



Staging Allocation Request: 820120020, Mid-Pike Plaza (Pike & Rose)

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Completed 3/15/12

Description

Application: Allocation of staging capacity for 493 residential units and 341,800 square feet of non-residential uses.

Site: 6.77 acres located on Old Georgetown Road approximately 300 feet west of the intersection with Rockville Pike, within the 2010 White Flint Sector Plan area.

Zoning: CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300

Applicant: Federal Realty Investment Trust

Filing: March 9, 2012

Summary

Staff recommends approval of the Staging Allocation Request (SAR). Phase 1 of the White Flint Sector Plan allows 3,000 residential units and 2.0 million square feet of non-residential development; as of the date of this memorandum no capacity has been allocated.

The following memorandum provides the background and regulatory framework for SAR's, generally, and this SAR, in particular. It is recommended that subsequent SAR memorandums be submitted to the Planning Board as Consent Agenda items.

BACKGROUND

Implementation of the 2010 White Flint Sector Plan is guided by a staging plan that addresses the timing of new development and public facilities within the lifetime of the Plan. Phase 1 of the White Flint Staging Plan allows 3,000 dwelling units and 2.0 million square feet of non-residential development. To ensure compliance with the phasing limits of each stage, the Planning Board has approved Implementation Guidelines specifying how development capacity is allocated. Part of these Implementation Guidelines, Planning Board Regulation 11-01, White Flint Staging Allocation, was approved by the County Council under method (2) of County Code §2A-15.

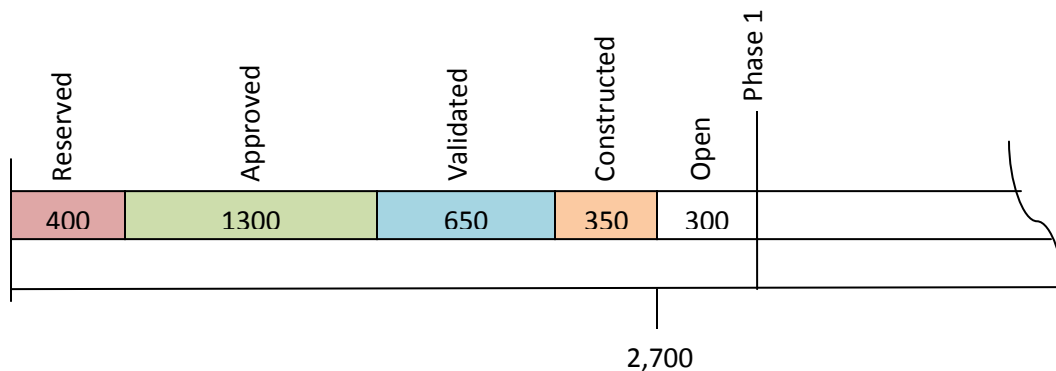
Planning Board Regulation 11-01, White Flint Staging Allocation establishes regulations concerning four aspects of the Staging Plan:

- i. Standards and method for submission and review of staging allocation requests;
- ii. Standards and procedures for preventing applicants from hoarding capacity;
- iii. The Planning Board’s procedure for managing a staging queue; and
- iv. General guidance to applicants and the public about transportation-related processes and requirements.

In brief, an SAR must be submitted after all necessary sketch, preliminary, and site plan approvals have been obtained for a specific number of dwelling units and non-residential floor area allowed by those approvals. If sufficient staging capacity is available, the Planning Board must approve the Request.

Following approval of the Request, the Applicant must obtain timely acceptance of a building permit application (within 90 days for a single building or within 180 days for multiple buildings). Within 15 days of acceptance of a building permit application by the Department of Permitting Services, the Applicant must then provide evidence of the acceptance to the Planning Board. Capacity will be lost if a building permit is not accepted within the required timeframe. Further, an SAR remains valid for 2 years for a single building or 3 years for multiple buildings; validity is established at the issuance of a core and shell building permit.

The queue for reserved capacity (the capacity subject to an SAR that has been accepted by Staff but not yet approved by the Planning Board) and approved, validated, or constructed capacity will be tracked by Staff and counts will be publicly available. A simple graphic on the White Flint Sector Plan web page can track capacity for each step of the process.



Example of Capacity Tracking Graphic

APPLICATION

Phase 1 of the White Flint Sector Plan allows 3,000 residential units and 2.0 million square feet of non-residential development; as of the date of this Memorandum, no capacity has been allocated. The current Staging Allocation Request (SAR) is for 493 residential units and 341,800 square feet.

Staging Capacity	Residential Units	Non-Residential Square Feet
Existing	3,000	2,000,000
Requested	493	341,800
Remaining	2,507	1,658,200

If the current SAR is approved, 2,507 residential units and 1,658,200 square feet of non-residential development remain available in Phase 1.

RECOMMENDATION

Under Planning Board Regulation 11-01, the Planning Board must approve the SAR if sufficient staging capacity remains available. The capacity is available and Staff recommends Approval.

ATTACHMENTS

1. White Flint Sector Plan Staging Plan
2. Planning Board Regulation 11-01
3. SAR Request Form

Staging Plan

A staging plan addresses timing of new development and public facilities within the lifetime of a sector or master plan. A successful staging plan should be elastic enough to respond to market forces without losing the plan's vision or requiring amendments. It must also make realistic assumptions about the facilities needed to support development while minimizing negative impacts on surrounding development. In White Flint, staging must include increasing transit ridership as a means to reduce traffic congestion.

