



**Sketch Plan Amendment No. 32011002A. North Bethesda Gateway**

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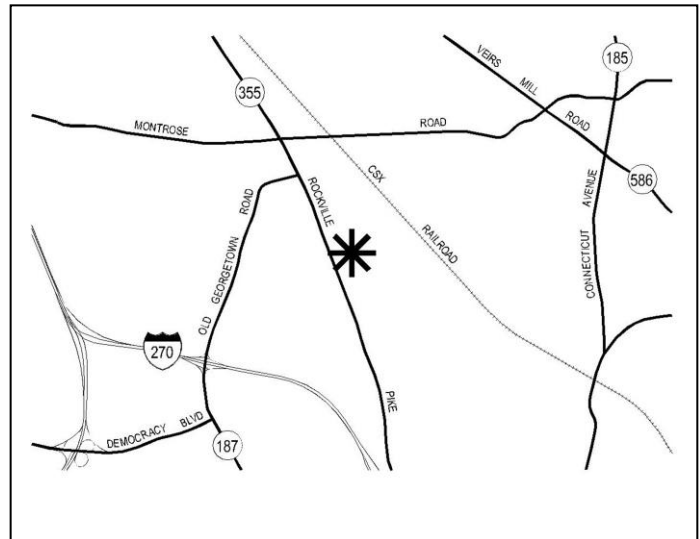
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**Completed: 09/19/2013**

**Description**

- Amendment to increase residential development and decrease non-residential development; reduce the height of structures; modify CR incentive density for public benefits; and incorporate a circulation enhancement on 5.123 acres known as the Eisinger Site, zoned CR 3.0, C 1.5, R 2.5, H 200, of the total 11.04 acres;
- Located on the south side of Nicholson Lane near its intersection with Rockville Pike within the White Flint Sector Plan;
- Applicant: ProMark Real Estate Services, LLC filed on May 22, 2013.



**Summary**

- Staff recommends approval of the North Bethesda Gateway Sketch Plan Amendment with conditions and adoption of the Draft Resolution.
- Increase residential FAR to 2.5; decrease commercial square footage to 35,500 while maintaining remaining capacity for future development; decrease building heights to 6 stories; slight increase in points for structured parking, decreased points for vegetated roof and additional points for cool roof.

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## RECOMMENDATION AND CONDITIONS

Staff recommends approval of sketch plan amendment 320110020A, North Bethesda Gateway. All site development elements shown on the sketch plans stamped "Received" by the M-NCPPC on July 23, 2013 are required subject to modification per the conditions below and at Site Plan per the restrictions enumerated in section 59-C-15.42(d).

This approval is subject to the following conditions:

1. Sketch Plan Conformance

The proposed development must comply with the conditions of approval for sketch plan 320110020 as listed in the MCPB No. 11-06, except as amended by this application.

2. Incentive Density

The proposed development must be constructed with the public benefits in accordance with the originally approved sketch plan, except for condition 3.c) Design Quality and 3.d) Natural Environment Protection and Enhancement, which shall be replaced by the following:

a. Quality of Building and Site Design

The Applicant proposes the maximum of 30% allowed incentive density for the Density Quality category, which is achieved through public amenities in the sub-categories of Structured Parking (16.25% incentive), Public Open Space (9.68% incentive), and Exceptional Design (7.50% incentive).

b. Protection and Enhancement of the Natural Environment

The Applicant proposes 15% incentive density overall for the Natural Environment Protection and Enhancement category, which is achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs) (5% incentive), Vegetated Roof (5% incentive), and Cool Roof (5% incentive).

3. Phasing Program

The Applicant must construct the development in accordance with the approved development program, except for condition 6.c), which shall be replaced by the following:

- a. Development on the Lake Waverly Associates LP ("LWALP") site proposes two phases consisting of residential and retail in Phase I and residential and retail in Phase II.

## SECTION 2: SITE DESCRIPTION

### Vicinity

The subject site ("Site") is located on the east side of Rockville Pike, approximately 250 feet south of Nicholson Lane in North Bethesda and within the White Flint Mall District as identified in the 2010 *White Flint Sector Plan* ("Sector Plan"). The entire Site falls within the ½-mile radius from the White Flint Metro and a small portion falls within the ¼-mile radius from the Metro. The Site is bound on the west by Rockville Pike, on the north by Nicholson Lane, on the east by a private access road from White Flint Plaza to White Flint Mall, and on the south by a private ring road serving White Flint Mall. A public street known as Huff Court bisects the Site in the North-South direction.



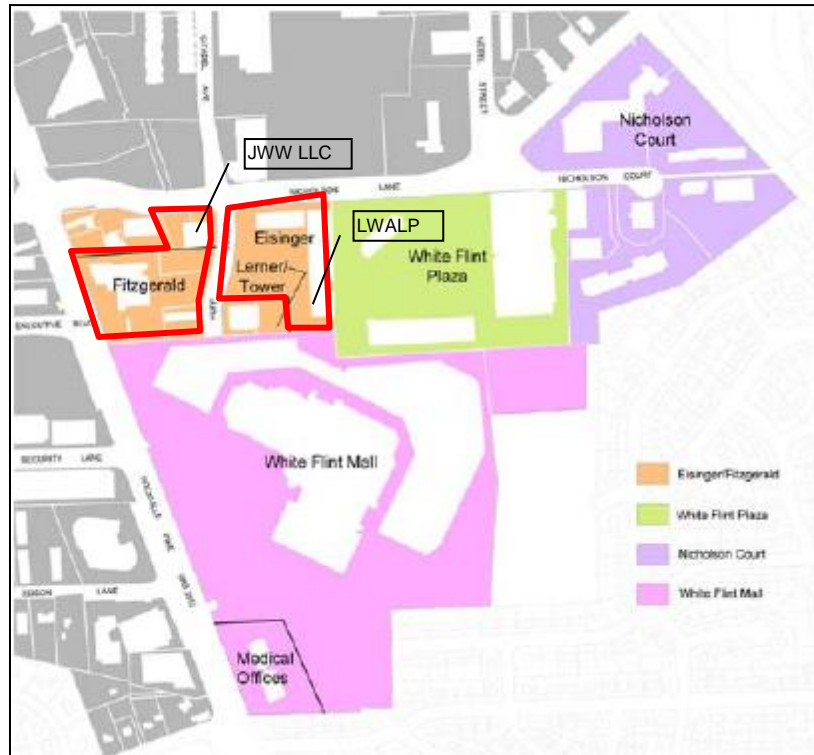
*Vicinity Map*

The neighborhood surrounding the Site is predominately commercial and suburban in nature with surface parking, retail shopping centers, midrise office buildings, and auto-related uses. The closest residential neighborhoods to the Site are Garrett Park Estates, Edson Lane Estates, and Timberlawn, all approximately one-third of a mile away. Randolph Hills is approximately one-half of a mile away.

## Site Analysis

The 11.04-acre Site comprises three separate ownership entities:

- Lake Waverly Associates LP (“LWALP”) (5.123 acres) referred to as the “Eisinger Site” in the Sector Plan. This site is the focus of this sketch plan amendment.
- John J. Fitzgerald (4.791 acres) referred to as the “Fitzgerald Site” in the Sector Plan.
- JWW LLC (1.124 acres) is referenced as a smaller property north of the Fitzgerald Site.



