



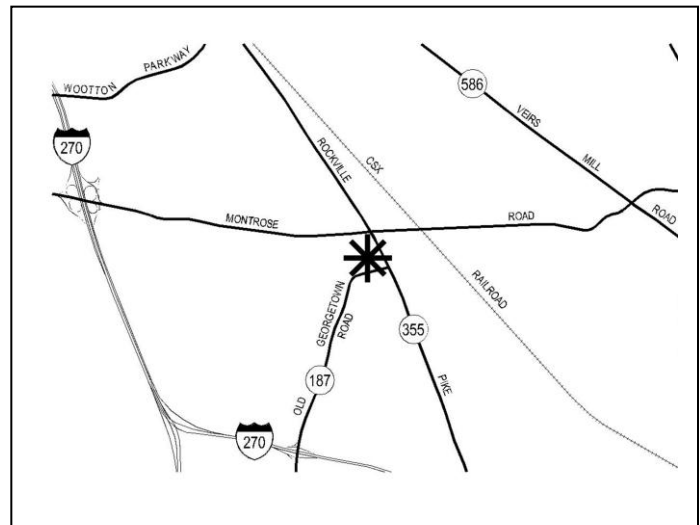
Preliminary Plan No. 120120020, Site Plan No. 820120020, Mid-Pike Plaza (Pike & Rose)

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Date of Staff Report: 2/10/12

description

- Preliminary Plan: Five lots (2 temporary) to be platted in phases with dedications of two new internal roads and perimeter dedication along three existing frontages for ultimate, mixed-use density up to 3,442,888sf;
- Site Plan: Construction of three buildings on two lots for 609,200sf for residential uses (up to 492 dwelling units) and 341,800sf of commercial uses plus public use space, amenities, and public benefits as required by the zone;
- Located in the northwest quadrant of the intersection of Rockville Pike (MD 355) and Old Georgetown Road (MD 187);
- Preliminary Plan covers 24.38 acres, 6.77 of which comprise the Site Plan, on a split-zoned property in the CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300 zones within the White Flint Sector Plan area;
- Filing Date: 8/3/11;
- Applicant: Federal Realty Investment Trust



summary

- Staff recommends approval of the Preliminary, Site, and Forest Conservation plans with conditions.
- The Planning Board previously approved Sketch Plan 320110010 by corrected resolution on October 10, 2011.
- Staff has received no correspondence from citizens or adjacent property owners.
- These first preliminary and site plans in the CR zones will set a precedent for the implementation of large, complex, phased, multi-use projects. The Preliminary Plan will establish the dedications for the public street network within the site and the rights-of-way to accommodate the ultimate multi-modal vision of the fronting streets. The Site Plan will allow construction of 951,000sf of retail, restaurant, office, entertainment, and residential uses. This density is approximately 25% of the ultimate build-out of the property and will provide public benefits, including the first structured parking facilities, the beginnings of the through-block pedestrian connections, tree canopy, adaptable buildings, and a dwelling unit mix, that have been analyzed according to the objectives of the master plan and the previously approved sketch plan.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan 120120020 subject to the following conditions:

1. Approval is limited to five (5) lots for a maximum density of 3,442,888 square feet of total development including a maximum of 1,716,246 square feet of commercial uses. A minimum of 12.5% of any residential units must be moderately priced dwelling units (MPDUs).
2. The Applicant must dedicate, and the record plat must reflect, the sector-plan recommended 162-foot right-of-way (81 feet from centerline) for Rockville Pike (MD 355) as shown on the Preliminary Plan, subject to State Highway Administration (SHA) and M-NCPPC Staff approval of the ultimate location of the centerline.
3. The Applicant must dedicate, and the record plat must reflect, a 110-foot right-of-way (50 feet from centerline) and a 10-foot Public Improvement Easement along this dedicated right-of-way for Old Georgetown Road as shown on the Preliminary Plan.
4. The Applicant must dedicate, and the record plat must reflect, the sector-plan recommended 120-foot right-of-way (60 feet from centerline) for Hoya Street as shown on the Preliminary Plan.
5. The Applicant must dedicate, and the record plat must reflect, the sector-plan recommended 150-foot right-of-way (75 feet from centerline) for Montrose Parkway as shown on the Preliminary Plan.
6. The Applicant must dedicate, and the record plat must reflect, the sector-plan recommended 70-foot right-of-way for business district street B-15 (Public Street A) as shown on the Preliminary Plan.
7. The Applicant must dedicate, and the record plat must reflect, the sector-plan recommended 80-foot right-of-way for business district street B-16 (Public Street 1) as shown on the Preliminary Plan.
8. The Applicant must provide a centralized location within the overall site for a public bike-sharing facility approximately 8-by-40 feet in size, as determined by the applicable subsequent site plan.
9. The Applicant must provide bicycle parking spaces for each site plan phase per at least the minimum number required by the Zoning Ordinance.
10. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) and assist in achieving and maintaining the non-auto driver mode share goals recommended in the White Flint Sector Plan. The Traffic Mitigation Agreement must be executed prior to release of any building permits.
11. The Applicant shall comply with the White Flint Urban District requirements when it is established by Montgomery County Council.
12. All required offsite forest conservation areas must be placed in Category I Conservation Easements. Category I Conservation Easements for each phase must be platted prior to any clearing or grading occurring on site for that phase.
13. The Applicant must submit and obtain staff approval of a revised Final Forest Conservation Plan for each of the successive phases.
14. Mitigation for the variance tree V-1 must be included in the Final Forest Conservation Plan for the phase that causes the removal of the tree. The Applicant will be required to plant at least 4 native canopy trees of at least 3" DBH in mitigation for the removal of variance tree V-1.
15. Trees proposed for tree cover credit to satisfy afforestation requirements should be in the shade tree category rather than ornamental trees. Trees used for tree cover credit must appear either in the list of approved trees in the Trees Technical Manual, or on the Montgomery County Department of Transportation's approved street tree list.
16. Applicant to submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.

17. Proof of conveyance of the portion of the property owned by SHA must be provided to staff prior to recordation of proposed Lot 1C.
18. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue (MCF&R) letter dated January 6, 2012. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
19. The Applicant must comply with the conditions of approval of the MCDOT letter dated January 27, 2012. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
20. The Applicant must comply with the conditions of approval of the Maryland State Highway Administration (SHA) letter dated January 24, 2012. These conditions may be amended by SHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
21. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated January 20, 2012. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
22. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
23. The Applicant must satisfy provisions for access and improvements as required by SHA prior to recordation of plat(s), as applicable.
24. The Applicant must provide the 10-foot-wide Public Improvement Easement (PIE) along the north side of the right-of-way for Old Georgetown Road, as shown on the Preliminary Plan. This PIE must be recorded by deed in the Department of Land Records. The PIE is to be conveyed to the SHA, and the Liber and Folio must be shown on the plat. A maintenance and liability agreement associated with the PIE must be executed, subject to both the SHA and MCDOT approval, prior to recordation of the plat.
25. No clearing, grading, or recording of plats prior to certified site plan approval.
26. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
27. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved preliminary plan with respect to lot configuration or right-of-way location, width, or alignment, the applicant must obtain approval of a preliminary plan amendment prior to certification of the site plan.
28. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
29. Prior to the issuance of any residential building permit covered by this Preliminary Plan, the Applicant must make a School Facilities Payment at the elementary and middle school levels to the Montgomery County Department of Permitting Services. The Applicant is proposing high/low rise w/parking residential units as defined by the Annual School Test effective July 1, 2011. This amounts to \$819.59 per residential unit at the elementary school level, and \$991.03 per residential unit at the middle school level. If the type of residential units changes the applicable school facilities payment, per the Annual School Test effective July 1, 2011, should apply.

30. The non-transportation portion of the Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
 31. All necessary easements must be shown on the Record Plat.
 32. The Applicant must prepare and submit traffic signal warrant studies for the Rockville Pike/Street 1 and Old Georgetown Road/Street A intersections.
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SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of 951,000 square feet of mixed-use development including up to 341,800sf of non-residential development and up to 493 residential units on approximately 6.77 gross acres in the CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300 zones. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on December 8, 2011, are required except as modified by the following conditions:

1. Sketch Plan Conformance
The proposed development must comply with the applicable binding elements and conditions of Sketch Plan 320110010 approved by the Planning Board by a Corrected Resolution dated October 10, 2011.
2. Preliminary Plan Conformance
The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan 120120020, unless amended and approved by the Planning Board.
3. Density Allocation
Building permits may only be issued after 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.
4. Placemaking Plan
The Applicant must provide public use and open space amenities in accordance with the "Placemaking and Phase 1 Amenity Plan for Pike & Rose" (Placemaking Plan) under the following stipulations:
 - a. Expand area encompassed by Placemaking Plan to include improvements along Hoya Street.
 - b. A quarterly review of the site and compliance with the Placemaking Plan must be held with Staff and the Public Arts Trust Steering Committee to ensure implementation and adherence to the Placemaking Plan.
 - c. Remove all notations of specific plantings, amenities and materials that may conflict with Placemaking Plan.
 - d. All installed site amenities and materials must meet applicable building codes.
 - e. The Placemaking Plan should include signage for the recreation loop extension, which may be considered a new public benefit as implemented through subsequent site plans.

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, as amended, for each one. Each public benefit must be verified by M-NCPPC Staff to be complete as required by the submittals listed for each prior to issuance of any use-and-occupancy permit for the associated building. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

- a. Transit Proximity
- b. Neighborhood Services
- c. Minimum Parking
 - Submit as-built drawings of parking garage for each building with tabulation of maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.
- d. Through Block Connection
- e. Public Parking
 - Submit as-built drawings of parking garage showing public parking spaces and signage and documentation of facility use and access restrictions.
- f. Adaptive Buildings
 - Submit as-built drawings of floor plans and cross-sections showing floor-to-floor heights, for each applicable building.
- g. Dwelling Unit Mix
 - Submit as-built drawings of floor plans with tabulation of bedroom unit mix, for each applicable building.
- h. Structured Parking
- i. Public Art
 - Provide review under Placemaking Plan Condition #4, above.
- j. BLTs
 - Purchase or payment for 1.82 Building Lot Terminations must be made prior to issuance of any building permit. Documentation to be provided to staff.
- k. Tree Canopy
 - Provide as-built landscape plan showing tree locations and species with 15 year coverage and tabulation of total open space under canopy; may be completed in phases for open space around individual buildings.
- l. Vegetated Roof
 - Provide as-built roof plans showing coverage of roof that is vegetated and cross-section of planting detail, for each applicable building.
- m. Advanced Dedication
 - Record dedication by plat.

6. Transportation

The Applicant must provide and show on the Certified Site Plan the following pedestrian and bicycle improvements:

- a. The Applicant must provide a minimum of 250 bicycle parking spaces, including 14 publicly accessible bike spaces and 100 private, secure bike spaces for Building 10; 20 publicly accessible bike spaces and 26 private, secure bike spaces for Building 11; and 22 publicly accessible bike spaces and 67 private, secure bike spaces for Building 12. Final location and facility details to be determined by Certified Site Plan and under the Placemaking Plan.

- b. The Applicant must revise streetscape plantings to ensure street trees are spaced a minimum of 35 feet on center for Old Georgetown Road, subject to SHA approval.

7. Environment

- a. Applicant to submit and obtain staff approval of a revised Final Forest Conservation Plan for each of the successive phases addressing the following comments:
 - i. Mitigation for the variance tree V-1 must be included in the Final Forest Conservation Plan for the phase that causes the removal of the tree. Applicant will be required to plant at least 4 native canopy trees of at least 3" dbh in mitigation for the removal of variance tree V-1.
 - ii. Trees proposed for tree cover credit to satisfy afforestation requirements should be in the shade tree category rather than ornamental trees. Trees used for tree cover credit must appear either in the list of approved trees in the Trees Technical Manual, or on the Montgomery County Department of Transportation's approved street tree list.
- b. Applicant to submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.

8. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development must provide 12.5 percent MPDUs in accordance with an Agreement to Build with the Department of Housing and Community Affairs (DHCA).
- b. The MPDU agreement to build shall be executed prior to the release of any building permits.

9. Recreation Facilities

The Applicant must provide at least the recreation facilities, conforming to the Recreation Guidelines approved by the Planning Board in September 1992, shown on the Site Plan including:

- a. In Building 10:
 - i. Four picnic/sitting areas;
 - ii. One open play area II;
 - iii. One wading pool
 - iv. One indoor community space; and
 - v. One indoor fitness facility.
- b. In Building 12:
 - i. Four picnic/sitting areas;
 - ii. One wading pool;
 - iii. One indoor community space; and
 - iv. One indoor fitness facility.

10. Maintenance

- a. Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.
- b. Subject to the SHA approval, the area within the 10-foot Public Improvement Easement along Old Georgetown Road must be categorized as public use space and be maintained to ensure public accessibility and meet the criteria required by the Zoning Ordinance under Section 59-C-15.73(c).

11. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

12. Performance Bond and Agreement

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide 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. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

13. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Demolition of existing buildings may commence prior to approval of the certified site plan.
- b. Street lamps and sidewalks adjacent to each building must be installed prior to release of any use-and-occupancy permit for the respective building. Street tree planting may wait until the next growing season.
- c. On-site amenities including, but not limited to, recreation amenities and public use space amenities adjacent to each building, must be installed prior to release of any use-and-occupancy permit for the respective building.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all applicable environmental protection devices.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features.

14. Certified Site Plan

Prior to 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 Final Forest Conservation Plan approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.

- b. Add a note to the Site Plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Make corrections and clarifications to recreation guidelines, labeling, data tables, and schedules.
- d. Ensure consistency of all details and layout between site plan and landscape plan.

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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Site Vicinity

The approved Mid-Pike Plaza Sketch Plan and proposed Preliminary Plan cover approximately 24.4 acres in the northwest section of the White Flint Sector Plan area. Rockville Pike (MD 355) borders the property to the east, with Old Georgetown Road (MD 187) to the south, Hoya Street to the west, and the recently realigned Montrose Parkway to the north. The State Highway Administration owns a commuter parking lot in the northeast corner of the site. Purchase of this site and possible replacement of the existing commuter parking spaces within the development is being negotiated by the Applicant; completion of the transaction must be completed prior to platting or development of the commuter lot.

The site is adjacent to primarily surface parking and commercial uses, including a car dealership, bank, retail stores, and offices, with a residential high-rise building to the east. The majority of the property sits between $\frac{1}{4}$ and $\frac{1}{2}$ mile of the existing White Flint Metro Station, the southern end of the property within $\frac{1}{4}$ mile of the station.



Vicinity Map

Site Analysis

The site is split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300. Previously, the site developed under the C-2 zone and is currently improved with approximately 308,555 square feet of retail uses and large expanses of surface parking.

There are no known historic resources, wetlands, floodplains, endangered or threatened species or habitats, steep slopes, or other environmental or cultural features on site. Currently there are no stormwater management facilities and only two trees with a caliper measurement greater than 24". On-site soils are classified as urban land. The site is within the Cabin John Creek watershed, a class I/I-P stream.



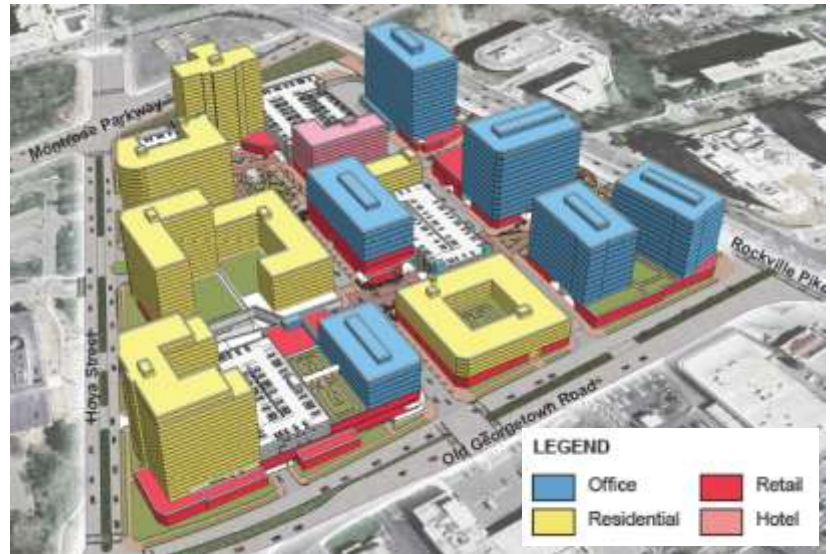
Site Aerial View

PROJECT DESCRIPTION

Previous Approvals

Sketch Plan 320110010 was approved by the Planning Board by Corrected Resolution on October 10, 2011. This approval established several binding elements on the entire 24.4 acre site:

1. Maximum total density of 3,442,888 square feet, including a maximum of 1,716,246sf of non-residential development;
2. Maximum Height of 200 feet in the CR3 C1.5 R2.5 H200 zone and 300 feet in the CR4 C3.5 R3.5 H300 zone;



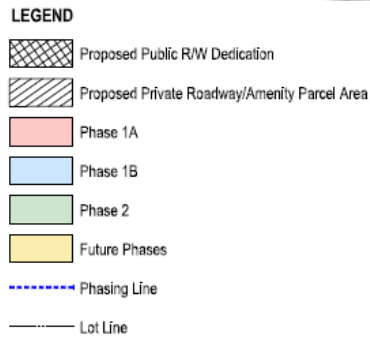
3. The general location and extent of public use space (green areas shown below);



4. The categories of public benefits:

Public Benefits Table Approved with the Sketch Plan			
Category	Public Benefit	% Requested	Notes
Transit Proximity		33.09	Calculated as a weighted average per the ordinance.
Connectivity	Neighborhood Services	10.00	Project provides or is within ¼ mile of 10 different retail services.
	Minimum Parking	6.32	Project provides less than maximum allowed parking.
	Through-Block Connection	10.00	Pedestrian access within a block between streets.
	Public Parking	7.62	Project provides publicly accessible parking spaces.
Diversity	Adaptive Buildings	4.37	Project provides buildings with minimum specified floor-to-floor ratios and open floor plans.
	Care Center	15.00	Adult or child care center per the ordinance.
	Dwelling Unit Mix	2.19	Project provides units with a range of bedroom counts.
Design	Structured Parking	14.32	Project provides parking in below- and above-grade structures.
	Tower Setback [Step-Back]	1.53	Building towers for some buildings are stepped back from the street-level façade.
	Public Art	5.00	Project provides public art program.
	Exceptional Design	6.70	Project provides buildings and open spaces per the ordinance and guidelines.
Environment	BLTs	5.00	Purchase of 7.28 BLTs.
	Tree Canopy	10.00	Canopy coverage of at least 25% of the open space.
	Vegetated Roof	4.48	Project provides a vegetated roof on some buildings.
Advance Dedication		3.72	Advance dedication of 39,504sf of right-of-way.
Total		139.34	

5. The phasing program.

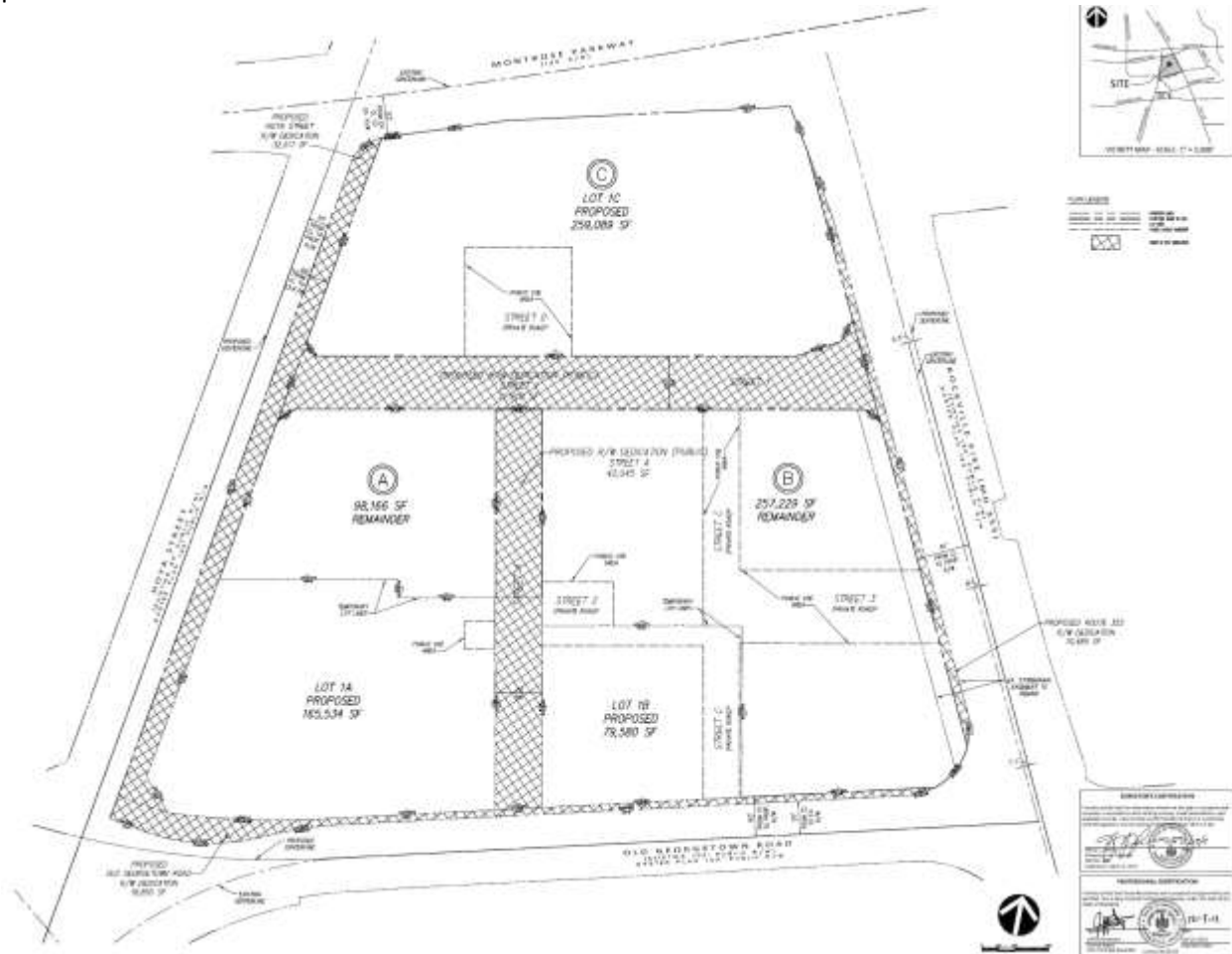


These binding elements, as shown on the sketch plan, are subject to conditions and modification at site plan per Section 59-C-15.43(d).