The White Flint staging plan is guided by the following:

- Ensuring fiscal responsibility. Timing and sequence of development should be matched to capital improvement funding. Funding for the capital improvements required by new growth will come from a variety of public and private sources. Private development should provide for those public facilities needed to support the new development and not burden existing facilities.
- Coordinating development with public infrastructure. Public facilities should be provided in conjunction with private land development, including dedication of land for public use in order to reduce the costs to the public.
- Promoting balance. The Plan recommends substantial residential development to create neighborhoods in White Flint.
- Non-residential development should not preempt residential development by absorbing available capacity or land.
- Promoting a sense of place. The reconstruction of Rockville Pike as a boulevard and the creation of a civic core area are both fundamental to creating a sense of community and place in White Flint. The sequence in which these projects are developed, especially the construction phases for Rockville Pike, is critical to traffic management and to minimizing disruption to commerce and impacts on surrounding communities.

The proposed zoning envelope contains more potential density than will be used over the life of the Plan. The Mobility chapter outlined the requirements for accommodating new development, such as the desired mode split, the enhanced street network, and more emphasis on multifamily residential development since it generates less traffic than non-residential development. The Plan recommends a staging plan that meters development approvals to ensure that the transportation infrastructure is in place when needed. The amount of development that can be accommodated by the proposed infrastructure and transit is approximately 75 percent of the recommended zoning envelope capacity.

Of primary importance is managing traffic congestion, which can be accomplished by building the proposed street grid and improving and enhancing access to transit. The realignment of Old Georgetown Road and Executive Boulevard is the critical part of the road network that will provide an alternative for through traffic on Rockville Pike and diffuse traffic through the Sector Plan area.

Second is ensuring that proposed civic uses, intended to create vitality within the urban core, are built and constructed early in the life of the Plan.

Finally, reconstruction of Rockville Pike will require additional right-of-way, which cannot be obtained all at once, since development will occur property by property. The Plan recommends dedication of the 150 foot right-of-way and an additional reservation to 162 feet to accommodate the design of the multi-modal cross section. An interim solution may be necessary, such as locating a drive-aisle in the setback area or setting aside vaults for the undergrounding of utilities outside the limits of the future reconstruction. Regardless of when the reconstruction occurs, there will be disruption to adjacent businesses. Efforts should be made to address that disruption, such as local bus shuttles and an evening construction schedule.

Before any additional development can be approved, the following actions must be taken:

- Approval and adoption of the Sector Plan.
- Approval of sectional map amendment.
- Amend the Growth Policy to expand the White Flint Metro Station Policy Area (MSPA) to encompass the Sector Plan boundary, and to exempt development within White Flint from the Policy Area Review test. The traffic from existing and approved development in the White Flint MSPA would still be counted in the Policy Area Review of all other Policy Areas, including North Bethesda.
- Establish the Sector Plan area as a State of Maryland Bicycle Pedestrian Priority Area.
- Initiate development of plans for through-traffic access restrictions and other appropriate protective measures for the residential neighborhoods abutting the Sector Plan area, including traffic from future development in White Flint, and implement these plans if sufficient neighborhood consensus is attained.

Additional Development may proceed subject to existing regulatory requirements (including LATR and Policy Area Review, when appropriate) and subject to the following:

- Create public entities or financing mechanisms necessary to implement the Sector Plan within 6 months of adopting the sectional map amendment.
- Develop a transportation approval mechanism and monitoring program within 12 months of adopting the sectional map amendment.
 - Planning Board must develop biennial monitoring program for the White Flint Sector Plan area. This program must include a periodic assessment of development approvals, public facilities and amenities, the status of new facilities, and the Capital Improvements Program (CIP) and Growth Policy as they relate to White Flint. The program must include a Comprehensive Local Area Transportation Review (or comparable analysis) that will identify and recommend for Council approval and action specific projects and services necessary to promote adequate transportation service. The program should conduct a regular assessment of the staging plan and determine if any modifications are necessary. The biennial monitoring report must be submitted to the Council and Executive prior to the development of the biennial CIP.

- The Planning Board must establish an advisory committee of property owners, residents and interested groups that are stakeholders in the redevelopment of the Sector Plan area, as well as representatives from the Executive Branch, to evaluate the assumptions made regarding congestion levels, transit use, and parking. The committee's responsibilities should include monitoring the Plan recommendations, identifying new projects for the Amenity Fund, monitoring the CIP and Growth Policy, and recommending action by the Planning Board and County Council to address issues that may arise.

Phasing

Development may occur anywhere within the Sector Plan area; however, all projects will be required to fund or, at a minimum, defray total transportation infrastructure costs. The phases of the staging plan are set at 30 percent, 30 percent, and 40 percent respectively of the 17.6 million square feet of new development. This Plan recommends that affordable housing units provided under the CR Zone incentives (and are in addition to those required by Chapter 25A) may be excluded from the staging capacity. Residential development must pass the School Adequacy Test in the Growth Policy. This test is assessed annually. Any development approvals that predate the approval of this Sector Plan are considered to be in conformance with this Plan. For such approvals, only the difference between the amount of the prior approval and any requested increase would be subject to the phasing caps.

Phase 1: 3,000 dwelling units and 2.0 million square feet nonresidential development

During Phase 1, the Planning Board may approve both residential and non-residential development until either of the limits above is reached. Work-around road projects west of Rockville Pike, including the streets for the civic core, should be contracted for construction during Phase 1 and completed before commencement of Phase 2.

The following prerequisites must be met during Phase 1 before moving to Phase 2.

- Contract for the construction of the realignment of Executive Boulevard and Old Georgetown Road.
- Contract for construction of Market Street (B-10) in the Conference Center Block.
- Fund streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontage within one quarter-mile of the Metro station: Old Georgetown Road, Marinelli Road, and Nicholson Lane.
- Fund and complete the design study for Rockville Pike to be coordinated with SHA, MCDOT, and M-NCPPC.
- Achieve 34 percent non-auto driver mode share for the Sector Plan area.
- The Planning Board should assess whether the build out of the Sector Plan is achieving the Plan's housing goals.

