



Gables White Flint, Preliminary Plan No. 120150010 and Site Plan No. 820150010

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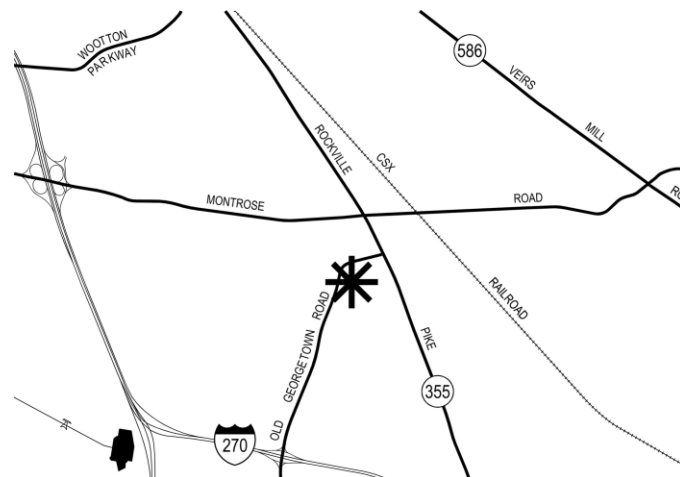
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Completed: April 20, 2015

Description

- Request to construct 521,000 square feet of mixed-use development, including up to 31,000 square feet of non-residential uses and up to 490,000 square feet of residential uses;
- Current uses: Surface parking lots and a segment of public right-of-way;
- Located along Executive Boulevard, east of Old Georgetown Road (MD 187);
- 5.14 gross acres of land in the CR3 C1.5 R2.5 H70 and CR4 C 2.0 R3.5 H250 zones in the *White Flint Sector Plan* area;
- Applicant: LG Georgetown LLC;
- Filing Date: July 30, 2014.



Summary

- Staff recommends approval of the Gables White Flint Preliminary Plan and Site Plan with conditions and adoption of the Draft Resolutions.
- The proposed development will transform two existing surface parking lots and a segment of Executive Boulevard into a mixed-use residential development with a new street network, and public use spaces.
- Key public benefit is the provision of land for a public garage to support Wall Park's redevelopment.
- Per Sections 50-30 (c)(1) and 50-1, the Applicant requests waivers to the Subdivision Ordinance and staff supports the request.
- Staff has received no correspondence from notified parties.

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1. Agency Approval Letters
2. Sketch Plan Corrected Resolution
3. Forest Conservation Plan
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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends the approval of Preliminary Plan No. 120150010 subject to the following conditions:

1. This Preliminary Plan is limited to one lot for a maximum density of 521,000 square feet of total development, including a maximum of 490,000 square feet of residential uses and a maximum of 31,000 square feet of non-residential uses. A minimum of 12.5% of residential units must be moderately priced dwelling units (MPDUs).
2. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 70-foot right-of-way for business district street (Market Street) as shown on Montgomery County Department of Transportation (MCDOT) Capital Improvements Program (CIP) White Flint West Workaround No. 501506 and the approved Preliminary Plan No. 120150010.
3. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 150-foot right-of-way for Old Georgetown Road (MD 187) as shown on MCDOT's CIP White Flint West Workaround No. 501506 and the approved Preliminary Plan No. 120150010.
4. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 89-foot right-of-way for a business district street realigned Executive Boulevard (future Grand Park Avenue) as shown on MCDOT's CIP White Flint West Workaround No. 501506 and the Preliminary Plan No. 120150010.
5. The Planning Board accepts the recommendations of MCDOT in its letter dated December 4, 2014 and March 6, 2015 e-mail, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to the release of any residential building permit, The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with MCDOT and the Montgomery County Planning Board to participate in the North Bethesda Transportation Management District (TMD) and assist in achieving and maintaining the non-auto mode share goals recommended in the *White Flint Sector Plan*.
7. The Applicant must provide, in a highly visible location within the overall site, a public bike sharing facility, approximately 52 feet by 12 feet, as determined by the Site Plan.

8. Private Street A and Private Street B must be implemented with a common access easement to Montgomery County in a form approved by the M-NCPPC Office of General Counsel and the Montgomery County Attorney's office. The easement must be shown on the record plat for the private streets and adjacent parallel sidewalks. The common access easement must, at a minimum, include the following:
 - a. The design of the roads must follow or improve on the corresponding Montgomery County Road Code standard for a similar public road, unless approved by MCDOT and the Planning Board.
 - b. Installation of any public utilities must be permitted within such easements.
 - c. The streets may not be closed for any reason unless approved by MCDOT.
 - d. The public access easements must be volumetric to accommodate uses above or below the designated easement areas.
 - e. Montgomery County may require the Applicant to install appropriate traffic control devices within the public easement and the easement must grant the right to the County to construct and install such devices.
 - f. Maintenance and Liability Agreements will be required for each Easement Area. These agreements must identify the respective Applicant's responsibility to maintain all of the improvements within their easement areas in good fashion and in accordance with applicable laws and regulations.
 - g. The Applicant is obligated to remove snow and provide repairs to keep the roads in working order and open and if, for any reason, the Applicant does not, the County must have the right, but not the obligation, to remove snow and/or provide repairs.
 - h. The boundary of the easements must be shown on the record plat.
9. The Planning Board accepts the recommendations of the Maryland State Highway Administration (SHA) in its letter dated February 4, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by SHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its letter dated December 22, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Planning Board accepts the recommendations of Montgomery County Fire and Rescue (MCFRS) Service in its letter dated December 16, 2014 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be amended by MCFRS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

12. The Subject Property is within the Walter Johnson High School Cluster. The Applicant must make a School Facilities Payment to MCDPS at the multi-family residential, low-rise with structured parking unit rates, for all residential units for which a building permit is issued and a school facilities payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
13. Prior to the recordation of Lot 1, the Applicant must provide to M-NCPPC Staff proof of conveyance of the portions of the subject property that is owned by Montgomery County.
14. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at Site Plan.
15. The Applicant must comply with the White Flint Urban District requirements when it is established by Montgomery County Council.
16. No clearing, grading or recording of plats prior to Certified Site Plan approval.
17. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
18. The non-transportation portion of the Adequate Public Facility (APF) for the Preliminary Plan will remain valid for eight-five (85) months from the date of the mailing of the Planning Board Resolution.
19. This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended).
20. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan, with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan Amendment prior to certification of the Site Plan.
21. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
22. All necessary easements must be shown on the Record Plat.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 820150010¹ for up to 521,000 square feet of mixed-use development, including up to 476 residential units and up to 31,000 square feet of non-residential development on approximately 5.14 gross acres in the CR-3 C1.5 R2.5 H70 and CR-4 C3.5 R3.5 H250 zones. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

1. Sketch Plan Conformance

The development must comply with the applicable binding elements and conditions of Sketch Plan No. 320130010 approved by the Planning Board by a Corrected Resolution (MCPB No. 13-150), December 11, 2013, except as modified herein.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approved Resolution for Preliminary Plan No. 120150010, unless amended and approved by the Planning Board.

3. Density Allocation

Core and shell 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 (July 2011) approved by the Planning Board.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines, as amended, for each one.

- a. Major Public Facility (Parking for Wall Park Redevelopment and a Bike Share Station)
- b. Transit Proximity
- c. Minimum Parking
 - The Applicant must provide at least 524 but no more than 696 parking spaces. The Certified Site Plan must show a tabulation of the maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.
- d. Way Finding
 - Prior to the issuance of the first Core and Shell building permit, the final design for the wayfinding signage, locations and installation details must be approved by M-NCPPC Staff and Department of Permitting Services.

¹ This Site Plan is reviewed under the Zoning Ordinance in effect, prior to the effective date of the new Ordinance on October 30, 2014.

- e. Structured Parking
 - Include the proportionate number of parking spaces in the parking structure as shown on the Site Plan.
- f. Public Art
 - Prior to the issuance of the first core and shell building permit, all public art details must be approved by the Public Arts Trust Steering Committee.
- g. Exceptional Design
 - Construct the building and all site features with the visual and functional elements that enhance the character of the setting as shown on the Site Plan.
- h. Building Lot Termination
 - Purchase or payment for 1.021 Building Lot Termination prior to the issuance of any core and shell building permit. Documentation to be provided to M-NCPPC Staff.
- i. Energy Conservation and Generation
 - Prior to the issuance of the first Core and Shell building permit, an energy use/generation model with comparisons to average use/generation (in kwh) for the proposed building type based on the Department of Energy standard or as modeled by a LEED accredited professional must be provided to M-NCPPC Staff.
- j. Vegetated Wall
 - Provide a green wall for a minimum of 30 percent of the southern garage façade. Documentation to be provided to M-NCPPC Staff.
- k. Cool Roof
 - Provide as-built roof plans showing coverage of 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.

5. Transportation

The Applicant must provide a minimum of 208 bicycle parking spaces in accordance with the development program. The final count, location of all bicycle parking spaces, and facility details, must be approved by M-NCPPC Staff and shown on the Certified Site Plan. The private spaces must be in a secured, clearly marked, well-lit area dedicated to long-term bicycle parking. The public spaces must be provided with inverted-U racks installed in locations convenient to main building entrances.

6. Environment

- a. Prior to conducting any land disturbing activity, the Applicant must purchase forest bank credits or pay fee-in-lieu.
- b. Site inspections by M-NCPPC staff must occur per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c. Final Sediment Control Plan must be consistent with the limit of disturbance shown on the Final FCP.

- d. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector or the Parks Department construction permit.
- e. The Applicant must receive a Parks Department construction permit for any construction activity that occurs on the Wall Park/Kennedy Shriver Aquatic Center property.

7. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated December 16, 2014, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a. The Applicant must provide 12.5 percent MPDUs in accordance with an Agreement-to-Build with the Department of Housing and Community Affairs (DHCA), which must be executed prior to the release of any core and shell building permits.

8. Recreation Facilities

- a. Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b. The Applicant must provide at a minimum the following recreation facilities:
 - i. Five Picnic/Sitting areas;
 - ii. One Bike System;
 - iii. One Pedestrian System;
 - iv. One Swimming Pool;
 - v. One Indoor Community Space;
 - vi. One Indoor Exercise Room; and
 - vii. One Indoor Fitness Facility.

9. Maintenance

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 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.

10. 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 M-NCPPC Staff.

11. Parking Garage

Phase 2 of the Parking Garage will be financed by Montgomery County or the Montgomery County Parks Department and constructed by Montgomery County, Montgomery County Parks Department, or by others, and will include up to 400 new parking spaces in the Parking Garage (the "Phase 2 Parking Garage") to accommodate replacement surface parking at the Eunice Kennedy Shriver Aquatic Center, parking for the future Recreation Center, or other public facilities.

Upon completion of the Phase 2 Parking Garage, the Applicant must create a condominium structure through which approximately 400 spaces will be allocated to, and reserved for, public use as a separate condominium unit (the "Reserved Public Spaces"). Montgomery County, or its successors or assigns, or the Montgomery County Parks Department will have the option, to be exercised on or before December 1, 2026, to demand that the Applicant transfer the fee (ownership) interest of the Reserved Public Spaces to the County or its successor or assign at no cost to the County or its successor or assign, or the Montgomery County Parks Department.

If the Reserved Public Spaces are not constructed and transferred to Montgomery County or the Montgomery County Parks Department, prior to December 1, 2026, the Site Plan condition requiring a Shared Parking Garage be constructed on the Gables' property will terminate.

12. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-D-3.5 (d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of any building permit within each relevant phase of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.

- d) The bond or surety for each block/phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each phase.

13. Development Program

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

- a. Dedications, stormwater management, sediment and erosion control, afforestation and other features to be implemented for each phase prior to release of that portion of the building's Use and Occupancy Certificate.
- b. Prior to the release of a Use and Occupancy Certificate for each phase, streetscape improvements for realigned Executive Boulevard (future Grand Park Avenue), Old Georgetown Road, Market Street and Private Streets A and B, including paving, lighting, street furniture and tree planting for and lighting adjacent to each portion of a respective building in each phase must be installed. Landscape planting may wait until next growing season for each respective building.
- c. On-site amenities including, but not limited to, recreation amenities and public use space adjacent to each building, must be installed prior to the release of any Use and Occupancy Certificate for the respective building.

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. Provide the cross-section and design standards for Private Streets A and B.
- b. Along Private Street A:
 - i. Illustrate how the bio-retention planting, underneath each residential entry, will fill their cavities and provide a visually pleasant streetscape condition.
 - ii. Provide more groundcover at the north side of each bio-retention planting and residential entry and between the columns.
- c. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, and Site Plan resolution of the approval in the Certified Site Plan set.
- d. 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."
- e. Make corrections and clarifications to recreation guidelines, labeling, and data tables, including residential amenity space.
- f. Ensure consistency of all details and layout between architecture, site plan and landscape plan.