*Aerial view of the White Flint Mall District (2010 White Flint Sector Plan)*

The properties west of Huff Court, Fitzgerald and JWW LLC, are zoned CR4.0: C3.5, R2.0, H250 and the LWALP Site, east of Huff court, is zoned CR3.0: C1.5, R2.0, H200. The Site is currently improved with 140,920 square feet of medical office and laboratory space, 11,340 square feet of retail, and 38,404 square feet dedicated to corporate offices and a car dealership.

The Site is currently served by public water and sewer. The properties lie within the Rock Creek watershed and generally drain towards the northeast to an enclosed storm drain system in Huff Court and Nicholson Lane. The site slopes downward generally from west to east with a twenty-seven foot grade change between the northwest and northeast corners of the site. There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or other environmentally sensitive features on site. The property has 11 significant trees (between 24” and 30” DBH) and four specimen trees ( $\geq 30$ ” DBH). There are no known historic properties or features on site.

## SECTION 3: AMENDMENT DESCRIPTION

### Previous Approvals

On January 20, 2011, the Planning Board approved Sketch Plan No. 320110020 for up to 1,236,648 square feet of non-residential uses and up to 1,073,288 square feet of residential uses, but limited by a total cumulative density of up to 1,700,241 square feet or approximately 3.54 FAR, on 11.04 gross acres in the CR Zones. The Resolution dated July 5, 2011 is included in Appendix A.

### Proposal

#### Uses and Density

The subject sketch plan amendment (“Amendment”) proposes to eliminate the office use, reduce the retail density, and increase the residential density previously shown for the 5.123-acre LWALP Site. These changes are in compliance with the maximum densities allowed by zoning and do not affect the approved densities of the Fitzgerald Site or the JWW Site. The following chart summarizes the development program for the LWALP Site.

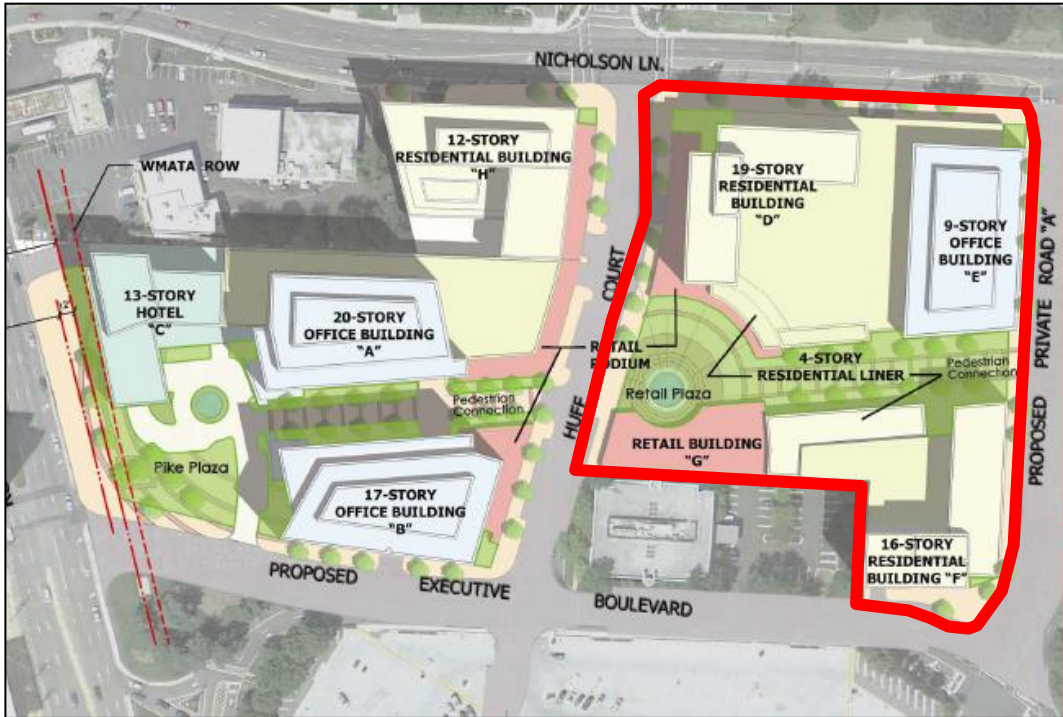
*LWALP Site Development Program*

	Permitted/Required	Approved per Sketch Plan 320110020	Proposed
<b>Non-Residential Density</b>	334,751 SF	184,671 SF	35,500 SF*
<b>Residential Density</b>	557,918 SF	484,830 SF	557,918 SF
<b>Building Height</b>	200 FT	Up to 200 FT	85 FT
<b>Public Use Space</b>	10%	10%	10%

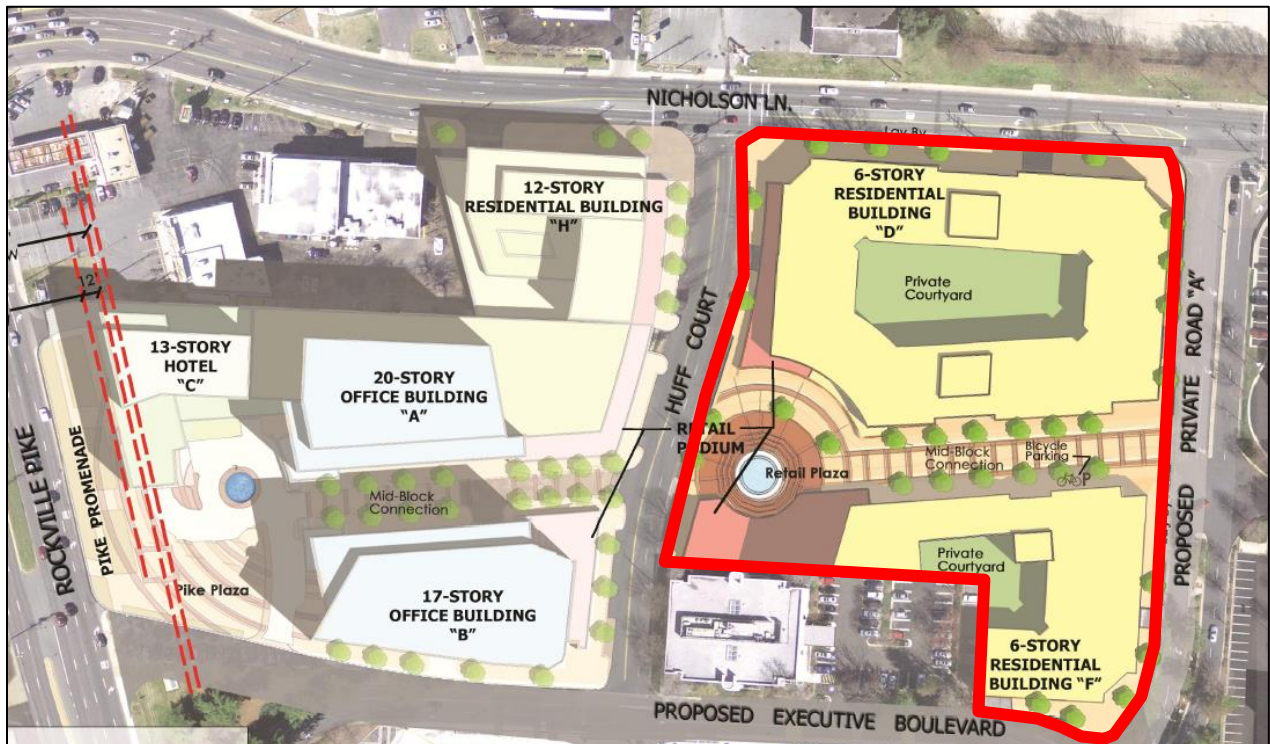
\*Applicant proposes to maintain an additional 76,083 square feet of non-residential development for possible future use.