Proposal

Subdivision

The preliminary plan will create five lots: Lot 1A with a temporary “remainder” lot, Lot 1B with a temporary “remainder” lot, and Lot 1C creating three blocks. Only the area that is subject to the current site plan will be platted at this time; the “remainder” lots will be removed when subsequent phases are platted.



Preliminary Plan Lotting Plan

The preliminary plan will also dedicate land for two new public roads: Street 1, running east-west between Rockville Pike and Hoya Street and Street A, running north-south, from Street 1 to Old Georgetown Road. Further dedications will be made along Rockville Pike and Hoya Street to the Sector-Plan rights-of-way. For reasons detailed in the Preliminary Plan Analysis, the dedication along Old Georgetown Road is recommended to be 50 feet from the centerline with an additional 10 feet to be placed in a public improvement easement. This will ensure that the full 60 feet (and ultimate 120-foot right-of-way area) of travel lanes, sidewalks, tree plantings, bike lanes, and paths are constructed and publicly accessible, while allowing the master-planned vision of street-activating uses and building locations along the sidewalks to be implemented.

Finally, accommodations for three key public use space areas and two private roads will be established by the preliminary plan ensuring implementation of these key objectives of the Sector Plan. Final build-

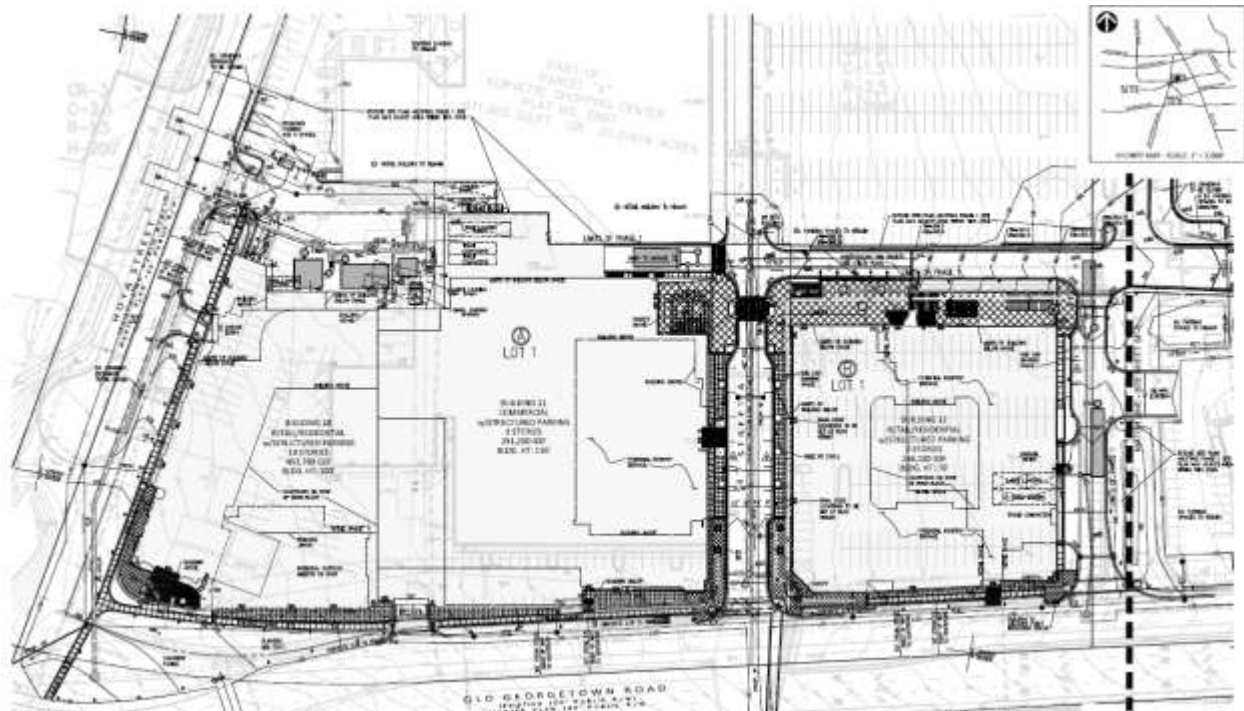
out on the three lots will be 3,442,888 square feet, up to approximately 50% of which may be non-residential.



Preliminary Plan Phasing Plan

Building

The proposed development differs little from the approved Sketch Plan that was reviewed by the Planning Board in January of 2011. There are three proposed buildings in Phase 1, which will be built on Lots 1A and 1B with some improvements being made in the “remainder” lots. Buildings 10 and 11 will be built on Lot 1A and Building 12 will be built on Lot 1B.

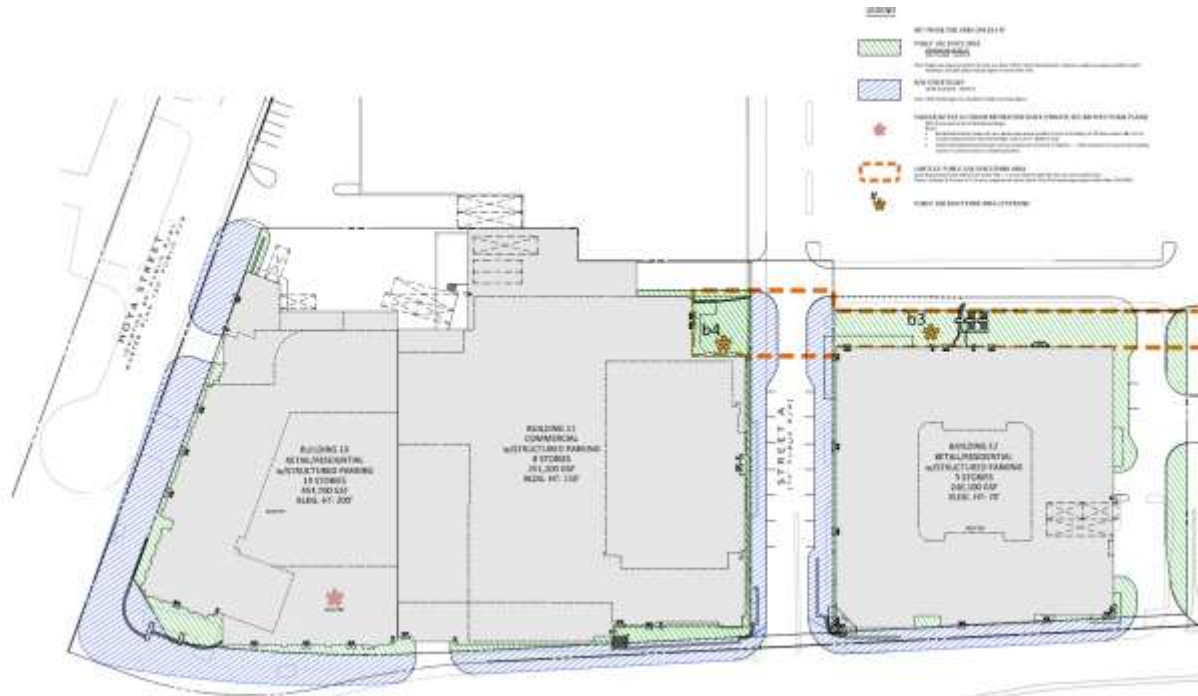


Site Plan

Building 10, located in the southwest corner of the property, will house approximately 319 residential units with 12.5% moderately priced dwelling units (MPDUs) and 13,300 square feet of commercial space in a 200-foot tower set on a podium. Building 11, directly abutting Building 10, will house approximately 251,200 square feet of office and commercial space in a 110-foot glass U-shaped building. Building 12 fronts on Old Georgetown Road to the south and Street A to the west, will house approximately 174 residential units and 50,300 square feet of commercial space built in an approximately 70-foot tall, O-shaped building with a warehouse feel. The required 12.5% MPDUs for the residential uses will be spread over the two buildings as agreed to by the Department of Housing and Community Affairs (DHCA). Each building will house roof-top amenity spaces and terraces at various levels for residents and employees, respectively, as well as internal amenity, community, and fitness facilities.

Open Space

Public use space is provided along each existing and proposed road frontage and within two expanded open spaces: a pocket park and the first section of a promenade that will ultimately run from Street A to Rockville Pike. The streetscape along Street A will be built to a minimum standard including trees, lamps, benches, and paving. The additional public use space will contain seating, plantings, artwork, paving, and site features carefully chosen to create a unique sense of place. These open space features are proposed under the parameters established in the Applicant's "Placemaking and Phase I Amenity Plan – Pike & Rose" described below. In all, 24,500 square feet of public streetscape improvements and 39,000 square feet of on-site public use space will be completed with the first phase. As with density in the CR zones, public use space must be provided on the subject site encompassed by an approved sketch plan, not on any particular portion of the site.



Public Use Space Plan

Circulation

Vehicular circulation will remain similar to the existing pattern:

- Street A will replace the drive-aisle in front of the existing retail buildings, but built to new public road standards;
- Old Georgetown Road, Hoya Street, and Rockville Pike will remain generally unchanged until the Special Taxing District improvements begin; and
- Access to the site just east of Building 12 will remain although the first steps in creating the future Street C will begin to be made.

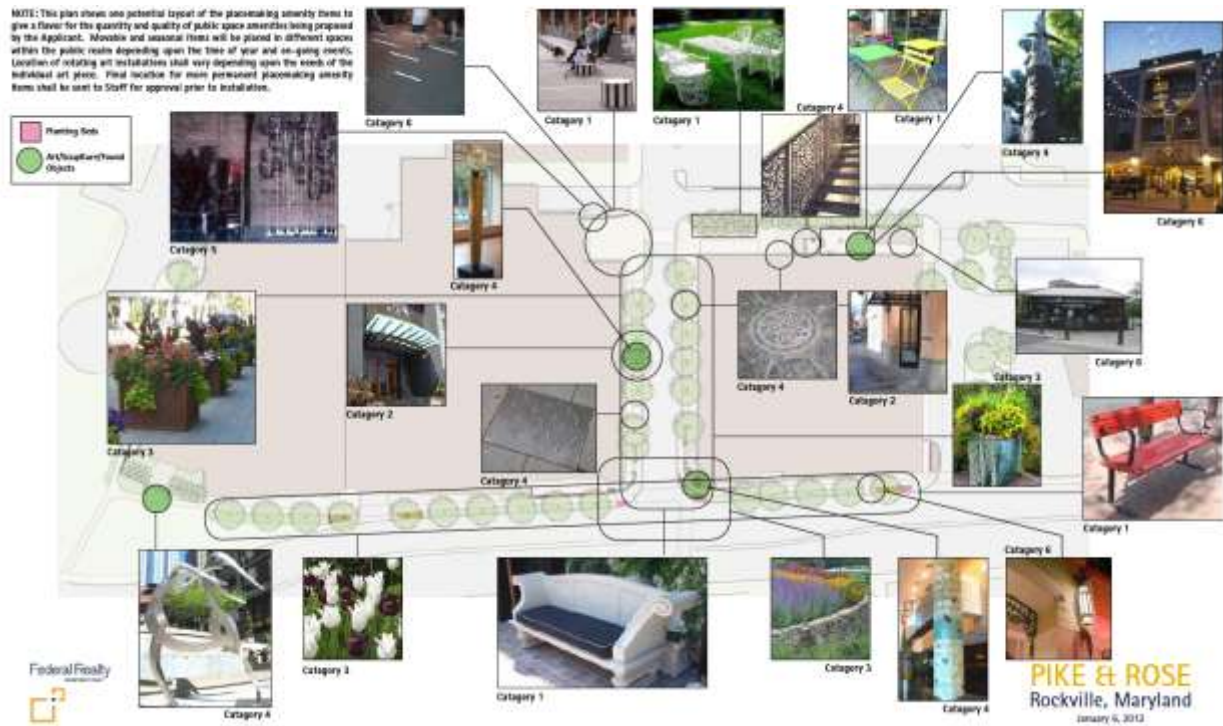
New loading and garage access points will be consolidated to two points along Hoya Street, one point on Street A, and one point along future Street C. Parking for each building will be constructed in structured parking. Pedestrian circulation is provided along sidewalks in front of all of the buildings.

Public Amenity Plan

The Applicant has proposed a “Placemaking & Phase 1 Amenity Plan – Pike & Rose” (Placemaking Plan) as an alternative to showing individual site amenities and landscaping on the site plan. Approval of the site plan, however, will be conditioned on meeting the parameters established for various site elements within the Placemaking Plan:

1. Seating Options, including fixed benches and movable furniture;
2. Shade, including shade trees, canopies, and trellage;
3. Landscaping, including ornamental plantings, screening, and movable planters;
4. Artwork, including decorative railings and gates, graphics, sculpture, mosaic, and found-art installations;
5. Fountains; and
6. Pavilions & Lighting, including kiosks, retail pavilions, and specialty lighting.

Each of these categories provides an enforceable set of performance measures and zones on the site plan where they will be implemented. Further, periodic review by Staff and the Public Arts Trust Steering Committee will be established to ensure compliance.



Public Benefits

The Sketch Plan for this site was approved with various public benefits requiring at least a proportional implementation of those benefits with each phase. The proposed development will provided the following public benefits:

- Transit Proximity
- Neighborhood Services
- Minimum Parking
- Through Block Connection
- Public Parking
- Adaptive Buildings
- Dwelling Unit Mix
- Structured Parking
- Public Art
- BLTs
- Tree Canopy
- Vegetated Roof
- Advanced Dedication

These public benefits total 34.63 points, a greater proportion of the total than the density being proposed in Phase 1, which is 25% of the ultimate build-out. The sketch plan was originally proposed under the previous public benefit system that was calculated according to percentages rather than

points. The conversion, however, is a one-to-one conversion where each percentage equals one point. Further, the neighborhood services benefit was modified, but the subject application may take points under the original method due to a “grandfathering” provision for this particular benefit.

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. Staff has not received any correspondence regarding the Application.

SECTION 2: PRELIMINARY PLAN REVIEW

SUBDIVISION

The Subject Property will be platted in phases as subsequent site plans are filed. The initial subdivision plan will allow for the subdivision of the existing recorded Parcel "A" of the Korvette Shopping Center (Plat No. 6897) and consolidation of a portion of the SHA-owned land abutting Parcel "A" into five (5) lots on approximately 24.38 gross acres (19.73 net acres). Four of the proposed lots are temporary, and will be consolidated into two lots as part of future phases of development. The Applicant, eventually, anticipates three (3) lots at full build out. These "temporary" lot lines are to accommodate businesses within existing structures until those sites are redesigned and redeveloped as part of future phases of development. A maximum of 3,442,888 square feet of development is proposed onsite up to approximately 50% of which may be non-residential.

The Preliminary Plan and subsequent Site Plans aim to transform the existing strip shopping center with acres of surface parking into nine walkable urban blocks consisting of buildings of various heights and a mix of residential and commercial uses. Improved transit mobility, BLTs, neighborhood services, minimum parking, public parking, structured parking, tower setbacks, dwelling unit mix, adaptive buildings, public art, tree canopy coverage, and vegetated roofs are proposed to be included in the redevelopment of the strip shopping center. The Applicant is proposing public use spaces and pedestrian-oriented streetscaping that will help create a pedestrian-friendly environment. Two urban plazas and a neighborhood green are envisioned totaling approximately 1.29 acres, which will expand to approximately 1.93 acres when these public use spaces are closed to vehicular traffic during events. The proposed street grid will connect with surrounding development and public use spaces in White Flint to enhance pedestrian, bicycle, and auto mobility.

The Applicant is proposing to shift the centerline of Rockville Pike slightly to the southwest reflecting what will likely be the new location of the centerline based on the new overpass at Montrose Road. The current centerline for Rockville Pike is shown on the State Roads Commission (SRC) Plat No. 17933. The ultimate location of the centerline of Rockville Pike (MD 355) will need to be verified and approved by SHA and transportation planning staff prior to the recordation of any plats covering any portion of land that fronts on Rockville Pike. The ultimate alignment and desired location of the centerline has not been determined at this time, as studies regarding the Rockville Pike Transitway are still ongoing.

A large part of the northern portion of the Subject Property shown on this Preliminary Plan is still owned by SHA. Proof of conveyance of the portion of the property owned by SHA must be provided to staff prior to recordation of proposed lot 1C.

TRANSPORTATION

Design Exceptions

The Applicant submitted a request for nine design exceptions in public right-of-ways. The design exceptions are aimed at enhancing the pedestrian experience in what is envisioned to become a high density, mixed-use, transit-oriented development. These design exceptions were reviewed and approved by MCDOT, SHA, and Area 2 staff. The nine design exceptions are as follows:

1. Pavement of parking bays on Street A and Street 1 slope towards edge of travel lanes;

2. Reduction in standard intersection radii;
3. Reduction to standard right-of-way truncations at street intersections;
4. Walls and stairs in public right-of-ways per landscape plan;
5. Stormwater management devices in the public right-of-way;
6. Trench drain at back of curb in the public right-of-way;
7. Building canopies within the public right-of-way;
8. Applicant requests ability to be allowed to manage operations of area from building to building in public right-of-way for Street A and Street 1;
9. Reduction of loading spaces from guidelines.

Site Location and Vehicular Site Access Points

The overall site of the subject mixed-use development is located on the north side of Old Georgetown Road between Rockville Pike (MD 355) and Hoya Street (i.e., previously known as Old Old Georgetown Road) with Montrose Parkway along the northern property line. The vehicular access points are proposed from Old Georgetown Road, Rockville Pike, and Hoya Street.

Transportation Demand Management

This site is within the boundary of the North Bethesda Transportation Management District (TMD). As a new development, the Applicant must enter into a traffic mitigation agreement to participate in the North Bethesda TMD. The White Flint Sector Plan recommends that the TMD achieve a 39% non-auto driver mode share (NADMS) goal for employees that consists of a 26% transit mode share, 5% ridesharing, and 8% other commuting modes of transportation.

Public Transit Service

Ride-On routes 5, 26, 38, 46, and 81 operate along the site's adjacent roadways. The property is located between ¼ and ½ mile from the White Flint Metrorail Station.