SECTION 2: CONTEXT AND PROPOSAL

SITE VICINITY AND DESCRIPTION

The Gables White Flint property covers approximately 5.14 acres in the western section of the White Flint Sector Plan area. The property consists of 3.18 acres of land that is owned by LG Georgetown, LLC (Gables Residential); approximately 34,403 square feet of existing Executive Boulevard right-of-way, which is owned by Montgomery County; approximately 22,179 square feet of a portion of the Bethesda North Marriott Hotel and Conference Center surface parking lot, which is also owned by Montgomery County; and approximately 29,489 square feet from prior dedications for Old Georgetown Road (MD 187). The Applicant has been authorized by Montgomery County to file development applications, including the aforementioned County-owned properties.

Immediately south of the subject property is the Parks Department-owned Wall Local Park and the Department of Recreation operated Eunice Kennedy Shriver Aquatic Center and an M&T Bank. Office buildings and the Luxmanor residential community area are west of Old Georgetown Road and the Bethesda North Marriott Conference Center is to the east. Commercial uses, including a Capital One Bank and commercial uses are to the north. The property is within a ½ mile from the existing White Flint Metro Station entrance.

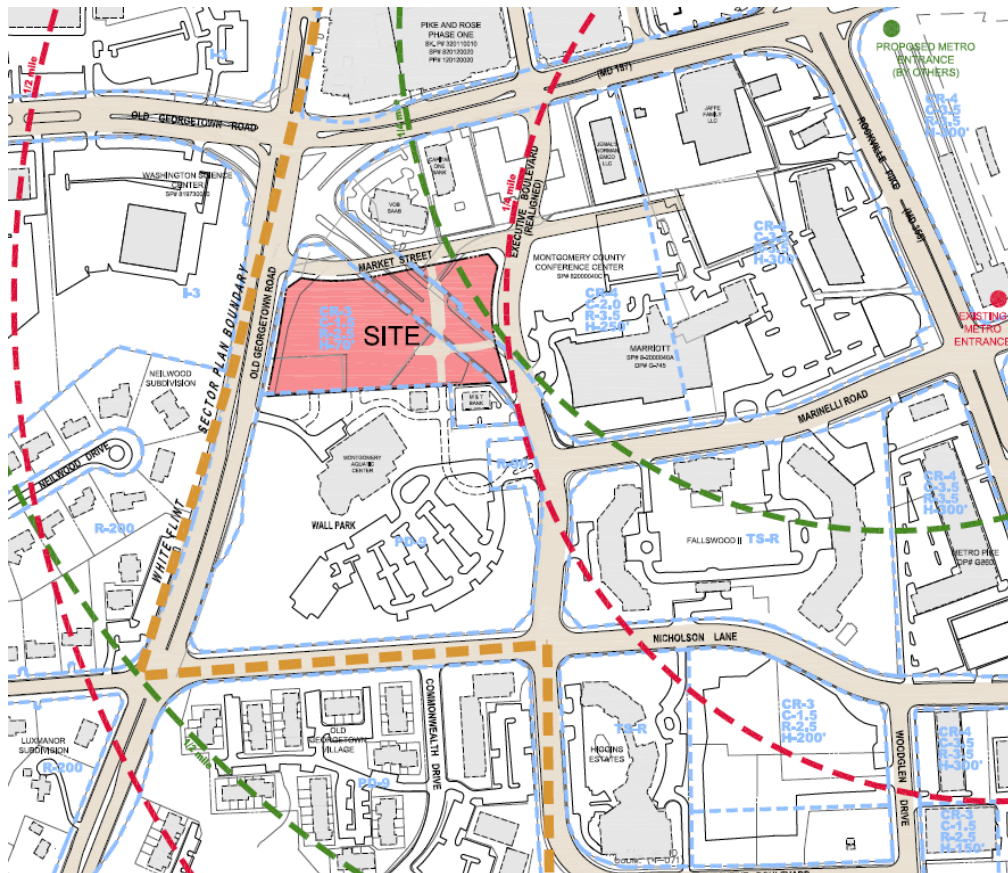


Figure 1: Site Vicinity with Metro proximity

Site Analysis

The property is within two zones: CR-3 C1.5 R2.5 H70 and CR-4 C2.0 R3.5 H250. The CR-3 portion of the property is west of existing Executive Boulevard, while the CR-4 segment is to the east. The proposed site is developed with two surface parking lots and a portion of an existing street right-of-way. Existing vehicular access is limited to Executive Boulevard. Topographically, the property is lower along Old Georgetown Road and higher at the future intersection of Market Street and realigned Executive Boulevard. There are specimen size trees on the adjacent Wall Park property.



Figure 2: Aerial View of the Site

A Natural Resources Inventory-Forest Stand Delineation (NRI-FSD) was approved for the site on July 2, 2013 (#420131890). The site contains no streams or stream buffers, wetlands or wetland buffers, floodplains, steep slopes, forest or trees, or known habitats of rare, threatened or endangered species. The property lies within the Cabin John Creek watershed, which is a State Use Class I-P category. This site is not within a Special Protection Area.

PROJECT DESCRIPTION

Previous Approvals

Sketch Plan No. 320130010, Gables White Flint, was approved by the Planning Board via Corrected Resolution No. 13-150 on December 11, 2013. This approval established several binding elements:



Figure 3: Overall Sketch Plan

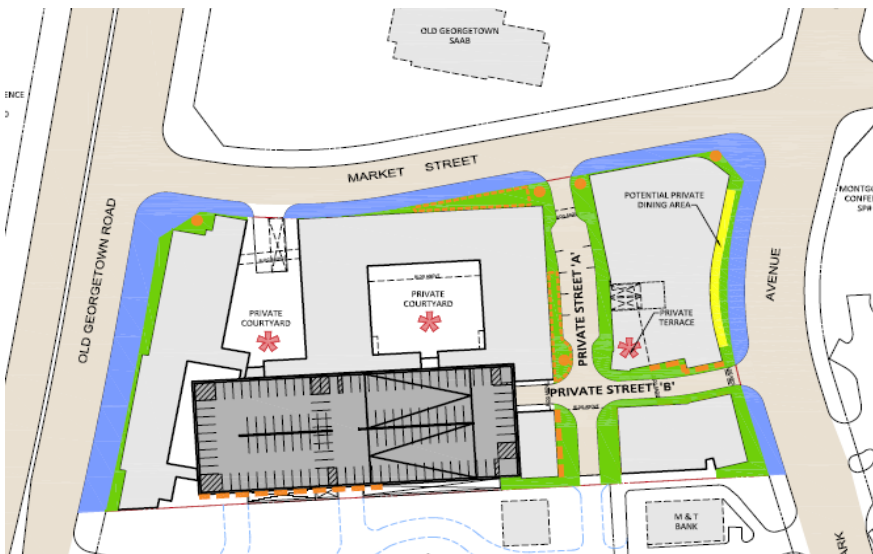


Figure 4: Sketch Plan public use space

1. Maximum density of 521,000 square feet of development, including up to 490,000 square feet of residential uses and up to 67,000 square feet of non-residential uses;
2. Maximum height of 70 feet in the CR-4 C2.0 R3.5 H250 and CR-3 C1.5 R2.5 H70;
3. Approximate location of lot (s) and public dedications;
4. General location and extent of public use space (shown in green)
5. General location of vehicular access points.



Figure 5: Plan view of approved Sketch Plan

Category	Public Benefit	Points Approved
Major Public Facility	Parking for Wall Park redevelopment	17.24
	Bike Sharing Location	5.0
Transit Proximity	Level 1	30.44
Connectivity and Mobility	Minimum Parking	8.62
	Way Finding	5.0
Quality Building and Site Design	Structured Parking	10.82
	Public Art	5.0
	Exceptional Design	2.50
National Environmental Protection and Enhancement	Building Lot Termination	5.0
	Energy Conservation and Generation	10.00
	Vegetated Wall	5.0
	Cool Roof	5.0
Total		109.62²

² Since the Sketch Plan approval, the VOB site, approximately 2,549 square feet has been removed from the development and prior street dedications from Old Georgetown Road increased by 15,325 square feet. These modifications have adjusted the points to 112.53.

Proposal

Gables Residential will redevelop two surface parking lots and a segment of Executive Boulevard's right-of-way into a mixed-use development with approximately 490,000 square feet of residential development, or up to 476 residential units, and approximately 31,000 square feet of non-residential development. The overall density of the development is 2.32 FAR.

Three interconnected buildings (East, Central, and West) are proposed, along with a six-level above ground structured parking garage with a three-level below grade parking garage; an internal private street; and public use spaces. An interior courtyard and pool are located within the central building and another courtyard is between the central building and the east building. Commercial uses are proposed on the lower level for the east building. Limited commercial uses, residential amenities, and residential uses define the lower levels for the central and western buildings, respectively.

This development is dependent on the implementation of Montgomery County Department of Transportation (MCDOT) White Flint West Workaround CIP No. 501506, including the construction of realigned Executive Boulevard (future Grand Park Avenue³) and the implementation of Market Street.



Figure 6: Proposed Gables White Flint Site Plan

³ Realigned Executive Boulevard, between Old Georgetown Road (MD 187) and Rockville Pike (MD 355), will be renamed Grand Park Avenue in the future. Currently, Grand Park Avenue exists on the Pike & Rose property, north of Old Georgetown Road.



Figure 7: Rendering of the proposed development-looking south

Public Use Space

Public use spaces are provided along private streets A, B, and the future Market Street. The Applicant, in collaboration with Staff, has made several changes to the approved Sketch Plan public use space, including adding seat walls, water walls and other features along Market Street. Streetscape amenities will include special paving materials, street trees, bioretention areas, fountains and other features to create a welcoming environment for the public. Street A will feature catenary lights and special paving materials. Portions of the public use space will overlap with segments of the eastern and central buildings.

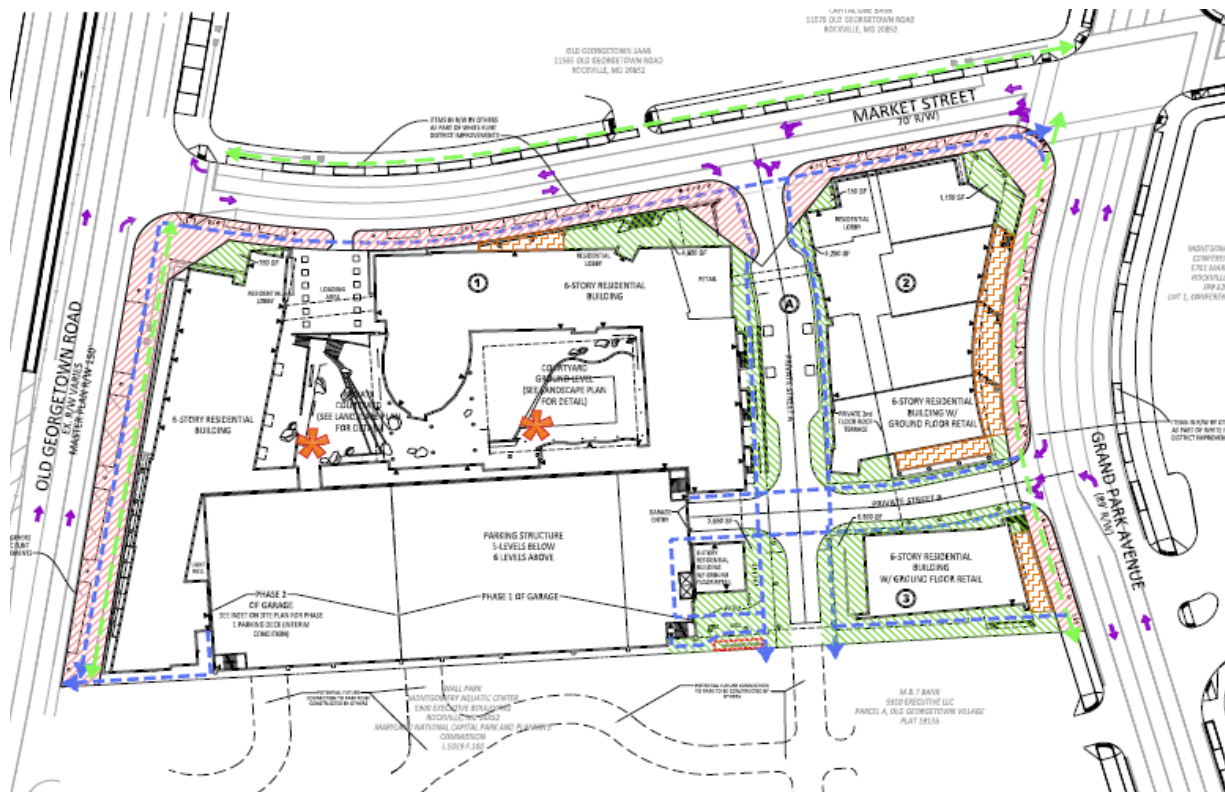


Figure 8: Proposed Public Use Spaces shown in green

Public Art

The Applicant will install two artistic elements in the development, including one that is composed of colored Plexiglas panel configuration that is incorporated in the elevated walkway that links the East and Central buildings. The second art feature will be a projected video underneath the East building that overlaps with the Street B. The Applicant has presented the proposed art to the Art Review Panel.



An example of the proposed material for the elevated walkway that links the East building to the West building.