#### Building Massing and Heights

The Amendment proposes modifications to the massing and height for the LWALP Site development. The Illustrative Plan of the approved application depicts four structures: a 19-story residential tower (Building D) with a 4-story residential liner and retail podium; a 9-story office building (Building E) with a 4-story residential liner; a 16-story residential building (Building F) with a 4-story residential liner; and Retail Building G. The amendment requests to replace the four structures with two six-story residential buildings with retail podiums, each approximately 80 feet in height. The Applicant has requested to maintain an additional 76,083 square feet of non-residential for future use. It is not anticipated that it will result in a larger building footprint but may result in an increase in the building height. The Applicant would also have the option to shift the retained density to adjacent properties.



Approved Sketch Plan Illustrative Plan with the LWALP Site highlighted



Proposed Sketch Plan Illustrative Plan with the LWALP Site highlighted

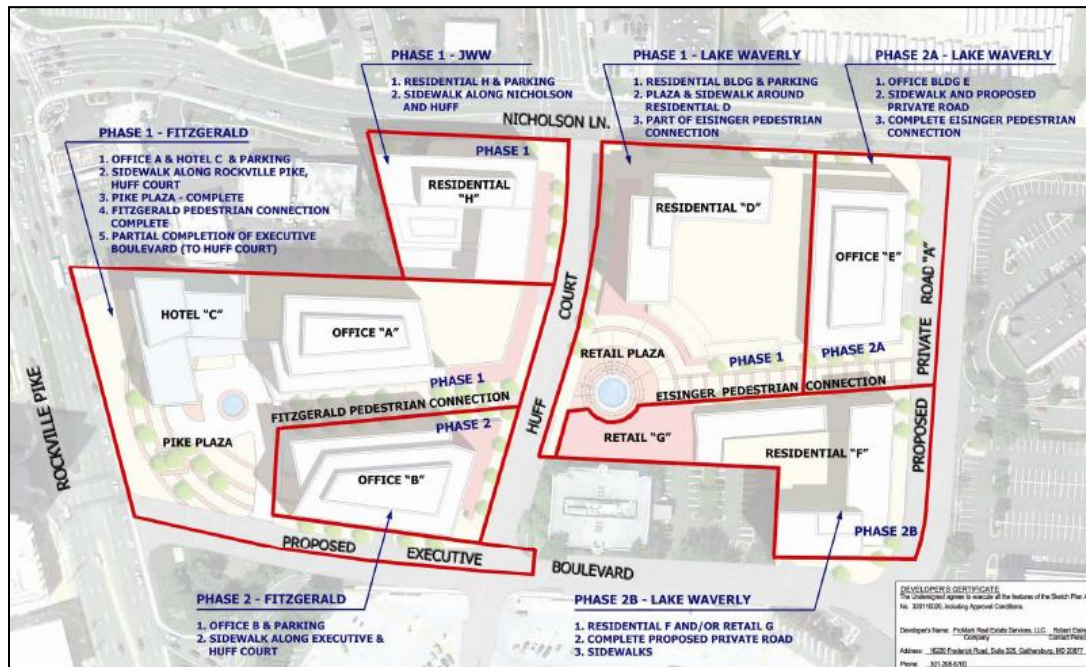
## Transportation

The Amendment proposes an improvement to enhance circulation. The approved sketch plan illustrated lay-bys on Huff Court, Nicholson Lane, and Proposed Road "A". The Amendment proposes to extend the lay-by on Huff Court approximately 50' to the south to better service the retail at the entrance to the through-block connection.

## Phasing

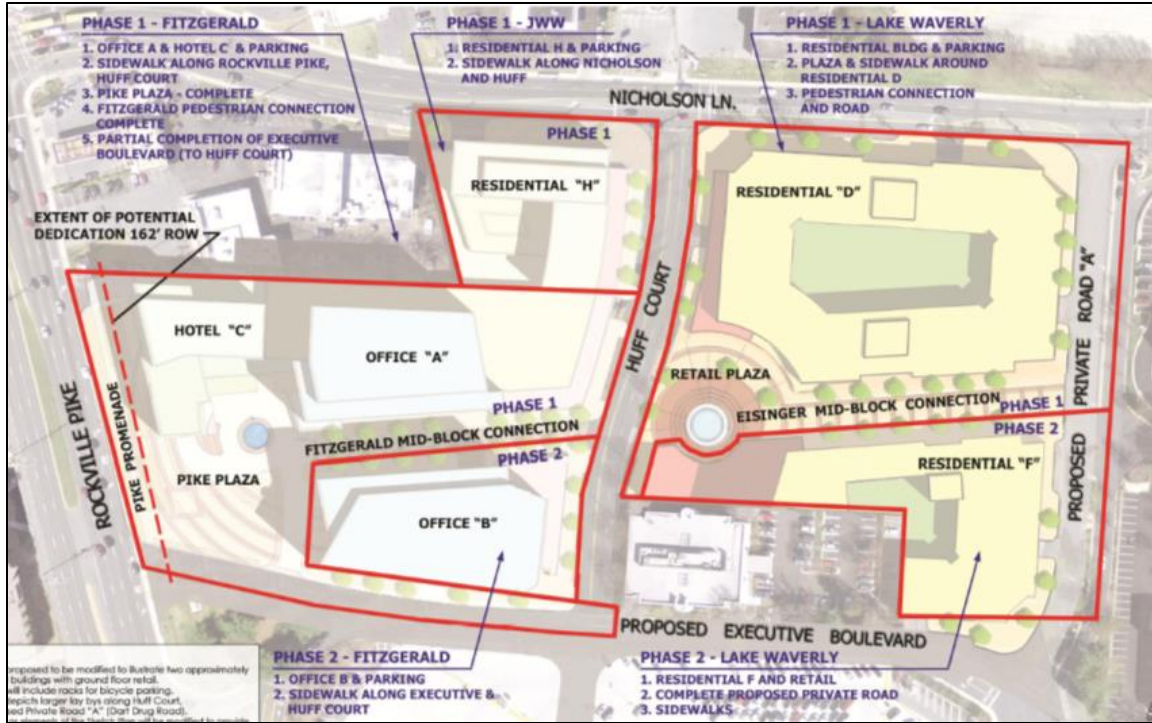
This Amendment proposes changes to the phasing of the LWALP site. The approved phasing for the LWALP site allowed two phases. Phase I included Residential Building "D" with parking, retail plaza and a portion of the mid-block connection. Phase II included Office Building "E" and Residential Building "F" and Retail "G" along with Proposed Road "A" and the remaining portion of the mid-block connection.