Phase 2: 3,000, dwelling units and 2.0 million square feet nonresidential development

Before development beyond the limits set in Phase 1 can be approved, the Planning Board must determine that all the Phase 1 public projects have been completed. The amount of development that could be approved in Phase 2 is set at approximately one-third of the planned development. During Phase 2, the Planning Board may approve both residential and non-residential development until either of the limits above is reached.

The following prerequisites must be completed during Phase 2 before proceeding to Phase 3.

- Construct streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontage within one quarter-mile of the Metro station: Old Georgetown Road, Marinelli Road, and Nicholson Lane.
- Complete realignment of Executive Boulevard and Old Georgetown Road.
- Construct the portion of Market Street as needed for road capacity.
- Fund the second entrance to the White Flint Metro Station.
- Explore the potential for expediting portions of Rockville Pike where sufficient right-of-way exists or has been dedicated. It should be constructed once the “work-around” roads are open to traffic.
- Increase non-auto driver mode share to 42 percent.
- The Planning Board should assess whether the build out of the Sector Plan is achieving the Plan’s housing goals.
- The Planning Board must develop a plan to determine how to bring the mode share to 51 percent NADMS for residents and 50 percent NADMS for employees during Phase 3.

Phase 3: 3,800 dwelling units and 1.69 million square feet nonresidential development

Before development beyond the limits set in Phase 2 can be approved, the Planning Board must determine that all the Phase 2 public and private projects have been completed. In Phase 3, the remaining transportation capacity could be committed. At the end of Phase 3, the development should total 14,500 units (17.4 million square feet) and 12.9 million non-residential square feet. This is a 58/42 percent residential/non-residential mix and close to the desired 60/40 percent residential/non-residential mix.

- Complete all streetscape improvements, sidewalk improvements and bikeways outside one quarter-mile from the Metro.
- Reconstruct any remaining portion of Rockville Pike not constructed during prior phases.
- Achieve the ultimate mode share goals of 51 percent NADMS for residents and 50 percent NADMS for employees.

Table 6 : Staging Plan

<p>Phase 1 3,000 dwelling units 2 million square feet non-residential</p>	<p>Phase 2 3,000 dwelling units 2 million square feet non-residential</p>	<p>Phase 3 3,800 dwelling units 1.69 million square feet non-residential</p>
<p>Contract for the construction of the realignment of Executive Boulevard and Old Georgetown Road.</p> <p>Contract for construction of Market Street (B-10) in the Conference Center block.</p> <p>Fund streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontage within one-quarter mile of the Metro station: Old Georgetown Road, Mannelli Road, and Nicholson Lane.</p> <p>Fund and complete the design study for Rockville Pike to be coordinated with SHA, MCDOT and M-NCPPC.</p> <p>Achieve 34 percent non-auto driver mode share for the Plan area.</p> <p>The Planning Board should assess whether the build out of the Sector Plan is achieving the Plan's housing goals.</p>	<p>Construct streetscape improvements, sidewalk improvements, and bikeways for substantially all of the street frontage within one-quarter mile of the Metro station: Old Georgetown Road, Mannelli Road, and Nicholson Lane.</p> <p>Complete realignment of Executive Boulevard and Old Georgetown Road.</p> <p>Construct the portion of Market Street as needed for road capacity.</p> <p>Fund the second entrance to the White Flint Metro Station.</p> <p>Explore the potential for expediting portions of Rockville Pike where sufficient right-of-way exists or has been dedicated. It should be constructed once the "work-around" roads are open to traffic.</p> <p>Increase non-auto driver mode to 42 percent.</p> <p>The Planning Board should assess whether the build out of the Sector Plan is achieving the Plan's housing goals.</p> <p>The Planning Board must develop a plan to determine how to bring the mode share to 51 percent NADMS for residents and 50 percent NADMS for employees during Phase 3.</p>	<p>Complete all streetscape improvements, sidewalks, and bikeways outside one-quarter mile from the Metro.</p> <p>Reconstruct any remaining portion of Rockville Pike not constructed during prior phases.</p> <p>Achieve the ultimate mode share goals of 51 percent NADMS for residents and 50 percent NADMS for employees.</p>

6.1 Implementing Legislation

6.1.1 White Flint Staging Allocation

Resolution No.:	<u>17-213</u>
Introduced:	<u>July 19, 2011</u>
Adopted:	<u>July 19, 2011</u>

COUNTY COUNCIL FOR MONTGOMERY COUNTY MARYLAND

By: Council President at the Request of the Planning Board

SUBJECT: Approval of Planning Board Regulation 11-01, White Flint Staging Allocation

Background


1. This regulation was submitted by the Planning Board on July 5 to implement the Subdivision Staging Policy amendment approved on June 28 in Resolution 17-185.
2. The Council reviewed the regulation as if it were submitted under method (2) of County Code §2A-15.
3. Under method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives the regulation, the regulation automatically takes effect.
4. On July 18, 2011, the Planning, Housing, and Economic Development Committee reviewed Planning Board Regulation 11-01, and recommended approval.