*An illustration of the proposed video projection
feature underneath the East Building*

Parking Garage

Condition No. 4 of Sketch Plan No. 320130010 requires that at Preliminary Plan, “Montgomery County, Parks Department, Recreation Department, and the Applicant will work to establish a strategy for the implementation of the parking garage construction.” The Applicant has held several meetings with the Department of General Services, Department of Recreation, Parks Department and the Office of the County Executive to explore funding alternatives for the parking garage construction in one or several phases. The Applicant has proposed draft proposals to the County, including projected costs and financing alternatives. These discussions have not produced any agreements between the County and the Applicant. However, the Parks Department is exploring an option to submit a Parks CIP amendment for FY15-20 that would support the garage construction.

It is anticipated that Wall Park’s redevelopment will require the replacement of the existing 250 surface parking spaces and 150 parking spaces for the future recreation center. These 400 spaces could be accommodated in a structured garage, within the 15,550 square feet of land that the Applicant will provide. If the garage is constructed in one phase, the first three levels will be allocated for Wall Park redevelopment with the additional levels for the Gables development. Condition No. 11 of the Site Plan would preserve the 15,550 square feet area as open space until December 1, 2026. If Condition No. 11 is not implemented, the Applicant must amend the approved Sketch Plan to provide additional public benefits to achieve the minimum points required for an optional method development in the CR zone.

Phasing

The proposed development will be implemented in several phases:

- Phase 1 is the parking garage construction for private development;
- Phase 2 will include the Central building with 182 multi-family residential units and 3,000 square feet of non-residential development;
- Phase 3 is the Eastern building with 195 multi-family residential building units and 28,000 square feet of non-residential development; and
- Phase four is the Western building with 99 multi-family residential dwelling units.

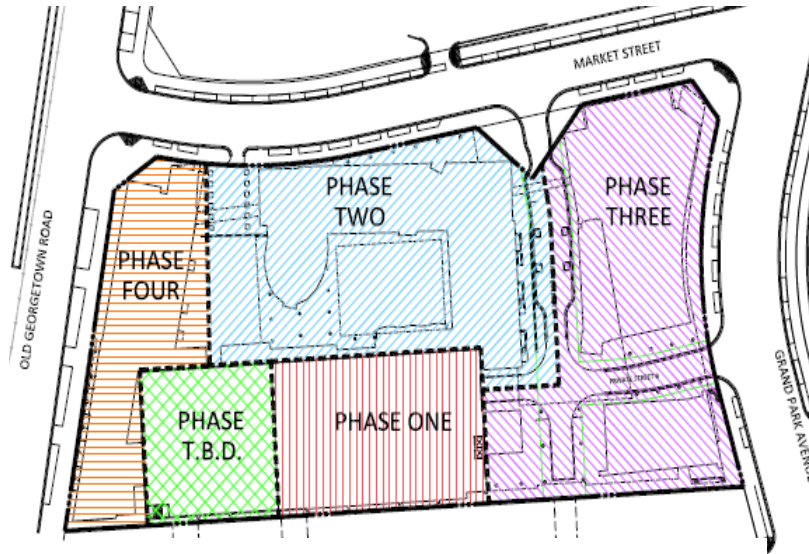


Figure 9: Proposed Phasing Plan

If the Applicant and Montgomery County can establish an agreement to finance the construction of the parking garage at one time, then the first phase will include the garage for both public and private development. The Parks Department is exploring an alternative that would finance the construction of up to 250 parking spaces that would support Wall Park's redevelopment and the remaining 150 parking spaces for the recreation center would occur later.

COMMUNITY OUTREACH

The Applicant has complied with noticing and submittal requirements. Staff has not received any correspondence regarding this application. The Applicant, on July 14, 2014, presented the Preliminary Plan and Site Plan to the White Flint Sector Plan Implementation Advisory Committee. The Committee was supportive of the development and expressed the desire to have the parking garage constructed in one phase, rather than two phases.

Old Georgetown Saab (Tax# 04-03262802) and 5995 Executive Boulevard (Tax # 04-01736960) properties are adjacent to the proposed development. These two properties are within the right-of-way of proposed Market Street and intersect with Street A. Montgomery County is in negotiations with the property owner to acquire these properties for the Western Workaround CIP project. Montgomery County owns a large segment of the Subject Property shown on this Preliminary Plan; therefore, Staff recommends that the Applicant provide proof of conveyance of the Montgomery County owned portion of the property prior to recordation of proposed Lot 1.

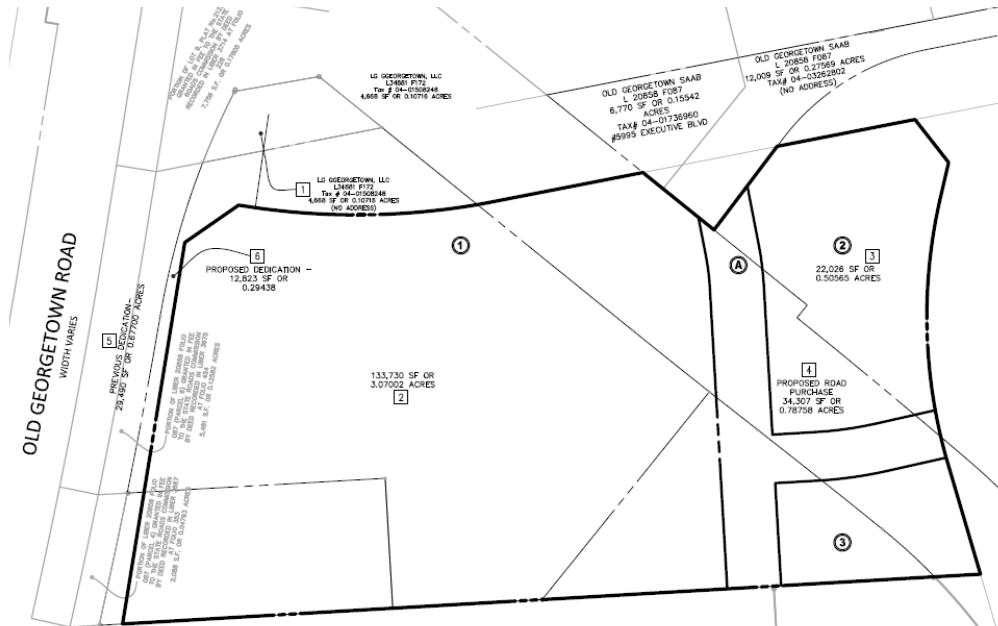


Figure 11: Proposed Lotting Diagram

Subdivision Waivers

The definition for a right-of-way in Section 50-1 states that “for land platting purposes, every right-of-way shown on a record plat must be separate and distinct from any adjoining lot or parcel, and not included in any other lot or parcel.” The Subdivision Code does not distinguish between private streets or public streets regarding the requirement to separate the right-of-way from the adjacent parcel. Placing Streets A and B in their own parcel would conflict with the Department of Permitting Services (DPS) interpretation of the International Building Code, as amended, that precludes any development above or below a public or private right-of-way. A portion of the East and Central buildings and the elevated walkway will cross Streets A and B. The Applicant has requested a waiver from Section 50-1 and Staff supports this waiver given DPS’s position.

The Applicant has also requested a waiver from Section 50-30 (c) (1) of the Subdivision Regulations that state:

In its consideration of the approval of a proposed subdivision, resubdivision or of a preliminary plan of subdivision, or resubdivision, the board shall require the dedication to public use of adequate open spaces for traffic and the coordination of roads within the subdivision with other existing, planned or platted roads, or with other features of the district, or with the commission's general plan or with any road plan adopted or approved by the commission as a part of the commission's general plan.

Complying with this Section would require Streets A and B to be placed in separate lots and dedicated to public use. Further, the platting of these streets would prevent the East and Central buildings from crossing the lot lines under Section 50-20 (b) and would conflict with the issuance of a building permit for any development above a right-of-way. Staff supports the requested waivers since they are not adverse to the objectives of the General Plan; provide minimum relief from the requirements; and are not adverse to the public interest. Further, the development is consistent with the Sector Plan recommendations for mixed-use development at this location and the configuration of the lot is created by the street network recommended in the Sector Plan.

MASTER PLAN

Sector Plan Conformance

The proposed Preliminary Plan and Site Plan substantially conform to the Sector Plan recommendations since the development is predominantly residential and the Applicant has provided land area for a future parking garage to support Wall Park’s redevelopment; and the overall lot is established by the Sector Plan recommended streets. The Approved and Adopted (2010) *White Flint Sector Plan* recognizes the Gables Residential property as an important site in the Metro West District-Block 2: Wall Local Park. The Sector Plan notes that area “should be primarily residential in character and use” (p.29).

The Sector Plan also states that the “land area remaining after the intersection realignment of Old Georgetown Road and Executive Boulevard will be reconfigured into rectangular blocks in sizes more conducive to redevelopment. Wall Local Park should be redesigned with more active outdoor facilities through developer contributions” (p.29). The Sector Plan also “envisions a public/private partnership with adjacent properties to relocate the surface parking within a parking structure built in conjunction with new residential development. This would help direct public funds from building structured parking on-site to improving Wall Local Park” (p.60).



Figure 12: Sector Plan recommended Height and Density Map

Transportation

Street Network

The proposed street network is consistent with the *White Flint Sector Plan*. The Plan recommends Market Street (B-10) as a new 70-foot commercial business street and the realignment of Executive Boulevard (B-15) with a minimum 80 foot right-of-way. Market Street is the northern boundary of this development, while realigned Executive Boulevard is to the east. Old Georgetown Road (MD 187) is west of the proposed development and is classified as a major highway (M-4) with a minimum right-of-way of 150 feet. Private Streets A and B are not recommended in the Sector Plan. The submitted Preliminary Plan follows the Montgomery County Department of Transportation (MCDOT), White Flint West Workaround CIP No. 501506.



Figure 13: White Flint Sector Plan Street Network

Bikeway Network

Old Georgetown Road (LB-1) and Market Street (LB-3) are two Sector Plan recommended Shared Use Paths that are adjacent to the proposed development. MCDOT has added a new Shared Use Path along realigned Executive Boulevard per the CIP project. The White Flint West Workaround will implement the Shared Use Paths along surrounding streets of the development.



Figure 14: White Flint Sector Plan Bikeway Network

Capital Improvements Program

The Montgomery County Department of Transportation (MCDOT), via White Flint West Workaround No. 501506, is constructing Market Street (B-10) and realigned Executive Boulevard (B-15), future Grand Park Avenue and Old Georgetown Road (MD 187) improvements. On March 12, 2015 the Planning Board reviewed the first phase of the White Flint West Workaround, via Mandatory Referral No. 2015005, and recommended the following: separated bike lanes on realigned Executive Boulevard; curb extensions on Market Street to meet the updated Urban Rode Code; and all handicapped ramps that accommodate bicyclists on shared use paths should be widened to 10 feet.

Transit Corridors Functional Master Plan

The Approved and Adopted *Countywide Transit Corridors Functional Master Plan* (December, 2013) recommends Old Georgetown Road as a segment of the North Bethesda Transitway (Corridor 6). A dedicated BRT lane is recommended along Old Georgetown Road between Executive Boulevard and Nicholson Lane. A BRT station is recommended north of the proposed development at Old Georgetown Road and Executive Boulevard and Towne Road.

Environment

Minimization of carbon emissions and creating a livable urban environment by improving air and water quality are the Sector Plan's two main environmental recommendations. These recommendations will be accomplished through several measures: a network of bikeways and sidewalks; planting of trees and other vegetation; and using environmental site design techniques to manage stormwater. The proposed plan provides green roofs on the central and eastern buildings and a portion of the parking garage; vegetated walls; and energy standards for the buildings will exceed the Department of Energy standard by 10 percent. These measures, along with minimization of parking, are consistent with the Sector Plan's recommendations.

Urban Design Guidelines

The Planning Board approved *White Flint Urban Design Guidelines* (2010) provides design objectives and guidelines for open space, streets, buildings and parking for the White Flint Sector Plan area. Specifically for Metro West District, including the Gables Residential property, some of the street, buildings and open space guidelines are to:

- Allow for on-street parking along both sides of new business streets;
- Realign Executive Boulevard to meet Mid-Pike spine street to the north;
- Locate and size taller building components to reduce the impact of their shadows on streets and public use spaces;
- Lower building components should meet build-to lines in areas shown; and
- Provide signage as needed to indicate connections between the Recreation Loop and its extensions into neighboring districts (p.28-29).

Urban Design Compliance

As proposed, the development will comply with the overall Metro-West District recommendations in the White Flint Urban Design Guidelines. There are no specific urban design guidelines for the Subject Property. The design for Market Street will provide “on-street parking along both sides”, while realigned Executive Boulevard will provide non-peak on-street parking (p.28).

The Metro-West District guidelines note that building components should be located and sized “to reduce the impact of their shadows on streets and public use spaces” and “lower building components should meet build-to lines” (p.29). Some portions of the proposed public use space overlap with the East and Central buildings because of the building’s design and the associated grade changes of the site. The Applicant has enlarged the public use space along Market Street with additional streetscape amenities and installed art along the elevated pedestrian walkway further enhances the public use space. The proposed development also achieves other recommendations of the design guidelines, including incorporating the most “public and active spaces” on the ground level for the East building and a portion of the Central building and ensuring that the ground levels are visible from adjacent streets (p.24).

