heights of at least 15 feet on any floor that meets grade and at least 12 feet on all other floors.

e) Quality Building and Site Design

i. Exceptional Design

The Applicant must continue to work with Planning Staff to ensure the design quality of the project. The exterior architectural character, proportion, materials, and articulation must be substantially similar to

the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff at time of Certified Site Plan.

ii. Public Open Space

The Applicant must provide a minimum of 12,000 square feet of public open space (11.96 percent of net lot area). Before the issuance of the final Use and Occupancy Certificate for Building A, all Phase 1 public open space areas on the Subject Property must be completed.

iii. Structured Parking

The Applicant must provide no more than 692 parking spaces within the structured parking garage.

f) 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 0.3025 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. Parks

- a. Any activity on M-NCPPC Parkland requires an approved M-NCPPC Montgomery County Department of Parks (Montgomery Parks) Park Construction Permit and is subject to the full Park Construction Permit process as directed by Montgomery Parks staff.
- b. All facilities to be constructed and work performed by the Applicant must be acceptable to Montgomery Parks staff and must meet or exceed Montgomery Parks' design standards and specifications.
- c. Tree impacts on Parkland are subject to Montgomery Parks tree mitigation requirements as directed by Montgomery Parks staff and required under relevant Park Construction Permit(s).
- d. Prior to the issuance of the building permit for the parking garage M-NCPPC will provide a Free and Clear Fire Access Easement in a form and substance approved by the Commission's Office of General Counsel, as required by the MCFD.
- e. The Applicant in conjunction with Montgomery County Department of General Services must submit a Mandatory Referral application for the

Kennedy Shriver Aquatic Center access driveway and associated improvements at Wall Local Park (and obtain comments thereto from the Planning Board) before issuance of the first above-grade building permit for Building A of the site plan.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property.

8. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated April 6, 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.

9. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 40 long-term and 7 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room 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 specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan within 90-feet of the main entrance of the building per Zoning Ordinance Section 59.6.2.6.C.
- c) The Applicant must provide one bicycle repair station. The specific location(s) of the repair stand must be identified on the Certified Site Plan.
- d) The Applicant must provide showers and changing facilities in accordance with Section 59.6.2.6.B.3 of the Zoning Ordinance.

10. Parking Garage

- a. Before the issuance of any above-grade building permit associated with the Parking Garage, the Applicant must enter into an agreement with Montgomery County for a minimum of 100 spaces reserved for public use (Parking Agreement).

b. The Parking Agreement must provide:

- i. A minimum of 100 parking spaces fully reserved for public use by visitors to KSAC, Wall Local Park, and Josiah Henson Museum.**
 - ii. A minimum of 150 additional spaces which will be made available on request for use during events at KSAC, Wall Local Park, and Josiah Henson Museum; subject to agreed upon payment.**
 - iii. That visitors to KSAC, Wall Local Park, and Josiah Henson Museum can use the private visitor parking spaces if the 100 fully reserved parking spaces are all occupied and there is not a special event providing any additional spaces, subject to agreed upon payment.**
 - iv. A minimum of 50 years.**
- c. No substantive changes, early termination, or other early cessation of the Parking Agreement without a site plan amendment approved by the Planning Board.**
- d. Maintenance of the garage is the responsibility of the Applicant, as outlined in the terms and conditions of the Parking Agreement.**

11. Forest Conservation

The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan No. 82015001B approved as part of this Site Plan:

- a) The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan.**
- b) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.**
- c) Before certification of the FFCP, the Applicant must make minor technical corrections to the worksheet to show a gross tract area of 4.2 acres and off-site disturbance of 0.69 acres.**
- d) Before certification of the FFCP, the Applicant must show the planting locations and species of the trees being planted in mitigation for the removal of the variance tree on the FFCP.**
- e) Before certification of the FFCP, the Applicant must show appropriate tree protection measures along the LOD along the southern portion of the Property. 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 and the arborist for the Department of Parks.