Action

The County Council for Montgomery County Maryland approves the following resolution:

The Council approves Planning Board Regulation 11-01, White Flint Staging Allocation.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY PLANNING BOARD REGULATION

M-NCPPC • 8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject White Flint Staging Allocation	Number 11-01
Originating Department Office of the Planning Director	Effective Date July 13, 2011

Montgomery County Planning Board Regulation on
Implementing the Subdivision Staging Policy's White Flint Alternative Review Procedure

Issued by: Montgomery County Planning Board

Regulation No. 11-01

Authority: Sec. 50-35(k) of the County Code and Resolution 17-185

Supersedes: NA

Council Review: As if under Method 2

Register Vol. No. NA

Comment Deadline: NA

Effective Date: Later of July 13, 2011 or date of Council approval

Sunset Date: None

SUMMARY: On June 16, 2011, following numerous work sessions, the Planning Board approved transmittal to the County Council of regulations implementing the Subdivision Staging Policy's White Flint Alternative Review Procedure (referred to in the White Flint Sector Plan as the "Transportation Approval Mechanism"). The regulations:

- i. Establish standards and procedures for submission and review of staging allocation requests;
- ii. Establish standards and procedures for preventing applicants from hoarding capacity;
- iii. Establish the Planning Board's procedure for managing a staging queue; and
- iv. Provide general guidance to applicants and the public about the relationships between this Transportation Approval Mechanism and other transportation related processes and requirements.

ADDRESS: Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

STAFF CONTACT: Rollin Stanley, Planning Director

BACKGROUND INFORMATION: The Regulations are intended to implement the Subdivision Staging Policy's White Flint Alternative Review Procedure, and are designed, *inter alia*, to fulfill the intent of the White Flint Sector Plan, which directed the Planning Board to develop a transportation approval mechanism as an alternative to traditional Policy Area Mobility Review.

COMCOR 50.35.02 Implementing the Subdivision Staging Policy's White Flint Alternative Review Procedure

* * *

50.35.02.01 Transportation Approval Mechanism

A. Staging Allocation Request Process

1. General

Within the White Flint Sector Plan boundary, the Planning Board must allocate staging capacity based on the order in which requests for capacity are received and in a manner that is consistent with these regulations.

2. Staging Allocation Request

A Staging Allocation Request is a request for staging capacity under the Approved and Adopted 2010 White Flint Sector Plan. The contents of a Staging Allocation Request and the effect of submitting a completed Staging Allocation Request will be governed by these regulations.

3. Contents of Staging Allocation Request

A Staging Allocation Request must include a statement by the applicant that the applicant has received any necessary sketch plan approvals, preliminary plan approvals, or site plan approvals. The request must indicate the number of buildings proposed as well as the amount of residential and non-residential staging capacity requested, the gross amount of new development, and the net amount of new development if there will be demolition of existing structures. An applicant that demolished space after the adoption of the White Flint Sector Plan must provide, as part of any Staging Allocation Request, evidence of the date of demolition and the number of square feet or residential units demolished. Each Staging Allocation Request must include any Staging Allocation Request Form required by the Planning Board.

4. Planning Board Review of Staging Allocation Request

The Planning Board must approve the Staging Allocation Request if sufficient staging capacity remains available, under the White Flint Sector Plan, to accommodate the applicant's entire request. If sufficient capacity is not available to accommodate the applicant's entire request, the Planning Department staff must place the Staging Allocation Request in a queue, and the Planning Board must schedule the Request on the Planning Board's agenda when capacity becomes available.

5. Effect of Staging Allocation Request

In order to be deemed complete by Planning Department staff, a Staging Allocation Request must contain any information required under the Subdivision Staging Policy (Section TA6, Alternative Review Procedure for the White Flint Policy Area), and must comply with these regulations. Once a Staging Allocation Request has been deemed complete by Planning

Department staff, the staff must place the capacity requested in reserve. The Planning Board must not allocate the reserved capacity to any other applicant unless the Staging Allocation Request is rejected due to insufficient capacity or withdrawn by the applicant or the Staging Allocation Approval becomes void or expires under these regulations.

6. Joint Staging Allocation Requests

Multiple property owners may submit a Joint Staging Allocation Request if those property owners also submitted a joint sketch plan application, which was approved by the Planning Board, and which included conditions establishing a phasing schedule for demolition and construction on all subject properties.

B. Staging Allocation Approval Process

1. Contents of Staging Allocation Approval

In a Staging Allocation Approval, the Planning Board must incorporate all information included in the Staging Allocation Request. The Staging Allocation Approval must also specify, as established in these regulations, the deadline for completion and acceptance of a building permit application under B.2, and the Staging Allocation Approval expiration date under B.5.

2. Requirement to obtain timely acceptance of building permit applications

a. Applicants with a Staging Allocation Approval for a single building

An applicant who has received a Staging Allocation Approval for a single building must have building permit applications accepted by the Department of Permitting Services for at least core and shell by close of business on the 90th day after the date of the Planning Board's resolution granting the Staging Allocation Approval.

b. Applicants with a Staging Allocation Approval for multiple buildings

An applicant who has received a Staging Allocation Approval for multiple buildings must have all building permit applications accepted by the Department of Permitting Services for at least core and shell by close of business on the 180th day after the date of the Planning Board's resolution granting the Staging Allocation Approval.

3. Reporting Requirement

The applicant must present evidence of acceptance to the Planning Board within 15 business days after the Department of Permitting Services accepts a building permit application.

4. Effect of failure to obtain timely acceptance

An applicant who fails to obtain timely acceptance of a building permit application loses any staging capacity allocated for which no building permit application has been accepted. The portion of the Staging Allocation Approval that is not perfected by obtaining timely acceptance by the Department of Permitting Services is thereafter void.

5. Validity

a. Applicants with a Staging Allocation Approval for a single building

Any Staging Allocation Approval for a single building that has not become void due to failure to obtain timely acceptance of a building permit application remains valid for 2 years from the date of the Planning Board's Resolution granting the Staging Allocation Approval. All core and shell building permits necessary to construct the capacity allocated by the Planning Board must be issued within that 2-year validity period. Any applicant whose building permits are not issued within the 2-year validity period loses any allocated but unused capacity.

b. Applicants with a Staging Allocation Approval for multiple buildings

A Staging Allocation Approval for multiple buildings that has not become void due to failure to obtain timely acceptance of a building permit application remains valid for 3 years from the date of the Planning Board's Resolution granting the Staging Allocation Approval. All core and shell building permits necessary to construct the capacity allocated by the Planning Board must be issued within that 3-year validity period. Any applicant whose building permits are not issued within the 3-year validity period loses any allocated but unused capacity.