The Amendment proposes Phase I to include Residential Building "D" with parking, retail plaza and the entire LWALP mid-block connection with a portion of the Proposed Road "A". Phase II will include Residential Building "F" with Retail and the remaining portion of Proposed Road "A".



*Approved Sketch Plan Phasing Plan*





*Proposed Sketch Plan Phasing Plan*

**Community Outreach**

The Applicant has met all proper signage, noticing, and submission meeting requirements. On January 14, 2013, the Applicant presented the Amendment to the White Flint Implementation Advisory Committee. Staff has not received correspondence on this application.

## SECTION 4: PROJECT ANALYSIS AND FINDINGS

### Development Standards

The Amendment meets the development standards of Section 59-C-15.7, as shown in the Data Table below. Zone 1 refers to the LWALP site, the only portion of the plan proposed for modifications in this amendment.

<b>Project Data Table for the CR-3 and CR-4 Zones, Optional Method Development</b>			
<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Approved per Sketch Plan 320110020</b>	<b>Proposed</b>
<b>Gross Tract Area (sf.)</b>			
Zone 1: CR3, C1.5, R2.5, H200		223,167	223,167
Zone 2: CR4, C3.5, R2.0, H250		<u>257,685</u>	<u>257,685</u>
<b>TOTAL</b>		<b>480,852</b>	<b>480,852</b>
<b>Density (sf.)</b>			
<i>Non-residential (C)</i>			
Zone 1	334,751	184,671	35,500
Zone 1 to be retained for possible future use	-	-	76,083
Zone 2	<u>901,898</u>	<u>849,460</u>	<u>849,460</u>
<b>TOTAL</b>	<b>1,236,648</b> <b>(2.57 FAR)</b>	<b>1,034,131</b> <b>(2.15 FAR)</b>	<b>961,043</b> <b>(2.0 FAR)</b>
<i>Residential (R)</i>			
Zone 1	557,918	484,830	557,918
Zone 2	<u>515,370</u>	<u>181,280</u>	<u>181,280</u>
<b>TOTAL</b>	<b>1,073,288</b> <b>(2.23 FAR)</b>	<b>666,110</b> <b>(1.39 FAR)</b>	<b>739,198</b> <b>(1.54 FAR)</b>
<b>TOTAL CR DENSITY</b>	<b>1,700,241</b> <b>(3.54 FAR)</b>	<b>1,700,241</b> <b>(3.54 FAR)</b>	<b>1,700,241</b> <b>(3.54 FAR)</b>
<b>Building Height (feet)</b>			
Zone 1	200	(up to) 200	(up to) 85
Zone 2	250	(up to) 250	(up to) 250
<b>Setbacks</b>	n/a	n/a	0
<b>Parking Spaces</b>	n/a	TBD @ site plan*	TBD @ site plan*
<b>Public Use Space (%)</b>	10	10	10
<b>Public Open Space (%)**</b>	n/a	9.68	9.68
<b>Residential Amenity Space (sf.)</b>	Determined at site plan based on final unit count.		

\*The number of parking spaces will be calculated at site plan when the number of residential dwelling units and the number of hotel rooms is determined.

\*\*The Zoning Ordinance allows incentive density for public *open* space above the public *use* space requirements of the zone.

## Incentive Density

The Applicant proposes to achieve the incentive density for this project with modifications to the public benefits which are shown in the table below:

<b>Public Benefits Calculations</b>				
<b>Public Benefit</b>	<b>Incentive Density</b>			
	<b>Max Allowed</b>	<b>Approved</b>	<b>Requested</b>	<b>Recommended</b>
<b>Transit Proximity</b>	70	30.64	30.64	30.64
<b>Connectivity between Uses, Activities, and Mobility Options</b>				
Neighborhood Services	15	10	10	10
Through Block Connection	20	15	15	15
<b>Quality of Building and Site Design</b>				
Structured Parking	20	14.29	16.25	16.25
Public Open Space	20	9.68	9.68	9.68
Exceptional Design	10	7.5	7.5	7.5
<b>Protection and Enhancement of the Natural Environment</b>				
Building Lot Terminations	30	5	5	5
Vegetated Roof	15	10	5	5
Cool Roof	10	0	5	5
<b>TOTAL</b>	<b>210</b>	<b>102.11</b>	<b>104.07</b>	<b>104.07</b>

**The previous approval calculated incentive density as a percentage, CR zone public benefits are now calculated as points, which is reflected in the following discussion. Because every 1% is equivalent to 1 point, there is no substantive change in the approval.**

### *Transit Proximity*

The Planning Board previously approved 30.4 points for proximity to White Flint Metro, a Level 1 transit portal. The value resulted from a weighted average for the portion of the property within ¼ mile radius of the Metro and the portion within a ½ mile radius from the Metro. The entire gross tract area falls within the ½ mile radius, of which 30,862 SF (6.4%) also falls within the ¼ mile radius. The amendment does not change the proximity to changes therefore conditions of previous approval still apply.

### *Connectivity between Uses, Activities, and Mobility Options*

The Planning Board previously approved 25 points achieved through public amenities in the subcategories of Neighborhood Services and Through Block Connection.

Neighborhood Services: The Applicant was granted 10 points for proximity to at least 10 different retail services currently existing within a ¼ mile radius of the site. In addition, at least 4 have a maximum retail bay floor area of 5,000 SF. The amendment does not change the proximity to services therefore the conditions of previous approval still apply.

Through Block Connection: The Applicant was granted 15 points for the through block connection between Rockville Pike, Huff Court, and Proposed Road 'A'. In accordance with the CR Zone Guidelines, the connector will be at least 15 feet in width; have at least 35 percent of the walls facing the interior pedestrian connection below a height of 8 feet with clear, unobstructed windows; and be open to public between sunrise and sunset. The through block connection will be pedestrian only east of Huff Court and shared pedestrian and light vehicular west of Huff Court. These conditions were the basis for approval and remain unchanged in the proposed amendment. Staff recommends no changes to the incentive density.

#### *Quality of Building and Site Design*

The Applicant was granted the maximum 30 points achieved through public amenities in the subcategories of Structured Parking, Public Open Space, and Exceptional Design.

Structured Parking: The Applicant was granted 14.29 points for structured parking provided above and below ground. This incentive is granted on a sliding scale based on the percentage of total on-site spaces provided in above ground parking multiplied by 10%, plus the percentage of total on-site spaces provided in below ground parking multiplied by 20%. The project proposed 1,316 above grade parking spaces, and 988 below grade parking spaces, which yield a total of 14.29 points.

The Amendment increases residential units and decreases commercial square footage. The changes in the total on-site space provided reflect the modifications to the building type and structure. The amendment proposes 838 above grade parking spaces, and 1,360 below grade parking spaces. Using the same formula, the amended parking totals yields a total of 16.25 points. Staff recommends the additional incentive density based on the modified number of total on-site parking.