Sector-Planned Roadway and Bikeway

In accordance with the *White Flint Sector Plan* and *Countywide Bikeways Functional Master Plan*, the sector-planned roadways and bikeways are as follows:

1. Montrose Parkway is designated as an arterial, A-270, with a recommended 300-foot right-of-way and a recommended shared use path, SP-50.
2. Rockville Pike (MD 355) is designated as a major highway, M-6, with a recommended 150-foot right-of-way and reservation for 12 additional feet (i.e., for a total of 162 feet) with a shared use path, Local Bikeway, LB-5.
3. Old Georgetown Road (MD 187) is designated as a major highway, M-4, with a recommended 120-foot right-of-way and a recommended Dual Bikeway, LB-2, bike path on north side.
4. Hoya Street is designated as a major highway, M-4(a), with a recommended 120-foot right-of-way and a recommended shared use path, LB-1. MCDOT's Capital Improvements Program Project No. 501116, White Flint District West Transportation, includes construction of Hoya Street between Executive Boulevard and Montrose Parkway.
5. Public Street 1 is designated as a business street, B-16, with a recommended 80-foot right-of-way.
6. Public Street A is designated as a business street, B-15, with a recommended 70-foot right-of-way and an extension of the White Flint recreation loop.

Although Old Georgetown Road is recommended for a 120-foot right-of-way, this section of the road has several conditions limiting the ability to provide full dedication while maintaining the urban design objectives of the Sector Plan.

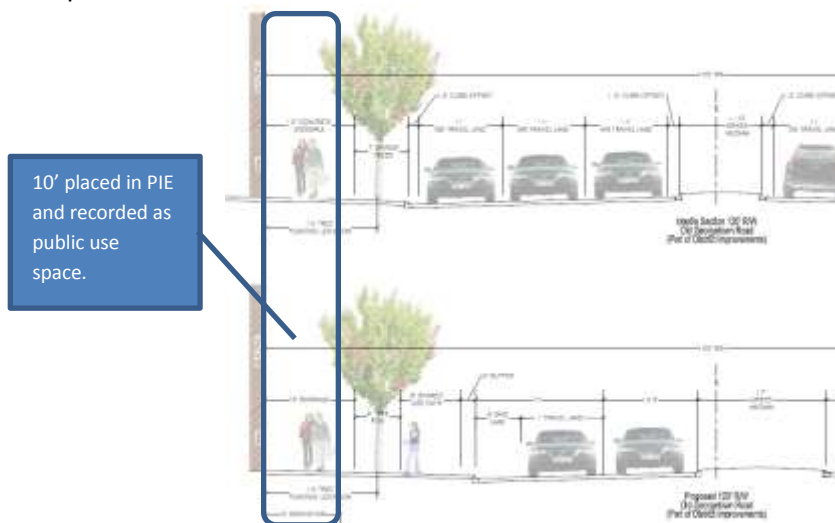
Sector Plan & Design Guideline Goals:

- Provide a street-wall along sidewalks;
- Provide activating uses, retail entrances, and outdoor café areas;
- Provide structure parking; and
- Provide proper sidewalk widths.

Site & Building Constraints:

- Grade drops 8 feet from Street B to Street A;
- Grade drops 14 feet from Street A to Hoya Street; and
- Parking is structured below grade requiring level slabs for each floor not allowing the floors along the road to step with grade.

Staff has weighed the goals of the Sector Plan and Design Guidelines against the site and building constraints and the policy to require full dedication. If the full dedication was granted and the retail entrances and activating uses remained, a number of site elements, including steps, ramps, and walls are required within the right-of-way to deal with the grade changes. These elements do not meet the typical road standards and create maintenance and liability issues for the State Highway Administration and the County. Further, if the elements were pushed to the outside of the right-of-way, the buildings would have to be set back further from the sidewalk – ultimately to 38 feet from the curb. This would be anathema to the urban patterns the Sector Plan envisions. Alternatively, the retail entrances, café seating, and activating uses would have to be removed from the façade to allow the building wall itself to act as a retaining wall along the street. Thus, in this particular case, the importance of achieving the built realm that satisfies the Sector Plan goals but will implement the sidewalks, planting, paths, and travel lanes to the agreed-upon street cross-section can best be achieved by recommending a reduced dedication along Old-Georgetown Road with the remaining 10 feet placed in a Public Improvement Easement recorded on the record plat and established as public use space enforced through the certified site plan.



Interim and Ultimate Road Sections along Old Georgetown Road Frontage

Transportation Adequate Public Facilities Review

In lieu of the typical Local Area Transportation Review and Policy Area Mobility Review tests, the transportation Adequate Public Facilities test would be satisfied for new developments in the *White Flint Sector Plan* area by requiring the property owners to participate and pay for infrastructure improvements as part of the White Flint Special Taxing District. The revenue generated from this project will go towards funding the MCDOT Capital Improvements Program Project No.501116, White Flint District West Transportation, which includes construction of Hoya Street between Executive Boulevard and Montrose Parkway.

Other Public Facilities and Services

Except for schools, other public facilities and services are available and will be adequate to serve the proposed development. The site is served by public water and sewer. Gas, electric, and telecommunications services are also available to serve the property. Police stations, firehouses, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. Pursuant to County Council Resolution 16-1324, adopted April 27, 2010, the Property is exempt from LATR and PAMR analysis because it is subject to payments under the White Flint Special Taxing District. The application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS), which has determined that the property has adequate access for emergency vehicles.

The Subject Property is located in the Walter Johnson High School Cluster, which requires a School Facilities Payment at the elementary and middle school levels. This amounts to \$819.59 per residential unit at the elementary school level, and \$991.03 per residential unit at the middle school level. The School Facilities Payment must be made prior to the issuance of any residential building permit covered by this Preliminary Plan.

ENVIRONMENT

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the site was approved by staff on June 23, 2010. The site contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, or rare, threatened or endangered species. There is one specimen-size willow oak tree (*Quercus phellos*) on the property, near the southern entrance/exit along Route 355.

Forest Conservation

For purposes of Forest Conservation, the net tract area is 24.99 acres, which includes the 24.38-acre site plus 1.22 acres of off-site disturbance, less 0.61 acres of dedication for roads and improvements not being constructed as part of this development. The Preliminary Forest Conservation Plan requires a combined afforestation and reforestation of 3.75 acres. This requirement is to be satisfied with a combination of off-site reforestation (2.45 acres), payment of a fee-in-lieu (0.50 acres), and credit for landscaping (0.80 acres). The applicant proposes staging the Final Forest Conservation Plan with each Site Plan approved for the site. The amount of afforestation/reforestation credit proposed with each Site Plan must be commensurate with the proportion of the net tract area being developed until the total of 3.75 acres of afforestation and reforestation is accomplished. The Final Forest Conservation Plan must be revised with each new Site Plan to reflect the total forest mitigation completed for all previous phases, including the current phase.

The Site Plan for Phase I has a Limit of Disturbance of 9.21 acres, which represents about 36.85% of the

net tract area. The proportional afforestation/reforestation required for Phase I is 1.38 acres. The Final Forest Conservation Plan for Phase I proposes 0.50 acres of fee-in-lieu payment and 0.88 acres of off-site reforestation to fulfill the forest mitigation requirement. This leaves 2.37 acres of mitigation to be fulfilled in subsequent phases of development.

Variance

The applicant is requesting a variance for removal of one specimen tree (V-1) along the eastern property boundary at the southern entrance/exit to Route 355. One tree, a 41-inch diameter willow oak (*Quercus phellos*), stands in a storm drain easement and is in the proposed ultimate right-of-way for Route 355. It will also be impacted by the grading for Street #3. The current phase of development does not require removal of the tree; however, it is anticipated that the tree will have to be removed for road improvements in the future. Mitigation for the variance tree V-1 must be included in the Final Forest Conservation Plan for the phase that causes the removal of the tree. The applicant will be required to plant at least 4 native canopy trees of at least 3” dbh in mitigation for the removal of variance tree V-1.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The applicant submitted a variance request on March 17, 2011 for the impacts/removal to trees with the proposed layout. The applicant proposes to remove one tree that is 30 inches and greater, DBH that is considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 1: Trees to be removed or potentially removed

Tree Number	Species	DBH	Condition	Status
V-1	<i>Quercus phellos</i>	41”	Fair to Good	Remove

Unwarranted Hardship Basis

The proposed development is in accordance with both the intent and recommendations of the Sector Plan and the CR zones approved for this site (CR3, C1.5, R2.5, H200, and CR4, C3.5, R3.5, H300), both of which are intended to create higher density uses in the vicinity of the White Flint Metro Station. In particular, the Sector Plan recommends that Rockville Pike be redesigned as an urban boulevard including elements to accommodate pedestrian, bicycle and bus travel. The Sector Plan specifies that additional right-of-way up to 162 feet should be reserved during the development process to accommodate the required elements. Variance tree number V-1 stands at the edge of the property within the required Rockville Pike right-of-way dedication. It will also be significantly impacted by the grading for Street #3, which provides a portion of the street grid in this area. Not allowing the removal of Variance tree No. 1 would require changing the roadway recommendations of the Sector Plan. Staff concurs that the Applicant has a sufficient unwarranted hardship to approve a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the

Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings

Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*
Staff finds that removal of variance tree V-1 is consistent with the requirements and constraints of the Sector Plan, the zone, and what is intended for the property and road networks. Granting the variance would not confer on the applicant a special privilege that would be denied to other applicants.
2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*
Staff finds that the requested variance is based on the constraints of the site and the proposed development density and road network as recommended in the Sector Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.
3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*
Staff finds that the variance tree is impacted by the grading for the proposed Street #3 and stands in the proposed right-of-way for improvements to Rockville Pike as required by the Sector Plan. There are no conditions relating to land or building use, either permitted or nonconforming, on a neighboring property that have played a role in the need for this variance.
4. *Will not violate State water quality standards or cause measurable degradation in water quality.*
Staff finds that granting the variance will not violate State water quality standards or cause measurable degradation in water quality. Removal of variance tree V-1 will be more than compensated for by the installation of stormwater management treatments where none currently exist and establishment of tree cover exceeding what is currently present on the site as part of the development.

Mitigation for Trees Subject to the Variance Provisions

There is one tree proposed for removal as a result of the proposed development. Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 41 caliper inches of trees removed, the required mitigation will be 4 native canopy trees with a minimum size of 3" dbh. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage. Staff therefore recommends the addition of 4 native canopy trees with a minimum size of 3" dbh to the landscape plan for the site plan phase that impacts tree V-1.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on September 12, 2011. On September 21, 2011, the County Arborist

issued her recommendations on the variance request and recommended the variance be approved with mitigation.

Stormwater Management

A stormwater management concept plan was approved by the Montgomery County Department of Permitting Services on January 20, 2012. The plan proposed to meet stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-bioretenion, to be supplemented by underground filters. There is currently no stormwater management for the site.

Therefore, based on the analysis above Staff finds the plan meets the Environmental Guidelines and Forest Conservation Law. Staff recommends that the Planning Board approve the Preliminary and Final Forest Conservation Plan with the conditions cited in this staff report. The variance approval is assumed into the Planning Board's approval of the Preliminary Forest Conservation Plan.

MASTER PLAN

Sector Plan Recommendations

Mid-Pike Plaza property is in the Mid-Pike Plaza District within the Approved and Adopted (2010) *White Flint Sector Plan*. The Sector Plan rezoned the property to the Commercial Residential (CR) zone, CR4, C3.5, R3.5, H300 and CR3, C1.5, R2.5, H200. The area at the northwest intersection of Old Georgetown Road (MD 187) and Rockville Pike (MD 355) is in the CR4 zone, while the remainder of the property is in the CR3 zone. Site Plan No. 820120020 for Buildings 10-12 are within the CR3 zone area. The State of Maryland owns several parcels immediately north of Mid-Pike Plaza, which is a surface parking lot, and is also in the CR3 zone.

The Sector Plan states that "redevelopment in the district should retain its regional marketplace function and include residential and civic uses. Building heights of 300 feet should frame the corner of Rockville Pike and Old Georgetown Road. Public use space, such as an urban plaza or neighborhood green or a civic or cultural attraction, will provide reasons to gather and encourage all day activity". Regarding public use space, the Plan recommends the following: "provide a minimum one-acre public use that can be divided into smaller areas, such as urban plazas or neighborhood greens, on the Mid-Pike Plaza property".

Transportation

Street Network

The proposed public and private streets on the preliminary plan are consistent with the Sector Plan recommendations. The Plan established a new network of public and private streets on the Mid-Pike Plaza property, including a new east-west business district street, Street 1, between Rockville Pike (MD 355) and Hoya Street with a minimum right-of-way of 80 feet and 2 travel lanes. The Sector Plan referenced Montgomery County Road Code standard 2005.02 modified with regard to this street. The Plan notes that modification to the Road Code indicates "that some modification is needed to the referenced design standard to reflect planned elements such as transit priority, bike lanes, or turn lanes". The right-of-way for this street is larger than the north-south public street, Street A, since the forecast traffic at buildout and turning movements from Montrose Parkway is significant. Street A is also

classified as a business district street with a minimum right-of-way of 70 feet. The Road Code reference standard is 2005.02 for this street. The submitted plans show the correct dedication for this street.

Rockville Pike and Old Georgetown Road

Rockville Pike is classified as a major highway with a minimum right-of-way at 150-162 feet. Old Georgetown Road (MD 187), between Executive Boulevard and Rockville Pike, is also classified as a major highway with a 120-foot right-of-way, but 110 feet is recommended as discussed above. The larger right-of-way for MD 355 is associated with the proposed Bus Rapid Transit (BRT) system.

Transforming Rockville Pike into an urban boulevard is a main recommendation in the Sector Plan. The Plan recommends “reconstructing the ‘Pike’ as an urban boulevard, placing utilities underground, and adding a median wide enough to accommodate turn lanes and street trees. Street tree panels and wider sidewalks will promote walking. Bus priority lanes will be provided, located either in the median or along the curb”.

The Sector Plan further states that “the design analysis for Rockville Pike should be undertaken during the first phase of the Plan as a priority study with the support of the County Executive and Council. During that time, there may be requests for development approval for projects fronting Rockville Pike. The recommended right-of-way is 150 feet, but additional right-of-way up to 162 feet should be reserved during the development process to accommodate the conclusion of the design analysis”. The preliminary plan shows 60 feet of dedication from the centerline of Old Georgetown Road, and 81 feet of dedication from a relocated centerline of Rockville Pike. There is an existing easement indicated on Montgomery County Plat #6897 (Parcel “A” Korvette Shopping Center) and SRC Plat No. 17933 for the area along MD 355 for Mid-Pike Plaza.

Old Georgetown Road, in the future, will have four lanes rather than the existing six lanes of travel. This ‘road diet’ is not linked to any staging trigger in the Sector Plan, but it is a long-term goal of the Sector Plan. The applicant, MCDOT, SHA and planning staff have discussed how to achieve the road diet in the near term.

Bikeway Network

The preliminary and site plans will begin to implement the bikeway recommendations for Old Georgetown Road and Hoya Street. A shared use path (LB-1) is recommended for the entire length of Hoya Street. A dual bikeway (a shared use path and bike lane) (LB-2) is recommended for Old Georgetown Road, between Hoya Street/Executive Boulevard and Rockville Pike. This plan will implement the shared use paths for Hoya Street and Old Georgetown Road but the on-road bike lane for Old Georgetown will occur in the future.

Recreation Loop Extensions

Street A is part of the loop extension identified in the Sector Plan. The Plan establishes a recreation loop that is envisioned as a “signed pathway that is to be incorporated into the street right-of-way as part of the sidewalk”; loop extensions “consist of short segments that link major public use spaces in the districts to the main loop”. The White Flint Urban Design Guidelines further recommend that “signage along [Street A’s] sidewalk (either side) indicate connections to the Loop in the south, and the various public use spaces within the district”. Staff recommends that the proposed Placemaking and Phase I Amenity Plan identify public use spaces and facilities in the vicinity, such as the Metro Station.

Parking

Montgomery County Department of Transportation (MCDOT), the Maryland-National Capital Park and Planning Commission (M-NCPPC), and Nelson\Nygaard Consulting Associates have completed a study- www.montgomerycountymd.gov/content/dot/parking/pdf/study_summary.pdf - to re-evaluate parking space requirements for emerging urban districts, such as White Flint. This study also provides alternative models for shared parking and different approaches for funding, constructing and operating public parking facilities in the County. It is anticipated that changes to Section 59-E in the Zoning Ordinance and Chapter 60 in the County Code will occur in the future.

Environmental

Environmental site design techniques, increasing the tree canopy of the Plan area to 20 percent, and minimization of carbon emissions are some of the recommendations in the Sector Plan. The proposed development will utilize partial green roofs for Buildings 11 and 12. Further, Street A has street trees that are 30 feet-on-center, with additional streetscape on Old Georgetown Road. Street A and Street 1 will utilize Silva Cells, a stormwater management system that is designed to accommodate street trees and stormwater. These measures will further implement the Sector Plan's environmental recommendations. It is unknown what other onsite environmental benefits, such as on-site renewable energy sources or maximization of LEED or Energy Star standards, the applicant will utilize for this development.

Urban Design Guidelines

The White Flint Urban Design Guidelines (2010), approved by the Planning Board, establishes design objectives and guidelines for open space, streets, buildings and parking for the White Flint plan area. Specifically for Mid-Pike Plaza District, including the Mid-Pike property, some of the open space guidelines are the following:

- Public use spaces should be located to reduced extended periods of shadow coverage from surrounding buildings.
- Provide signage along Mid-Pike spine street's sidewalk (either side) to indicate connections to the Loop to the south, and the various public use spaces within the district.

Building 12, a mixed-use residential building at the northeastern intersection of Old Georgetown Road and Street A will be 70 feet in height, while Building 11 will be built up to 110 feet. This allows for additional sunlight and open space to enter the pedestrian promenade, which is adjacent to a future garage in Phase II, and Street A.

The guidelines recommend the following for buildings:

- Prioritize the establishment of consistent street walls along public streets. Character along adjacent streets should be compatible.
- Consider signature structure or significant building features at prominent locations, such as the corner of Rockville Pike and Old Georgetown Road, the corner of Old Georgetown Road and "Old" Old Georgetown Road (Hoya Street), or the northern terminus of Street A.
- Locate and size taller building components to reduce the impact of their shadows on streets and public use spaces.

Urban Design Guidelines Compliance

The submitted site plan and preliminary plan achieves many of the recommendations in the Urban Design Guidelines. The 200-foot high-rise residential building (Building 10) at Hoya Street and Old

Georgetown Road is a signature building at a prominent location. A distinctive building top, slender tower, as well as a podium base is included in the high-rise residential architectural design. These elements are consistent with the architectural recommendations in the guidelines.

Building heights for Mid-Pike Plaza are refined in the design guidelines with the highest height of 300 feet at the intersection of Old Georgetown Road and Rockville Pike; then 250 feet along Old Georgetown Road; and 200 feet, west of Street A. Buildings 10, 11 and 12 on the submitted plans, which are 200 feet, 110 feet and 70 feet, respectively, are consistent with design guidelines. Along Old Georgetown Road, Building 12 has a consistent street wall, while the street wall is more varied for Buildings 10 and 11.

The intersection of Street A and Old Georgetown Road with a modified turning radius is consistent with the guidelines since it improves pedestrian access and automobile safety. The guidelines recommend a “tighter corner radius (15 feet shown), a double ramp at the corner, and waiving the truncation requirement in most urban streets. Ramps should align with pedestrian travel paths and street crossings”. The turning radius at this intersection is 30 feet.

At Street C and Old Georgetown Road, the turning radius is 50 feet to accommodate Montgomery County Department of Transportation requests to minimize truck turning movement into the south-bound lane of Street C. There are a limited amount of truck deliveries to Building 12 and the proposed radius exceeds the recommendations in the Design Guidelines. Further, the shared use path and future bike lane is compromised with such a large turning movement. When the block to the east of Street C is developed under a subsequent site plan, this radius should be reduced to 30 feet.

A portion of the structure parking in Building 11 will be exposed to Old Georgetown Road. Exposed garage facades are not encouraged and should be minimized, according to the Guidelines. The retail and health club at Street A, which is approximately 117 feet in depth, as well as the retail for Building 10 does minimize the exposure of the parking garage. Further, the applicant has proposed a green screen for a segment of the garage.