6. Staff approval of Staging Allocation Requests for zero net staging capacity

a. No net draw on capacity

A Staging Allocation Request must always be approved, regardless of available staging capacity, if the Request is for an amount equal to or less than any development being removed. In that case, Planning Department staff may grant the Staging Allocation Approval.

b. Development approvals that pre-date the approval of the Sector Plan

A Staging Allocation Request must always be approved, regardless of available staging capacity, for any project that has a valid Adequate Public Facilities approval or development plan approval that predates the approval of the White Flint Sector Plan. In that case, Planning Department staff may grant the Staging Allocation Approval.

c. Procedures for staff approval of Staging Allocation Requests

Any Staging Allocation Request that can be approved by Planning Department staff under subsection (a) or subsection (b) must be approved by the Planning Director or designee. Each staff approval must be included in the Biennial Monitoring Report.

d. Projects approved by staff under this section not subject to certain provisions of these regulations

A Staging Allocation Approval that can be issued by staff under section 6 is not subject to the requirements of the following sections: B.1 (Contents of Staging Allocation Approval); B.2 (Requirement to obtain timely acceptance of building permit applications); B.3 (Reporting requirement); B.4 (Effect of failure to obtain timely acceptance); and B.5 (Validity).

C. Staging queue management

The Planning Department must maintain a White Flint Sector Plan staging queue.

- Any Staging Allocation Request for which there is not sufficient capacity must be placed in the queue.
- For each Staging Allocation Request placed in the queue, the Planning Department must track the submission date and the date on which the Staging Allocation Request is deemed complete by Planning Department staff.
- Queue position is based on the order in which projects are placed in the queue. The Planning Department must place the oldest eligible application(s) in the queue on the Planning Board's consent agenda calendar when staging capacity exists for the full development proposed in the application, both residential and commercial.
- Adjustments to queue position may be granted by the Planning Board upon receipt of a proposal jointly submitted by all applicants whose positions in the queue would be affected. The Planning Board is not a party to any negotiations between applicants who agree to change queue positions.

D. Exemptions from Staging Allocation Request Process

1. Development approvals predating approval of the Sector Plan

The White Flint Sector Plan states:

"Any development approvals that predate the approval of this Sector Plan are considered to be in conformance with this Plan. For such approvals, only the difference between the amount of the prior approval and any requested increase would be subject to the phasing caps."

Projects with development approvals that predate the approval of this Sector Plan are not subject to either the phasing caps specifically or to the staging capacity allocation process generally. Staff approval of a Staging Allocation Request remains an option for such property owners, however, such approvals are not subject to the other requirements or limitations set forth in these Regulations.

On December 9, 2010 the Planning Board confirmed its intent that four specific projects should not be subject to the phasing caps up to the amount of development approval that predated the adoption of the Sector Plan.

- 1) North Bethesda Center (LCOR)
 - 1,350 dwelling units
 - 1.14 million square feet of office
 - 202,037 square feet of commercial
 - Zone: TSM
- 2) North Bethesda Market (JBG)
 - 440 dwelling units
 - 223,000 square feet of non-residential
 - Zone: TSM
- 3) White Flint View (Quantum/Noland Plumbing)
 - 183 dwelling units
 - 29,500 square feet of non-residential

Zone: C-2

- 4) Metro Pike (BF Saul)
 - 247 dwelling units
 - 201,822 square feet of non-residential
 - Zone: TSM

2. Affordable housing units

Affordable housing units that are in addition to those required by Chapter 25A, and which are provided under the CR Zone incentives, must not be counted against the total available capacity as established under the White Flint Sector Plan.

3. Public facilities and staging

A public facility is one that is owned or operated by a governmental body or an instrumentality of a governmental body and which serves a public purpose.

a. Public facilities subject to mandatory referral are exempt from staging

A public facility that is subject to the mandatory referral provisions of Article 28, section 7-112 is not subject to these regulations.

b. Public facilities provided as a proffer are exempt from staging

A public facility that is to be owned or operated by a public entity and that is provided in a private project as a proffer (e.g. in exchange for a density award) is not subject to these regulations, if the public facility will be conveyed to the public entity in fee simple, by perpetual exclusive easement, or by a long-term lease in excess of fifty years. The terms and method of any conveyance must be accepted by the public entity that will own or lease the facility before the Planning Board approves the Staging Allocation Request for the private elements of the project. The private elements of a project that includes a public facility are subject to the staging allocation requirements.

* * *

50.35.02.02 Relationship of Transportation Approval Mechanism to other transportation related processes and requirements

A. General

The Subdivision Staging Policy exempts properties in the White Flint Special Taxing District from the requirements of Local Area Transportation Review and Policy Area Mobility Review. Consequently, individual applicants need not prepare transportation studies to satisfy the requirements of the LATR and PAMR Guidelines.

B. Comprehensive Local Area Transportation Review

1. General

The Planning Department must perform a biennial Comprehensive Local Area Transportation Review (CLATR) to review and assess transportation capacity in White Flint. CLATR must analyze traffic conditions throughout the policy area and at individual intersections. The Planning Board must use CLATR to identify specific capital projects and services necessary to promote adequate transportation service.