- f) 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.
- g) The Applicant must execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all mitigation tree plantings, including variance tree mitigation plantings credited toward meeting the requirements of the FCP.
- h) The Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the planting and maintenance of the mitigation trees credited toward meeting the requirements of the FCP.
- i) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 9 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

12. 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 proposed 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 or parking garage, the light pole height must not exceed the height illustrated on the Certified Site Plan.

13. 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 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, railings, 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.

14. 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.

15. Interim Lawn

Within 12 months after the issuance of the final use and occupancy permit for Building A, the Applicant must clear and seed the land bay reserved for future

phases along Banneker Avenue into a temporary lawn without any fences for community gathering uses, or submit a building permit application for Building B.

16. Staging Allocation Request

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

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 Sketch Plan, 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."
 - i. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
 - ii. "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 must be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Modify the parking data table to reflect the provided bicycle parking that will be constructed instead of the bicycle parking provided at full build-out.

- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Reduce the curb radius of the Private Driveway at Old Georgetown Road and Grand Park Avenue to a maximum of 15 feet.
- h) Pursuant to the *Complete Streets Design Guide*, the sidewalk must be clearly delineated across all driveways and the grade, slope, and material of all adjacent sidewalks must be maintained through the driveway.
- i) Show the long-term bike room dimensions and bike rack details that are consistent with Zoning Ordinance Section 59.6.2.6.
- j) Identify parking stalls in the floor plans, including the total quantity of stalls by type including accessible stalls, EV ready stalls, motorcycle/scooter parking, and car share stalls. This should include parking stall dimensions, drive aisle dimensions, differentiated public, flex, and private parking areas, and proposed signage differentiating public parking spaces from flex and private parking spaces.
- k) Correct the notes on the site plan illustrative ground floor plan sheet to remove note 1 and adjust language of note 4 on Sheet A100.
- l) Applicant shall work with Staff to provide an acceptable interim condition, including temporary landscaping, along the north side of the private driveway, to be confirmed by Staff at time of Certified Site Plan.
- m) Update all drawings to show existing and proposed large street trees along Old Georgetown Road and Grand Park Avenue, planted at a maximum of 30 feet on center.
- n) Update all elevation drawings for the parking structure to clearly identify and separately label all areas for screening treatments, provide information regarding the materials and colors for screening treatments, and include photographic examples, with Staff approval.
- o) Prior to certified site plan, the Applicant must correct the FFCP to remove markings indicating removal of trees on Montgomery Parks property beyond the Limits of Disturbance south of the property line. Trees on Park property may only be removed if allowed under the conditions of the Park construction permit issued by the Montgomery Parks.
- p) At the time of Certified Site Plan, Applicant must show the through-block pedestrian connection to Wall Local Park, the final design and alignment of which is subject to approval by Montgomery Parks staff.
- q) At the time of Certified Site Plan, Applicant must show the parking garage entrance from Wall Local Park, to include an ADA-accessible entrance to the

garage in addition to vehicular access. The final design and alignment of the garage entrance is subject to approval by Montgomery Parks staff.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Evolution Labs North Bethesda 82015001B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

- 1. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*
- 1. The development satisfies any previous approval that applies to the site.*

The prior development approvals for the Gables mixed-use project apply to the Property. However, the Subject Application proposes to supersede the prior development approvals to reflect the proposed cluster of research and development uses. The conditions contained in the Subject Application will fully supersede those of prior applications.

- 2. The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*
This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.
- 3. The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

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

- 4. The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 2.43 acres zoned CR-3, C-1.5, R-2.5, H-70' and CR-4, C-2, R-3.5, H-250'. The Application satisfies the applicable development standards as shown in the following data table:

Table 1 – Development Standards

Development Standard	Permitted/ Required	Approved
Site Area (Parcel A)	n/a	105,698 sf
Mapped Density CR-3.0, C-1.5, R-2.5, H-70' CR-4.0, C-2.0, R-3.5, H-250'	3.0 FAR 4.0 FAR	3.18 FAR (achieved through density averaging)
Commercial (GFA/FAR)		3.18 FAR
Total Mapped Density (GFA/FAR)		3.18 FAR
Total GFA/FAR		3.18 FAR
Building Height, max average	150 ft	150 ft (achieved through height averaging)
Public Open Space (min s.f.)	10,029 (10%)	12,000 (11.96%)
Parking	Spaces Required (minimum/maximum)	Spaces Provided
Vehicle Parking	236/709	692 ²
Loading Spaces	Spaces Required	Spaces Provided
	1	1
Bicycle Parking	Spaces Required (Long Term / Short Term)	Spaces Provided
	40/7	45/7

The Subject Application demonstrates that the Project will satisfy the CR Zone requirements for an optional method project. More specifically, the Project will provide more than the minimum required Public Benefit points (100 points) from six (6) different benefit categories. The Application is seeking 121.55 Public Benefit points, 57 of which will be provided as part of Phase 1.

² Includes 100 parking spaces being constructed for users of the Kennedy Shriver Aquatic Center, Wall Park, and Josiah Henson Museum.

Table 2: Public Benefits

Category	Subcategory	Total Points	Phase 1 Building A	Phase 2 Building B	Phase 3 Building C
Major Public Facility	Public parking spaces for lease by the County in shared garage	26.21	26.21	0.00	0.00
Transit Proximity	Site within 1/4 to 1/2 mile of North Bethesda Metro	30.44	10.15	10.15	10.15
Connectivity and Mobility	Minimum Parking	8.67	2.50	3.09	3.09
	Through-block Connection	10	3.33	3.33	3.33
Diversity of Uses and Activities	Adaptive Buildings	7.5	2.50	2.50	2.50
Quality Building and Site Design	Exceptional Design	10	3.33	3.33	3.33
	Public Open Space	0.92	0.92	0.00	0.00
	Structured Parking	10	3.33	3.33	3.33
Protection and Enhancement of the Natural Environment	Building Lot Terminations	12.81	2.72	5.05	5.05
	Cool Roof	5	1.67	1.67	1.67
		121.55	56.66	32.45	32.45

Major Public Facility

The Subject Application proposes construction of approximately 100 public parking spaces in a shared structured parking facility to be leased by the County, which will facilitate enhanced public use of Wall Local Park by allowing for the removal of the existing surface parking lot. This provision of parking was discussed in the Sector Plan, which envisions the relocation of the existing surface parking lot on Wall Local Park so that “there will be space for outdoor recreational facilities” at Wall Local Park. Consistent with the previous Site Plan, which granted Public Benefit points for allocating space on the development site for public parking spaces with the recognition that such spaces would be funded through public financing, this Subject Application carries forward the same approach.

Also anticipated is the construction of an access driveway connecting the Kennedy Shriver Aquatic Center vehicular drop-off loop directly with the shared parking garage at the southwest of the Subject Property. The design of the Project’s parking garage includes an entrance near the southwest corner of the Phase 1 garage where the

anticipated access driveway will connect. The details of this access road will be reviewed and determined as part of a future Mandatory Referral Application. The Subject Application is seeking 26.21 Public Benefit points for the provision of 100 public parking spaces, estimated to be approximately 24,000 square feet of floor area, within the structured parking garage to be leased by the County. All of the public parking spaces will be constructed 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 and are awarded as shown below.

Table 3: Major Public Facilities

Major Public Facilities		
N	Net Lot Area	183,106
L	Land Area Conveyed	0
F	Floor Area Conveyed	24,000
C	Constructed Area of Facility	0
	$((L+F)/N)*2)*100$	
	$((24000/183,106)*2)*100$ =	26.21 points

Transit Proximity

The Subject Application seeks 30.44 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, and 30.44 points are awarded as shown below.