The development height of 70 feet is also consistent with the design guidelines. The highest component of the development, the East building, is located at a prominent location, realigned Executive Boulevard and Market Street. A distinctive façade along the curvature of realigned Executive Boulevard and façade variation of the Central and East buildings will enhance the architectural design of the development.

The parking garage is partially wrapped by the development and a green wall is proposed for the southern portion of the parking garage. These approaches are consistent with the recommendations in the guidelines. The intersections of Street A and Market Street and Street B and realigned Executive Boulevard turning radii are between 25-30 feet, which are consistent with the guidelines that recommend “effective turning radius should be 30 feet” (p. 20).

Urban District

The Montgomery County Council, in October 2012, created the White Flint Downtown Advisory Committee as a precursor to the creation of a future White Flint Urban District. Once the district is established by the Council, the Applicant must comply with the requirements of the urban district.

STAGING

The White Flint Sector Plan is a staged Master Plan that links new development to required infrastructure. Phase I of the Sector Plan allows up to 3,000 residential dwelling units and up to 2.0 million square feet of non-residential development. To ensure compliance with the phasing limits in the Approved and Adopted *White Flint Sector Plan* (2010), the Planning Board has approved the White Flint Sector Plan Implementation Guidelines specifying how development capacity is allocated (Council Resolution No. 17-213, Approval of Planning Board Regulation 11-01, White Flint Allocation). As of April 2015, 2,139 residential units and 1.62 million square feet of non-residential development are remaining development to be allocated in Phase I.

SECTION 4: ADEQUATE PUBLIC FACILITIES

TRANSPORTATION

Abandonment

The County Council, via Resolution No. 18-21, approved the abandonment of realigned Executive Boulevard (AB 739) as recommended in the *White Flint Sector Plan*. Approximately 34,307 square feet from the abandoned portion of Executive Boulevard will be included with the proposed development. The Applicant will purchase from Montgomery County the abandoned segment of Executive Boulevard that fronts the development. This abandonment is necessary to create the lots for this development.

Design Exceptions

The Applicant submitted several design exceptions, including two that are within the public right-of-ways. The design exceptions are aimed at enhancing a mixed-use environment and pedestrian experience, including accommodating steep grades at the future intersection of Market Street and proposed Private Street A. These design exceptions were reviewed and approved by MCDOT and Area 2 staff. The design exceptions are:

1. Non-standard elements in the right-of-way.
2. Retaining walls and steps in the right-of-way.
3. Tree planters in the right-of-way.
4. Reduction in entrance spacing requirement.
5. Reduction to the number of required loading spaces

Site Location and Vehicular Site Access Points

Market Street, a new east-west public street, will serve as the northern boundary to the proposed development and realigned Executive Boulevard will run along the eastern frontage of the development and Old Georgetown Road (MD 187) is to the west. Streets A and B are two internal private streets that provide access to Market Street and Executive Boulevard. Vehicular access points are from Market Street and realigned Executive Boulevard. In the future, Street A will connect to the adjacent Wall Park/Montgomery County Aquatic Center property.

Transportation Demand Management

The White Flint Sector Plan requires the achievement of 34 percent for the Non-Auto Driver Mode Share (NADMS) in Phase I and the site is within the boundary of the North Bethesda Transportation Management District (TMD). Prior to the release of any residential building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAG) with the Montgomery County Department of Transportation and the Planning Board.

Public Transit Service

The property is located within a ½ mile from the White Flint Metrorail Station entrance. There are several Montgomery County Ride On buses and Metrobus routes within proximity to the proposed development:

- Ride On route 81 operates along Executive Boulevard's current alignment.
- Ride On routes 5 and 26 operate along Old Georgetown Road (MD 187) with a bus stop at the intersection of existing Executive Boulevard and Old Georgetown Road.
- Metrobus operates routes J5 and C8 along nearby Rockville Pike (MD 355).

Bus Rapid Transit

The Approved and Adopted (2013) *Countywide Transit Corridors Functional Master Plan* recommends Old Georgetown Road (MD 187) as a segment of the North Bethesda Transitway (Corridor 6). The Functional Plan recommends a dedicated BRT lane between Executive Boulevard and Nicholson Lane within the recommended 150 foot right-of-way.

Transportation Adequate Public Facilities Review

The White Flint Special Taxing District, established by Council Bill No. 50-10 and Resolution No. 16-570, excludes the typical Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) requirements for development within the White Flint Sector Plan area.

Other Public Facilities and Services

The site is served by public water and public sewer. Gas, electric, and telecommunications services are also available to serve the property. Public facilities and services, including fire stations and police stations, are available and will be adequate to serve the proposed development. Rockville Station (23) on Rollins Avenue and Bethesda Station (20) at West Cedar Lane and Old Georgetown Road can provide emergency services to the property. Police stations, firehouses, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. The proposed development is located in the Walter Johnson High School Cluster. A School Facilities Payment is required for the high school level.

ENVIRONMENT

Environmental Guidelines

The Montgomery County Department of Permitting Services (MCDPS), on December 22, 2014, approved a stormwater concept plan for this site. The stormwater concept features a combination of green roofs, stormwater structures, and microbioretention facilities. Staff finds that the Site Plan and Preliminary Plan comply with the M-NCPPC's Environmental Guidelines.

Final Forest Conservation Plan

The Applicant has submitted the required Final Forest Conservation Plan in support of this application. The site contains no designated forest areas. The Afforestation threshold for this site, plus required off-site disturbance, is 0.79 acres. The Applicant proposes to meet this requirement through payment of a fee-in-lieu, purchase of off-site forest bank credits, or a combination of the two.

Variance

The development will impact two specimen size trees: a 35-inch diameter-at-breast-height (dbh) tulip-poplar (*Liriodendron tulipifera*) tree on the Applicant's property and a 33-inch dbh pin oak (*Quercus palustris*) tree on the adjacent Wall Park property that is to be preserved. The analysis and findings are presented below:

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's Critical Root Zone (CRZ) requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The Forest Conservation Law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request since the impact to two trees is considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. The variance seeks permission to remove one tulip poplar tree and to impact 8% of the Critical Root Zone (CRZ) of one pin oak tree.

Unwarranted Hardship Basis

The proposed development is in accordance with both the intent and recommendations of the Sector Plan, CR Zone, and Sketch Plan No. 320130010 that anticipates a high density mixed-use project. In addition, the development is likely to provide a parking structure that will support Wall Park's future redevelopment. The site is further constrained by its topography, which includes some significant slopes. A denial of the variance request would especially impinge on the Applicant's ability to provide space for the parking structure. For these reasons, Staff concurs that the Applicant has a sufficient unwarranted hardship to consider a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

Variance Findings

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

1. Will not confer on the applicant a special privilege that would be denied to other applicants.

The proposed design has attempted to balance all of the competing factors that constrain the site. Given the intensity of the development and the Sector Plan recommendations, impacts to the two variance trees appear unavoidable. In staff's opinion, reasonable steps have been taken to minimize impacts and granting the variance will not confer a special privilege to the Applicant.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant.

Staff concurs that the requested variance is based on the constraints of the site and the proposed development density, public facilities and amenities as recommended in the Sector Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

Staff concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

Montgomery County Department of Permitting Services (DPS) approved a stormwater management concept on December 22, 2014. A variety of Environmental Site Design (ESD) measures, including the installation of green roofs are proposed. Impervious surface area will not increase substantially from construction of this development, since the majority of the site is already paved. Further, three trees will be planted in mitigation for the removal of the one specimen tulip-poplar tree, ultimately replacing the water quality function of the specimen tree lost due to the development. Finally, the construction of the parking garage to support Wall Park's redevelopment will allow the Parks Department to remove most of the existing surface parking lot to provide additional green space, resulting in additional reduction of impervious area. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

Three native canopy trees of at least 3 inches caliper will be planted on site to replace the functions lost from removal of the 35-inch dbh tulip-poplar tree.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On January 30, 2015, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation.

Variance Recommendation

Staff recommends that the approval of the variance.

SUBDIVISION REGULATIONS FINDINGS

The proposed plan was reviewed for compliance with Chapter 50 of the Montgomery County Code. It meets the required findings as follows:

1. *The proposed Preliminary Plan substantially conforms to the Sector Plan.*

As discussed in the Sector Plan section on pages 23-26 of this report, the proposed Preliminary Plan substantially conforms to the recommendations of the 2010 *White Flint Sector Plan*.

2. *Public facilities will be adequate to support and serve the area of the subdivision.*

The proposed development is adequately served by public facilities, including public streets, transit, and utilities. Further, as discussed in the Transportation Section on pages 27 to 28 of this report, the public facilities will be adequate for the proposed development.

3. *The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.*

The proposed Preliminary Plan will create three lots and a parcel for private Streets A and B. The size, width, and shape of the property are established by the creation of Market Street and realigned Executive Boulevard. The application meets the requirement and standards of all applicable sections of Chapter 50 of the Montgomery County Code, the Subdivision Regulations, including the requested waivers per Section 50-1 and Section 50-30(c)(1).

With the proposed improvements, access and public facilities will be adequate to support the proposed lots, density, and use. The size, width, shape, and orientation of the proposed lots are appropriate for this type of subdivision. Staff has also reviewed the proposed subdivision for compliance with the dimensional requirements of the CR3.0 C1.5 R2.5 H70 and CR4.0 C2.0 R3.5 H250 Zones as specified in the Zoning Ordinance. The proposed development meets all dimensional requirements of those zones, as detailed in the Site Plan review section of this report. Finally, the application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan.

4. The Application satisfies all the applicable requirements of the forest conservation law, Montgomery County code, Chapter 22A.

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Site on July 2, 2013. The Site contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, or rare, threatened or endangered species. As discussed in the Environmental section on pages 28-30 of this report, the proposed development satisfies the requirements for the Montgomery County Forest Conservation Law. A Final Forest Conservation Plan is recommended for approval with the accompanying Site Plan No. 820150010.

SECTION 5: SITE PLAN REVIEW

Environment and Master Plan

These sections are covered by the Preliminary Plan Review, in Section 3.

DEVELOPMENT STANDARDS

The proposed development is in the CR-3 C1.5 R2.5 H70 and CR-4 C2.0 R3.5 and H250. Lot 2 is in the CR-4 Zone, while the remaining of site is in the CR-3 Zone. Sketch Plan No. 320130010 established the ultimate development with maximum density and minimum public use space. The following tables show the application's conformance to the development standards of the zone and the approved Sketch Plan; minimum setbacks are not applicable on this site.

1. Density of Development (square feet)			
	Total CR	Non-Residential (C)	Residential (R)
Maximum Allowed by Zones	694,689	347,344	560,552
Maximum Approved by Sketch Plan	557,000	67,000	490,000
Maximum Proposed by the Site Plan	521,000	31,000	490,000

2. Building Height		
	CR-3 C1.5 R2.5 H70	CR-4 C2.0 R3.5 H250
Maximum allowed by zones	70	250
Approved by Sketch Plan	70	70
Proposed by Site Plan	70	70

3. Public Use Space (% net lot)	
Minimum Required by Zones	10%
Minimum Approved with Sketch Plan	10% (Total Site)
Minimum Approved with Site Plan	11 %

4. Residential Amenity Space (square feet per market rate unit⁴)		
	Required	Approved⁵
Minimum Indoor Amenity Space		
416 Market Rate Units	5,000 sq.ft.	5,000 sq.ft.
Minimum Outdoor Amenity Space		
416 Market Rate Units	5,000 sq.ft.	5,000 sq.ft.

5. Minimum Bicycle Parking Spaces				
	Required		Proposed	
	Minimum Publicly Accessible	Minimum Private and Secured	Public	Private
East Building				
195 Residential Units	10	68	10	68
28,000 sq.ft. Non-Residential	4	2	4	2
Central Building				
182 Residential Units	10	64	10	64
3,000 sq.ft. Non-Residential	2	2	2	2
Western Building				
99 Residential Units	10	35	10	35
Total	36	171	36	171

⁴ Amenity space is not required for Moderately Price Dwelling Units (MDPUs) on a site within a Metro Station Policy Area.

⁵ Indoor amenity area calculated at 20 sq.ft., up to 5,000 square feet maximum required; Outdoor amenity area calculated at 20 sq.ft. per unit, 5,000 sq.ft. maximum required, 400 sq.ft. must adjoin indoor amenity space.

6. Parking			
	Maximum Allowed	Minimum Required	Proposed
Approved with Sketch Plan	864	512	594
Proposed with Site Plan	696	524	574
Parking for Wall Park Redevelopment			400 ⁶

SITE PLAN FINDINGS

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

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the binding elements and conditions of Sketch Plan No. 320130010, which may be modified at the time of Site Plan review under Section 59-C-15.43(d):

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

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

⁶ The parking garage for Wall Park redevelopment will be implemented by Montgomery County or the Parks Department and may increase up to 421 parking spaces when spaces are reallocated.

addition to the findings necessary to approve a site plan under Section 59-D-3.

The Applicant, in discussions with Staff, has modified the public use space in the approved Sketch Plan No. 320130010. Public use space along Executive Boulevard has been removed, while the public use space along Market Street has been enhanced with new seat walls, water walls and enlarged stairs. Staff recommends the approval of this modification since it is consistent with the overall approved Sketch Plan. Further, Staff recommends the modification to the approved Sketch Plan points given the gross land area modifications.