Exceptional Design: The Applicant was granted 7.5 points for design that creates a sense of place and serves as a landmark. Consideration was given to the proposed Hotel and Office towers along Rockville Pike as prominent, signature structures and the quality of the proposed open spaces including the Pike Promenade, Pike Plaza, Retail Plaza, and mid-block connection. These elements remain unchanged and Staff recommends no changes to incentive density.

#### *Protection and Enhancement of the Natural Environment*

The Applicant was granted 15 points achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs) and Vegetated Roofs.

BLTs: As required by the CR Zones, the Applicant was granted 5 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund. The CR Zone requires that at least 5 points but no more than 30 points be obtained through the purchase of BLTs. The condition for this approval remains unchanged and Staff recommends no changes to the incentive density.

Vegetated Roofs: The Applicant was granted 10 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on four buildings. The Amendment decreases the number of buildings with vegetated roofs to two buildings. Given this change, the Applicant has requested a reduction of the incentive density to 5%. Staff recommends 5% which reflects the modifications to the development plan.

Cool Roofs: The Applicant requests 5 points for constructing roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12. Per the CR Zone Incentive Density Implementation Guidelines, an incentive density of 5 points is appropriate for sites greater than one acre. The Amendment proposes the cool roof on 5.123 acres of the total 11.04-acre site. Staff recommends the addition of 5 points for this public benefit.

## **Conclusion**

The previously approved findings remain; the proposed modifications to Sketch Plan 320110020 do not significantly alter the overall design of the development in relation to the original findings of approval. Nevertheless, the modifications remain compatible with existing and proposed development adjacent to the site and do not impact the efficiency, adequacy and safety of the site with respect to structures and uses, vehicular and pedestrian circulation, open space, landscaping, or lighting.

## **APPENDICES**

- A. Approved Resolution MCPB No. 11-06



JUL 5 2011

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

MCPB No. 11-06  
Sketch Plan No. 320110020  
Project Name: North Bethesda Gateway  
Date of Hearing: January 20, 2011

**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 October 1, 2010, ProMark Real Estate Services, LLC ("Applicant") filed an application on behalf of Lake Waverly Associates LP ("LWALP"), John J. Fitzgerald, and JWW LLC for approval of a sketch plan for up to 1,236,648 square feet of non-residential uses and up to 1,073,288 square feet of residential uses but limited by a total cumulative density of up to 1,700,241 square feet or approximately 3.54 FAR, on 11.04 acres of CR-zoned land, located on Rockville Pike, approximately 250 feet south of Nicholson Lane in White Flint ("Property" or "Subject Property"); and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320110020, North Bethesda Gateway (the "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 6, 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 motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with a vote of 4-0, Commissioners Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor, and Commissioner Alfandre absent.

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Approved as to  
Legal Sufficiency:

M-NCPPC Legal Department

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

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

NOW, THEREFORE, BE IT RESOLVED that the Montgomery County Planning Board approves Sketch Plan No. 320110020 for up to 1,236,648 square feet of non-residential uses and up to 1,073,288 square feet of residential uses, but limited by a total cumulative density of up to 1,700,241 square feet or approximately 3.54 FAR, on 11.04 gross acres in the CR Zones, 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 1,236,648 square feet of non-residential uses and up to 1,073,288 square feet of residential uses, limited by a total cumulative density of up to 1,700,241 square feet or approximately 3.54 FAR.

2. Height

The proposed development is limited to a maximum height of 200 feet in the portion zoned CR-3 C1.5 R2.5 H200, and 250 feet in the portion zoned CR-4 C3.5 R2.5 H250.

3. Incentive Density

The proposed development must be constructed with the following public benefits unless the Planning Board finds, during site plan review, that alternative public benefits and the incentive density requested are equally acceptable.

a) Transit proximity

The Applicant proposes 30.64% incentive density for proximity to the White Flint Metro Station, a Level 1 transit portal.

b) Connectivity and Mobility

The Applicant proposes 25% incentive density overall for the Connectivity and Mobility category, which is achieved through public amenities in the sub-categories of Neighborhood Services (10% incentive) and Through Block Connection (15% incentive).

c) Design Quality

The Applicant proposes the maximum of 30% allowed incentive density for the Design Quality category, which is achieved through public amenities in the sub-categories of Structured Parking (14.29% incentive), Public Open Space (9.68% incentive), and Exceptional Design (7.50% incentive).

d) **Natural Environment Protection and Enhancement**

The Applicant proposes 15% incentive density overall for the Natural Environment Protection and Enhancement category, which is achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs) (5% incentive) and Vegetated Roofs (10% incentive).

4. **Building Lot Terminations (BLTs)**

Prior to the issuance of building permits for the first 5% of incentive density square footage, the Applicant must provide proof of purchase and/or payment for a minimum of 3.65 BLTs.

5. **Moderately Priced Dwelling Units (MPDUs)**

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

6. **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 below:

- a) Generally, the Project is phased from west to east on the Fitzgerald, JWW, and LWALP properties independently. Each individual property owner will phase redevelopment plans independently, and Phase I may or may not occur simultaneously on all properties.
- b) Development on the Fitzgerald's site proposes two phases consisting of office, retail and hotel uses during Phase I, and office and retail uses during Phase II.
- c) Development on the LWALP site proposes two phases consisting of residential and retail on Phase I and office, residential and retail on Phase II.
- d) The JWW site proposes only one phase with residential and retail uses.
- e) Urban plazas and mid-block connectors within each respective property will be delivered in Phase I of each property owner's development.
- f) Executive Boulevard Extended East, between Rockville Pike and Huff Court, will be dedicated in Phase I of the Fitzgerald property, irrespective of the phasing of office Building B identified for Phase II.
- g) Proposed Road 'A' (commonly referred to as Dart Drug Road) on the east side of the Project will be re-constructed when both affected property owners



(LWALP and JWW) redevelop.

- h) On all properties, those demolitions of existing improvements necessary to achieve Phase I development will take place during Phase I. Existing improvements that must be demolished to redevelop Phase II may remain in place until Phase II.

7. 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.

8. Future Coordination for Preliminary and Site Plan

The following items must be addressed as part of the processing of the preliminary plan application in conjunction with any other items that may be identified during the interim:

- a) The Applicant must obtain approval from the Maryland State Highway Administration (SHA) for site access from Rockville Pike (MD 355).
- b) The Applicant must obtain approval from the Montgomery County Department of Transportation and address their comments in the letter dated January 4, 2010.
- c) The Applicant must coordinate with the various utility companies including, but not limited to, WSSC, Pepco, and Verizon.
- ✓ d) Record plat to show dedication of the appropriate right-of-way for the public roads, and provide for truncation at the corners of the public roadways adjacent to their site unless a waiver is granted by the Montgomery County Department of Transportation for the County roads and State Highway Administration for the state roads.
- e) The Applicant must satisfy the requirements of the Adequate Public Facilities Ordinance.
- f) The Applicant must agree to comply with requirements of participating in the Transportation Management District.

The following items must be addressed as part of the processing of the site plan application in conjunction with any other items that may be identified during the interim:

- ✓ a) Implement White Flint Urban Design recommendations for both blocks.