Table 4: Transit Proximity

Transit Proximity		
T	Total Tract Area	224,221 sf
t1	Tract Area within 1/4 mile of Transit	9,973 sf
t2	Tract Area between 1/4 and 1/2 mile of Transit	214,248 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
	$(t1/T)*P1 + (t2/T)*P2$	
	$(9,973/224,221)*40 + (214,248/224,221)*30$	
	1.78+28.66 =	30.44 points

Minimum Parking

The Subject Property is located in a Reduced Parking Area pursuant to Section 59.1.4.2 of the Zoning Ordinance 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. The Subject Application is seeking 8.67 Public Benefit points by proposing significantly fewer parking spaces than the maximum allowed in the Zoning Code. For purposes of calculating Public Benefit points, the 100 parking spaces being constructed and leased to the County for public users of Wall Local Park, the Kennedy Shriver Aquatic Center, and Josiah Henson Museum are not counted towards parking counts. 8.67 points are hereby awarded.

Table 5: Minimum Parking

Minimum Parking		
R	Minimum Parking Allowed	710 spaces
A	Maximum Parking Allowed	2,129 spaces
P	Proposed Parking	899* spaces
	$((A-P)/(A-R))*10$	
	$((2,129-899)/(2,129-710))*10$	
	$(1,230/1,419)*10 =$	8.67 points

*does not include 100 spaces to be leased by the County

Through-block Connection

The Project includes a north-south through-block connection between Banneker Avenue and Wall Local Park, in accordance with the Sector Plan vision for enhanced public amenities in the Metro West District. The Subject Application is seeking 10 points by providing this through-block connection through the Subject Property. The through-block connection is discussed in greater detail in the Open Space section on page 28 of this Staff Report. In order to be awarded the maximum of 10 points, the through-block connection must 1) be an open-air connection, 2) be at least 15 feet wide, and 3) be open to the public between 8AM and 9PM and provide a connection to public parking. All three of these criteria are met and therefore 10 points are awarded.

Adaptive Buildings

The Subject Application seeks 7.5 Public Benefit points in the Adaptive Buildings category. This Public Benefit is required in Zoning Ordinance Section 59.4.7.3.D.1. and Section 59.4.5.4.B.5. as part of the proposed height averaging on the property. The life science buildings are designed with minimum floor-to-floor heights of at least 15 feet on all floors. Further, internal structural systems are robust and able to accommodate various types of uses with only minor modifications. The lobby and vertical circulation are arranged such that the building can accommodate reconfiguration into office or residential units in lieu of the lab space, with the research and development uses continuing to be the primary use at the Project. Therefore, 2.5 are hereby be granted for each of the three proposed buildings, for a total of 7.5 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
- Creates a sense of place and serves as a landmark
- Enhances the public realm in a distinct and original manner
- Materials, forms, or building methods unique to the immediate vicinity or applied in a unique way
- Compact, infill development so living, working and shopping environments are more pleasurable and desirable
- Integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements

The Subject Application seeks 10 points for Exceptional Design. The Project is eligible because the proposed building and site design will have visual and functional impacts

that will enhance the character of the Metro West District. The Project will be constructed of high-quality materials, with aluminum window systems glazed in Low-E insulated windows extending from the lab bench height to the ceiling. A horizontally oriented rain-screen will include both a scale and pattern to bring richness to the façade and a scale that reads both at the pedestrian level and the larger scale of the building. Painted aluminum detailing and projections at glazed areas of the façade will enhance the horizontal movement in the building and further articulate the surface of the building in a color and finish that will reflect light throughout the day. The base of the building will be scaled to the pedestrian with a low cornice and articulated vertical columns and piers to create a rhythm across the building façade. The design of the Project also showcases stormwater management by using various elements like stepped walls and scuppers that highlight the stormwater management process at various stages. All of the criteria of Exceptional Design have been met, and 10 points are hereby awarded.

Public Open Space

The Subject Application seeks 0.92 Public Benefit points for providing more than the minimum required public open space on site. Based on the net lot area of 183,106 square feet, the Zoning Code-required minimum public use space is 18,311 square feet, or 10% of the net lot area. The Applicant proposes to provide 20,000 square feet of public use space. Based on the calculations shown below, 0.92 Public Benefit points are hereby awarded for this category.