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 and retail, are permitted uses in the CR Zone. No limited or special exception uses are proposed.

B. General Requirements

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

- Gables Residential is within the Metro West District, Block 2: Wall Local Park, in the Approved and Adopted (2010) *White Flint Sector Plan*. The Sector Plan notes that the “land area remaining after the intersection realignment of Old Georgetown Road and Executive Boulevard will be reconfigured into rectangular blocks in sizes more conducive to redevelopment” (p.29). Further, the “area should be primarily residential in character and use” (p.29).
- Building heights at 70 feet will define Old Georgetown Road, realigned Executive Boulevard (Grand Park) and Market Street.
- The creation of Market Street and realigned Executive Boulevard (Grand Park Avenue) are consistent with Sketch Plan and the Sector Plan.
- Market Street (LB-3) and Old Georgetown Road (LB-1) are roadways with recommended shared use paths as part of the Sector Plan bikeway network. A shared use path along realigned Executive Boulevard is included in White Flint West Workaround CIP (No. 501506) and it will be implemented by the County. The proposed Preliminary Plan will dedicate rights-of-way to accomplish the bikeway recommendations.

- Enhanced streetscapes along realigned Executive Boulevard (future Grand Park Avenue), Market Street and Private Streets A and B will provide the main public use spaces in the development. These public use spaces are consistent with the Sector Plan and White Flint Urban Design Guidelines, and the approved Sketch Plan.
- Gables White Flint will provide an energy efficient development along with vegetated roofs, bioswales and bioretention areas that will further implement the Sector Plan’s environmental recommendations.
- Open space, streets and building recommendations are provided in the Approved White Flint Urban Design Guidelines for each district in the Sector Plan. Specific to this development, the Guidelines recommend that public use spaces should be located to reduce extended periods of shadow; open spaces should be defined by building walls; buildings should create a consistent street wall along public streets; and locate and size buildings to minimize shadow impacts on streets and public use spaces. Most of the public use space along Market Street and Street A are open but segments of the East building do overlap with public use spaces along Street B. A consistent street wall is provided for most of the development, including along Old Georgetown Road and realigned Executive Boulevard.

C. Development Standards

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

D. Public Benefits

The proposed development will continue the public benefits approved with the Sketch Plan No. 320130010. The approved public benefits are indicated below:

Public Benefit	Total Points Approved for Sketch Plan No. 320130010	Measurement/Criteria	Points Approved for Site Plan No. 820150010
Major Public Facility			
Parking for Wall Park Redevelopment	17.24	This public benefit is dependent on a public-private partnership. If it is not implemented, per condition No. 11 in the Site Plan, additional public benefits must be provided.	17.24
Bike Sharing Location	5.00	This public benefit will be implemented in the development.	5.00
Transit Proximity			
Level 1	30.44	The project is within ½ mile from the Metro Station.	30.44

Public Benefit	Total Points Approved for Sketch Plan No. 320130010	Measurement/Criteria	Points Approved for Site Plan No. 820150010
Connectivity and Mobility			
Minimum Parking	8.62	The project will provide 82% of maximum amount of parking.	8.90
Way Finding	5.00	The project will provide way finding signage to several public facilities and amenities.	5.00
Quality Building and Site Design			
Structured Parking	10.82	Six-levels of the proposed parking are provided in a parking structure.	13.45
Public Art	5.00	This project has incorporated public art at different locations.	5.00
Exceptional Design	2.50	2.50 points are appropriate since the development: creates a sense of place; integrates low-impact development techniques; and uses design solutions for compact development.	2.50
Natural Environmental Protection and Enhancement			
Building Lot Termination	5.00	1 BLT per 20,000 sq.ft. of 5% of incentive density	5.00
Energy Conservation and Generation	10.00	The project will achieve energy efficiency standards that exceed DOE standards by 10%.	10.00
Vegetated Wall	5.00	A green wall is provided on the structure garage.	5.00
Cool Roof	5.00	90% of development will provide this public benefit.	5.00
Total	109.62		112.53⁷

⁷ Since the Sketch Plan approval, the VOB site, approximately 2,549 square feet has been removed from the development and prior street dedications from Old Georgetown Road increased by 15,325 square feet. These modifications have adjusted the points to 112.84.

Gables White Flint will provide all of the approved public benefits. If the parking garage is not implemented as detailed in Site Plan Condition No. 11, the Sketch Plan will fail to achieve the minimum 100 points for an optional method development. Subsequently, if this occurs, the Applicant must provide additional public benefits to achieve at least the minimum required points.

These public benefits achieve the Sector Plan recommendations; fulfill the criteria of the White Flint Urban Design Guidelines; and are appropriate given the size of the property.

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 proposed locations of the buildings and structures are adequate, safe, and efficient for the vacant property, portions of a public right-of-way, and surface parking lot as envisioned in the Sector Plan and White Flint Design Guidelines to develop a mixed-use project in the Metro West district.

b. Open Spaces

The locations of open spaces are efficient, safe and adequate for the vacant property, surface parking lot and a portion of a public right-of-way as envisioned in the Sector Plan and White Flint Design Guidelines to provide unique open spaces, including active spaces for potential café areas or outdoor dining.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will ensure that landscaping, lighting, and site amenities will be adequate, safe and efficient for year-round use by employees, visitors and residents. Site furnishings, specialty light and public art will be integrated into the development to create a unique place.

d. Recreation Facilities

The proposed development achieves the active and passive recreation space required by the zone as shown in the tables above. The proposed residential development will provide the following on-site recreation facilities:

Demand Calculations

	Number of Units	D1 Tots	D2 Children	D3 Teens	D4 Adults	D5 Seniors
Mid-Rise	476					
Total Units	476					
Total Demand		19.0	19.0	19.0	366.5	219.0
On-Site Supply		12.7	21.3	31.4	629.8	371.3
% Demand Met On-Site		66.8	111.8	164.9	171.8	169.6
Off-Site Supply		20.8	52.1	54.4	342.2	220.0
Total On-Site/Off-Site		33.5	73.3	85.8	972.0	591.3
% Demand Met On+ Off		176.0	385.2	450.7	265.2	270.0

On-site Supply Calculations

Ref#	Description	No. Provided	D1 Tots	D2 Children	D3 Teens	D4 Adults	D5 Seniors
4.0	Picnic/Sitting	5	5.00	5.00	7.50	25.00	10.00
20.0	Bike System	1	0.95	1.90	2.86	54.98	21.90
21.0	Pedestrian System	1	1.90	3.81	3.81	164.93	98.53
24A	Swimming Pool	1	1.05	3.90	3.90	91.63	32.84
26A	Indoor Community Space	1	1.90	2.86	5.71	109.96	87.58
26B	Indoor Exercise Room	1	1.90	1.90	5.71	109.96	87.58
27.0	Indoor Fitness Facility	1	0.00	1.90	1.90	73.30	32.84
Total			12.71	21.28	31.40	629.76	371.28

The development will take advantage of Wall Local Park/Montgomery County Aquatic Center recreational facilities, including:

- 1 Play Lot
- 1 Multi-age Playground
- 2 Picnic/Sitting Areas
- 1 Multi-purpose Court
- 1 Indoor Racquetball
- 1 Indoor Swimming Pool
- 1 Indoor Community Space
- 1 Indoor Fitness Facility

The proposed development achieves the required supply of recreation facilities based on the calculation methods in the Planning Board's Recreation Guidelines (1992). As indicated in the data above, the proposed development will provide adequate, safe, and efficient facilities for future residents.

e. Pedestrian and Vehicular Circulation Systems

Market Street, realigned Executive Boulevard (future Grand Park Avenue), and private Streets A and B will provide the main vehicular circulation for the development. Old Georgetown Road provides western frontage for the property but no direct vehicular access. In the future, Street A will connect into Wall Park and another connection from Wall Park to the parking garage. Shared Use Paths are provided along adjacent streets, including Old Georgetown Road. This network of sidewalks throughout the development will provide a safe, adequate, and efficient pedestrian circulation system.

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

The proposed mixed-use development is compatible with existing uses regarding scale, height, and massing as reflected in the Sector Plan recommendations and White Flint Design Guidelines. There are no other pending site developments in the immediate vicinity.

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 has submitted the required Final Forest Conservation Plan in support of this application. The site contains no designated forest areas. The Afforestation threshold for this site, plus required off-site disturbance, is 0.79 acres. The Applicant will meet this requirement through a fee-in-lieu payment or purchase of off-site forest bank credits, or a combination of the two.

b. Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS) approved a stormwater management concept plan on December 22, 2014. The proposed project meets stormwater management requirements through a variety of Environmental Site Design (ESD) measures, including the installation of green roofs and micro-bioretenion.

ATTACHMENTS

1. Agency Approval Letters
2. Sketch Plan Corrected Resolution
3. Forest Conservation Plan
4. Council Abandonment Resolution

ATTACHMENT 1



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 4, 2014

Mr. Nkosi Yearwood, Senior Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120150010
Gables White Flint

Nkosi:
Dear Mr. Yearwood:

We have completed our review of the preliminary plan received via eplans on September 2, 2014. This plan was reviewed by the Development Review Committee at its meeting on September 29, 2014. We have also reviewed the Design Exception package dated October 22, 2014. We recommend approval of the plan subject to the following comments:

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

Design Exception Requests

o Design Exception 1: Non-standard elements in the right-of-way

This Design Exception request is to install special sidewalk at main entry locations and an alternative bike rack paving at selected locations in the public rights-of-way.

RESPONSE: We conditionally approve the request to install non-standard sidewalk paving in paths of travel within the public rights-of-way on proposed Market Street and realigned Executive Boulevard/Grand Park Avenue. Per County Council Resolution no. 16-931 ("Policy Regarding the Use of Brick and Other Pavements in the Public Right-of-Way"), only brick pavements installed according to MCDOT specifications [see MCDOT Design Standard No. MC-111.02, "Streetscape – Pavers Sidewalk"] and in accordance with the Bethesda Streetscape standards may be installed within the public rights-of-way. A Maintenance and Liability Agreement for the maintenance must be executed and recorded prior to issuance of the right-of-way construction permit; this Agreement is to remain in effect until an Urban District has been established or the brick pavements are removed and replaced with concrete.

Division of Traffic Engineering and Operations

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

The Design Exception package did not provide any discussion on the rationale for the alternative bike rack request. We prefer to use inverted "U" shaped bike racks in the public rights-of-way for consistency and ease of maintenance. Accordingly, we do not approve the Design Exception request for alternative bike rack for use in the public rights-of-way adjacent to the project.

We are willing to revisit this issue at the permit stage if the applicant is satisfactorily demonstrate how this alternative bike rack design is an integral part of a larger streetscape concept and consistent with any streetscape furniture to be installed in the right-of-way by this applicant.

o Design Exception 2: Retaining walls and steps in the right-of-way

This Design Exception request is to place a retaining wall and steps in the triangular right-of-way along Market Street in order to accommodate the steep grades.

RESPONSE: We support approval of the request to place a retaining wall and steps in the triangular right-of-way along Market Street given the steep grades at the intersection of Market Street and proposed Private Street 'A'. The location of the retaining wall and steps must be coordinated with the County's White Flint District West Transportation CIP project (#P501116) and attendant stormwater management facilities; the applicant should coordinate with our Division of Transportation Engineering/Planning and Design Section Project Manager, Mr. Daniel Sheridan. Mr. Sheridan may be contacted at 240-777-7220. The applicant will need to execute and record a Maintenance and Liability Agreement for the retaining walls and steps within the right-of-way at the permit stage.

o Design Exception 3: Reduction in entrance spacing requirement

Loading Entrance

This design exception is to request an 8-foot reduction to the 100-foot tangent spacing requirement along proposed Market Street (east of existing Old Georgetown Road/MD187), as shown on the October 24, 2014 amendment to sheets DE-3A and DE-3B.

Response: We support an 8-foot reduction for the loading space distance from the Old Georgetown Road/Market Street intersection. Since this is a loading only area, we believe the trips at this access point will be minimal and should not cause a significant impact on traffic in this area.

Street A Entrance Offset

This design exception is to request a reduction to the 100 foot tangent spacing requirement along proposed Market Street (between the existing opposite side driveway apron and proposed Street A).

Response: We support a reduction in the spacing between Private Street A and the existing car dealership entrance across the street. We consider the existing car dealership driveway apron to be a temporary situation. The location of the ultimate site access will be addressed as part of a future subdivision plan for that property; we believe the ultimate entrance location for that property (on proposed Market Street) should be located opposite Private Street A.

Street B Entrance Offset

This design exception is to request a reduction to the 100 foot tangent spacing between Street B and the existing divided driveway apron on the opposite side of proposed Grand Park Avenue.

Response: We approve the entrance location of Private Street B **CONDITIONED ON RELOCATION OF THE OPPOSITE SIDE DRIVEWAY TO ALIGN WITH PRIVATE STREET B.** The applicant must coordinate this conditional approval with the Department of Economic Development's parking structure project. The applicant should coordinate with our Ms. Tina Benjamin of our Department of Economic Development; Ms. Benjamin may be contacted at 240-777-2000.