2. Effect of CLATR

The Planning Board must provide guidance on trip generation and distribution assumptions as part of the CLATR. Applicants outside the White Flint Special Taxing District who must submit transportation studies in order to satisfy the requirements of the LATR and PAMR Guidelines must use the trip generation and distribution assumptions established as part of CLATR when accounting for trips generated within the White Flint Special Taxing District.

C. Transportation information required from applicants inside the Special Taxing District

Individual applicants exempted from LATR and PAMR under the Subdivision Staging Policy need not submit transportation studies to satisfy requirements of the LATR and PAMR Guidelines.

Applicants must still provide information to State or County agencies as needed to fulfill other legal requirements. This information may include, but is not limited to:

- Parking space requirements; and
- Sight distance evaluations.

D. Development outside the special taxing district

1. Generally

Applicants whose property is located inside and outside of the White Flint Special Taxing District are responsible only for improvements on their side of the Special Taxing District boundary. Applicants whose property is located outside of the White Flint Special Taxing District must be tested for APF compliance, if applicable, and required to provide intersection improvements as appropriate outside of the Special Taxing District boundary.

2. Trips generated in the White Flint Special Taxing District

Applicants whose property is located outside the Special Taxing District who must submit transportation studies to satisfy the requirements of the LATR and PAMR Guidelines must include traffic attributable to development in the White Flint Special Taxing District as part of their background traffic, but only if the approved development in the White Flint Special Taxing District has a valid Staging Allocation Approval.

3. Trips generated by public facilities in the White Flint Special Taxing District

Applicants whose property is located outside the White Flint Special Taxing District who must submit transportation studies to satisfy requirements of the LATR and PAMR Guidelines must

include as background traffic any traffic attributable to public facilities in the White Flint Special Taxing District.

4. Traffic assignment consistent with CLATR

Applicants whose property is located outside the White Flint Special Taxing District who must submit transportation studies to satisfy the requirements of the LATR and PAMR Guidelines must conduct traffic assignment consistent with the CLATR.

5. Improvements and mitigation

Applicants whose property is located outside the White Flint Special Taxing District must be responsible only for transportation improvements outside the White Flint Special Taxing District.

E. Conditions attached to development inside the Special Taxing District

1. General

Individual applicants in the White Flint Special Taxing District must be responsible only for improvements required by County Code Section 50-24, such as streets interior or adjacent to the site, making any additional improvements necessary for safe access and circulation, and providing the funds for shared projects identified through the White Flint Special Taxing District and any District implementing resolution.

2. Privatization of traffic-carrying streets

The White Flint Sector Plan (page 51) identifies four specific business street segments that are required to be open to general vehicular use as part of the robust street grid needed to disperse traffic. Each of these four specific streets may be implemented as private streets only if eight conditions have been satisfied. Those eight conditions are listed in the White Flint Sector Plan (page 52). All eight conditions must be incorporated within the Planning Board's subdivision approval opinion for any project that proposes such a private street.

6.2 Staging Allocation Request Form



Development Applications and Regulatory Coordination Division
Montgomery County Planning Department
 Maryland-National Capital Park and Planning Commission

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Effective: July 13, 2011

8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760
 www.montgomeryplanning.org

Phone 301.495.4595
 Fax 301.495.1306

STAGING ALLOCATION REQUEST FORM

SAR Number	SAR <u>25400</u>	Lead Reviewer	<u>JOSH STOKAN</u>
Date Final Application Received	<u>3/9/2012</u>	Planning Board Date	<u>3/22/2012</u>

An application will not be accepted for review unless all required information is provided. If an item requires more space, attach a separate sheet.

Plan Name (most recently approved): Mid Pike Plaza

Approval Requested:

Planning Board Level

Staff Level

Associated with M-NCPPC Approved Plan

SAR Exemption

Building Permit Only*

No-Net Draw on Capacity

* Provide Property Tax ID _____

Development Plan Approvals Pre-Date Sector Plan Approval

Previous Plan Approvals: (enter information, if applicable)

Sketch Plan: 320110010 Mid Pike Plaza
Number Name

Preliminary Plan: 120120020 Mid-Pike Plaza
Number Name

Site Plan Name: 820120020 Mid Pike Plaza
Number Name

Does Site Plan cover the entire Preliminary Plan property boundary? Yes No

Other Plans: _____

Applicant: (Owner or Owner's Designee - check applicable; written verification required if not the owner.)

Dawn M. Becker Federal Realty Investment Trust
Contact Person Company Name

1626 E. Jefferson St.
Street Address

Rockville MO 20852
City State Zip Code

301-498-8100 301-998-3722
Telephone Number Fax Number E-mail

Use page 4 to provide additional contacts' information, if desired.

Demolition Credit Plan* _____
Number

Demolition Credit Accounting Worksheet – Dwelling Units

Existing DU Approved for Demolition NONE

Buildings Actually Demolished**

1.	Demo Permit #	Street #	Prefix	Street Name	Street Type	Suffix	Residential Sq.Ft.	DU
2.								
3.								
4.								
5.								
6.								
7.								
							Total Res Sq.Ft.	Total DU

Previously Taken Demolition Credits

1.		
2.	SAR Number	DU
3.	SAR Number	DU
4.	SAR Number	DU
5.	SAR Number	DU
6.	SAR Number	DU
7.	SAR Number	DU
	SAR Number	DU

Total DU
Remaining Balance
Proposed Demo Credits to be taken with this SAR
Remaining Balance should this SAR be Allocated

* If the Site Plan covers less than the Preliminary Plan boundary, use the Preliminary Plan.
 ** Attach proof of demolition if credit taken.