Table 6: Public Open Space

Public Open Space		
N	Net Lot Area	183,106
R	Required Public Use Space	18,311
P	Provided Public Use Space	20,000
	$((P-R)/N)*100$	
	$((20,000-18,311)/183,106)*100 =$	0.92 points

Structured Parking

The Subject Application seeks 10 Public Benefit points for providing a structured parking garage. The structured parking garage will contain 999 above-ground spaces and zero below-ground spaces. For purposes of this category, the parking spaces that will be leased to the County for public use are included in the overall parking counts. 10 points are hereby awarded for this category.

Table 7: Structured Parking

Structured Parking		
A	Above-grade Spaces	999 spaces
B	Below-grade Spaces	0 spaces
T	Total Spaces	999 spaces
	$((A/T)*10)+((B/T)*20)$ =	10 points

Building Lot Terminations

The Subject Application seeks 12.81 Public Benefit points for the purchase of Building Lot Terminations. The Subject Application requires the provision of incentive density, which necessitates the use of Building Lot Terminations. The Project proposes 598,024 square feet of incentive density, which will require 1.4239 BLT easements at full build-out. However, as part of Phase 1 development of Building A, 0.3025 BLT easements are required. The Applicant proposes to phase the required BLT easements such that a partial BLT easement will be provided for Building A, with the remaining BLT easements satisfied during future phases of development. The Applicant will be required to purchase 1.4239 BLTs, which equates to 12.81 Public Benefit points, as shown below, which are hereby awarded.

Table 8: Building Lot Terminations

Building Lot Terminations		
I	Incentive Density	598,024 sf
D	7.5% of Incentive Density	44,852 sf
B	BLTs required (One for every 31,500 sf of D)	1.4239 BLTs
-		
	B*9 =	12.81 points

Cool Roof

The Subject Application seeks 5 Public Benefit points for providing a Cool Roof. On sites larger than one acre, Public Benefit points for this category are limited to a maximum of 5. Twenty-seven thousand (27,000) square feet of the 80,000 total square feet of roof area will qualify as a Cool Roof, which qualifies the Project for the maximum of 5 points, which are hereby awarded.

b. General Requirements

i. *Site Access*

Pedestrian and bicycle access to and around the Subject Property will be enhanced by frontage improvements on Old Georgetown Road and Grand Park Avenue. The Applicant will construct a 20-foot Breezeway on Old Georgetown which includes a 6-foot-wide street buffer, 8-foot-wide bicycle path, 4-foot-wide buffer, and 8-foot-wide pedestrian path. The applicant will also construct a 6.5-foot-wide separated bike path and a 5-foot-wide buffer on Grand Park Avenue. Additionally, a through-block connection will be provided, connecting the private driveway with Wall Local Park located to the south of the site.

Vehicular access to the site will primarily occur via a private driveway that connects Old Georgetown Road and Grand Park Avenue. The parking garage and a layby area will be accessed using this private driveway. In addition, a loading dock access will be provided off Grand Park Avenue to serve Building A.

The Project's through-block connection and pocket park will significantly improve pedestrian circulation to the North Bethesda Metro Station and adjacent mix of commercial and residential uses.

The MCDOT letter dated May 18, 2023 recommends a bus stop be installed on Banneker Avenue at the corner of Banneker Avenue and Old Georgetown Road, which will improve transit access to the Site.

ii. *Parking, Queuing, and Loading*

The parking garage will be accessed off the private driveway and will provide 692 vehicle parking spaces in Phase 1. This includes 100 spaces for users of Wall Local Park, the Kennedy Shriver Aquatic Center, and Josiah Henson Museum to be leased by the County. The provision of these spaces will implement part of the Sector Plan vision for the Metro West District by allowing for the removal and repurposing of the surface parking area in Wall Local Park. The 592 vehicle parking spaces committed to the private users of Building A exceeds the minimum parking requirement of 236 spaces and is below the maximum allowable parking of 709 spaces. The use of a private internal driveway bisecting the Property east-west will minimize conflicts between pedestrians and vehicular movements along the Property's frontages. A total of 45 long-term bicycle parking spaces are provided in secure bicycle parking within the parking garage. This is above the 40 required for the development. As conditioned, the required 7 short-term bicycle spaces will be located near the main entrance of the building. Vehicle loading to Building A will occur off Grand Park Avenue.