At the permit stage, if it has been determined that aligning these driveways is not feasible, the entrance for Private Street B must be designed and constructed with channelized right-in/right-out only movements (left turns in and out of the site must be physically precluded).

o **Design Exception 4: Reduction to the number of required Loading Spaces**

This Design exception requests a reduction from the required 5 loading spaces to provide 2 loading spaces for this mixed-use development.

Response: We cannot support a reduction in truck loading spaces given the limited information provided to date - specifically, there are no details on the truck loading options for the two buildings that front on relocated Executive Boulevard/Grand Park Avenue. We are not convinced that the two (2) proposed loading are adequate for this site layout nor do we have any information on how they would be shared by the building occupants. We do not favor more curb cuts on either Market Street nor relocated Executive Boulevard/Grand Park Avenue. Accordingly, we recommend the applicant provide the required truck loading bays with internal access from Private Streets A and B.

General Site layout and Right-of-Way Review Comments

1. Access to this site is predicated on having satisfactory multi-modal roadway and drainage infrastructure in place (in particular completion of Market Street and realigned Executive Boulevard/Grand Park Avenue) prior to occupancy of the proposed structures. Accordingly, the applicant needs to coordinate their record plat(s) and subsequent construction plans with the County's CIP project to provide transportation Improvements for the White Flint West District (CIP Project No. P501116). As noted previously, the applicant should continue their coordination efforts with our Division of Transportation Engineering staff.
2. Necessary dedication for Old Georgetown Road (MD 187), Market Street and relocated Executive Boulevard/Grand Park Avenue. Provide right-of-way truncations at intersections.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

4. Please note a reversible one-lane median BRT line is proposed along Old Georgetown Road/MD 187 within a 150 foot right-of-way. Prior to approval of the record plat, the applicant should contact Ms. Joana Conklin, our Department's Rapid Transit System Manager, to determine the status of that improvement. Ms. Conklin may be contacted at 240-777-7195.
5. Improvements along Old Georgetown Road (MD 187) as required by the Maryland State Highway Administration.
6. Council abandonment of Executive Boulevard is required prior to approval of the record plat.
7. Café seating will not be allowed within the public right-of-way in order to properly accommodate the needs of those using the shared-use path.
8. Private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
9. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
10. The proposed private streets must be sufficiently wide to accommodate two-way vehicular traffic. Private streets are to be designed to allow an SU-30 truck to circulate without crossing the centerline or the curbline.
11. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.
12. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
13. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
14. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated the Department of Permitting Services' Right-of-way Plan Review Section.

17. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
18. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
19. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-8380.
20. Approximately 1000 parking spaces for 500 units is a high amount for a TOD in an urbanizing area near to a Metro station and along a future BRT line. It is recognized that half the parking is intended for use by the adjacent Aquatic Center. Given this, coordinate with the Department of Recreation and MCDOT on the following:
 - a. Confirm the number of parking spaces necessary for the Aquatic Center into the long-term. 500 spaces appear to be a high number, again noting the urbanizing nature of the area and transit accessibility.
 - b. Ensure agreements are in place to permit continued public access to spaces allotted for the Aquatic Center.
 - c. Provide pedestrian connections between the parking garage and the Aquatic Center.
 - d. Provide signing, as necessary, to direct users from the parking garage to the Aquatic Center (and possibly vehicular movements from the Aquatic Center to the garage, pending further MCDOT review).

Consider minimizing the number of parking spaces provided on-site. The applicant should be encouraged to take advantage of the shared parking provisions in the Zoning Ordinance to reduce the total amount of parking and provide for efficient parking facilities.

- Carpool/Vanpool and Car Sharing Parking. Provide adequate numbers of carpool/ vanpool and car sharing parking spaces in highly visible, preferentially-located spots.
 - Electric Car Charging. Provide electric car charging stations on-site
21. To help achieve the Transportation Demand Management Goals referenced in the Justification Statement for the Project, show space for at least one bikeshare docking station to be used by residents, employees and visitors at the Project. A typical station is 19 docks and requires a space of 52 feet by 12 feet. The final location will be selected by the Applicant in coordination with MCDOT, based on the requirements of the bike sharing system. The station must be located in a highly-visible, convenient and well-lit location. Applicant will be required to take other actions in concert with MCDOT to promote use of bike sharing among employees and visitors.

Mr. Nkosi Yearwood
Preliminary Plan No. 120150010
December 4, 2014
Page 6

22. Accommodate displays and communication of TDM Information (especially in courtyard areas)

- Provide pavilions in busy outdoor settings to enable outreach events to be staged more readily. These facilities should have electric and water connections.
- Provide kiosks in busy outdoor areas to provide opportunity for information displays, assistance to users, etc.
- Incorporate display space into lobbies and other high pedestrian activity areas and opportunity on each level of parking facilities.
- Provide opportunity and connections for electronic (LCD) display screens and Real Time Transit Information Signs in lobbies, elevators, and parking facilities. This will enable outreach to building residents, commercial tenants, employees, visitors, etc.
- Provide concierge/reception desk with an area where transit information and fare sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards, etc.

23. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me greg.leck@montgomerycountymd.gov or (240) 777-2190.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

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cc: Jorgen Punda; LG Georgetown, LLC
Ian Duke; VIKA, Inc
Jason Evans; VIKA, Inc
Mark Morelock; VIKA, Inc.
Chuck Irish; VIKA, Inc.
Stephen Kaufman; Linowes & Blocher, LLP
Scott Newill; MSHA AMD
Dee Metz; OCE
Tina Benjamin; MCDED
Joana Conklin; MCDOT DO
Bruce Johnston; MCDOT DTE
Sogand Seirafi; MCDOT DTE
Tim Cupples; MCDOT DTE
Dan Sheridan; MCDOT DTE
Pat Shepherd; MCDOT DTE
Sandra Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Stacy Coletta; MCDOT DTS
Emil Wolanin; MCDOT DTEO

Mr. Nkosi Yearwood
Preliminary Plan No. 120150010
December 4, 2014
Page 7

cc-e: Glenn Kreger; M-NCPPC Area 2
Khalid Afzal; MCDOT Area 2
Ed Axler; M-NCPPC Area 2
Sam Farhadi; MCDPS RWPR
Fred Lees; MCDOT DTEO
Kyle Liang; MCDOT DTEO
Bruce Mangum; MCDOT DTEO

Yearwood, Nkosi

From: Leck, Gregory <Gregory.Leck@montgomerycountymd.gov>
Sent: Friday, March 06, 2015 6:31 PM
To: Yearwood, Nkosi; iduke@VKA.com; Charles A. Irish Jr. (Irish@vika.com); skaufman@linowes-law.com; Kreger, Glenn; Axler, Ed
Cc: Metz, Dee; Lees, Fred; snewill; teller@sha.state.md.us; Johnston, Bruce; Seirafi, Sogand; Cupples, Tim; Dan.Sheridan@montgomerycountymd.gov; Patricia.Shepherd; Brecher, Sandra; Dennard, Beth; peter.clark@montgomerycountymd; Cassidy, Michael; atiq.panjshiri; sam.farahadi; Torma, Rebecca
Subject: Preliminary Plan No. 120150010, Gables White Flint - AMENDMENT to 12/4/14 MCDOT preliminary plan review comments letter

Good afternoon everyone,

This message is to amend the comments contained in our December 4, 2014 review comments letter for this preliminary plan - to address the supplemental Design Exception package (that we received from VKA on December 30, 2014) and subsequent additional issues. I had originally thought that these changes could be handled administratively after the Planning Board hearing but have since learned that is not the case - please accept my apology for the confusion and delay.

THIS EMAIL IS BEING SENT IN LIEU OF A FORMAL AMENDMENT LETTER. Please forward this message to others as necessary and appropriate.

- All previous comments in our December 4, 2014 letter remain applicable unless modified below.
- Approval of this plan and subsequent record plat are subject to the conditions of approval in the County Council's January 13, 2015 Resolution (No. 18-21) for the abandonment of a portion of Executive Boulevard (DOT Docket No. AB739). Applicant's acquisition of the abandoned right-of-way will need to occur prior to approval of the record plat.
- General Right-of-Way comment no. 2 regarding right-of-way dedications (page 2 of the prior letter) is hereby amended to read: "Necessary dedication for Old Georgetown Road (MD187), Market Street and relocated Executive Boulevard/Grand Park Avenue in accordance with the County's Capital Improvements Project to provide transportation improvements for the White Flint West District (CIP Project No. P501116). Provide right-of-way truncations at those intersections per the CIP project plans."
- A ten (10) foot wide shared use path is proposed along the east side of Old Georgetown Road (MD187) adjacent to this property; the Site Plan drawings should be amended to reflect this improvement and delete any proposed conflicts (such as the proposed "36" high shrub hedge) with the proposed facility.

- We recommend the applicant grant a public access easement through the site to the adjacent park property.
- General Site Layout comment no. 21 regarding bikeshare (page 5 of the prior letter) is amended to read: "**Bike Sharing:** As referenced in justification statement, on preliminary and site plan show space in the Project for a bikesharing docking station (or similar provision required by the bike sharing system) to enable this form of transportation to be used by residents, employees and visitors at the Project. The location of this docking station will be selected by the Applicant with approval of MCDOT, based upon the requirements of the bike sharing system and in a highly-visible, convenient and well-lit location on the Project. A typical station requires 52' x 12' of space. The Project shall be required to pay the capital cost of such station and twelve years of operating expenses. Applicant shall take other actions in concert with MCDOT to promote use of bikesharing among residents, employees and visitors at the Project, in order to accomplish the objectives of MCDOT."
- The location of the proposed bike racks in the rights-of-way for Market Street and Executive Boulevard/Grand Park Avenue should be coordinated with our Bikeways Coordinator, Ms. Patricia Shepherd, Senior Planning Specialist in our Division of Transportation Engineering/Planning and Design Section. Ms. Shepherd may be contacted at 240-777-7220.
- VIKA's amendment package transmittal letter indicates the plan has been amended to "make our public use space more inviting to the public at the project's edges" by "proposing to add further elements in the right of way at the intersection of Market and Grand Park . . . and the intersection of Market and Old Georgetown Road. . . " I did not see a list of the proposed additions, so it is difficult to determine their acceptability. In general, we will say that non-standard elements in the right-of-way were conditionally approved in Design Exception 1 of the prior letter (subject to execution and recordation of a Maintenance and Liability Agreement). The applicant should contact the Maryland State Highway Administration to determine the acceptability of their proposed streetscaping in the Old Georgetown Road (MD187) right-of-way. A quick review of plan DE-1 (in the December 30, 2014 package) indicates street tree plantings proposed in the right-of-way for the Market Street/Grand Park Avenue intersection - these street trees are NOT ACCEPTABLE and will not be permitted.
- VIKA's amendment package transmittal letter includes proposed "Wayfinding Strategy" signage. Review of such signs should be coordinated with the Department of Permitting Services at the Site Plan and/or permit stage.
- VIKA's amendment package transmittal letter indicates a reduced width loading space is now being proposed along proposed Street A. We appreciate the applicant's cooperation in making this proposal. As Street A is proposed to be a private facility, we defer to the Planning Board to determine the acceptability of the loading space location and dimensions.
- VIKA's amendment package transmittal letter also proposed a change to the language for the Street B Entrance Offset (from the entrance to the proposed parking structure on the opposite side) on Grand Park Avenue. I do not believe the proposed language additions are necessary; the language on page 3 of our prior letter remains unchanged.

Thank you for your cooperation, assistance, and patience with these modifications. If you have any questions regarding these comments, please contact me at your earliest convenience.

Greg

Gregory M. Leck, Manager
Development Review Team
Division of Traffic Engineering and Operations
Montgomery County Department of Transportation
100 Edison Park Drive, 4th floor
Gaithersburg, Maryland 20878



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

January 30, 2015

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

RE: Gables White Flint, ePlan 120150010, NRI/FSD application accepted on 5/29/2013

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

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

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

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the

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301-251-4850 TTY

variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

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

Sincerely,



Laura Miller
County Arborist

cc: Steve Findley, Senior Planner

Lawrence J. Hogan, Jr., *Governor*
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Acting Secretary*
Melinda B. Peters, *Administrator*

February 4, 2015

RE: Montgomery County
 MD 614
 Gables White Flint
 SHA Tracking No. 13APMO044XX
 MNCPPC File No. 120150010
 Mile Point: 5.04

Mr. Jason Evans
Vika Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, Maryland 20974

Dear Mr. Evans:

Thank you for the opportunity to review the Site Plan for the proposed Gables at White Flint in Montgomery County. The State Highway Administration (SHA) review is complete and we are pleased to respond.

Based on the information provided, please address the following comments in a point-by-point response:

District Utility Comments:

1. The applicant will be required to apply for a District Office Permit (D3) for any utility related work within SHA's right of way. A separate cost estimate and bond will be required. Please contact Mr. Victor Grafton, District Utility Engineer, District 3 at 301-513-7350, by using our toll free number in Maryland only at 1-800-876-4742 or via email at vgrifton@sha.state.md.us.