- b) Create a concept plan for the pedestrian promenade along Rockville Pike.
- c) Coordinate with Washington Metropolitan Area Transit Authority (WMATA), Adjacent Construction Section, to gain approval to build adjacent to the WMATA easement, as well as for tree species selection for the pedestrian promenade.
- ✓ d) Implement the bikeway and recreational loop recommendations.
- e) Continue the established streetscape in North Bethesda Market I along Executive Boulevard Extended.
- ✓ f) 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.
- g) Demonstrate compliance with the requirements for streetscape improvements, residential amenity space, and parking in the Zoning Ordinance.
- h) Explore ways to reduce overall parking, including shared parking and incentives in the CR zone.
- i) Underground utilities within public rights-of-way.
- j) Provide schematic elevations illustrating exterior architectural character, proportion, materials, and articulation of the proposed buildings and especially structured parking.

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 proposed development meets the requirements and standards of Division 59-C-15.**

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 R2.5 H250. The proposed development will be built under the optional method of development with uses permitted in the CR zones.

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 (2) below;
- Replacing a strip-mall development and excessive surface parking with a high-density, mixed use project;
- Targeting opportunities for redevelopment of single-use pad sites and surface parking lots with a mix of uses;
- Integrating housing, commercial services, employment uses, public facilities and amenities within 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 (2) below;
- The project does not have any priority retail street frontages;
- Streetscape improvements will be implemented per the sector plan and design guidelines and finalized with each site plan;
- Allowances for space for bicycle parking and shower facilities will be finalized at site plan, when the number of residential dwelling units and hotel rooms is determined; and
- Parking requirements will be calculated at site plan when the number of residential dwelling units and hotel rooms is determined.

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-3 and CR-4 Zones, Optional Method of Development		
Development Standard	Permitted/Required	Approved and Binding on the Applicant
<b>Gross Tract Area (sf.)</b>		
Zone 1: CR3, C1.5, R2.5, H200	n/a	223,167
Zone 2: CR4, C3.5, R2.0, H250	n/a	257,685
Total		480,852
<b>Density (sf.)</b>		
<i>Non-residential (C)</i>		
Zone 1	334,751	184,671
Zone 2	901,898	849,460
Total	1,236,648 (2.57 FAR)	1,034,131 (2.15 FAR)
<i>Residential (R)</i>		
Zone 1	557,918	484,830
Zone 2	515,370	181,280
Total	1,073,288 (2.23 FAR)	666,110 (1.39 FAR)
<i>Total CR Density</i>	1,700,241 (3.54 FAR)	1,700,241 (3.54 FAR)

<b>Building Height (feet)</b>		
Zone 1	200	(up to) 200
Zone 2	250	(up to) 250
<b>Setbacks</b>	n/a	n/a
<b>Parking Spaces</b>		
Total	n/a	n/a *
<b>Public Use Space (%)</b>	10	10
<b>Public Open Space (%)**</b>	n/a	9.68
<b>Residential Amenity Space (sf.)</b>	Determined at site plan based on final unit count.	

\* The number of parking spaces will be calculated at site plan when the number of residential dwelling units and the number of hotel rooms is determined.

\*\* The Zoning Ordinance allows incentive density for public *open* space above the public *use* space requirements of the zone.

**2) The proposed development will further the objectives of the Approved and Adopted (2010) White Flint Sector Plan.**

North Bethesda Gateway is located in the White Flint Mall District (Block 1: Fitzgerald and LWALP) in the Approved and Adopted (2010) *White Flint Sector Plan*. The Fitzgerald block is west of Huff Court and the Eisinger block, which LWALP owns, is to the east. The Plan notes that “new mixed-use development is anticipated for both blocks. The [LWALP] property is anticipated to develop with more residential than non-residential development” (p.45). The Plan further states that “residential uses may not be as desirable along Rockville Pike as offices or hotel uses” and on the LWALP block “affordable housing, especially workforce housing, may be appropriate at this location in conjunction with redevelopment of the western portion of Block 1” (p.45).

The Fitzgerald Block is in the CR4 C3.5 R2.0 H250 zone, while the LWALP Block is in the CR3 C1.5 R2.5 H200 zone. A pedestrian promenade is recommended for the WMATA easement area along Rockville Pike, and Executive Boulevard extended (B-7) will intersect with Huff Court and head to the east. A mid-block connection is recommended for both blocks.

The Project will further the objectives of the *2010 White Flint Sector Plan*. The Project proposes a new mixed-use development including residential, office, hotel, and retail uses. As recommended in the Sector Plan, office and hotel uses will be located primarily along Rockville Pike, and residential uses will be located

primarily to the east of the site, in the LWALP property, away from Rockville Pike. The development will provide a mid-block connection as recommended in the Sector Plan.

#### Density and Building Height

The approved maximum heights are consistent with the Sector Plan's building height recommendations and with the maximums permitted in the CR zones. The approved maximum heights for the Fitzgerald block are below the 250 feet allowed. ~~The mid-rise and high-rise residential buildings, retail building and office building on the LWALP block are consistent with the Plan's 200-foot maximum height.~~ The approved densities adhere to the Plan's recommendations and create a stepping down effect from the core along Rockville Pike towards the residential neighborhoods on the edges.

#### Transportation Network

The transportation network proposed in the sketch plan is consistent with the recommendations of the Sector Plan.

The sketch plan illustrates the proposed extension of Executive Boulevard from Rockville Pike through Huff Court. Executive Boulevard (B-7) is classified as a commercial business street with an 80-foot right-of-way, and Huff Court is another business street with a 70 foot right-of-way. Nicholson Lane is an arterial roadway with a 90-foot right-of-way.

The Sector Plan envisions the reconstruction of Rockville Pike (MD 355) 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, either in the median or curb lane.

Proposed Road 'A' is east of Huff Court, between the White Flint Plaza and LWALP property. It is identified in the Sector Plan as a street segment that "carr[ies] traffic as part of the determination of master plan transportation system adequacy" (p.51). The Sector Plan identifies eight conditions for this and three other streets, including "public easements that must be granted for the roadway and be reviewed and approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and Department of Transportation (MCDOT) for connectivity and consistency with Figure 43 of the *White Flint Sector Plan* prior to acceptance of the easement" and the "design of the road must follow or improve the corresponding Road Code standard for a similar public road, unless

approved by MCDOT and the Planning Board at subdivision review stage or otherwise specified in the Sector Plan” (p.52). The revised sketch plan shows the cross-section of all adjacent roadways as well as the mid-block connection.

#### Public Use

The sketch plan illustrates two public plazas: one along Rockville Pike and another on Huff Court, and a mid-block connection on both properties. The mid-block connection on the Fitzgerald block is vehicular in nature, while the connection on the LWALP block is more pedestrian. The public use space and mid-block connections are recommended in the Sector Plan.

#### Bikeway Network and Recreation Loop

Bike lanes are recommended for Nicholson Lane (BL-27), while Rockville Pike (LB-5) is recommended for a shared use path. The Sector Plan establishes a recreation loop as a “signed pathway that is incorporated into the street right-of-way as part of the sidewalk” (p.61). The Applicant must implement both items during preliminary and site plan review.