Urban District

A White Flint urban district is anticipated in the future. Typical functions of an urban district are maintenance of streetscape within the public right-of-way and promotion of the district. The Director of the Bethesda Regional Services Center has initiated an ad hoc working group of White Flint residents and property owners to begin discussing the parameters for a future urban district. Without an urban district, existing developments including North Bethesda Market and North Bethesda Center, have signed declaration of covenants with Montgomery County Department of Permitting Services to maintain their frontage streetscape.

White Flint Special Tax District and CIP

Mid-Pike Plaza is within the White Flint Special Tax District. Established in 2010, this district authorized an ad valorem property tax to fund transportation infrastructure improvements. The County Council also approved the White Flint Sector Plan Implementation Strategy and Infrastructure Improvement List. This list identified several roadway improvements and estimated costs, including Hoya Street-Executive Boulevard to Montrose Parkway, which is associated with Mid-Pike Plaza Phase I.

In January 2011, the Council approved several Capital Improvements Program (CIP) items for White Flint, including White Flint District West: Transportation (No. 501116). Hoya Street-Executive Boulevard

to Montrose Parkway is included in the CIP as item six. However, this project is not included for construction in the current CIP.

Therefore, based on the analysis above and with the conditions of approval, staff finds the proposed plan substantially conforms with the Approved and Adopted 2010 White Flint Sector Plan.

COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

Staff has reviewed the application for compliance with Chapter 50 of the Montgomery County Code, the Subdivision Regulations. The application meets the requirement and standards of all applicable sections. With payment into the special taxing district and the improvements proposed, access and public facilities will be adequate to support the proposed lots, density, and use. The proposed lots size, width, shape, and orientation are appropriate for this type of subdivision. Staff has also reviewed the proposed subdivision for compliance with the dimensional requirements of the CR-3, C-1.5, R-2.5, H-200 and CR-4, C-3.5, R-3.5, H-300 Zones as specified in the Zoning Ordinance. The proposed development meets all dimensional requirements of those zones, as detailed in Section 3: Site Plan Review of this report. Finally, the application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan.

SECTION 3: SITE PLAN REVIEW

ENVIRONMENT & MASTER PLAN

These subsections are covered by Section 2: Preliminary Plan Review, above.

DEVELOPMENT STANDARDS

The proposed development is split zoned. Lot 1A is completely within the CR3 C1.5 R2.5 H200 zone and Lot 1B is partially within the CR3 C1.5 R2.5 H200 and partially within the CR4 C3.5 R3.5 H300 zone. Because this site plan is a phase within a larger site approved under sketch plan 320110010, the ultimate development is established within maximum density and minimum public use space, while each phase of development draws down or builds towards these requirements. The following tables show the application's conformance to the development standards of the zone and the approved Sketch Plan; minimum setbacks are not applicable on this site.

1. Density of Development (square feet)			
	Total (CR)	Non-Residential (C)	Residential (R)
Max Allowed by the Zones	3,442,888	2,106,726	2,911,882
Max Approved with Sketch Plan	3,442,888	1,716,246	2,911,882 (1,726,642 min)
Max Proposed with Phase 1	951,000	314,800	636,200
Max Remaining for Later Phases	2,491,888	1,374,446	2,302,682 (1,117,442 min)

2. Height (feet)		
	CR3.0 C1.5 R2.5 H200	CR4.0 C3.5 R3.5 H300
Max Allowed by the Zones	200	300
Approved with Sketch Plan	200	300
Proposed with Phase 1		
Building 10	200	n/a
Building 11	110	n/a
Building 12	70	70

3. Public Use Space (% of net lot)	
Min Required by the Zones (% of net lot)	10 (85,960sf)
Min Approved with Sketch Plan (%)	10 (85,960sf)
Min Proposed with Phase 1 (%)	2.8 (24,500sf) ¹
Min Remaining for Later Phases	7.2 (61,460sf)

¹ This is equal to approximately 10% of the net lot area comprising the site plan.

4. Residential Amenity Space (square feet per market rate unit ²)		
	Required	Proposed
Minimum Indoor Amenity Space		
Building 10 (278 units)	5,000	5,000
Building 12 (152 units)	3,040	3,480
Minimum Outdoor Amenity Space ³		
Building 10 (278 units)	5,000	5,000
Building 12 (152 units)	3,040	3,340

5. Minimum Bicycle Parking Spaces & Shower/Change Facilities				
	Required		Proposed ⁴	
	Minimum Publicly Accessible	Minimum Private & Secure	Public	Private
Building 10				
319 Residential Units	10	100	10	100
13,300sf Non-Residential	4	2	4	2
Building 11				
251,200sf Non-Residential	20	26	20	26
At least one shower/change facility is required for each gender for office uses ≥100,000sf.				
Building 12				
174 Residential Units	10	61	10	61
50,300sf Non-Residential	11	6	11	6

6. Parking (spaces, may be provided off-site)			
	Minimum Required	Maximum Allowed	Proposed
Approved with Sketch Plan	2,396	6,546	5,234 (approximately)
Proposed with Phase 1			
Building 10	312	468	313
Building 11	306	766	611
Building 12	224	406	158

² Amenity space is not required to be calculated for MPDUs within a metro station policy area.

³ A minimum of 400sf of the outdoor amenity space must be directly accessible from an indoor amenity space.

⁴ As conditioned.

FINDINGS

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.*

The site plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the binding elements and conditions of Sketch Plan 320110010, which may be modified at the time of site plan review under Section 59-C-15.43(d):

During site plan review, the Planning Board may approve amendments to the binding elements of an approved sketch plan.

- (1) Amendments to the binding elements may be approved, if such amendments are:
 - (A) Requested by the applicant;
 - (B) Recommended by the Planning Board staff and agreed to by the applicant; or
 - (C) Made by the Planning Board, based on a staff recommendation or on its own initiative, if the Board finds that a change in the relevant facts and circumstances since sketch plan approval demonstrates that the binding element either is not consistent with the applicable master or sector plan or does not meet the requirements of the zone.
- (2) Notice of proposed amendments to the binding elements must be identified in the site plan application if requested by the applicant or in the final notice of the site plan hearing recommended by Planning Board staff and agreed to by the applicant.
- (3) For any amendments to the binding elements, the Planning Board must make the applicable findings under Section 59-C-15.43(c) in addition to the findings necessary to approve a site plan under Section 59-D-3.

No modifications to the binding elements or conditions of Sketch Plan 320110010 are proposed by the Applicant or recommended by Staff.

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.*

There are several requirements of the CR zones that must be met by this Application:

- Uses;
- General Requirements;
- Development Standards; and
- Special Regulations for the Optional Method of Development (Public Benefits).

a. Uses

The proposed uses – residential, retail, restaurant, health club, theatre, and office – are permitted uses in the zone. There are no proposed limited or special exception uses.

b. General Requirements

The development is substantially consistent with the White Flint Sector Plan and White Flint Urban Design Guidelines:

- The Mid-Pike Plaza property is in the Mid-Pike Plaza District within the Approved and Adopted (2010) *White Flint Sector Plan*. In accord with the recommendations of the Sector Plan, the proposed development will retain its regional marketplace function and include residential and civic uses.
- Building heights of 300 feet will frame the corner of Rockville Pike and Old Georgetown Road in later phases, while the proposed development provides a varied skyline protecting future open spaces to the north and maximum heights of 200 feet on the western edge of the site.
- The highest density will be located at the intersection of Old Georgetown Road and Rockville Pike in later phases under the approved Sketch Plan.
- The revised plan street network is consistent with the Sector Plan recommendation for public and private streets and with the layout approved in the Sketch Plan.
- Several roads that front the property have bikeway recommendations. Old Georgetown Road, between Hoya Street and Rockville Pike, is classified as a dual bikeway: i.e., a shared use path with bike lanes (LB-2). Rockville Pike is classified as a shared use path (SP-41) and Hoya Street is also classified as a shared use path, LB-1. The applicable bike lanes have been shown on the preliminary plan roadway cross-sections and are accommodated by the interim and final detailed layout in the site plan.
- The public use space provides the open spaces approved by the sketch plan that implement the recommendations of the Sector Plan with open spaces along and between blocks adjacent to activating retail, restaurant, and entertainment uses. Larger public use spaces and continued connections will be built with later phases under the binding elements of the approved Sketch Plan.
- The Sector Plan establishes several recommendations to create an environmentally sustainable district. The proposed development will minimize carbon emissions by providing a pedestrian environment and more balanced jobs/housing ratio; it will reduce energy consumption through site design and energy-efficient buildings meeting a minimum of LEED certification; it will improve air and water quality by implementing tree canopy, vegetated roofs, landscape area, and environmental site design stormwater management facilities.
- The Approved White Flint Urban Design Guidelines provide specific recommendation for each district, including building design and public open space. The design guidelines recommend that buildings be located without significant setbacks along streets, as shown by the proposed building layouts. Regarding public use spaces, the design guidelines recommend that neighborhood open spaces be defined by surrounding building walls on at least three sides when located mid-block, as provided by the pocket park on the west side of Street A. The promenade to the north of Building 10 will have east-west access to early and late sun, but be more protected at midday in the summer when it gets the most use.

c. Development Standards

The proposed development will comply with all development standards as shown in the data tables and discussion above.

d. Public Benefits

The proposed development will provide numerous public benefits with proportional incentive density points. Staff has considered these public benefits according to:

- The recommendations, objectives, and priorities of the Sector Plan;
- The CR Zone Incentive Density Implementation Guidelines and the White Flint Urban Design Guidelines;
- The size and configuration of the tract;
- The relationship of the site to adjacent properties;
- The presence or lack of similar public benefits nearby; and
- Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit;

Staff finds that the proposed public benefits fulfill the priority recommendations of the Sector Plan, meet the criteria of the Implementation and Design Guidelines; are appropriate for the size and configuration of the tract; enhance the site’s relationship to adjacent properties; provide benefits that are not provided nearby; and are not appropriate for increased points for enhancements beyond the elements and criteria established by the Zoning Ordinance or the Implementation Guidelines. The Applicant will provide public benefits from 4 categories equal to 100 points for the entire tract comprising the sketch plan, a proportion of which will be provided by the subject site plan as follows:

Public Benefit	Adjusted Total Points [Original Points at Sketch Plan]⁵	Phase 1 Measurement/Criteria	Points Awarded for Site Plan 820120020
Transit Proximity Category			
Site Split within ¼ mile and ½ mile of Transit	33.00 [33.09 at sketch plan]	25% of total development in Phase 1: 0.25 x 33 total points	8.25
Connectivity & Mobility Category			
Neighborhood Services	10.00	25% of total development in Phase 1: 0.25 x 10 total points	2.49
Minimum Parking	7.03 [6.32]	25% of total development in Phase 1: 0.25 x 3.5 total points ⁶	0.88
Through-Block Connection	10.00	50% of through-block connection completed with Phase 1.	5.00

⁵ The total points have been adjusted during detailed site design and review but are substantially similar and allowed under the conditions of sketch plan approval in the approved resolution.

⁶ The total points allowed under the revised CR zones is based on a formula that was revised to allow a maximum of 10 points, rather than the previous allowance up to 20 points (thus the difference between 7 points awarded at sketch plan and the 3.5 total points noted in the table under Phase 1 Measurement).

Public Benefit	Points Awarded at Sketch Plan	Phase 1 Measurement/Criteria	Points Awarded for Site Plan 820120020
Public Parking	7.05 [7.62]	26% of publicly accessible spaces being provided with Phase 1.	1.85
Advance Dedication	3.72	100% of dedication being provided with Phase 1.	3.72
Diversity of Uses & Activities Category			
Adaptive Buildings	4.12 [4.37]	16% of qualifying floor area provided with Phase 1.	0.65
Care Center	15	No credit requested with Phase 1.	0.00
Dwelling Unit Mix	3.67 [2.19]	40% of qualifying floor area provided with Phase 1.	1.48
Quality Building & Site Design Category			
Structured Parking	13.92 [14.32]	25% of structured parking spaces provided with Phase 1.	3.43
Tower Setback	1.47 [1.53]	No credit requested with Phase 1.	0.00
Public Art	5.00	33% of public art program implemented with Phase 1.	1.65
Exceptional Design	6.46 [6.70]	No credit requested with Phase 1.	0.00
Protection & Enhancement of the Natural Environment Category			
BLTs	5.00	25% of total development in Phase 1; 1.82 BLTs must be purchased.	1.25
Tree Canopy	10.00	33% of tree canopy implemented with Phase 1.	3.33
Vegetated Roof	4.23 [4.48]	15% of qualifying floor area provided with Phase 1.	0.65
Total			34.63

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

a. Locations of buildings and structures

The locations of the buildings and structures are adequate, safe, and efficient for an infill development site that is envisioned by the Sector Plan and White Flint Urban Design Guidelines to provide pedestrian-oriented blocks, street walls along sidewalks, and taller buildings and density near transit facilities.

b. Open Spaces

The locations of the open spaces are adequate, safe, and efficient for an infill development site that is envisioned by the Sector Plan and White Flint Urban Design Guidelines to concentrate on

sidewalks relieved by strategically placed pocket parks and consolidated open spaces that will provide passive and active spaces for sitting, relaxing, dining, strolling, and social engagement. The Phase 1 pocket park is located at the terminus of the promenade that, when completed, will provide a through-block connection from Street A to Rockville Pike creating a unique place for pedestrians.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided within the parameters of the “Placemaking & Phase 1 Amenity Plan – Pike & Rose”. The parameters established by the Placemaking Plan ensure that landscaping, lighting, and site amenities will be safe, adequate, and efficient for year-round use and enjoyment by patrons, employees, and residents. Site furnishings, shade, color, special features such as artwork and fountains, and specialty lighting will be integrated within the site to create a unique and interesting place, while the parameters of the Placemaking Plan will ensure accessibility and comfort.

d. Recreation Facilities

The proposed development is exceeding the active and passive recreation space required by the zone as shown in the data tables above. The proposed development will provide on-site recreation facilities as follows.

Building 10:

- 4 picnic/sitting areas;
- 1 open play area II;
- 1 wading pool;
- 1 indoor community space;
- 1 indoor fitness facility.

Building 12:

- 4 picnic/sitting areas;
- 1 wading pool;
- 1 indoor community space;
- 1 indoor fitness facility.

Both buildings can take advantage of the nearby recreational facilities at Wall Park, including:

- 4 picnic/sitting areas;
- 1 half multi-purpose court I;
- 2 indoor racquetball courts;
- 1 pedestrian sidewalk system;
- 1 wading pool; and
- 1 indoor swimming pool.

The proposed development exceeds the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. As reflected in the outline and data tables above, the proposed development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

e. Pedestrian and Vehicular Circulation Systems

Vehicular circulation will be mostly unchanged for the interim – until later phases are built and the public improvements to Old Georgetown Road, Hoya Street, and Rockville Pike occur. Until then cars will still enter and exit the site at existing points, although the parking lot drive-aisles will begin to resemble the streets they will eventually become. New parking garage and loading access points will be located on Hoya Street, off Street A, and from the existing parking lot. These circulation routes, access points, and loading movements have been reviewed to ensure minimal conflicts with pedestrians and that full build-out will be in line with the Sector Plan and code requirements.

Pedestrian circulation, conversely, will be greatly improved along the street frontages along the site plan area and within the site. The new grid network of sidewalks and open spaces envisioned for this area will begin to be realized and bicycle and pedestrian amenities, such as benches, handicapped access, bike racks, shade trees, and bike lanes will be greatly improved. This new network of sidewalks and through-block connections in and around smaller pedestrian-scaled blocks will provide adequate, safe, and efficient pedestrian and vehicular circulation systems.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The mixed-use buildings are compatible with existing uses regarding scale, massing, and height as reflected in the urban design and zoning recommendations of the Sector Plan and White Flint Urban Design Guidelines. There are no pending site plans adjacent to the proposed development.

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.*

a. Forest Conservation

The applicant proposes staging the Final Forest Conservation Plan with each Site Plan approved for the site. The amount of afforestation/reforestation credit proposed with each Site Plan must be commensurate with the proportion of the net tract area being developed until the total of 3.75 acres of afforestation and reforestation is accomplished. The Final Forest Conservation Plan must be revised with each new Site Plan to reflect the total forest mitigation completed for all previous phases, including the current phase.

The Site Plan for Phase I has a Limit of Disturbance of 9.21 acres, which represents about 36.85% of the net tract area. The proportional afforestation/reforestation required for Phase I is 1.38 acres. The Final Forest Conservation Plan for Phase I proposes 0.50 acres of fee-in-lieu payment and 0.88 acres of off-site reforestation to fulfill the forest mitigation requirement. This leaves 2.37 acres of mitigation to be fulfilled in subsequent phases of development.

b. Stormwater Management

A stormwater management concept plan was approved by the Montgomery County Department of Permitting Services on January 20, 2012. The plan proposed to meet stormwater management requirements through a variety of Environmental Site Design techniques, including

the use of green roofs and micro-bioretenion, to be supplemented by underground filters. There is currently no stormwater management for the site.

ATTACHMENTS:

- A. Agency Approval Letters
- B. Sketch Plan Resolution
- C. Applicable Master Plan and Design Guideline Sections
- D. Placemaking Plan



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 25, 2012

Mr. Patrick Butler, Lead Reviewer
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120020
Mid Pike Plaza

Dear Mr. Butler:

We have completed our review of the updated preliminary plan that was signed and sealed on December 7, 2011. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on September 6, 2011. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Design Exception Requests and Stormwater Management Concept Plan

The applicant's consultant submitted an updated Design Exception package last month, in response to previous MCDOT review comments on the original submission. **These Design Exception responses are limited to the County rights-of-way within and adjacent to the project.**

Several of these Design Exceptions are dependent on the execution and recordation of a County-approved Declaration of Covenants for Maintenance and Liability, plus posting of necessary surety and insurance, prior to approval of the record plat. In order to implement private maintenance and liability for the improvements described below (including but not limited to modified sidewalk longitudinal and cross-slopes, modified parking cross slopes, grease traps, trench drains, enclosed storm drain, streetscaping, and special roadway pavement), **the DRAFT Declaration of Covenants will need to be modified to include coverage of the full width right-of-way.** Montgomery County DOT will retain responsibility approval authority for all traffic controls, on-street parking, and related enforcement. Maintenance of underground electrical facilities and streetlights will be shared by Montgomery County and the Potomac Electric Power Company as appropriate. The record plat will need to reflect the liber and folio information for this Declaration.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

We offer the following comments on the requested Design Exceptions:

- Design Exception A-1; Reverse Grading of Parking Lanes and Varying Sidewalk Slope from 0.5% to 2.0%:

This Design Exception request applies to Street "A" (between Old Georgetown Road/MD 187 and Street "1") and Street "1" (between Hoya Street and Rockville Pike/MD 355).

RESPONSE: We support conditional approval of this request subject to the terms and conditions of the aforementioned modified Declaration of Covenants for Maintenance and Liability.

Provide appropriate pavement cross-slope transitions to meet existing conditions at frontage road intersections.

The Maryland State Highway Administration will need to approve these Design Exceptions – if they are proposed to extend into the rights-of-way for Old Georgetown Road/MD 187 or Rockville Pike/MD355.

- Design Exception A-2; Retaining Walls and Stairs in the Public Right-of-Way:

This Design Exception request applies to the intersections of Street "A" with Old Georgetown Road/MD 187 and Old Georgetown Road with Hoya Street.

RESPONSE: We support approval of the request conditioned on providing more detailed plans at the right-of-way permit stage. We recommend these plans be submitted prior to preparation of building construction drawings – as their approved layout may impact the building design.

These plans are needed to confirm the locations of the proposed curblines, interim and ultimate sidewalks and shared use paths, handicap ramps, steps and walls, street trees, traffic signal system poles and controller box(es), adequate separations between the pedestrian path and obstructions, etc. Applicant will need to work with our Transportation Systems Engineering Team (TSET) to address concerns about locations for relocated traffic signal components, stairs and steps, as well as providing sufficient room for handicap accessibility. Please contact Mr. Bruce Mangum, Manager of TSET, at 240-777-2190 for this effort.

The Maryland State Highway Administration will need to approve the Design Exception for improvements within the right-of-way for Old Georgetown Road/MD 187.

- Design Exception B-1; Right-of-Way Truncation to 0 Feet:

This Design Exception request applies to the intersections of Street "A" with Old Georgetown Road/MD 187 and Street "1."

RESPONSE: We defer to the Maryland State Highway Administration for comment on the Old Georgetown Road/MD 187 intersection, as this location falls under this jurisdiction.