Given the unique site characteristics and the unified site plan development, the long-term bicycle parking may be located entirely within the parking garage, waiving the requirement of Zoning Ordinance Section 59.6.2.6.B.1.C. for all future Site Plan Amendment applications pertaining to the realization of Phases 2 and 3. The location of building entrances in future phases may or may not be within 200 feet of the long-term bicycle parking location. However, having a centralized long-term bicycle parking within the centralized parking garage serves the entire site and more dispersed long-term bicycle parking would not necessarily make long-term bicycle parking more convenient. Therefore, waiving this requirement for future phases is reasonable. Furthermore, it is also possible that future phases may have building entrances within 200 feet of the long-term bicycle parking location, rendering this waiver unneeded.

Safe, adequate, and efficient loading to the site will occur via Grand Park Avenue on the southeastern corner of the site.

iii. Open Space and Recreation

Since the Subject Property's tract area is between 3.01 and 6.00 acres and the Property has three (3) right-of-way frontages, 10% of the site is required to be provided as public open space. At full buildout, the Subject Application proposes a minimum of 20,000 square feet (10.9%) of public open space, which exceeds the minimum requirement of 18,311 square feet (10%). Phase 1 of the Project, covered by the Subject Site Plan Amendment, will provide 12,000 square feet (11.96%), which exceeds the minimum requirement of 10,029 square feet (10%). The public open space meets the design standards in Division 6.3 of the Zoning Ordinance.

iv. General Landscaping and Outdoor Lighting

All landscaping and lighting included in the Project is designed to preserve and strengthen the character of the Metro West District and improve water and air quality as identified in Section 59.6.4.1. The public and private open space proposed as part of the Subject Site Plan Amendment includes the Phase 1 portion of the through-block connection and streetscape improvements. The open space areas will include landscaping, lighting and amenities that help to activate the Project and its relationship to Wall Local Park.

v. Screening

Division 6.5 of the Zoning Ordinance only applies to standard method development, and thus is not applicable to this optional method Project.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on May 19, 2023. The plan will meet stormwater management requirements through the use of micro-bioretenment and a structural vault.

b. Chapter 22A, Forest Conservation

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. An amended Final Forest Conservation Plan has been submitted with this Application. The Site Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in this Staff Report and described below.

Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan ("FCP") with the current development plan applications for Preliminary Plan Amendment 12015001B and Site Plan Amendment 82015001B. The Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and are in compliance with the Montgomery County Planning Department's approved Environmental Guidelines.

The Subject Property is zoned CR and is assigned a Land Use Category of Mixed-Use Development ("MDP") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the *Trees Technical Manual*. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the net tract area.

The original Final Forest Conservation Plan (FFCP No. 820150010) included the gross tract area of 5.15 acres plus 0.79 acres of off-site disturbance in the total Limits of Disturbance (LOD). The Net Tract Area was 5.26 acres after an allowable deduction of 0.68 acres for dedication of a road right-of-way. The resulting reforestation/afforestation requirement was 0.79 acres. Site Plan Amendment 82015001A included a change to the LOD to accommodate stormwater management facilities, increasing the off-site disturbance by 0.29 acres. This resulted in a total off-site

disturbance area of 1.08 acres and a new Net Tract Area of 5.55 acres. The change increased the total reforestation/afforestation requirement to 0.83 acres. The applicant has already obtained 1.58 acres of credit for forest preservation in an approved forest bank, fulfilling the original requirement of 0.79 acres of forest planting or 1.58 acres of preservation of existing forest. The remaining mitigation requirement of 0.04 acres was to be fulfilled by payment of a fee-in-lieu.