#### Pedestrian Promenades

The Sector Plan recommends using the existing WMATA easement along the eastern side of MD 355 as a pedestrian promenade. This promenade is envisioned as a “distinctive streetscape [that] lends character and importance to the pedestrian experience” (p.18). The development should create a concept plan for its portion of the MD 355 pedestrian promenade. This concept should visualize the future development along the Pike to the White Flint Metro Station. Further, the Applicant should coordinate with WMATA to obtain agency approval to build adjacent to the WMATA tunnel easement, and approval for appropriate tree species to be located within the easement.

#### 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 techniques are some of the Plan’s recommendations. At site plan, the Applicant must demonstrate how each recommendation in the Plan will be achieved.

#### White Flint Design Guidelines

The Approved White Flint Urban Design Guidelines provide specific recommendations for the White Flint Mall District, including public open space and streets. At site plan, the project must be consistent with the design guidelines for buildings, open spaces and streets.

**3) The proposed development will provide more efficient and effective development of the site than the standard method of development.**

This optional method of development Project will provide more efficient and effective development of the site than the standard method of development for several reasons. It places higher density in areas that can sustain growth using existing infrastructure improvements; furthers the vision and goals of the Sector Plan for mixed-use and transit-oriented development; provides for important public benefits and amenities such as public use and open spaces, a mid-block connection, and environmental amenities; and pays for Building Lot Terminations and the preservation of the Agricultural Reserve. The standard method of development allows a maximum density of 0.5 FAR with a building height of 40 feet, which cannot sustain mixed-use and transit-oriented development as envisioned by the Sector Plan. Further, public benefits and amenities would not be required, but the public use space requirement would still be 10%. Because infill development and density at transit hubs is a core value of smart growth, and given the number and quality of public amenities being proffered, the optional method of development is much more desirable and efficient for this particular site.

**4) 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.**

The 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.

The building massing and heights at 200 and 250 feet are within the maximum standards allowed in the zones applied to these properties, respectively. Within the Project, buildings range from four to twenty-story buildings, which will create a dynamic roofline. The massing and density of the project adequately convey the urban typology envisioned for this area. Buildings are located with minimum setbacks from the public right-of-way. These locations provide easy access to the building from adjoining sidewalks and parking. The Project is situated south of and at a lower elevation (approximately 50 feet) than the White Flint Metro station. Therefore, the approved building heights serve as a visual connection between the taller buildings near the Metro Station and the White Flint Mall area. The proposed building heights are comparable to those approved at North Bethesda Marketplace at 289 feet.



The main areas of public use space are lined up sequentially in an east-west direction with a corner plaza at Rockville Pike and Executive Boulevard that draws pedestrians into the interior of the project. The two plazas approved relate to the plaza built at the North Bethesda Marketplace in terms of size, character and activating uses, and contribute to the overall character of the area.

The details of the 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.
- Include the WMATA tunnel easement along Rockville Pike in the drawings, to clearly establish (1) Pike facade locations and (2) extent and location of Pike Promenade.
  - Consider alternate locations for the parking entrance from Rockville Pike, to reduce intrusions along Pike Promenade. In lieu of that, consider ways to reduce the impact of the proposed entryway on the continuity of the Pike Promenade.
  - Consider options to reduce the size of the hotel vehicular turnaround, and to improve continuity of pedestrian access between Rockville Pike and mid-block pedestrian connection.
- (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 landscape treatment that distinguishes between Pike Promenade, sidewalk at proposed Executive Boulevard, and Pike Plaza.
  - Consider landscape treatment to delineate property boundary along southern and western edges of Pike Plaza, in lieu of continuous building facade along Rockville Pike.
- (c) 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 step backs 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.

- Establish the hotel's western facade (Rockville Pike) as a prominent, boulevard facing facade that takes into consideration the future feasibility of Boulevard facing retail operations.
- Consider sidewalk activation methods along Nicholson Lane and Proposed Road 'A'.
- Consider ways to activate the section of the Pedestrian Connection between Pike Plaza and the start of the retail operations near Huff Court.

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

The general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading areas are adequate, safe and efficient given the conceptual nature of the proposal, and will be evaluated in depth at the preliminary and site plan stages. Vehicular circulation efficiently directs traffic into and through the site from the surrounding major streets: Rockville Pike, Nicholson Lane, and Proposed Executive Boulevard extended. Additionally, vehicular circulation is directed within the site via a portion of the proposed east-west through block connector and the existing north-south Huff Court. Structured parking and loading is adequately integrated into the site layout to provide integrated access with the general on-site circulation. Access points to parking and services are conjoined or consolidated wherever possible.

Pedestrian circulation is directed around the perimeter of the site, where several building entrances are located, and into the site primarily via the proposed through block connection and associated urban plazas and Huff Court, combined with the proposed activating uses. The through block connection will be pedestrian only east of Huff Court, and both pedestrian and light vehicular west of Huff Court. Vehicular traffic on the through block connection will be limited to providing access to the parking garages and hotel drop-off. Huff Court will connect Nicholson Lane to the proposed Executive Boulevard extended, and encourage pedestrian circulation through activating uses and the centrally located urban plaza.

The Rockville Pike Promenade, as recommended by the 2010 *White Flint Sector Plan*, will further integrate this development into the surrounding area. The Sector Plan recommends using the existing WMATA easement along the eastern side of MD 355 as a pedestrian promenade, which is envisioned as a "distinctive streetscape [that] lends character and importance to the pedestrian experience" (p.18). The Applicant will pursue a comprehensive design process for the pedestrian promenade at the time of site plan.

As recommended in the Sector Plan, bike lanes will be provided for Nicholson Lane (BL-27), and a shared use path will be provided on Rockville Pike (LB-5). In addition, the Sector Plan also establishes a recreation loop as a "signed pathway that is incorporated into the street right-of-way as part of the sidewalk" (p.61). The Applicant must implement these items during preliminary and site plan review.

#### Available Transit Service

Ride-On routes 5 and 46 and Metrobus route J-5 operate along Rockville Pike. The subject site is approximately a quarter mile from the White Flint Metrorail Station.

#### Transportation Demand Management

This site is within the boundary of the North Bethesda Transportation Management District (TMD). As a new development, the Applicant must participate in the North Bethesda TMD. The *White Flint Sector Plan* recommends that the TMD achieve a 34% non-auto driver mode share (NADMS) goal for Phase I.

#### 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 are as follows:

- (a) Rockville Pike (MD 355) is designated as a major highway, M-6, with a recommended 150-foot right-of-way and an additional 12 feet right-of-way reservation for a total of 162 feet. A recommended shared use path, local bikeway, LB-5, is recommended for this segment of the road.
- (b) Nicholson Lane is designated as an Arterial, A-69, with a recommended 90-foot right-of-way and a bike lane, BL-27.
- (c) Executive Boulevard Extended is designated as a business street, B-7, with a recommended 80-foot right-of-way. The subject plan will dedicate half the right-of-way along the southern property line with the other half dedicated when the White Flint Mall redevelops.
- (d) Huff Court is designated as a business street, B-4, with a recommended 70-foot right-of-way.