We support approval of the waiver for the Street "1" intersection, as the right-of-way proposed for that street (80 feet) should be adequate for the anticipated movements.

o Design Exception B-2; Intersection Radii Reduction to 20 Feet:

This Design Exception is to reduce the curb return radii from 30 feet to 20 feet only at the entrances/exits of the parking garages on Hoya Street, Street "A," Street "1," and Old Georgetown Road/MD 187.

RESPONSE: We support approval of this request for the access points on Hoya Street, Street "A," and Street "1."

We defer to the Maryland State Highway Administration for comment on the access point on Old Georgetown Road/MD 187, as this location falls under this jurisdiction.

o Design Exception B-3; Silva Cells and Trench Drains in the Public Right-of-Way:

RESPONSE: MCDOT comments on the Stormwater Management Concept Plan – with respect to the proposed facilities within the County rights-of-way - were provided to the Department of Permitting Services in a January 19, 2012 message. We recommended conditional approval of the concept plan subject to the following comments:

- We support approval of the applicant's proposal to construct Silva Cell and Stormfilter stormwater management structures within the County rights-of-way on a trial basis, as a **SITE-SPECIFIC APPROVAL**.
- The proposed Silva Cells and Stormfilter structures must not be located in a way that creates traffic operations and/or safety problems. Modifications to the SWM Concept Plan may be necessary at the permit stage to accommodate other improvements within the right-of-way.
- The public enclosed storm drain system should be located behind the curb if feasible. County maintained storm drain systems should be designed and located to handle the 10 year post-development runoff in accordance with the MCDOT Storm Drain Criteria. *This comment may be revisited at the permit stage, if the storm drain maintenance is covered under the aforementioned Declaration of Covenants for Maintenance and Liability.*
- We do not support installing grate inlets (in the valley gutter proposed between the travel and parking lanes on Streets "A" and "1"); curb-opening inlets should instead be located within the proposed bumpouts. *This comment may be revisited at the permit stage, if the storm drain maintenance is covered under the aforementioned Declaration of Covenants for Maintenance and Liability.*

- The location of the proposed Silva Cells (with respect to the face of curb) may necessitate locating streetlights and traffic control signage within those structures. The Silva Cells should be located a sufficient distance behind the curb (2'-3' minimum) to ensure achieving the necessary compaction to support the roadway subbase and curb & gutter.
- At the permit stage, the applicant's consultant will need to provide a design of the roof/top surface of the Silva Cells to preclude settlement of the sidewalk (above those structures).
- The proposed Stormfilter structures cannot be located within the travelway. Ideally, they should be located behind the curb. If that location is infeasible, they may be located within the approved areas of permanent on-street parking. THE PROPOSED "OFF PEAK [PARKING] SPACES" ON STREETS "A" [on the southbound approach to the intersection to Old Georgetown Road] AND "1" [on the westbound approach to Hoya Street] ARE SUBJECT TO SEPARATE TRAFFIC DATA ANALYSIS (requested in our October 12, 2011 letter for the original Design Exception package) AND HAVE NOT BEEN RECEIVED NOR APPROVED. Accordingly, Stormfilter structures should be relocated away from those areas.
- The location of proposed Stormfilter structures #s 33 and 38 are undesirable because they are located within the travelway of Street "1" and block eastbound traffic movements.
- The location of proposed Stormfilter structure #37 is undesirable because it is located within the travelway of Street "1" and blocks eastbound traffic movements along Street "1" and movements along proposed private Street "C."
- The locations of proposed Stormfilter structures #s 34 and 36 on Street "1" appear to block access to the adjacent driveways; relocation of those structures to facilitate site ingress and egress should be explored – unless alternative site access can be guaranteed during maintenance operations on those facilities.
- We support approval of the applicant's request to install trench drains to capture and direct runoff from the sidewalk to the Silva Cells.
- Design Exception C-1; Reduced Pavement Width of Street "A" and Street "1":

This Design Exception and/or accompanying amended Design Exception drawing proposes:

- reducing the pavement width on Streets "A" and "1" from 38 feet (per Context Sensitive Design Standard 2005.02) to 29 feet in areas where no parking is proposed
- reducing the pavement width on Street "A" to 36 feet immediately north of Old Georgetown Road, in the area where the west curblane is proposed to be the southbound approach to the intersection

- increasing the pavement width on Street "1" to 41 feet (to accommodate 2-13' travel lanes and 2-7.5' parking lanes)
- increasing the pavement width on Street "1" near its intersection with Hoya Street (the proposed travel and parking lane dimensions are not identified).

RESPONSE: The pavement width on Street "A" can be reduced to 25 feet (2-12.5' travel lanes, including the gutter pan) since this road is expected to have limited truck activity. Street "1" will likely experience more truck movements, so we support the 29 foot pavement width (2-14.5 foot travel lanes, as dimensioned on Context Sensitive Design Standard 2006.01) on that street (in areas without on-street parking).

We accept the proposed 38 foot pavement width on Street "A" per Context Sensitive Standard 2005.02 and the White Flint Sector Plan.

We accept the 36 foot pavement width for Street "A" at Old Georgetown Road, although it appears the curb return radii may need to be increased to accommodate the turning movements of an SU-30 truck; this detail can be resolved at the permit stage.

In those areas on Street "1" where on-street parking is proposed, the pavement width(s) should allow for 13 foot travel lanes and 8 foot parking lanes (= 42 feet). The pavement on Street "1" at Hoya Street will need to accommodate 14.5 foot travel lanes on each side of the proposed monumental entrance.

○ Design Exception C-2; Dry Utilities within the Right-of-Way:

This Design Exception requests the installation of dry utilities within the rights-of-way on Hoya Street, Montrose Parkway, Street "A," Street "1," and Old Georgetown Road/MD 187.

RESPONSE: The November 15, 2011 updated version of the Color Utility Concept Plan has reduced the number of dry utilities in those rights-of-way (from those shown on the original plan); we support approval of amended utility concept plan.

We defer to the Maryland State Highway Administration for comment on the dry utilities within the right-of-way for Old Georgetown Road/MD 187, as this location falls under this jurisdiction.

- Design Exception C-3; Pedestrian Drop Off at Movie Theater: withdrawn by the applicant.
- Design Exception C-4; Reduction to the Number of Loading Spaces:

This Design Exception requests a reduction in the number of off-street truck loading spaces required under the Executive Branch's "Off-Street Loading Space Policy." Under that policy, 50 truck loading docks would be required for the entire project; the applicant is proposing to provide 35 truck loading docks.

Based on their experience with four other large mixed use projects, the applicant proposes to “manage the negative impacts from loading . . . through coordinated on-site management of the docks and scheduling of deliveries.” Implementing the required 50 loading docks is expected to have “major implications on the success of the retail environment and pedestrian/bicycle safety.” They would also increase the number of curb cuts and affect vehicular travel.

RESPONSE: We support approval of the applicant’s request subject to execution and recordation of a County-approved Restricted Access Easement which establishes the applicability, maintenance, and operations of the coordinated on-site management for the jointly used loading docks. This document should be recorded prior to the issuance of any applicable building permits, with a copy sent to the County for their records.

- Design Exception C-5; Revised Grading for Table Top: withdrawn by the applicant.
- Design Exception C-6; Reduction of Public Right-of-Way from 80 feet to 70 feet: withdrawn by the applicant.
- Design Exception C-7; Canopies within the Public Right-of-Way: withdrawn by the applicant.
- Design Exception C-8; Special Pavement at the Intersection of Street “A” and Street “2”:

This Design Exception requests permission to install special pavement including brick pavers within the travel way at the intersection of Street “A” and Street “2.” This intersection is part of the “main urban promenade from Rockville Pike to Block 11;” the proposed special pavement is desired to distinguish pedestrian crossings and provide traffic calming.

RESPONSE: We support approval of this request subject to inclusion in the aforementioned modified Declaration of Covenants for Maintenance and Liability.

General Site Layout and Right-of-Way Review Comments

1. Acquisition of property (bounded by Rockville Pike/MD 355, Montrose Parkway, and Hoya Street) from the Maryland State Highway Administration must be completed prior to recordation of the applicable record plat(s).
2. Necessary dedication for future widening of Rockville Pike/MD 355, Old Georgetown Road/MD 187, and Hoya Street in accordance with the master plan.
3. Full width dedication of Streets “A” and “1” in accordance with the master plan.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

5. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
6. Prior to approval of the record plat(s) by the Department of Permitting Services, submit completed, executed and sealed MCDOT Sight Distances Evaluation certification forms, for the existing and proposed driveways on Hoya Street, for our review and approval.
7. Continued coordination with the County's Capital Improvements Program Project for White Flint District West roads (CIP Project No. 501116) with respect to the proposed improvements along Hoya Street, Old Georgetown Road/MD187, and the extension of Executive Boulevard to Old Georgetown Road. **Final approval of the proposed typical sections for Hoya Street and Old Georgetown Road/MD, within the limits of the CIP project, lies with the MCDOT Division of Transportation Engineering.** Please continue to coordinate plan review with our Division of Transportation Engineering's Manager for that project, Mr. Gary Johnson, at 240-777-7220.
8. Record plat to reflect denial of access along Hoya Street, Montrose Parkway, Rockville Pike/MD 355, and Old Georgetown Road/MD 187 except at the entrance locations approved under this plan.
9. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan. Montgomery County will not participate in traffic control or parking enforcement on the private streets.

Private Street "A" will need to be signed and marked to ensure one-way counter-clockwise movements (and void conflicts at the nearby intersection of Public Streets "A" and (1").
10. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
11. The proposed private streets "C," "2," and "3" must be sufficiently wide to accommodate two-way vehicular traffic. These private streets are to be designed to allow an SU-30 truck to circulate without crossing the centerline nor the curbline.
12. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.

13. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
14. Access and improvements along Rockville Pike/MD 355, Montrose Parkway/MD 927A, and Old Georgetown Road/MD 187 as required by the Maryland State Highway Administration.
15. Geometrics for the County approaches at the intersections of Street "A"/Old Georgetown Road, Street "1"/Hoya Street, and Street "1"/Rockville Pike will be reviewed by the Department of Permitting Services as part of their review of the building permit application. Included in that review will be the design of any necessary left turn storage lanes and/or acceleration/deceleration lanes. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.
16. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant with the exception of utility improvements to be constructed by the White Flint Special Taxing District.
17. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant with the exception of improvements to be constructed by the White Flint Special Taxing District.
18. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant with the exception of traffic signal improvements to be constructed by the White Flint Special Taxing District.
19. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards (unless a Design Exception is granted). Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
20. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher and/or Ms. Beth Dennard of the Division of Transit Services/Commuter Services Section. They may be contacted at 240-777-8380.


The traffic mitigation measures in this Agreement and the preliminary plan should include:

- Design building lobbies to provide two way visibility for transit or shuttles.
 - Ensure port-cocheres or similar covered entryways have adequate height to accommodate buses and shuttles.
 - Provide adequate support for transportation demand management (TDM) measures to offset reductions in parking. Ensure market-rate pricing of parking.
 - Ensure existing bus stops on surrounding roads, including Rockville Pike (MD 355) and Old Georgetown Road, remain and are well-connected with uses on-site.
 - Provide four Real Time Transit Information signs and necessary electrical and internet connections. Work with MCDOT to locate these signs at key, highly-used locations(s) in the Project and/or proximate to bus stops, to assist residents, employees and visitors with commuter information and promote use of all forms of transit.
 - Incorporate display space for transit and other TDM information into all lobbies, and provide opportunity for such information in kiosks and other outdoor areas.
 - Provide adequate numbers of carpool/vanpool and car sharing parking spaces in highly visible, preferentially-located spots throughout the development.
 - Provide at least two electric car charging stations on-site for each segment of the development.
 - Provide Park and Ride Spaces within the proposed parking garage to replace spaces in the existing commuter lot on site; these spaces need to be designated for commuter parking only.
 - Provide weatherproof or weather-protected bike racks and bike lockers.
 - Provide showers and changing rooms at key points within the development proximate to office buildings, for use by employees working on-site, in order to encourage biking and walking to work.
 - Provide space in the Project for at least three bike sharing docking stations. Locations will be selected by the Applicant with approval of the County, based on the requirements of the bike sharing system and must be in a highly-visible, convenient and well-lit location on the Project. Project shall be required to pay the capital cost of these stations and five years of operating expenses in return for offsetting parking reductions, amenity credits, or other benefits
21. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
22. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
- A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Streets "A" and "1" in accordance with Standards 2005.02 (modified) and 2006.01 (modified). Construct monumental entrance on Street "1" at its intersection with Hoya Street. Install traffic signal conduit and handboxes along Street "1" and across that road at its intersections with Hoya Street and Rockville Pike/MD355.

- B. Appropriate pedestrian and bicycle amenities along Rockville Pike/MD 355 and Old Georgetown Road/MD 187 site frontages.
- C. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- F. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- G. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or at (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/subd/gml/docs/PP/120120020, Mid Pike Plaza

Enclosure

cc: Evan Goldman; Federal Realty Investment Trust
Jeff Amateau; VIKA
Barbara Sears; Linowes & Blocher, LLP
Nancy Randall; Wells & Associates
John O'Boyle; Richter & Associates
Glenn Kreger; M-NCPPC Area 2
Josh Sloan; M-NCPPC Area 2
Ed Axler; M-NCPPC Area 2
Catherine Conlon; M-NCPPC DARC
Scott Newill; MSHA AMD
Vaughn Lewis; MSHA AMD
Andrew J. Scott; MSHA ORE

Mr. Patrick Butler
Preliminary Plan No. 120120020
January 25, 2012
Page 11

Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Ramona Bell-Pearson; MCOCE
Dee Metz; MCOCE
Mac Spicer; MCOCA
Steve Silverman; MCDED
Diane Schwartz Jones; MCDPS DO
Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Henry Emery; MCDPS RWPR
Rick Brush; MCDPS WRPR
Dave Kuykendall; MCDPS WRPR
Marie LaBaw; MCFRS
Arthur Holmes; MCDOT DO
Al Roshdieh; MCDOT DO
Edgar Gonzalez; MCDOT DO
Bob Simpson; MCDOT DO
Bruce Johnston; MCDOT DTE
Holger Serrano; MCDOT DTE
Sogand Seirafi; MCDOT DTE
Gary Johnson; MCDOT DTE
Tom Riese; MCDOT DTE
Gail Tait-Nouri; MCDOT DTE
Rick Siebert; MCDOT DPM
Keith Compton; MCDOT DHS
Sande Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Stacy Coletta; MCDOT DTS
Deanna Archey; MCDOT DTS
Emil Wolanin; MCDOT DTEO
Fred Lees; MCDOT DTEO
Dan Sanayi; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
Kyle Liang; MCDOT DTEO
Will Haynes; MCDOT DTEO
David Adams; MCDOT DTEO

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

January 24, 2012

Mr. Jeff Amateau
VIKA
20251 Century Boulevard, Suite 400
Germantown, Maryland 20874

RE: Montgomery County
MD 355
Mid-Pike Plaza
SHA Tracking No: 11-AP-MO-048-xx
County Tracking No: 120120020
Mile Post: 1.70

Dear Mr. Amateau:

Thank you for the opportunity to review the Preliminary Plan submittal, dated December 2011, for the proposed Mid-Pike Plaza development in Montgomery County. The State Highway Administration (SHA) offers the following comments:

Regional and Intermodal Planning Division (RIPD) Comments:

1. The proposed project is within the boundary of the White Flint Sector Plan (March 2010). Consistent with the Sector Plan, the Preliminary Plan proposes to redevelop the existing strip plaza and surface parking lot into a grid of higher density mid-rise buildings (13), with both residential and non-residential uses, along with an internal walkable, local street system. SHA supports this type of grid system development. The local system will support local circulation and help to keep local trips on the local network (vs. having to traverse the State arterial routes).
2. Old Georgetown Road is a State roadway. Accordingly, its State route designation (MD 187) should be labeled on the plan sheets.
3. Montrose Parkway is also a State Roadway between Hoya Road and MD 355. Similarly, its State route designation (MD 927A) should be labeled on the plan sheets.
4. The 162' typical section shown for MD 355 (Rockville Pike) is consistent with the White Flint Sector Plan and future improvements assumed in SHA's Highway Needs Inventory (HNI).
5. The typical section shown for Old Georgetown Road indicates a 4-lane roadway within a 120' right-of-way. Note that this represents the ultimate scenario for this segment of Old Georgetown Road. SHA has determined that until ultimate improvements are constructed along MD 355, the existing six lanes on Old Georgetown Road will need to be maintained.
6. SHA supports the pedestrian accommodations presented in the Pedestrian Circulation Plan sheet, as well as the numerous bike spaces provided within the Preliminary Plan area. The local street grid will help to provide a connection between the Recreation Loop south of the plan area and the Montrose Parkway bike path to the north.

For further clarification on the above comments, please contact our RIPD Regional Planner, Mr. Vaughn Lewis, at 410-545-5673 or via email at vlewis@sha.state.md.us.

My telephone number/toll-free number is _____

Mr. Amateau
Page 2

The applicants shall submit six (6) sets of detailed plans for review, indicating the true relationship between their planned improvements and SHA's existing right-of-way and pavement directly to Mr. Steven Foster attention of Mr. Eric Waltman. The plan sets shall include the following: Site Plan, Highway Access/Improvement Plan, Work Zone Traffic Control Plan, and a Pavement Marking and Singing Plan.

Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at (<http://www.marylandroads.com/page/amdaspx>). If you have any questions, or require additional information, please contact Mr. Eric Waltman at 410-545-5597, by using our toll free number in Maryland only at 1-800-876-4742 (x5597) or via email at ewaltman@sha.state.md.us.

Sincerely,



For

Steven Foster, Chief
Access Management Division

SDF/JWR/ELW

cc: Ms. Catherine Conlon – MNCPPC
Mr. Gregory Leck – MCDOT
Mr. Evan Goldman, Federal Realty \ applicant
1626 East Jefferson Street, Rockville, MD, 20852
Mr. Vaughn Lewis – SHA RIPD – Regional Planner
Ms. Mary Deitz – SHA RIPD – Chief
Mr. Scott Newill – SHA AMD – Regional Engineer
Mr. Mark McKenzie – SHA AMD – Assistant Regional Engineer



Maryland Department of Transportation

The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Beverley K. Swaim-Staley
Secretary

Darrell B. Mobley
Deputy Secretary

January 11, 2012

Mr. Patrick Butler
The Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Preliminary Plan No. 1-20120020 – Pike & Rose (Formerly Mid-Pike Plaza,
the "Preliminary Plan")

Dear Mr. Butler:

The State of Maryland ("State") is the owner of a parcel of land containing approximately 3.7 acres bounded by Rockville Pike, Montrose Parkway and Hoya Street (the "Property"). The State, Montgomery County, and Federal Realty Investment Trust ("Federal Realty") are in discussions concerning the acquisition and development of this parcel as part of Federal Realty's proposed mixed-use development that will be in furtherance of the State's and County's designation of a portion of the White Flint Sector Plan Area as a "transit oriented development" ("TOD") as defined under Maryland Transportation Article 7-101 (m); the area to be designated as a TOD contains the subject parcel.

In order to facilitate Federal Realty's processing of the Preliminary Plan, the State consents to the inclusion of the Property in the Preliminary Plan. This consent does not substitute for any regulatory approval required under applicable law, nor shall the inclusion of the Property, actions taken by governmental authority in connection with the Property or the Preliminary Plan and/or approval of the Preliminary Plan bind the State to any limitations, requirements, or liabilities of any kind. Further, this consent shall not constitute any agreement or obligation of the State with respect to present or future conveyances, consents, agreements, licenses, permits, approvals or any other public or private actions related to the Property or the Preliminary Plan, nor shall it confer on Federal Realty or any other public or private entity any property rights or interests in the Property.

We look forward to continuing our efforts with Montgomery County to support the White Flint Sector Plan Area, to help realize the area's significant potential for economic and sustainable development. If you have any questions, please feel free to contact me. I may be reached at 410-865-1095 or ascott@mdot.state.md.us.

Sincerely,

Andrew J. Scott
Director, Office of Real Estate

Mr. Patrick Butler

January 11, 2012

Page 2

cc: Ramona Bell-Pearson, Assistant Chief Administrative Officer, Office of the Montgomery
County Executive
Arthur Holmes, Director, Montgomery County Department of Transportation
Sarah (Dee) Metz, White Flint Implementation Coordinator, Montgomery County



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 27, 2012

Mr. Patrick Butler, Lead Reviewer
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120020
Mid Pike Plaza

AMENDMENT LETTER

Dear Mr. Butler:

This letter is to amend our January 25, 2012 preliminary plan review comments letter for this project.