Demolition Credit Accounting Worksheet – Non-Residential Square Feet

Existing Non-Residential Sq.Ft. Approved for Demolition

79,000

Buildings Actually Demolished**

1.	Demo Permit #	Street #	Prefix	Street Name	Street Type	Suffix	Sq.Ft.
2.							Sq.Ft.
3.							Sq.Ft.
4.							Sq.Ft.
5.							Sq.Ft.
6.							Sq.Ft.
7.							Sq.Ft.

79,000

Total Sq.Ft.

Previously Taken Demolition Credits

1.	SAR Number	Sq.Ft.
2.	SAR Number	Sq.Ft.
3.	SAR Number	Sq.Ft.
4.	SAR Number	Sq.Ft.
5.	SAR Number	Sq.Ft.
6.	SAR Number	Sq.Ft.
7.	SAR Number	Sq.Ft.
	SAR Number	Sq.Ft.

Total Sq.Ft.

Remaining Balance

(1) Proposed Demo Credits to be taken with this SAR

79,000

Remaining Balance should this SAR be Allocated

Sq.Ft.

Sq.Ft.

** Attach proof of demolition if credit taken.

(1) Demo credits are for existing non-residential buildings within the boundaries of phase site plan no. 820120020 only. Applications for demo credits for balance of existing non-residential development covered by preliminary plan will be included in future SAR applications.

Note: Addresses need to be assigned prior to Planning Board approval

Staging Allocation Request: 4 of 6

Addresses for buildings(s) associated with the SAR

A. <i>11810</i>		<i>Brookville</i>	<i>Pike</i>	
<i>Street Number</i>	<i>Prefix</i>	<i>Street Name</i>	<i>Street Type</i>	<i>Suffix</i>
B. <i>11816</i>		<i>Brookville</i>	<i>Pike</i>	
<i>Street Number</i>	<i>Prefix</i>	<i>Street Name</i>	<i>Street Type</i>	<i>Suffix</i>
C.				
<i>Street Number</i>	<i>Prefix</i>	<i>Street Name</i>	<i>Street Type</i>	<i>Suffix</i>
D.				
<i>Street Number</i>	<i>Prefix</i>	<i>Street Name</i>	<i>Street Type</i>	<i>Suffix</i>
E.				
<i>Street Number</i>	<i>Prefix</i>	<i>Street Name</i>	<i>Street Type</i>	<i>Suffix</i>

Allocation Worksheet

I. Dwelling Units

	Building A	Building B	Building C	Building D	Building E	SAR Total
a. Requested Residential Sq. Ft.	422,300		184,923			607,223
b. Requested DU	319		174			493
c. MPDU Approved	28		34			62
d. MPDU Credit	0		0			0
e. Demolition Credit Applied	0		0			0
f. Net Allocation	422,300		184,923			607,223

II. Non-Residential Square Feet

	A	B	C	D	E	SAR Total
a. Requested	14,900	239,804	47,704			302,408
b. Demolition Credit Applied	0	79,000	0			79,000
c. Net Allocation	14,900	160,804	47,704			223,408

Applicant hereby acknowledges that he/she is the sole owner of the subject property, or is otherwise legally authorized to represent the owner(s) (written verification provided), that all required information for the submission of a Staging Allocation Request has been included in this application, and that to the best of his/her knowledge, information, and reasonable belief, the information and data are accurate.

Signature of Applicant(s) (Owner or Owner's Representative)
 FEDERAL REALTY INVESTMENT TRUST,
 a Maryland real estate investment trust

Dawn M. Becker
 Signature

3/8/2012
 Date

Dawn M. Becker
 Executive Vice President-General Counsel and Secretary

Listed addresses are the existing addresses as the applicant has not yet received new street addresses for the 3 buildings associated with this SAR application.

Owner (If Applicant is a representative or contract purchaser, list owner here)

Federal Realty Investment Trust **Dawn M. Becker**
Name Contact Person
626 E. Jefferson St
Street Address
Rockville **MD** **20852**
City State Zip Code
301-998-8100
Telephone Number Fax Number E-mail

Architect (Blg 10/12)

Design Collective **Michael Goodwin**
Name Contact Person
601 E. Pratt St, Suite 300
Street Address
Baltimore **MD** **21202**
City State Zip Code
410-685-6655
Telephone Number Fax Number E-mail

Engineer

VIKA **Jeff Amateau**
Name Contact Person
20251 Century Blvd, Suite 400
Street Address
German town **MD** **20874**
City State Zip Code
301-916-4100
Telephone Number Fax Number E-mail

Attorney

Linos E. Blocher **Barbara Sears**
Name Contact Person
7200 Wisconsin Ave, Suite 800
Street Address
Bethesda **MD** **20814**
City State Zip Code
301-961-5157
Telephone Number Fax Number E-mail

Other: Architect (Blg 11)

WD & Architecture **Buddy Woerner**
Name Contact Person
1025 Connecticut Ave, Suite 300
Street Address
Washington **DC** **20036**
City State Zip Code
202-857-8300
Telephone Number Fax Number E-mail

Checklist

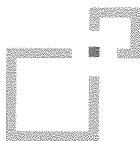
See Submission Requirements for more details about the items below:

1. General Information
 - 1.1 Completed application form and checklist.
2. Supporting Drawings and Documents
 - 2.1 Building Location Plan Drawing
 - a. Plan base is the most recently approved development plan *☆*
 - b. Buildings included in the SAR are highlighted
 - c. Address of each building included in the SAR is noted on the plan drawing
 - 2.2 All Demolition Permits for Demolition Credit taken
 - 2.3 Photos or other evidence to verify that all buildings for which Demolition Credit Taken have been demolished
 - 2.4 Copy of the Planning Board resolution approving any plans associated with the SAR (preliminary, site, etc.)
 - 2.5 Written verification that applicant (if not the property owner) is legally authorized to submit this application on behalf of a property owner, if applicable.