Proposed Road "A" is an internal street with a 60-foot right-of-way and 10-foot-wide sidewalks that is 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 for the subject property by participating in the special taxing district.

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.

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

<b>Staging Plan for the <i>White Flint Sector Plan</i></b>		
<i>Phase</i>	<i>Max. Residential development (d.u.)</i>	<i>Max. 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 must contract for, fund or construct specific roadways to achieve non-auto driver mode shares and further housing goals for the District. The Planning Board must decide when the Phases have been completed in order to allocate density in the next phases.

Although the proposed development will be required to improve street frontages and internal streets associated with the development, the Applicant will also be required to comply with the staging plan as mentioned above.

- 6) 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.**

The proposed public benefits and associated requested incentive density further the objectives of the 2010 *White Flint Sector Plan* and the objectives of the CR zones. As the table below indicates, the Project requests additional density based on public benefits provided in the following categories: transit proximity, connectivity and mobility, design quality, and natural environment protection and enhancement. The public benefits provided are appropriate for the incentive density requested. 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.

<b>CR Incentive Density Calculation Summary Table</b>		
Gross tract area:	480,852	
Zoned CR density:	3.54	
Standard Method Density:	240,426	
Allowed Density	1,700,241	
Proposed Density:	3.54	
Incentive Density:	1,459,815	
Public Benefit	% Incentive Density	Incentive Density Requested
Transit Proximity	30.64%	447,287
<b>Subtotal (no maximum)</b>	<b>30.64%</b>	<b>447,287</b>
<b>Connectivity and Mobility</b>		
Neighborhood Services	10.00%	145,982
Through Block Connection	15.00%	218,972
<b>Subtotal (maximum 30% of incentive density)</b>	<b>25.00%</b>	<b>364,954</b>
<b>Design Quality</b>		
Structured Parking	14.29%	208,608
Public Open Space	9.68%	141,310
Exceptional Design	7.50%	109,486
<b>Subtotal (maximum 30% of incentive density)</b>	<b>31.47%</b>	<b>459,404</b>
<b>Subtotal after 30% CAP</b>	<b>30.00%</b>	<b>437,945</b>
<b>Natural Environment Protection &amp; Enhancement</b>		
BLTs	5.00%	72,991
Vegetated Roof	10.00%	145,982
<b>Subtotal (maximum 30% of incentive density)</b>	<b>15.00%</b>	<b>218,972</b>
<b>Total for All Categories</b>		<b>1,469,158</b>
<b>Incentive Density Required</b>		<b>1,459,815</b>
<b>Must be greater than 0.00</b>		<b>9,343</b>

a) Transit proximity

The Applicant requests 30.64% incentive density for proximity to White Flint metro, a Level 1 transit portal. This value resulted from a weighted average for the portion of the property within the ¼ mile radius of the Metro and the portion within a ½ mile radius from the Metro. The entire gross tract area falls within the ½ mile radius, of which 30,862 SF (6.4%) also falls within the ¼ mile radius.

b) Connectivity and mobility

The Applicant requests 25% incentive density overall for the Connectivity and Mobility category, which is achieved through public amenities in the sub-categories of Neighborhood Services and Through Block Connection.

**Neighborhood Services:** The Applicant requests 10% incentive density for proximity to at least 10 different retail services currently existing within a ¼ mile radius of the site. In addition, at least 4 of these have a maximum retail bay floor area of 5,000 SF.

**Through Block Connection:** The Applicant requests 15% incentive density for the through block connection between Rockville Pike, Huff Court, and Proposed Road 'A'. In accordance with the CR Zone Guidelines, the through block connector will be at least 15 feet in width, have at least 35 percent of the walls facing the interior pedestrian connection below a height of 8 feet with clear, unobstructed windows; and be open to the public between sunrise and sunset. The through block connection will be pedestrian only east of Huff Court and shared pedestrian and light vehicular west of Huff Court.

c) Design Quality

The Applicant requests the maximum of 30% allowed incentive density for the Design Quality category, which is achieved through public amenities in the sub-categories of Structured Parking, Public Open Space, and Exceptional Design.

**Structured Parking:** The Applicant requests 14.29% incentive density for structured parking provided above and below ground. This incentive is granted on a sliding scale based on the percentage of total on-site spaces provided in above ground parking multiplied by 10%, plus the percentage of total on-site spaces provided in below ground parking multiplied by 20%. The project proposes 1,316 above grade parking spaces, and 988 below grade parking spaces, which yields a total incentive density of 14.29%.

**Public Open Space:** The Applicant requests 9.68% incentive density for public open space, which is easily accessible to the public during business hours and/or at least from sunrise to sunset and contains amenities such as seating, plantings, trash receptacles, and water features. This incentive is granted on a sliding scale based on the percentage of the net lot area placed in open space up to 20%. The public open space consists of the urban plazas, the pedestrian areas in the through block connection, and various landscaped areas throughout the site. These areas meet the criteria set forth in the Design Guidelines for public open spaces.

**Exceptional Design:** The Applicant requests 7.50% incentive density for exceptional design, which creates a sense of place and serves as a landmark; uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building.

d) Natural Environment Protection and Enhancement

The Applicant requests 15% incentive density overall for the Natural Environment Protection and Enhancement category, which is achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs) and Vegetated Roofs.

**BLTs:** As required by the CR Zones, the Applicant requests 5% incentive density for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund. The CR Zone requires that at least 5% but no more than 30% of the incentive density be obtained through the purchase of BLTs.

**Vegetated Roofs:** The Applicant requests 10% incentive density for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof area proposed, excluding space for mechanical equipment.

Other opportunities exist to enhance the overall environmental benefits of this development. These include:

- Enhanced tree cover over open spaces;
- Increased area of vegetated roofs for stormwater management, energy management, and air quality;
- Use of structural cells instead of Filterra systems to provide increased stormwater retention volumes and root volume for trees;
- Use of vegetated walls on parking and loading areas to screen and improve air quality.



The development must be constructed with the public benefits approved by this resolution, 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.

**7) 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, as described in Condition 6 above.

**8) 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. 320110020, North Bethesda Gateway stamped received by M-NCPPC on December 7, 2010, are required except as modified herein; and

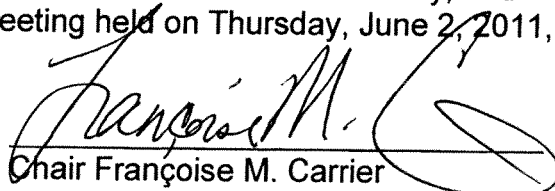
BE IT FURTHER RESOLVED that the date of this Resolution is JUL 5 2011 (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioner Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Commissioners Dreyfuss and Presley present and voting in favor of the motion, and Vice Chair Wells-Harley, and Commissioner Alfandre absent at its regular meeting held on Thursday, June 2, 2011, in Silver Spring, Maryland.

  
Chair Françoise M. Carrier  
Montgomery County Planning Board

RECEIVED  
M-NCPPC  
MAY 22 2013  
MONTGOMERY COUNTY  
PLANNING DEPARTMENT