I have been advised that the recommendation on page 9 (Item no. 20) to include an item in the pending Traffic Mitigation Agreement for the replacement of commuter parking ("*Provide Park and Ride Spaces within the proposed parking garage to replace spaces in the existing commuter lot on site; these spaces need to be designated for commuter parking only.*") is not applicable to this project.

As a result, we hereby delete that comment.

All other comments contained in our January 25, 2012 letter remain applicable at this time.

Thank you for your cooperation and assistance. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or at (240) 777-2197.

Sincerely,

Gregory M. Leck, Manager
Development Review Team

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov



Mr. Patrick Butler
Preliminary Plan No. 120120020
January 27, 2012
Page 2

m:/subd/gml/docs/PP/120120020, Mid Pike Plaza, AMENDMENT

cc: Evan Goldman; Federal Realty Investment Trust
Barbara Sears; Linowes & Blocher, LLP
Nancy Randall; Wells & Associates
Josh Sloan; M-NCPPC Area 2
Ed Axler; M-NCPPC Area 2
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Ramona Bell-Pearson; MCOCE
Dee Metz; MCOCE
Diane Schwartz Jones; MCDPS DO
Arthur Holmes; MCDOT DO
Al Roshdieh; MCDOT DO
Edgar Gonzalez; MCDOT DO
Sande Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Emil Wolanin; MCDOT DTEO
David Adams; MCDOT DTEO



RECEIVED

JAN 23 2012

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

January 20, 2012

Ghassan S. Khouri, P.E.
Vika Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Mid-Pike Plaza 1st Revision
Preliminary Plan #: 120120020
SM File #: 239509
Tract Size/Zone: 23.38 Ac./CR
Total Concept Area: 23.38
Parcel(s): Part of Parcel A
Watershed: Cabin John Creek

Dear Mr. Khouri:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet the required stormwater management goals via ESD to the MEP with the use of green roofs and micro-bioretenment. This will be supplemented with the use of underground volume-based proprietary filters.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. All covered parking areas are to drain to a WSSC system.
6. Provide a copy of the mechanical plans showing the schematic profiles of the drains to verify all roof areas drain to stormwater structures and that the covered parking drains to a WSSC system.
7. For garage decks that do not drain to a WSSC system, a valve is required in order to close the drainage system while the deck is being cleaned (either dry or wet). The resultant material must be vacuumed or pumped so that it does not enter the storm drain. A floor cleaning plan must be detailed on the approved erosion and sediment control/stormwater plan.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY

www.montgomerycountymd.gov

montgomerycountymd.gov/311



240-773-3556 TTY

8. Provide adequate access to all structures for inspection and maintenance. Show the access path for underground structures on design plans. Also provide a narrative on the plan that details how to access the green roofs.
9. Easements and covenants will be required for all stormwater structures, including green roofs, on private property and on private roads.
10. Concrete vaults used with proprietary filters that are placed in the right-of-way must be located under the parking section of the road next to the curb. At the design stage, the placement of vaults will need to be coordinated with MCDOT Division of Traffic Engineering & Operations and MCDPS Right-of-Way Section so that maintenance of the structures will not interfere with traffic control and public safety.
11. The green roofs are to be designed by a professional with green roof experience.
12. The green roofs are to be 6 and 8 inches in thickness, depending on location. The entire site will have a minimum of 159,147 square feet of green roof (6" & 8"). In Phase I there should be a minimum of 55,632 square feet of green roof (6"-1,545s.f. & 8"-54,087s.f.)
13. This approval is for the entire site for the Preliminary plan and for Phase I (Building 10, 11, & 12) of the Site Plan. **As additional Phases are submitted for Site Plan approval, this concept must be either reconfirmed or revised.**
14. There is an existing stormwater structure on the site that will need to be removed. Work with DPS on the termination of the applicable easement and covenant. Also, coordinate with DEP on the removal of the structure.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tia CN239509 Mid-PikePlaza 1st Revision.DWK

cc: C. Conlon



FIRE MARSHAL COMMENTS

DATE: 06-Jan-12
TO: Bill Landfair - landfair@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: Mid-Pike Plaza
320110010 120120020 820120020

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 06-Jan-12 .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**** Approval for Site Plan #820120020 Buildings 10, 11, & 12 only ****



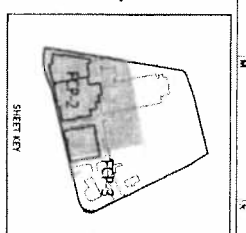
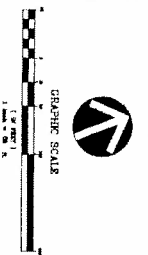
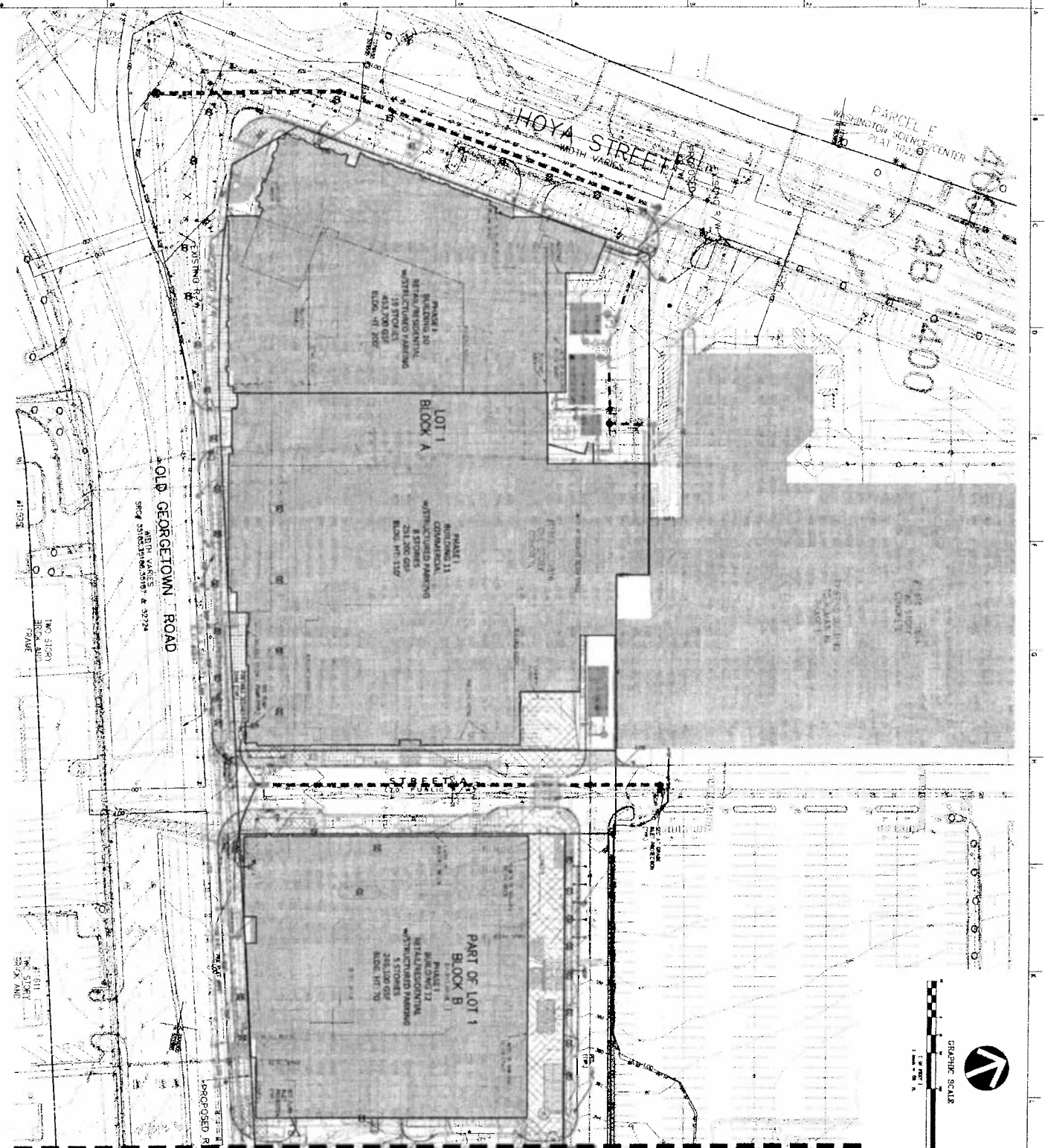
FIRE MARSHAL COMMENTS

DATE: 06-Jan-12
TO: Bill Landfair - landfair@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: Mid-Pike Plaza
320110010 120120020 820120020

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **06-Jan-12**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**** Approval for Preliminary Plan #120120020 ****



ABBREVIATIONS

CONTRACTOR	CONTRACTOR
OWNER	OWNER
DESIGNER	DESIGNER
...	...

SURVEY LEGEND

[Symbol]	PROPOSED BOUNDARY
[Symbol]	EXISTING BOUNDARY
[Symbol]	...

FCP LEGEND

[Symbol]	PROPOSED TO CONFORM
[Symbol]	PROPOSED TO CONFORM
[Symbol]	...

PHASE 1 FINAL STREET CONSERVATION PLAN
APPLICANT: [Name]
DATE: [Date]

PREPARED BY:
[Name]
[Title]

DESIGN COLLECTIVE
[Name]
[Address]

Mid-Pike Plaza
Kochville, Maryland

Applicant/Owner:
[Name]

Master Designer:
[Name]

Street Works:
[Name]

Engineer & Inspector:
[Name]



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

September 21, 2011

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Mid Pike Place, DAIC 120120020, NRI/FSD application accepted on 5/28/2010

Dear Ms. Carrier:

The County Attorney's Office has advised me that the provisions contained in Section 5-1607 of Title 5 (Natural Resources) of the Maryland Code apply to any application required by Chapter 22A of the Montgomery County Code submitted after October 1, 2009. Since the application for the above referenced request is required to comply with Chapter 22A based on a review by the Maryland National Capital Park & Planning Commission (MNCPPC) and was submitted after this date, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant results in the following findings:

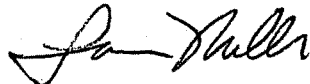
1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this condition.

2. Based on a discussion on March 19, 2010 with representatives of the Maryland Department of Natural Resources Forest Service and the MNCPPC, the disturbance of trees, or other vegetation, is not interpreted as a condition or circumstance that is the direct result of the actions by the applicant and, therefore, the variance can be granted under this condition, as long as appropriate mitigation is provided for the resources disturbed.
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this condition.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this condition.

Therefore, I recommend that this applicant qualify for a variance conditioned upon mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law. Until other guidelines are developed, I recommend requiring mitigation based on the area of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Acting Chief

OCT 10 2011



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-05
Sketch Plan No. 320110010
Project Name: Mid-Pike Plaza
Date of Hearing: January 20, 2011

CORRECTED RESOLUTION

WHEREAS, under Section 59-C-15.42 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on September 21, 2010, Federal Realty Investment Trust ("Applicant"), filed an application for approval of a sketch plan for up to ~~1,726,642 square feet of residential~~ 3,422,888 square feet of total density including a maximum and of 1,716,246 square feet of non-residential development on 24.38 gross acres of land split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300, located in the northwest quadrant of Rockville Pike and Old Georgetown Road within the White Flint Sector Plan Area ("Property" or "Subject Property"); and

WHEREAS, the sketch plan application was designated Sketch Plan No. 320110010, Mid-Pike Plaza (the "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 10, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on January 20, 2011, the Planning Board held a public hearing on the Application; and

WHEREAS, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 20, 2011, the Planning Board voted to approve the Application, subject to certain conditions, on the motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor, Commissioner Alfandre being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions

Approved as to
Legal Sufficiency:

A handwritten signature in black ink, appearing to be 'M', written over a horizontal line.

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

of Montgomery County Code Chapter 59, the Montgomery County Planning Board approves Sketch Plan No. 320110010 for up to ~~1,726,642 square feet of residential and 3,422,888 square feet of total density~~ including a maximum of 1,716,246 square feet of non-residential development on 24.38 gross acres of land split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300, including as binding elements under Section 59-15.42(b)(4)(B) the maximum density and heights, general location and extent of public use space, public benefits, and phasing program as shown on the sketch plans, subject to the conditions below and modification at Site Plan per the restrictions enumerated in section 59-C-15.42(d). This approval is subject to the following conditions and binding elements:

1. Density

The proposed development is limited to a maximum of ~~1,726,642 square feet of residential development~~, 1,716,246 square feet of non-residential development and a total of 3,442,888 square feet of total development.

2. Height

The proposed development is limited to a maximum height of 200 feet in the portion zoned CR3 C1.5 R2.5 H200, and 300 feet in the portion zoned CR-4 C3.5 R3.5 H300.

3. Incentive Density

The proposed development must be constructed with the public benefits listed below, except that the Applicant may request to adjust the percentage or type of public benefits shown on the Public Benefits Table of the sketch plan during site plan review as long as the total equals at least 100 percent of the incentive density required by section 59-C-15.81. The Applicant may eliminate, add, or modify individual public benefits if the Planning Board finds that any changes continue to support the findings required by the zone.

<i>Category</i>	<i>Public Benefit</i>	<i>% Requested</i>
	Transit Proximity	33.09
Connectivity	Neighborhood Services	10.00
	Minimum Parking	6.32
	Through-Block Connection	10.00
	Public Parking	7.62

Diversity	Adaptive Buildings	4.37
	Care Center	15.00
	Dwelling Unit Mix	2.19
Design	Structured Parking	14.32
	Tower Setback	1.53
	Public Art	5.00
	Exceptional Design	6.70
Environment	BLTs	5.00
	Tree Canopy	10.00
	Vegetated Roof	4.48
Advance Dedication		3.72
Total		139.34

4. Incentive Density Implementation

At site plan, the Applicant must demonstrate delivery of sketch plan incentive density elements in a timely manner commensurate with project phasing.

5. Public Use Space

The proposed "neighborhood green" must provide a minimum of 0.55 acres non-vehicular area and 0.80 acres of total area for special events.

6. Building Lot Terminations

Prior to issuance of building permits for the first 5% of incentive density square footage, the Applicant must provide proof of purchase (or payment to the Agricultural Land Preservation Fund) for a minimum of 7.28 BLTs.

7. Moderately Priced Dwelling Units (MPDUs)

The proposed development must provide MPDUs in accordance with Chapter 25A.

8. Phasing Program

Unless a modification is approved by the Planning Board during site plan review, the Applicant must construct the proposed development in accordance with the phasing program enumerated in the Application.

9. Future Coordination for Preliminary and Site Plan

The following must be addressed as part of the process of the preliminary or site plan applications, as applicable:

- a. Request for waiver of standard truncation for all applicable intersections.
- b. Site details, recreation facility exhibits, and detailed development program and inspection schedules.
- c. Public art program reviewed by the Public Arts Trust Steering Committee.
- d. Considerations for preliminary and site plan reviews outlined in the findings of this resolution.
- e. Issues enumerated in the letter from the Montgomery County Department of Transportation, dated January 4, 2011 and obtaining necessary approvals or modifications to said letter prior to the hearing on any preliminary plan.
- f. Specifics of the public benefits proposed to achieve the incentive density.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.42, the Montgomery County Planning Board finds that, as conditioned herein, the elements of the sketch plan specified in Section 59-C-15.42(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board finds that as shown in the sketch plan:

1. *The plan: (a) meets the requirements and standards of this Division; (b) will further the objectives of the applicable master or sector plan; and (c) will provide more efficient and effective development of the site than the standard method of development;*

The subject site is located within the White Flint Sector Plan area and is split-zoned CR3.0 C1.5 R2.5 H200 and CR4.0 C3.5 R3.5 H300. The proposed development will be built under the optional method of development with uses permitted in the CR zones.

(a) Requirements and standards of the Division:

The objectives of the CR zones enumerated in section 59-C-15.2 are to:

- Implement the policy recommendations of applicable master and sector plans;

- Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;
- Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities;
- Encourage an appropriate balance of employment and housing opportunities and compatible relationships with adjoining neighborhoods;
- Establish the maximum density and building height for each zone, while retaining appropriate development flexibility within those limits; and
- Standardize optional method developments by establishing minimum requirements for the provision of the public benefits that will support and accommodate density above the standard method of development.

The proposed development satisfies these objectives by:

- Furthering the policy recommendations of the White Flint Sector Plan, as detailed in (b) below;
- Replacing a strip-mall development and excessive surface parking with a high-density, mixed use project;
- Integrating housing, commercial services, employment uses, public facilities and amenities within less than ½ mile of metro service and numerous parks, trails, and services;
- Providing a balance of commercial and residential uses appropriate for this area of the core of White Flint;
- Meeting the density and building height limits for the zones with a flexible response to protect and enhance open spaces, pedestrian comfort, and views; and
- Providing public benefits per the ordinance and guideline criteria to create an environment sufficiently able to accommodate density above the standard method density allowed.

The general requirements of the CR zones enumerated in section 59-C-15.6 of the ordinance are met as the following list illustrates.

- The project conforms to the sector plan and design guidelines as detailed in (b) below;
- The streetscapes along each frontage will be improved per the sector plan and design guidelines as finalized by each site plan;
- Allowances for space for bicycle parking and shower facilities, which will be finalized by each site plan, are provided; and

- As the data table below shows, parking will be provided above the minimum required and below the maximum allowed.

The development standards of the CR zones enumerated in section 59-C-15.7 are met as detailed in the data table below.

Project Data Table for the CR Zones		
Development Standard	Permitted/Required	Approved and Binding on the Applicant
Gross Tract Area (sf)		
Zone 1: CR3.0 C1.5 R2.5 H200	n/a n/a n/a	805,156 256,855 1,062,011
Zone 2: CR4.0 C3.5 R3.5 H300 Total		
Density (sf)		
<i>Total (CR)</i>		
Zone 1	2,415,468	n/a
Zone 2	1,027,420	n/a
Total	3,422,888	3,422,888
<i>Non-residential (C)</i>	1,207,734	n/a
Zone 1	898,992	n/a
Zone 2	2,106,726	1,716,246 maximum
Total		
<i>Residential (R)</i>	2,012,890	n/a
Zone 1	898,992	n/a
Zone 2	2,911,882	1,726,642 minimum
Total		

Building Height (feet)		
Zone 1	200	Up to 200
Zone 2	300	Up to 300
Setbacks	n/a	n/a
Parking Spaces		
Minimum Required	2,396	5,234 (approximate)
Maximum Allowed	6,546	
Proposed		
Public Use Space (%)	10	10
Residential Amenity Space (sf)	Determined at site plan based on final unit count.	

(b) The objectives of the White Flint Sector Plan:

The Mid-Pike Plaza property is in the Mid-Pike Plaza District within the Approved and Adopted (2010) *White Flint Sector Plan*. The Plan notes that “redevelopment in the district should retain its regional marketplace function and include residential and civic uses. Building heights of 300 feet should frame the corner of Rockville Pike and Old Georgetown Road. Public use space, such as an urban plaza or neighborhood green or a civic or cultural attraction, will provide reasons to gather and encourage all day activity” (p.32). Specifically for public use space, the Plan states the following: “provide a minimum one-acre public use that can be divided into smaller areas, such as urban plazas or neighborhood greens, on the Mid-Pike Plaza property” (p.33). Consistent with the Sector Plan, a new public commercial business street (B-16), recommended 80 feet right-of-way, will connect Rockville Pike to Hoya Street. And, realigned Executive Boulevard (B-15), between Old Georgetown Road and B-16, is a commercial business street with a 70 right-of-way.

The proposed sketch plan is consistent with the objectives of the White Flint Sector Plan with respect to:

Density and Building Height

The proposed development is consistent with the Sector Plan’s recommendations for the Commercial Residential (CR-4 C-3.5 R-3.5 H-300 and CR-3 C-1.5 R-2.5 H-200) zones. The highest density is located at the intersection of Old Georgetown Road and Rockville Pike.

Transportation

The sketch plan street network is consistent with the Sector Plan recommendation for public and private streets. The Sector Plan classifies B-16 as a commercial business street between Rockville Pike and Hoya Street

with a right-of-way of 80 feet and B-15 with a right-of-way of 70 feet. The revised plan shows most of the street as a 70 foot cross-section with the areas near Hoya Street and MD 355 as a wider cross-section.