Regional Intermodal Planning Division (RIPD) Comments:

1. The State's 2015-2020 Consolidated Transportation Program (CTP) includes projects under construction and/or development and evaluation. The CTP includes the MD 355 (Wisconsin Avenue/Rockville Pike/Hungerford Drive/Frederick Road/Frederick Avenue) bus rapid transit (BRT) planning study, a study of improvements necessary to implement BRT along MD 355 between Bethesda Metro Station and Redgrave Place, Clarksburg. For further information, contact Ms. Jamaica Arnold, Project Manager, Project Management Division, SHA, at 410-545-8512 or jarnold2@sha.state.md.us.
2. The State's Highway Needs Inventory (HNI) includes the 6.6-mile MD 355 (Wisconsin Avenue/Rockville Pike) multilane reconstruction, to include interchanges and transit, between the Western Avenue and Montrose Parkway. If and when such improvements proceed, they may affect right-of-way in the area of this project.

Mr. Jason Evans
SHA Tracking No.: 13APMO044XX
Page 2
Date: February 4, 2015

3. WMATA Metrorail Red Line service is accessible ½-mile east at White Flint Metro Station. Montgomery County Ride On also serves the development site. All roadway improvements to SHA roadway facilities should provide for and maintain full ADA-compliant access to existing and future transit facilities.
4. All roadway improvements to SHA roadway facilities should provide for and maintain bicycle facilities as well as full ADA-compliant pedestrian facilities.

Access Management Division (AMD) Comments:

1. The Construction of the new roadway improvements for MD187, (Old Georgetown Road), associated with parcels P665, N610, p/o N628 and p/o Executive Blvd R/W are part of the Western Workaround CIP project. Specific to the parcels owned by the applicant reflecting the final lot configuration, the applicant will work with the County to provide the final condition or will otherwise provide temporary street frontage improvements, to meet ADA-compliant facilities across the site frontage, prior to a Use and Occupancy Permit for each applicable phase of construction for the Gables White Flint project.

Further plan submittals should reflect the above comments. Should the construction of the roadway improvements for MD 614 become a part of this project, please submit 8 sets of plans, a CD containing the plans and supporting documentation in PDF format, as well as an Access Management Division Checklist directly to Mr. Steven Foster attention of Ms. Teresa Eller. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Ms. Teresa Eller at 410-545-5588, by using our toll free number in Maryland only at 1-800-876-4742 (x5588) or via email at teller@sha.state.md.us.

Sincerely,



for Steven D. Foster, Chief/ Development Manager
Access Management Division

SDF/tde

cc: Mr. Ed Axler, Montgomery County Planning Department/ ed.axler@montgomeryplanning.org
Mr. Greg Edwards, SHA – District 3 Resident Maintenance Engineer
Mr. Erich Florence, SHA – Access Management Division
Mr. Victor Grafton, SHA – District 3 Utility Engineer
Mr. Gregory Leck, Montgomery County Department of Transportation, Development Review
Team greg.leck@montgomerycountymd.gov
Ms. Anyesha Mookherjee, SHA – District 3 Traffic Engineer
Mr. Dave Murnan, SHA - District 3 Team Leader. Montgomery County
Ms. Claudine Myers, SHA – Engineering Systems Team
Mr. Jorgen Punda, LG Georgetown, LLC/ jpunda@gables.com /
8280 Greensboro Drive, Suite 605, McLean, VA 22102
Mr. Brian Young, SHA – District 3 Engineer



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

December 22, 2014

Mr. Jason Evans, P.E.
Vika Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for **REVISION** to Gables White Flint
Preliminary Plan #: 120150010
SM File #: 253613
Tract Size/Zone: 4.14 Ac./CR3
Total Concept Area: 4.14 Ac.
Parcel(s): N665, N613, N614, N628
Watershed: Cabin John Creek

Dear Mr. Evans:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP with the use of green roof and micro-bioretenion. The remaining volume will be treated by the use of a proprietary underground filtration structure.

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

1. **This letter supersedes the stormwater concept letter dated February 20, 2014.**
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Preliminary or Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. Use MCDPS latest design standards for the storm water structures.
7. Provide easements and covenants for all storm water structures including the green roofs.
8. A minimum of 7,100 square feet of 4 inch and 15,800 square feet of 8 inch green roof is required. At time of plan submittal try to provide additional green roof area and more 8 inch thickness.

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

montgomerycountymd.gov/311



240-773-3556 TTY

Mr. Jason Evans, P.E.
December 22, 2014
Page 2 of 2

9. The green roof is to be designed by a professional with green roof experience.
10. Any improvements in the right of way must be included in the stormwater management treatment.
11. Provide safe conveyance to all micro-bioretenion structures.
12. All covered parking must drain to WSSC.
13. Provide a copy of the mechanical drawings with the profile schematics showing that the parking areas drain to WSSC and that roof areas are draining to micro-bioretenion.
14. This site is to be phased for construction. Under phase one 547 square feet of 4 inch and 2,117 square feet of 8 inch green roof; PB 1-5 and 8-10; MB 1-3 and SWM #1 will be built. Phase two is to add remainder of parking garage and an additional 1,662 square feet of 8 inch green roof and PB 6&7 will be built.

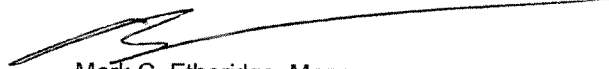
This list may not be all-inclusive and may change based on available information at the time.

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

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

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

Sincerely,



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

MCE: me CN253613 Gables White Flint Revised.DWK

cc: C. Conlon
SM File # 253613

ESD Acres: 4.14
STRUCTURAL Acres: 1.0
WAIVED Acres: 0.0



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

December 16, 2014

Mr. Nkosi Yearwood
Area 2 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Gables White Flint
Preliminary Plan No. 120140010
Site Plan No. 820150010

Dear Mr. Yearwood:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Preliminary Plan and Site Plan. DHCA recommends Approval of the plans with the following condition:

- Prior to entering into the Agreement to Build MPDUs with DHCA and obtaining the first residential building permit, the Applicant will provide the proposed MPDU locations, bedroom compositions and layouts for review and approval by DHCA.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Yum Yu Cheng, Linowes and Blocher LLP
Ian P. Duke, VIKA Maryland LLC

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Division of Housing

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
& Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Licensing & Registration Unit
240-777-3666
FAX 240-777-3699

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FROM: Molline Smith,
Art Review Panel Coordinator

PROJECT: Gables White Flint
820150010 PLAN No.

DATE: September 10, 2014

*The Art Review Panel has generated the following meeting minutes based on our discussion of the design concept for the public use space on **September 10, 2014** for the Gables White Flint project. The recommendations provided within this memo should be incorporated into your review and considered prior to the release of the first building permit. Should you have any additional questions and/or comments please feel to contact me.*

Attendance:

Nkosi Yearwood (Lead Plan Reviewer)
Molline Smith (Art Review Panel Coordinator)
Ralph Bennett (Art Review Panelist)
Mark Kramer (Art Review Panelist)
Michael Bello (M-NCPPC Staff)
Jack Devine (Art Consultant)
Katie Giganti (Art Consultant)
Joyce Lee (Artist)
Eddie Meder (Applicant)

Meeting Notes:

The Site is located on the southeast intersection of Executive Blvd. and Old Georgetown Road; redevelopment of a parking lot, north of Wall Park, incorporating spaces within a planned parking structure. The Sketch Plan was approved by the Planning Board on December 11, 2013 for a maximum of 521,000 square feet of non-residential uses on 5.21 acres of land zoned CR-4 C2.0 R3.5 within the White Flint Sector Plan Area. The Sketch Plan approved 109.62 public benefit points in 6 different categories (10% on and off-site). The Preliminary and Site Plans are currently pending.

- The Applicant is in the initial phases of developing the public art component on-site. The overall development will be phased over time.
- Area A is proposed to be a glass front of the 3rd floor residential bridge. Area B is proposed to be located on the underside of the residential building, open to the retail and pedestrian sidewalk below.

301-495-4573 (office), 301-495-1306 (fax)

molline.smith@MontgomeryPlanning.org

http://www.montgomeryplanning.org/development/public_art/index.shtml

- The residential building is 6-stories total, structured parking garage is 8-stories.
- The bridge is oriented toward East-West Highway.
- Area A will have colored plexiglass panels configurations inset in the storefront glass. The light through glass will come from both natural exterior and interior mounted fixtures.
- Area B will be a video presentation projected on the ceiling underside of the covered area. The film loop will be a custom video visible to shoppers, diners, pedestrians and vehicular traffic.
- The video will be scheduled around the peak hours of the day.
- Estimated budget: Area A = \$6,500 and Area B = \$125,000.

Panel Recommendations:

1. The Applicant will be a maintenance agreement that spells out proper maintenance (long-term), responsibilities and replacement schedules. The Panel is concerned that the video projection will not be properly maintained over the years. Funds should be dedicated.
2. The field of project needs to be clearly identified.
3. The Artist should consider implementing sound component.
4. **The Panel recommends a follow-up meeting, when the overall concept has been fully developed and/or prior to the issuance of the first building permit.**

ATTACHMENT 2



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

MCPB No. 13-150
Sketch Plan No. 320130010
Project Name: Gables White Flint
Date of Hearing: October 24, 2013

DEC 11 2013

CORRECTED RESOLUTION

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

WHEREAS, on July 30, 2013, LG Georgetown LLC ("Applicant"), filed an application for approval of a sketch plan for a maximum of 521,000 square feet of development, comprising up to 490,000 square feet of residential uses and up to 67,000 square feet of non-residential uses, on 5.21 gross acres of land zoned CR-4 C2.0 R3.5 H250 and CR-3 C1.5 R2.5 H70, located at the northeastern intersection of Old Georgetown Road (MD 187) and Executive Boulevard ("Subject Property") in the White Flint Sector Plan Area ("Sector Plan"); and

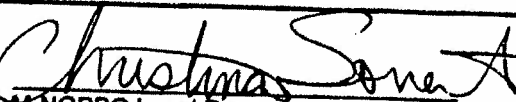
WHEREAS, the sketch plan application was designated Sketch Plan No. 320130010, Gables White Flint ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 11, 2013, setting forth its analysis of and recommendation for approval of the Application subject to conditions ("Staff Report"); and

WHEREAS, on October 24, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 24, 2013, the Planning Board voted to approve the Application subject to certain binding elements and conditions, as certified below.

Approved as to
Legal Sufficiency

 11/15/13
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approves Sketch Plan No. 320130010, Gables White Flint for construction of a maximum of 521,000 square feet of development, comprising up to 490,000 square feet of residential uses and up to 67,000 square feet of non-residential uses on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. Except as modified by the conditions below, the following site development elements shown on the sketch plan stamped "Received" by the M-NCPPC on September 17, 2013 ("the Sketch Plan") are binding under Section 59-C-15.43(d):

1. Maximum density and height;
2. Approximate location of lot(s) and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefits schedule.

All other elements of the Sketch Plan are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The development is limited to a maximum total of 521,000 square feet of development, including a maximum of up to 490,000 square feet of residential uses and a maximum of up to 67,000 square feet of non-residential uses. The final amount of residential dwelling units and non-residential development will be determined at site plan.

2. Height

The development is limited to the maximum heights as illustrated in the September 17, 2013 submission; in no case may they exceed the limits established by the respective zones.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d). Total points must equal at least 100 points and be chosen from at least four categories as required by Section 59-C-15.82. The requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed. At site plan review, the Applicant must demonstrate how each

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

public benefit meets the Zoning Ordinance and Guideline requirements and provide final point calculations.

- a. Transit Proximity;
- b. Major Public Facilities, achieved through the ~~dedication~~ provision of land area for a shared parking garage and construction of a bikeshare station;
- c. Connectivity and Mobility, achieved through public parking, minimum parking, and wayfinding;
- d. Quality Building and Site Design, achieved through structured parking, public art, and exceptional design; and
- e. Protection and Enhancement of the Natural Environment, achieved through the purchase of Building Lot Terminations, vegetated areas, and a cool roof.

4. Public Facilities

At preliminary plan review, Montgomery County, Parks Department, Recreation Department, and the Applicant will work to establish a strategy for the implementation of the parking garage construction.

5. Public Use Space

The Applicant must provide the proposed public use spaces along Private Street "A," Private Street "B," realigned Executive Boulevard, and segments of Market Street and Old Georgetown Road as illustrated in the Sketch Plan and finalized by a subsequent site plan.

6. Building Lot Terminations ("BLTs")

The Applicant must provide proof of purchase and/or payment for the required 1.02 BLTs, prior to release of the first building permit for core and shell construction.

7. Moderately Priced Dwelling Units ("MPDUs")

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

8. Environment

At site plan review, the Applicant must complete the following:

- a. Implement stormwater management strategies with Environmental Site Design methods to the maximum extent practicable;
- b. Comply with the Forest Conservation Law and the Planning Board's Environmental Guidelines; and
- c. Demonstrate how the landscape plan will contribute to achieving the Sector Plan tree canopy goal of 20 percent.