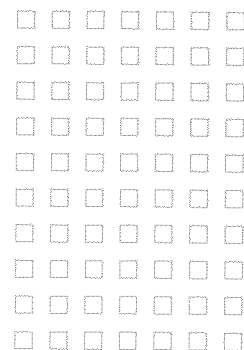
No. Copies	Applicant	FINANCIAL Staff
1	✓	✓
1	✓	
1ea	(3)	✓
1ea	(3)	
1ea	✓	✓
1	N/A	

(3) To be issued

Federal Realty
INVESTMENT TRUST



FOUNDATIONS OF OPPORTUNITY



1626 East Jefferson Street

Rockville, MD 20852-4041

PH 301.998.8100

March 8, 2012

M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

To Whom It May Concern:

Federal Realty Investment Trust (the applicant) hereby certifies that the applicant has received approval for (i) Sketch Plan (#320110010), (ii) Preliminary Plan (#120120020), and (iii) Site Plan (#820120020) approval for Mid-Pike Plaza (Pike & Rose).

Federal Realty Investment Trust
A Maryland Real Estate Investment Trust

By:

Dawn M. Becker
Executive Vice President – General Counsel & Secretary



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

MCPB No. 12-27
Site Plan No. 820120020
Project Name: Mid-Pike Plaza (Pike & Rose)
Date of Hearing: February 23, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION


WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on October 10, 2011, the Planning Board approved Sketch Plan 320110010 (MCPB Resolution 11-05) ("Sketch Plan") establishing several binding elements, including a maximum density of up to 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 bound by Montrose Parkway on the north, Hoya Street on the west, Rockville Pike on the east, and Old Georgetown Road on the west ("Property" or "Subject Property") split-zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300 in the White Flint Sector Plan ("Master Plan" or "Sector Plan"); and

WHEREAS, on August 3, 2011, Federal Realty Investment Trust ("Applicant"), filed an application for approval of a Site Plan for 951,000 square feet of mixed-use development including up to 341,800 square feet of non-residential development and up to 493 residential units ("Site Plan" or "Plan") on approximately 6.77 gross acres in the CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300 zones, on a portion of the Property; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820120020, Mid-Pike Plaza (Pike & Rose) (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 10, 2012, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:  2/29/12
8787 Georgia Avenue, N.W., Washington, D.C. 20010 Chairman's Office: 301.495.4605 Fax: 301.495.1320
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on February 23, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on February 23, 2012, the Planning Board approved the Application subject to conditions on the motion of Commissioner Anderson, seconded by Commissioner Presley, with a vote of 4-0; Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820120020 for 951,000 square feet of mixed-use development including up to 341,800 square feet of non-residential development and up to 493 residential units, subject to the following conditions:

1. Sketch Plan Conformance

The 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 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 the 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 public benefit. Each public benefit must be verified by 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 at 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 Maryland State Highway Administration ("SHA") approval.

7. Environment

- a. Applicant must submit and obtain Staff approval of a revised Final Forest Conservation Plan for each of the successive site plan phases addressing the following comments:
 - i. Mitigation for the 41-inch diameter willow oak along the eastern Property boundary ("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 ("MCDOT") 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 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 any successor(s) and assigns. This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with the Applicant or any successor(s) and assigns and applicable agency. For the purpose of this condition, the term "Applicant and any successor(s) and assigns" means the owner or any successor(s) in interest to the Public Use Space that is responsible for common area maintenance, such as a homeowners association, a condominium association, or a merchants' association.
- 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 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.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Mid-Pike Plaza drawings stamped by the M-NCPPC on December 8, 2011, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and in the Staff Report, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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 the Sketch Plan, which may be modified at the time of site plan review under Section 59-C-15.43(d) of the Zoning Ordinance:

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 the Sketch Plan were 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 development approved under this Site Plan 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 approved 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 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 approved development will comply with all development standards as shown in the data tables below.

Density of Development (square feet)			
	Total	Non-Residential	Residential (R)

	(CR)	(C)	
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 Approved 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)

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			
Approved with Phase 1							
Building 10	200			n/a			
Building 11	110			n/a			
Building 12	70			70			

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 Approved with Phase 1 (%)	2.8 (24,500sf) ¹
Min Remaining for Later Phases	7.2 (61,460sf)

Residential Amenity Space (square feet per market rate unit ²)		
	Required	Approved
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

Parking (spaces, may be provided off-site)			
	Minimum Required	Maximum Allowed	Approved

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

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.

Approved with Sketch Plan	2,396	6,546	5,234 (approximately)
Approved with Phase 1			
Building 10	312	468	313
Building 11	306	766	611
Building 12	224	406	158

Minimum Bicycle Parking Spaces & Shower/Change Facilities				
	Required		Approved 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

d. Public Benefits

The approved development will provide numerous public benefits with proportional incentive density points. The Planning Board 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;

⁴ As conditioned.

- 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;

The Board finds that the approved 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 Phase 1 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
Public Parking	7.05 [7.62]	26% of publicly accessible spaces being provided with Phase 1.	1.85

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).

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

Public Benefit	Adjusted Total Points [Original Points at Sketch Plan]⁷	Phase 1 Measurement/Criteria	Points Awarded for Site Plan 820120020
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

⁷ 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.

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 approved 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 approved 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 approved 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 will stage 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 includes 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 will 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, and the concept plan was approved by the Montgomery County Department of Permitting Services on January 20, 2012. There is currently no stormwater management for the site.

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

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

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).

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____ (list) voting in favor of the motion, with Commissioner(s) _____ (list) dissenting, Commissioner(s) _____ (list) abstaining, Commissioner(s) _____ (list) being absent or being temporarily absent, at its regular meeting held on Thursday, _____, 200., in Silver Spring, Maryland.