The Sector Plan envisions the reconstruction of Rockville Pike into an urban boulevard with improved pedestrian sidewalks, on-road bicyclist accommodation, and bus priority lanes (p.53). Rockville Pike is classified as a major highway with a 150 foot right-of-way. The right-of-way for MD 355 can be increased to 162 feet with the additional dedication placed in reservation (p.55). Montgomery County Department of Transportation has initiated a Countywide Bus Rapid Transit (BRT) Study that will inform the location of BRT along the Pike, either in the median or curb lane.

Bikeway Network

Several roads that front the property have bikeway recommendations. Old Georgetown Road, between Hoya Street and Rockville Pike, is classified as a dual bikeway: i.e., a shared use path with bike lanes (LB-2). Rockville Pike is classified as a shared use path (SP-41) and Hoya Street is also classified as a shared use path, LB-1. At site plan, these bikeways should be delineated.

Public Use Space

The submitted sketch plan illustrates several areas intended to meet the CR zone public use requirement and the Sector Plan recommendation. The sketch plan illustrates a neighborhood green and several linear promenades adjacent to Street 2 and 3.

White Flint Design Guidelines

The Approved White Flint Urban Design Guidelines provide specific recommendations for each district, including building design and public open space. The design guidelines illustrate buildings with a build-to-line instead of a setback from the property line. Regarding public use spaces, the design guidelines state that "neighborhood open spaces should be defined by surrounding building walls on at least three sides on a mid-block location" and public use spaces "should be located to reduce extended periods of shadow coverage from surrounding buildings" (p.33). Since the area south of the public street, B-16, has a southern as well as east-west sun exposure, a significant public use space in this area would receive ample sunshine throughout the year.

Environment

The Sector Plan establishes several recommendations to create an environmentally sustainable district. Minimization of carbon emissions; reduction of energy use through site design and energy-efficient buildings;

improving air and water quality; and usage of environmental site design are some of the Plan's recommendations. At site plan, the applicant must demonstrate how each recommendation in the Plan will be achieved.

The following items will require further consideration during Preliminary and Site Plan review

- Orient buildings closer to the property line for Rockville Pike and Old Georgetown Road, if SHA releases the easement along MD 355. If the easement is retained, provide a detailed concept plan for MD 355 frontage that includes a double row of trees and street furnishings.
- Provide an 80-foot right-of-way for Street 1, which is classified as a public street, or demonstrate need for modification.
- ~~Establish a primary or secondary pedestrian connection between Executive Boulevard and Hoya Street (Building 5-6 and 10-11).~~
- Ensure proper dedication of recommended street right-of-way for Rockville Pike, Old Georgetown Road and Hoya Street as well as internal public streets.
- Underground utilities within all public rights-of-way.
- Demonstrate how the proposal will achieve sustainability recommendations, including increased tree canopy; maximization of LEED standards; and environmental site design techniques as recommended in the Sector Plan.
- Complete Sector Plan bikeways for Rockville Pike, portions of Old Georgetown Road ~~and Hoya Street.~~
- Implement the recreation loop, as recommended in the Sector Plan and Design Guidelines, along Old Georgetown Road.

- (c) More efficient and effective development of the site than the standard method of development:

This optional method of development is more efficient and effective than the standard method of development because it provides more public benefits, places higher density in an area that can sustain growth using existing infrastructure, provides more affordable housing options, and creates a more environmentally sustainable pattern of development.

2. *The proposed building massing and height and public use and other open spaces are located and scaled to achieve compatible relationships with each other and with existing and proposed buildings and open space adjacent to the site and with adjacent communities;*

With respect to density, building height, and public use space the proposed development meets, is under the maximum standards, and exceeds the minimum standards, respectively.

The buildings and structures of the proposed development are laid out throughout the site, with the greatest densities towards the core of the metro station area, which is appropriate for the character envisioned by the sector plan. The layout shown provides easy access to the buildings from adjoining sidewalks and internalized parking. The locations of the buildings and structures provide compatible relationships internally and to buildings on confronting properties, while meeting the aesthetic standards of the area. The groundwork for the open spaces, landscaping, and site details is provided through appropriate building massing, heights, and orientation and will provide a safe and comfortable environment.

With respect to proposed open and public use spaces, the development provides a number of different outdoor areas, including promenades, pocket parks, and a larger neighborhood green. Sidewalks and through-block connections allow for visual and physical connections between these spaces and to/from the surrounding properties. This layout of interconnected open spaces and corridors will allow for a greater public benefit and compatible relationships with each other and with existing and proposed buildings and adjacent development.

The following items will require further consideration during Preliminary and Site Plan review:

The details of the proposed building and open space layout will be reviewed in greater detail with each site plan. In particular, the following objectives from the design guidelines will be analyzed more critically.

- (a) Streets (Page 10): (1) Establish a hierarchical grid of streets to improve mobility; (2) Underground wet and dry utilities within right-of-way limits; (3) Create short blocks to expand pedestrian access and maximize building frontage; (4) Transform Rockville Pike into an Urban Boulevard; (5) Improve pedestrian safety at all street intersections.
- Consider alternatives for façade articulation along the outer facing perimeter of the development, particularly along Hoya Street and Montrose Parkway.
 - Consider alternatives to eliminate the building setbacks shown along Rockville Pike and Old Georgetown Road.
 - Consider alternatives to minimize the impact of vehicular access on designated public use spaces.

~~(b) Open Space (Page 12): (1) Consolidate the space allocated to meet zoning public use space requirements in locations central to each neighborhood to create substantial urban spaces for public use; (2) Create pedestrian priority spaces, where vehicular intrusions are kept to a minimum; (3) Provide spaces that include substantial areas for un-programmed use by residents, workers, and visitors.~~

- ~~• Consider consolidating all "fragments" of green area designated as public use space into more substantial areas for public use.~~
- ~~• Consider alternatives to provide pedestrian connections between open spaces, particularly between spaces located along street 2 and street 3.~~
- ~~• Consider making pedestrian usage central to the organization of public space on street 2.~~
- ~~• Consider consolidating fragments of public use space shown along street c in a location where they could become part of the network of open spaces envisioned by the Sector Plan.~~

~~(e)(b) Buildings (Page 16): (1) Build-to lines that establish minimum setbacks from the right-of-way; (2) Podium heights that define the pedestrian level space; (3) Upper setbacks that distance the taller component of the structure from the podium, reducing the impact of its scale on the pedestrian space below; (4) Reduced tower floor plate sizes to reduce the structure's perceived bulk.~~

- ~~• Consider providing a signature building at the corner of Old Georgetown Road and Rockville Pike.~~
- ~~• Consider sun orientation when adjusting the location of taller building components in close proximity to public use spaces.~~
- ~~• Consider alternatives to break down the scale of the structure composed of buildings 5, 6, 10 and 11.~~

3. *The general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading areas are adequate, safe and efficient;*

Site Location and Vehicular Access Points

The subject development is located on the north side of Old Georgetown Road between Rockville Pike (MD 355) and Hoya Street (i.e., previously known as Old Old Georgetown Road) with Montrose Parkway along the northern property line. The vehicular access points are proposed from Old Georgetown Road, Rockville Pike, and Hoya Street. Given the relatively close proximity of the proposed access points on Hoya Street to the signalized intersections of (existing) Montrose Parkway and (future) Old Georgetown Road, ~~the access may be limited to right in/right out movements pending further study of traffic queuing and volume numbers~~ the Applicant must provide further intersection, queuing, and

volume analyses to allow the Board to consider changes for access..

Available Transit Service

Ride-On routes 5, 26, 38, 46, and 81 operate along the site's adjacent roadways. The entire subject site is within ½ mile of the White Flint Metrorail Station. These transit options provide adequate and efficient transportation choices and may be safely accessed.

Transportation Demand Management

This site is within the boundary of the North Bethesda TMD. As a new development, the Applicant must enter into a traffic mitigation agreement to participate in the North Bethesda Transportation Management District (TMD). The *White Flint Sector Plan* recommends that the TMD achieve a 34% non-auto driver mode share (NADMS) goal for employees that consists of a 26% transit mode share, 5% ridesharing, and 8% non-automobile commuting modes of transportation.

Sector Plan Roadways and Bikeways

In accordance with the *White Flint Sector Plan* and *Countywide Bikeways Functional Master Plan*, the sector-planned roadways and bikeway that must be provided by this development are as follows:

- (a) Rockville Pike (MD 355) is designated as a major highway, M-6, with a recommended 150-foot right-of-way, reservation for 12 more feet (i.e., for a total of 162 feet), and a recommended shared use path, Local Bikeway, LB-5.
- (b) Old Georgetown Road (MD 187) is designated as a major highway, M-4, with a recommended 120-foot right-of-way and a recommended Dual Bikeway, LB-2, bike path on north side.
- (c) Hoya Street is designated as a major highway, M-4(a), with a recommended 120-foot right-of-way and a recommended shared use path, LB-1. MCDOT's Capital Improvements Program Project No. 501116, White Flint District West Transportation, includes construction of Hoya Street between Executive Boulevard and Montrose Parkway.
- (d) Montrose Parkway is designated as an arterial, A-270, with a recommended 300-foot right-of-way and a recommended shared use path, SP-50.
- (e) Public Street A is designated as a business street, B-15, with a recommended 70-foot right-of-way.
- (f) Public Street 1 is designated as a business street, B-16, with a recommended 80-foot right-of-way.
- (g) Public Street C, Public Streets 2, and Public Street 3 are internal streets not listed in the Sector Plan.

Dedication of the rights-of-way associated with this project will be determined during the review of the Preliminary Plan.

Transportation Adequate Public Facilities Review

In lieu of the typical Local Area Transportation Review and Policy Area Mobility Review tests, the transportation Adequate Public Facilities test is satisfied by participating in the special taxing district, which will be responsible for all improvements in the rights of way for Hoya Street, Rockville Pike, and portions of Old Georgetown Road along the subject property's frontage.

Transportation Staging

Transportation staging in the White Flint Sector Plan area replaces the LATR and PAMR requirements for Adequate Public Facilities. Specific transportation improvements are identified in the Sector Plan relative to the site and density being approved, both of which are regulated by the impact from the development on the surrounding road network. Improvements will be constructed both by the District, through taxes, and by the developer, as regulated by the phasing plan proposed by the Applicant and approved by the Planning Board. Staging for the White Flint area is tied to the amount of density approved and is regulated through site plan approvals and release of building permits.

The Staging Plan timing of new development and public facilities needs to support existing and proposed development. The objectives of the Staging Plan intend to ensure fiscal responsibility, timing and sequence, coordination with the public infrastructure and promoting a sense of place.

There are three overall phases in the White Flint Sector Plan, each of which limits the amount of non-residential and residential uses:

Staging Plan for the White Flint Sector Plan		
<i>Phase</i>	<i>Maximum residential development (units)</i>	<i>Maximum non-residential development (sf)</i>
Phase I	3,000	2 million
Phase II	3,000	2 million
Phase III	3,800	1.69 million
Total	9,800	5.69 million

Each phase within the staging plan contracts for, funds or constructs specific roadways, achieves non-auto driver mode shares and furthers housing goals for the District. The Planning Board must decide when a Phase has been completed in order to allocate density in the next phase.

The proposed development will be required to improve frontage along each of the property's existing boundaries as well as to construct the internal private streets.

The following items will require further consideration during Preliminary and Site Plan review

- (a) Submit documentation to seek approval from reviewing agencies for a right-of-way width reduction from 80 feet to 70 feet for Public Street "1", sector-planned business street B-16.
 - (b) Pay the special taxes in lieu of satisfying the transportation Adequate Public Facilities tests when the taxing district in the White Flint Sector Plan area is established.
 - (c) Provide an additional 6-foot right-of-way reservation along Rockville Pike for a sidewalk.
 - (d) Prepare and submit traffic signal warrant studies for the Rockville Pike/Street 1 and Old Georgetown Road/Street "A" intersections.
 - (e) Coordinate and gain acceptance from the Montgomery County Department of Transportation (MCDOT) regarding the adequacy of vehicular queuing along Hoya Street at the site's access point.
 - (f) Provide inverted-U bike racks in front of the main entrances to the buildings and bike lockers in the garages.
 - (g) Agree to comply with requirements of participating in the Transportation Management District.
4. *The proposed public benefits and associated requested incentive density will further the objectives of the applicable master or sector plan and the objectives of the CR zones; and*

The proposed public benefits and associated requested incentive density are appropriate for the site and the applicable CR zones, and meet the objectives of the White Flint Sector Plan.

There are a variety of benefits proposed – from 6 of the 7 categories available, and an appropriate amount of incentive density is requested for each of the benefits. As the table on page 13 of the staff report indicates, 15 public benefits are proposed with incentive density calculations that exceed the total minimum required. Further, no category sum exceeds the 30% maximum allowed except transit proximity, which is not subject to a category limit.

Final figures and adjustments are expected with each site plan, but no development may be approved if it is determined that the total minimum public benefit requirement cannot be met.

5. *The general phasing of structures, uses, public benefits, and site plans is feasible and appropriate to the scale and characteristics of the project.*

The Project's general phasing of structures, uses, public benefits, and site plans is feasible and appropriate to the scale and characteristics of the project. The proposed development consists of at least three phases as enumerated in the following table. Phasing of roads, parking, and public benefits are also proportionally appropriate to the scale and characteristics of the project as well as to ensure functional and civic accessibility and use.

Density per Phase			
<i>Phase</i>	<i>Commercial Density (sf)</i>	<i>Residential Density (sf)</i>	<i>Total Density (sf)</i>
1	268,200	523,942	792,142
2	356,900	562,500	919,400
Future	1,091,146	640,200	1,731,346

The correspondence between the White Flint transportation staging phasing and the development phasing will depend on other approvals and improvements. Site plans and building permits will be approved based on available capacity as determined by existing and/or funded approvals and improvements during the applicable review.

6. *Other issues.*

At the time of site plan, the Planning Board may approve changes to this sketch plan under certain circumstances. If the applicant proposes to change a condition of approval or binding element or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the White Flint Sector Plan. If Planning Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the master plan. In other words, for the Board to approve an applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a staff-proposed binding element that the applicant has not agreed to it must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and master plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved sketch plan, including a binding element, does not meet

the requirements of the zone, master plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-15.42(c), which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements of site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, it might have decided to approve fewer elements of this plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan.

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320110010, Mid-Pike Plaza stamped received by M-NCPPC on December 9, 2010 are required except as modified herein; and

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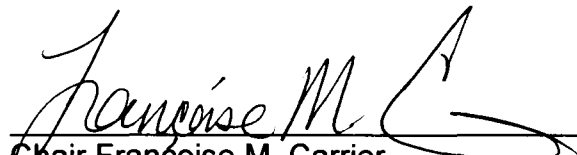
BE IT FURTHER RESOLVED that the date of this Resolution is _____
(which is the date that this Resolution is mailed to all parties of record); and

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).

* * * * *

RESOLUTION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.

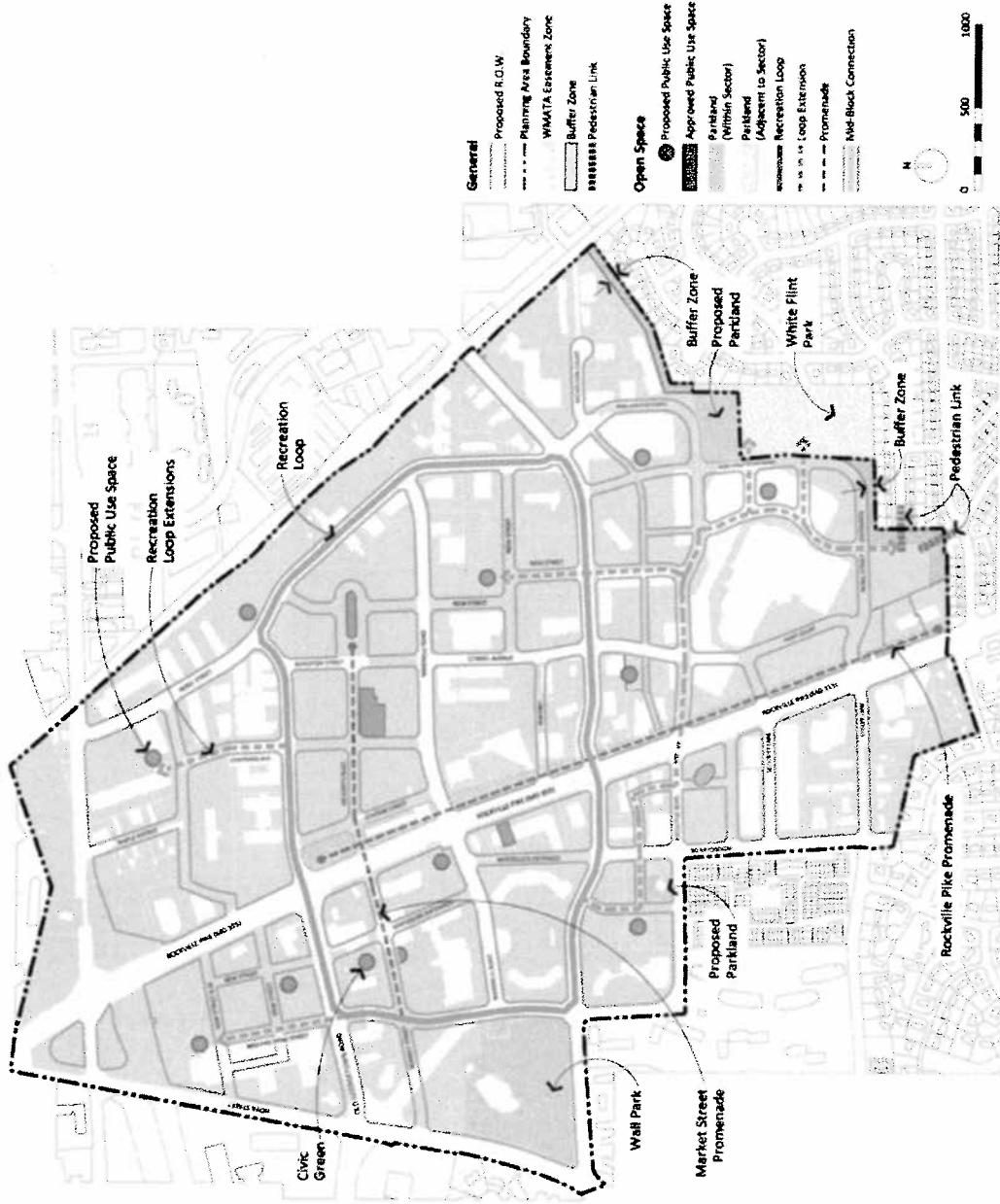

Chair Françoise M. Carrier
Montgomery County Planning Board

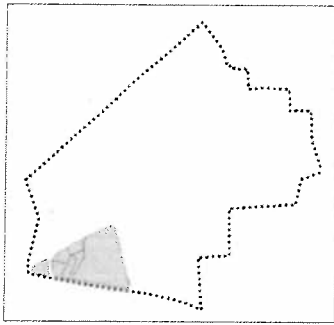
Public Use Space

The Plan recommends a hierarchical public use space system in which each space contributes variety in function and setting (Map 9). A recreation loop connects the public use spaces.