The current Application to amend the Preliminary and Site Plans reflect changes resulting from the County's construction of the West Workaround which creates a new grid of streets surrounding the Property. The original Preliminary and Site Plans and subsequent amendments assumed that the Applicant would construct portions of these roadways, which increased the Net Tract Area of the Property. In addition, new lot lines have been established through the consolidation of the original lot with portions of other lots made available as new road alignments have framed the overall Property. The result has been a reduction in the overall Property area and the off-site disturbance, reducing the net tract area used for calculating Forest Conservation mitigation requirements.

The revised tract area for forest conservation purposes includes the 4.2-acre Subject Property plus 0.69 acres of offsite disturbance associated with this Application, for a total net tract area of 4.89 acres. This results in an afforestation requirement of 0.63 acres. The Applicant has already obtained off-site forest banking credits for preservation of existing forest in an approved forest bank, which is equivalent to the credit that would be given for planting 0.79 acres of forest. This exceeds the amended forest planting requirement of 0.63 acres. Therefore, no additional mitigation will be required and the previous requirement for purchasing an additional fee-in-lieu credit for 0.04 acres is eliminated.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing, and where required, open spaces and site amenities.*

The Project includes safe, well-integrated parking and circulation patterns through an on-site garage with public and private parking spaces which will be accessible through an internal private driveway. Access to the parking garage and loading bays serving the research and development uses have been carefully designed and coordinated to balance the need for upgraded pedestrian access to on-site public open space that will better connect the Subject Property to Wall Local Park and the North Bethesda Metro Station. The building massing of the three research and development buildings and structured parking garage are designed in a manner that creates a compatible transition from the single-family

residential community to the west to the more urban mix of uses to the north and east.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Subject Property is located within the area identified by the 2010 *White Flint Sector Plan* as the Metro West District. More specifically, the Property consists of a portion of the areas identified as Block 1: Conference Center and Block 2: Wall Local Park (Sector Plan, page 28). The specific recommendations of the Sector Plan have been met, as outlined below:

Sector Plan Page 29: "Rezone the rest of the block to CR-3.0, C-1.5, R-2.5, H-70 to ensure a transition in height and density between Block 1 at the Metro station and the existing residential development across Old Georgetown Road."

The Project's proposal for three research and development buildings with up to 150 feet of building height through the use of height averaging will allow for a transition in building height between the intensive uses to the east and the single-family residential community on the west side of Old Georgetown Road.

Sector Plan Page 28: "Properties zoned C-2 and TS-R fronting Rockville Pike should be rezoned to CR-4, C-3.5, R-3.5, H-300 with the remainder of the block CR-4, C-2, R-3.5 and H-250. The lower height in the block's interior will be consistent with residential development across Marinelli Road, which is 200 feet or greater. The Conference Center property is split zoned to accommodate taller buildings along Rockville Pike and lower buildings on the west."

The portion of the Property that is located in the Conference Center Block allows for up to 250 feet of building height, which allows for the use of height averaging in accordance with Section 59.4.5.4.B.5 of the Zoning Ordinance. Consistent with the Sector Plan vision for the Metro West District, the Project will allow for a compatible transition between taller buildings on Rockville Pike and the single-family community to the west of Old Georgetown Road.

Sector Plan Page 29: "The land area remaining after the intersection realignment of Old Georgetown Road and Executive Boulevard will be reconfigured into rectangular blocks in sizes more conducive to redevelopment."

The Project allows for consolidation of the former Executive Boulevard right-of-way and a portion of the Conference Center's surplus land through the

disposition and abandonment processes to create two reconfigured parcels that will accommodate a cluster of urban research and development buildings.

Sector Plan Page 28: "The Plan recommends public investment in the Market Street Civic Green promenade, and outdoor recreational facilities at Wall Local Park. Assembly or combined development would best create the proposed street grid, especially in Blocks 1 and 2."