<p>For Everyone Wall Local Park swimming sports, recreation, and fitness activities</p>
<p>For the Sector Plan Area a central civic green gathering, ceremonies, and celebrations</p>
<p>For Each Block an urban plaza at each cluster of offices, residences, and shops provide plazas, pocket parks, green streets</p>
<p>For Each Neighborhood a neighborhood green meeting place and landmark</p>
<p>For Each Building private recreation space public use space, community garden, green roof</p>

Map 9: Public Use Space Plan

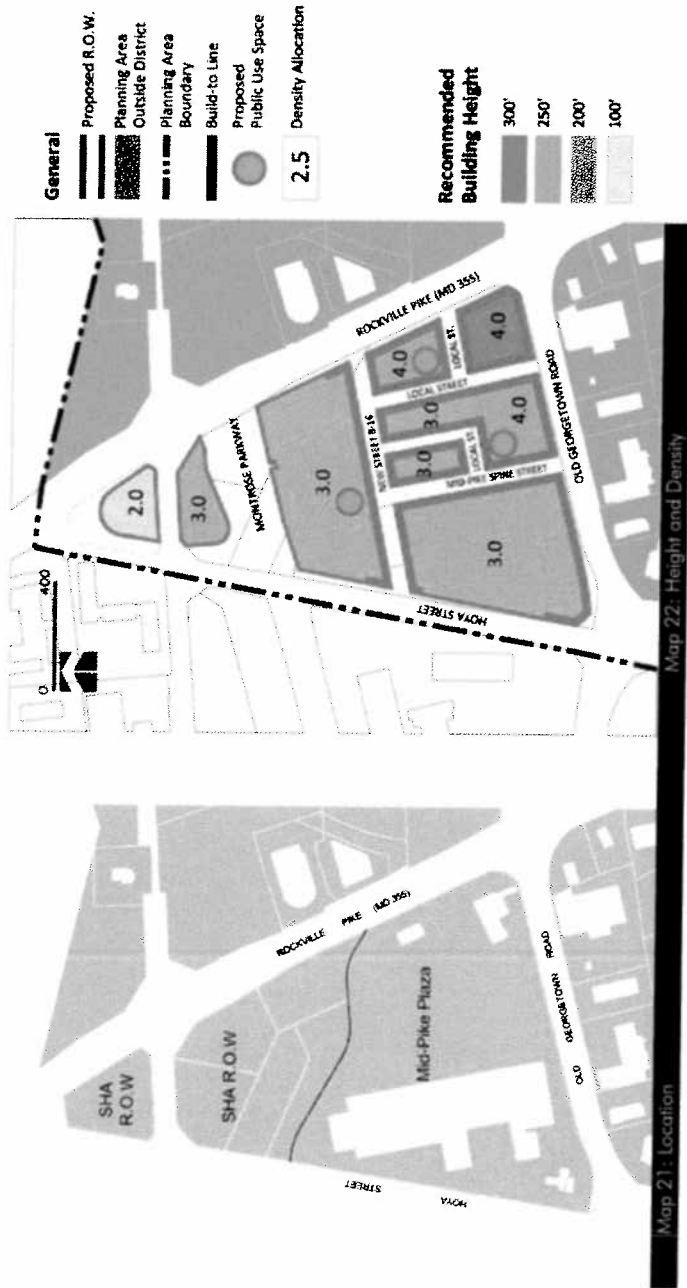


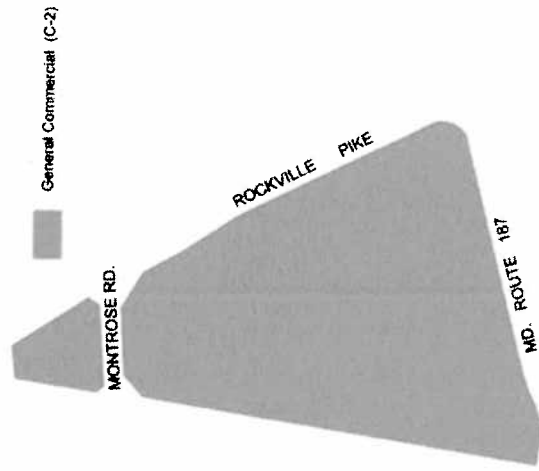


Mid-Pike District

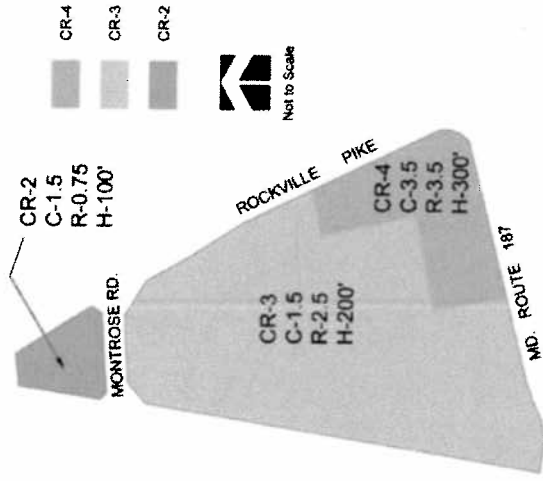
The Mid-Pike District contains the Mid-Pike Plaza Shopping Center and excess right-of-way for Montrose Parkway. This District will function as a regional retail magnet with a substantial residential component and public services (Map 21). Mid-Pike Plaza is a 20-acre strip shopping center with surface parking and one and two-story buildings in the C-2 Zone. The State of Maryland owns approximately 9.5 acres immediately north of the shopping center, much of which will be used for Montrose Parkway.

Redevelopment in the district should retain its regional marketplace function and include residential and civic uses. Building heights of 300 feet should frame the corner of Rockville Pike and Old Georgetown Road. Public use space, such as an urban plaza or neighborhood green or a civic or cultural attraction, will provide reasons to gather and encourage all day activity.





Map 23: Existing Zoning

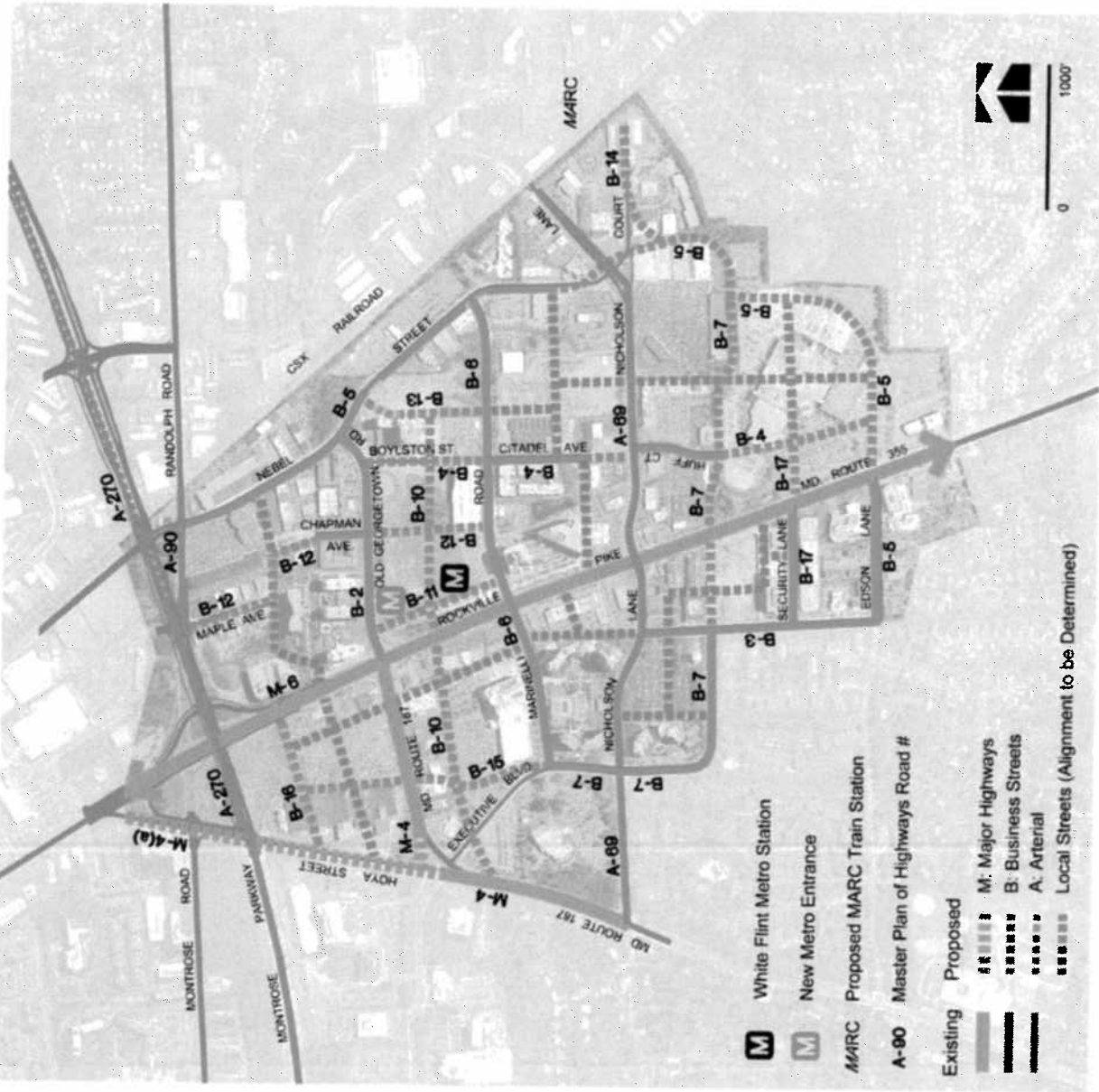


Map 24: Proposed Zoning

The new internal road network at the corner of Rockville Pike and Old Georgetown Road creates a high visibility corner and should be developed with mostly non-residential uses. This Plan recommends taller buildings and greater FAR at the corner and along Rockville Pike.

- Rezone the corner at Rockville Pike and Old Georgetown Road of the Mid-Pike Plaza property to CR 4: C 3.5, R 3.5, and H 300. This allows more non-residential use, if necessary.
- Rezone remainder of the Mid-Pike Plaza property CR 3: C 1.5, R 2.5 and H 200. This mix allows the property to develop at a mix of 50 percent each residential and non-residential, although the maximum FAR cannot be reached without mixed-uses.
- Rezone the portion of SHIA property south of Montrose Parkway the same as the Mid-Pike Plaza property to CR 3: C 1.5, R 2.5, and H 200 so that assembly is possible. Affordable housing and public facilities are appropriate and desirable in this area, possibly in conjunction with private development.
- Rezone the C-2 zoning on the SHIA property north of Montrose Parkway to CR 2: C 1.5, R .75, H 100 to allow for mixed-uses. Public facilities are suitable uses. Surface parking is not an appropriate use at this location, since much of the Plan's emphasis is to reduce the amount of surface parking.
- Provide a minimum one-acre public use space that can be divided into smaller areas, such as urban plazas or neighborhood greens, on the Mid-Pike Plaza property.

Map 46: Existing and Proposed Street Network



Street Network

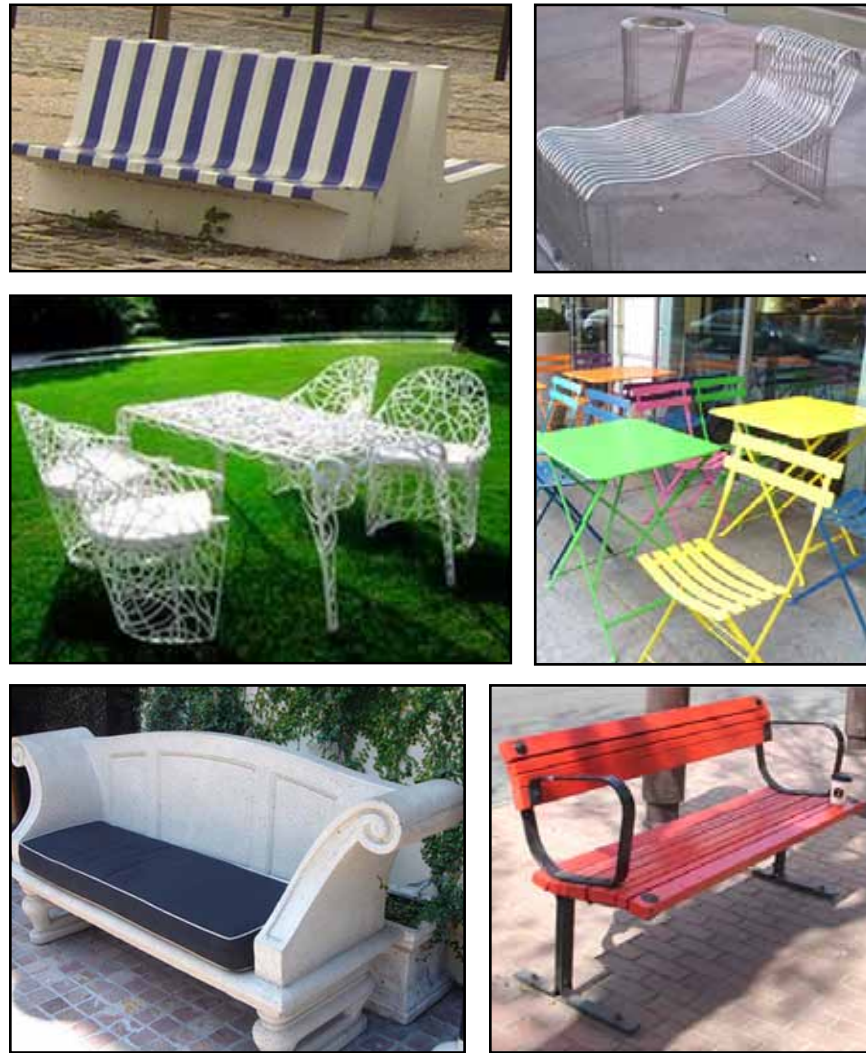
- Implement the master planned street network (Map 46). Sector Plan area streets should adhere to the design standards of the County Road Code. Nebel Street is to have a three-lane cross section to allow for a southbound travel lane and continuous left turn lane. Pedestrian refuge islands can be provided where Nebel Street forms a T intersection with B-2, B-13 and B-6, because there is no left turn lane.
- Implement non-master planned street and alley connections in conformance with the Montgomery County Zoning Ordinance, White Flint Urban Design Guidelines, and the County Road Code. These streets may be public or private and provide flexibility for operational functions including property access, loading, and parking.
- Target speeds for the Sector Plan area roadways are 25 miles per hour except for Montrose Parkway, which has a target speed of 35 miles per hour.

Privatization of Traffic-Carrying Streets

Four proposed street segments in the Sector Plan area are classified as master-planned business streets, based on their need to carry traffic as part of the determination of master plan transportation system adequacy:

Category 1: Seating options

- **Fixed street furniture & benches:** The Applicant shall provide a minimum of 6 benches and 4 trash receptacles fronting Street A, and 3 benches and 4 trash receptacles fronting Old Georgetown Road. The benches shall be consistent with the sample photos shown but can be modified with Staff approval. The benches may be moved from time to time within the public space but at no time will there be less than the total number of benches stated above accessible to the public. Seating will be a collection of various designs of found art pieces.
- **Movable & seasonal street furniture:** The Applicant shall provide movable and seasonal street furniture generally in the locations shown on the Placemaking & Amenity Plan and consistent with the photos shown below.
- **Umbrellas:** The Applicant shall provide seasonal movable umbrellas generally in the locations labeled.



Category 2: Shade

- **Trees:** Shade trees shall be provided in accordance with the Landscape Plan.
- **Trellis:** The Applicant may provide trellis structures within the public use spaces along Street 2 and/or fastened to the building facades to promote vertical landscape growth and provide shade. The locations of the trellises have not been determined but will be generally consistent with the photo shown.
- **Canopies:** The Applicant will provide canopies at the entrances to the office and residential buildings generally consistent with the photos shown. The Applicant's tenants may provide canopies along their retail frontage. These canopies may be generally consistent with the photo shown below but may also reflect the individual identity of the retail tenant and thus have a unique design to be approved by DPS.



Category 3: Landscaping

- **Seasonal planting beds:** The Applicant shall maintain a minimum of 10 seasonal planting beds in the locations shown on the Landscape Plan in a pink color. The plantings shall vary throughout the season and annually, and be generally consistent with the photos shown.
- **Pots and movable planters:** The Applicant shall provide a minimum of 25 pots and/or planters on site consistent with the photos shown, spread throughout the public realm. These pots and planters are movable and may be changed out seasonally or moved around the site periodically.



Category 4: Artwork

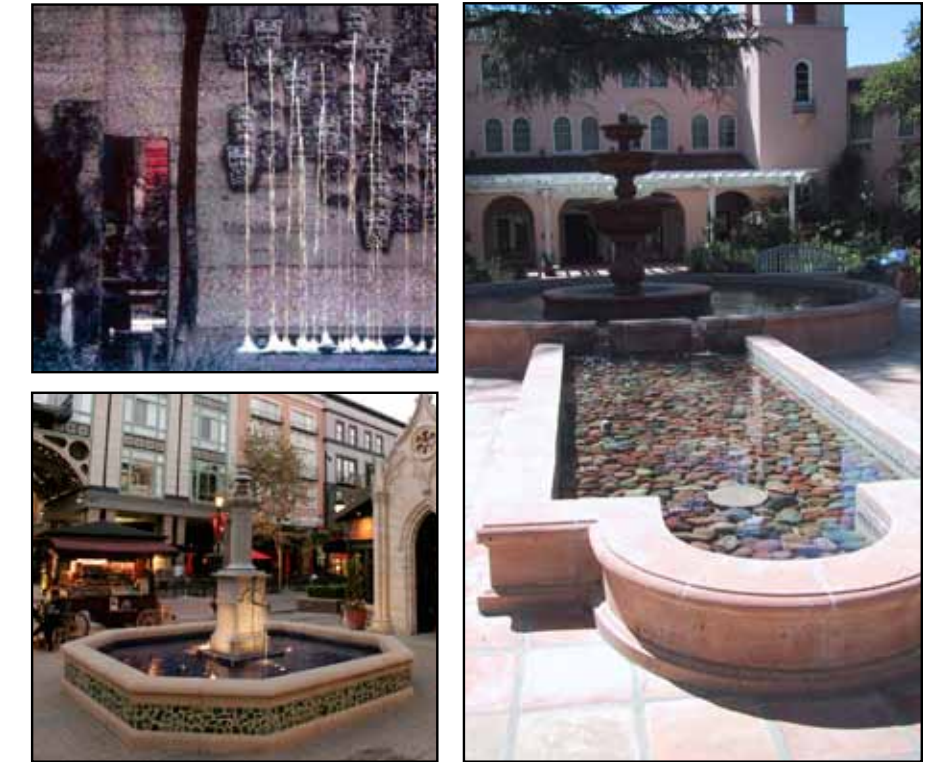
The Applicant has agreed to provide Art as a public benefit. All of the categories below may contribute to this public benefit category. The Applicant shall meet with the Public Arts Steering Committee to review the overall art concept for the site.

- **Art/sculpture/found objects:** The Applicant shall provide a minimum of 4 pieces of free standing art, sculpture and/or found objects generally consistent with the photos shown below. The Illustrative Plan shows general locations for the pieces represented by a green circle. Final locations shall be determined once the actual pieces have been commissioned or purchased.
- **Graphics on loading docks and building facades:** Applicant may provide graphic art on loading dock doors and/or building facades throughout the project. The images will be generally consistent with the photos shown.
- **Bas relief:** The Applicant may opt to provide bas relief art on the building façades as a contribution to the required art public benefit described above. The design of these elements shall be generally consistent with the photo shown below.
- **Decorative railings and gates:** The Applicant may opt to provide decorative railings and gates on the building façades or within the public spaces as a contribution to the required art public benefit described above. The design of these elements shall be generally consistent with the photo shown below.



Category 5: Fountains

- **Fountain(s):** The Applicant shall provide a minimum of one water feature/fountain generally consistent with the photos shown below. The water feature shall be located out of the public ROW within public use space so that it is accessible to the public.



Category 6: Other Similar Public Benefits



- **Pavilion buildings:** The Applicant may provide one or more pavilion buildings out of the public ROW but within the public use space if the Applicant is able to attract an appropriate retail tenant to the space. The pavilion building(s) will be generally consistent with the photos shown on below and located as shown on the Illustrative Plan.
- **Specialty Lighting:** The applicant may provide various types of accent/specialty lighting throughout the public use areas. We have identified 4 types of specialty lighting such as: light portals, overhead, entry and pavement embeds as shown below.
- **The primary lighting** element for the streetscape of Pike & Rose uses the standard Montgomery County street lantern with a MH lamp throughout. The roadway/sidewalk illumination criteria will be achieved through a careful study of spacing, source wattage and pole height articulation to meet safety and aesthetic needs.

Additional layers of light may be incorporated into the a variety of areas of the buildings to create a lively atmosphere, useful wayfinding and highlight art or landscape features. Some of the additional lighting elements maybe incorporated into handrails, ramps, steps, building canopies, parking entry and storefront canopies. The combined elements will provide a balanced luminosity that will be inviting yet respectful of the people who live in the community.



Placemaking & Amenity Plan – Pike & Rose – Illustrative Plan

NOTE: This plan shows one potential layout of the placemaking amenity items to give a flavor for the quantity and quality of public space amenities being proposed by the Applicant. Movable and seasonal items will be placed in different spaces within the public realm depending upon the time of year and on-going events. Location of rotating art installations shall vary depending upon the needs of the individual art piece. Final location for more permanent placemaking amenity items shall be sent to Staff for approval prior to installation.

-  Planting Beds
-  Art/Sculpture/Found Objects