The Applicant is proposing significant investment in public infrastructure and open space as part of the Project. In addition to streetscape improvements along Banneker Avenue, Grand Park Avenue and Old Georgetown Road, the Subject Application proposes a total of 20,000 square feet of public open space in the form of a pocket park at the intersection of Banneker Avenue and Grand Park Avenue, and a pedestrian through-block connection between Wall Local Park and Banneker Avenue. As a result, the Project is providing more than the minimum amount of public open space, which will enhance the existing recreational facilities at Wall Local Park and the Kennedy Shriver Aquatic Center. Furthermore, the Applicant is providing 100 parking spaces for lease by the County for public use to accommodate the needs of Wall Local Park, Kennedy Shriver Aquatic Center and Josiah Henson Museum, which will allow for the revitalization of Wall Local Park by Montgomery Parks.

Sector Plan Page 60: "This Plan envisions a public/private partnership with adjacent properties to relocate the surface parking within a parking structure built in conjunction with new residential development. This would help redirect public sector funds from building structured parking on-site to improving Wall Local Park."

The Project incorporates a parking garage with up to 100 public parking spaces to be leased by the County, which will allow for removal of the surface spaces in Wall Local Park and the potential for park improvements at Wall Local Park.

Sector Plan Page 6: "There are few locations remaining in Montgomery County where excellent transit service and redevelopment potential coincide. The MD-355/I-270 Corridor is a historic travel and trade route that links communities in Montgomery County to those in Frederick County. In the last 30 years the corridor has emerged as a prime location for advanced technology and biotechnology industries with regional shopping and cultural destinations."

While the Sector Plan expressly acknowledges and supports locating research and development uses in the Sector Plan boundaries, the more recently adopted 2022 Montgomery County Economic Development Strategic Plan recommends recruiting "life sciences companies to Montgomery County to increase the density

of its bio-health establishments.” The Project’s inclusion of a cluster of research and development buildings is in keeping with this recommendation.

As noted above, the Subject Application conforms to the specific recommendations of the 2010 *White Flint Sector Plan*.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

Local Area Transportation Review (LATR)

Pursuant to the 2020-2024 Growth and Infrastructure Policy, the project is exempt from the LATR because of its location in the White Flint Special Taxing District. Any proposed development located in the White Flint Metro Station Policy Area is exempt from LATR if the development will be required to provide substantial funds to the Special Tax District created to finance master planned public improvements in the Policy Area. As a result, the transportation adequate facilities test is satisfied without further analysis.

Other public facilities and services are available and will be adequate to serve the Project. The Subject Application does not propose any residential uses, therefore evaluation of adequacy of public school facilities is not applicable to the Subject Application. The Subject Property is served by public water and sewer and is assigned WSSC categories W-1 and S-1. The existing water and sewer lines will be adequate to serve the additional development proposed by the Project. Dry utilities including electricity, gas, and telephone are also available to the Subject Property. In connection with the Project, utilities will be relocated underground, which will enhance safe and efficient circulation patterns at the Subject Property. Finally, appropriate emergency access measures will be implemented providing adequate facilities for fire and rescue personnel to serve the Project.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Project is compatible with existing and approved or pending adjacent development as it will create a transition in building height and density from the single-family residential community to the west and the urban core to the east. The urban design of the Project incorporates significant public open space that is carefully designed to activate the adjacent right-of-way frontages, research and development buildings, and adjacent Wall Local Park. Redevelopment of the Subject Property with the Sector Plan-recommended configured parcels will

better connect to the properties in and outside of the Metro West District to encourage pedestrian and bicycle movements in this transit-oriented location.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 16 2023 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Commissioner Piñero, with a vote of 4-0; Chair Zyontz, Vice Chair Piñero, and Commissioners Hedrick, and Pedoeem, voting in favor of the motion, Commissioner Bartley was necessarily absent, at its regular meeting held on Thursday, June 8, 2023, in Wheaton, Maryland and via video conference.


Jeffrey Zyontz, Chair
Montgomery County Planning Board