9. Transportation

At preliminary plan review, the Applicant must:

- a. Coordinate the abandonment of Executive Boulevard with the Montgomery County Department of Transportation ("MCDOT") and the County Executive's Office.
- b. Dedicate the Master Plan rights-of-way for Old Georgetown Road (MD 187), Executive Boulevard, and Market Street.
- c. Address issues detailed in the MCDOT letter dated September 9, 2013.
- d. Address issues detailed in the Maryland State Highway Administration (SHA) letter dated September 23, 2013.
- e. Enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management District ("TMD") and assist in achieving and maintaining the non-auto driver mode share ("NADMS") goals recommended in the White Flint Sector Plan. The Traffic Mitigation Agreement must be executed prior to release of any building permits. Elements of the Mitigation Agreement may include the following:
 - i. Cooperate with MCDOT and/or the Transportation Management Organization ("TMO") to obtain residential and non-residential tenant participation in the TMD Annual Commuter Survey.
 - ii. Provide permanent information displays in a highly used location in the lobbies of the buildings.
 - iii. Provide space for real time transit information signs at highly-used locations.
 - iv. Make a good faith effort to promote the Guaranteed Ride Home Program and any other emergency ride programs that are available in the region for commuters who carpool, vanpool, use transit, or other commuter options.
 - v. Provide carpool and vanpool parking spaces for retail employees.
 - vi. Provide car sharing parking spaces in highly visible locations.
 - vii. Provide electric vehicle charging stations in highly visible locations.
 - viii. Cooperate with MCDOT and/or TMD in their implementation of marketing efforts designed to attract employees working on-site

- or nearby to purchase or rent housing within the subject development.
- ix. Provide an annual summary report to MCDOT and/or TMO outlining the on-site traffic mitigation efforts.
 - f. The final extent, delineation, and alignment of any private rights-of-way will be determined at the time of preliminary plan. Easements for private streets must be approved by the Planning Board and MCDOT, and must include, at a minimum, provision for the following:
 - i. Maintenance and Liability Agreements for each easement area, including public use easements, must be entered into by the Applicant. These Agreements must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.
 - g. Provide bicycle parking spaces, as required by the Zoning Ordinance, based on the final approved densities and uses.

10. Phasing Program

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

11. Future Coordination for Preliminary and Site Plan

In addition to any other requirements of Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance, at the time of preliminary plan review, the Applicant must address the following issues:

- a. Montgomery County Fire and Rescue access recommendations.
- b. Undergrounding of wet and dry utilities.
- c. Compliance with the White Flint Urban District requirements, if established by the Montgomery County Council.
- d. Public art program review by the Public Arts Trust Steering Committee.
- e. Creation of a wayfinding system.
- f. Compliance with the Planning Board's Recreation Guidelines.

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 Section 59-C-15.43(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS that the Sketch Plan:

1. *Meets the objectives, general requirements, and standards of Division 59-C-15;*
 - a. The Sketch Plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the development as approved will:
 - i. "Implement the policy recommendations of the applicable master and sector plans" by providing residential and non-residential development, a new street network, and new infrastructure recommended in the Sector Plan.
 - ii. "Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses" by redeveloping surface parking lots and a segment of an existing roadway with a mixed-use residential and non-residential development and structured parking.
 - iii. "Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities" by providing less than the maximum permitted parking for the development; constructing mid-rise, rather than low-rise, residential structures; integrating new public and private streets and bikeways in the development; and dedicating land area for a new garage to serve public facilities at Wall Park.
 - iv. "Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighborhoods" by developing residential and non-residential uses and densities that are allowed in the CR zone and through building heights that are consistent with the Sector Plan and appropriately transition to the existing Luxmanor residential community.
 - v. "Allow an appropriate balance of employment and housing opportunities" by constructing a majority of the development as residential use while developing some retail space, as encouraged by the Sector Plan.
 - vi. "Provision of public benefits that will support and accommodate density above the standard method limit" through the public benefits, discussed in detail in Finding 5, that meet the requirements of the Zoning Ordinance and the standards of the Implementation Guidelines.

b. The Sketch Plan meets the general requirements of Section 59-C-15.6 and 59-C-15.7 as follows:

i. *Section 15-C-15.61 – Master Plan and Design Guidelines Conformance*
The Sketch Plan substantially conforms to the White Flint Sector Plan by:

- Redeveloping surface parking lots and a portion of an existing roadway into new mixed use development and providing land area for a parking garage that will accommodate the redevelopment of Wall Park (pp. 29 & 60);
- Creating building heights that are consistent with the Sector Plan and that transition to the existing single-family residential community west of Old Georgetown Road (p. 28); and
- Developing walkable blocks and street networks throughout the development (pp. 28 & 29).

ii. *Section 15-C-15.62 – Bicycle Parking Spaces and Commuter Shower/Change Facility*

The Sketch Plan provides at least the minimum required number of bicycle parking spaces for residents and visitors. However, the specific totals will be determined by the final residential unit count and non-residential square feet at site plan.

iii. *Section 15-C-15.63 – Parking.*

The Sketch Plan provides parking spaces between the minimum required and maximum allowed, as determined by the final unit count and non-residential square feet approved with the site plan.

iv. *Section 15-C-15.7 – Development Standards*

The Sketch Plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

Development Standard	Permitted/Required	Approved by the Planning Board and Binding on the Applicant
Gross Floor Area		
CR-3: C1.5 R 2.5 H 70	NA	202,290 sq.ft.
CR-4: C2.0 R 3.0 H 250	NA	24,728 sq.ft.
Density		
Non-Residential	C1.5 FAR	Up to 8.3 FAR or 67,000 sq.ft.
Residential	R2.5 FAR	Up to 2.16 FAR or 490,000 sq.ft.
Building Height	70 feet	70 feet
Setbacks	NA	NA
Parking Spaces		
Minimum Required	512 spaces	
Maximum Allowed	884 spaces	594 spaces ²
		408 spaces for White Flint redevelopment
Public Use Space	10 percent	10 percent
Residential Amenity Space		
Required Indoor	9,100 sq.ft.	9,100 sq.ft.
Required Outdoor	9,100 sq.ft.	9,100 sq.ft.

2. *Furtheres the recommendations and objectives of the White Flint Sector Plan;*

The Sketch Plan is consistent with and furthers the recommendations of the Approved and Adopted (2010) *White Flint Sector Plan*. The Sector Plan identifies the Gables property in Metro West District-Block 2: Wall Local Park and makes several specific recommendations for the Subject Property. The Sector Plan states that "the land area remaining after the intersection realignment of Old Georgetown Road and Executive Boulevard will be reconfigured into rectangular blocks in sizes more conducive to

² These parking spaces are provided for the proposed mix use development only.

redevelopment. . . . This area should be primarily residential in character and use” (p. 29). The Sector Plan further states that when “Executive Boulevard and Old Georgetown Road are reconfigured and Market Street is constructed, Blocks 1 and 2 will be divided into smaller blocks. Development in the smaller blocks should be organized with lower building heights at the northwest corner of Old Georgetown Road and the realigned Executive Boulevard intersection” (p. 28). Finally, the Sector Plan “envisions a public/private partnership with adjacent properties to relocate the surface parking [at Wall Park] within a parking structure built in conjunction with new residential development. This would help redirect public sector funds from building structural parking on-site to improving Wall Local Park” (p. 60).

The Sketch Plan achieves these goals by providing the uses, densities, and amenities recommended in the Sector Plan. The Sketch Plan provides land area for a parking garage with the potential to serve both public and private uses. By proposing primarily residential uses, the Sketch Plan also offers the recommended land use mix.

a. Density and Building Height

The development is consistent with the density and height recommendations of the Sector Plan. The development’s overall density of 2.29 Floor Area Ratio (FAR) is consistent with the 3.0 maximum FAR assigned to the Subject Property by the Sector Plan. The tallest portion of the development, 68 feet, is located at the realigned Executive Boulevard and Market Street; the lowest segment, 36 feet, is at Market Street and Old Georgetown Road. Both of these heights comply with the limits assigned to the Subject Property by the Sector Plan (p. 22).

b. Transportation

The Sketch Plan’s public and private street network is consistent with the street network recommended for the Metro West District in the Sector Plan (p. 29). Market Street (B-10), a new 70 foot commercial business street, is to the immediate north of the development, and the realigned Executive Boulevard (B-15), a business street with a minimum 80 foot right-of-way, provides the development’s eastern frontage. The development is bounded on the west by Old Georgetown Road (MD 187), a major highway (M-4) with a minimum right-of-way of 150 feet. The Sketch Plan also illustrates two internal private streets: Private Street “A” and “B”. At preliminary plan, the Applicant will dedicate the rights-of-way for all adjacent roadways.

c. Bikeway Network

The Sector Plan recommends shared use paths on two roadways adjacent to the development: Old Georgetown Road (LB-1) and Market Street (LB-3) (p. 57). The Sketch Plan illustrates the roadway cross-section that includes both bikeways as recommended in the Sector Plan. Through the initial public outreach for the Capital

Improvements Program, White Flint District West: Transportation-No. 501116, MCDOT has proposed an additional shared use path along the realigned Executive Boulevard that connects Wall Park and the future recreation center. The Applicant will define all bikeways at the preliminary plan stage.

d. Public Use Space

Private Streets "A" and "B" will provide a majority of the development's public use space. Conceptually, these areas will have a distinctive streetscape and design. The Applicant proposes additional public use space along Market Street and between the central building and the western building. The proposed public use spaces achieve the CR Zone's public use space requirements and are consistent with the Sector Plan's recommendations.

e. Public Facilities

The Applicant will dedicate 15,550 square feet of land for a parking garage open to public use and will construct a bikeshare station, in order to utilize the major public facility incentive of the CR zone. The parking garage will provide public parking for a future community recreation center, urban park, and expanded Kennedy Shriver Aquatic functions at Wall Park. The Application achieves the Sector Plan's goal of utilizing a public/private partnership to relocate the surface parking at Wall Park to "a parking structure built in conjunction with new residential development" (p. 60). The Planning Board encourages construction of the parking garage for public and private use in a single phase to ensure the continued delivery of public facilities within White Flint.

f. Environment

The Sector Plan's two main environmental goals are the minimization of carbon emissions and the creation of a livable urban environment by improving air and water quality (p. 49). The Sketch Plan meets these recommendations through several measures, including providing a network of bikeways and sidewalks; planting trees and other vegetation; and using environmental site design techniques to manage stormwater. The Sketch Plan also shows green roofs on the central and eastern buildings and a portion of the parking garage; vegetated walls; and energy standards for the buildings that will exceed the Department of Energy standard by 10 percent. These measures, along with the minimization of parking, are consistent with the recommendations of the Sector Plan.

g. White Flint Design Guidelines

The Approved White Flint Urban Design Guidelines (June 2010) provide street, open space, and building recommendations for each district in the Sector Plan. The Sketch Plan achieves Design Guidelines recommendations with street-oriented development;

public use spaces integrated in the development; and the transition of building heights that take into account the existing residential community. Matters requiring further review will be considered, as appropriate, during preliminary and site plan review and are addressed specifically in the conditions of approval.

3. *Achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*

The buildings and open spaces shown on the Sketch Plan are compatible with existing nearby buildings, open spaces, and uses. Internal compatibility is achieved with three interconnected buildings that are between 36 and 68 feet in height; internal public and private open spaces; and a local street network. External compatibility is achieved with building heights that are taller towards Executive Boulevard and Market Street and lower towards the existing residential community. No new development is proposed within the immediate vicinity of the Subject Property.

4. *Provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are well designed or enhanced by the development. Specifically, this Sketch Plan provides:

- An overall transportation and pedestrian network that links all portions of the development and provides access to Wall Park;
- A comprehensive pedestrian system with bikeways;
- Loading along Private Road "A"; and
- The provision of most parking for the development in a structured parking garage.

5. *Includes public benefits that support the approved incentive density;*

To achieve the incentive density for this development, the Applicant must provide public benefits from four of seven categories that must total at least 100 points. The public benefit categories the Applicant proposed and the Board approves are as follows:³

³ Under Section 59-C-15.43(c)(5), the Applicant proposed, and the Board approves, an outline of public benefits that supports the requested incentive density. These public benefits will be revised at site plan review.

Category	Public Benefit	Points Allowed	Points Requested	Points Approved at Sketch Plan
Major Public Facility	Parking for Wall Park Redevelopment	70	17.24	17.24
Major Public Facility	Bike Sharing Location	70	5.00	5.00
Transit Proximity	Level 1	30	30.44	30.44
Connectivity and Mobility	Minimum Parking	10	8.62	8.62
	Way Finding	10	5.00	5.00
Quality Building and Site Design	Structured Parking	20	10.82	10.82
	Public Art	15	5.00	5.00
	Exceptional Design	10	5.00	2.50
Natural Environmental Protection and Enhancement	Building Lot Termination	30	5.00	5.00
	Energy Conservation and Generation	15	10.00	10.00
	Vegetated Wall	10	5.00	5.00
	Cool Roof	10	5.00	5.00
	Recycling Facility Plan	10	5.00	5.00
Total Incentive Density Points		315	117.12	109.62

The discussion of each of the approved public benefits below demonstrates how the Sketch Plan addresses the general incentive and density considerations the Planning Board must take into account under Section 59-C-15.83, including:

- a. "The recommendations, objectives, and priorities of the applicable master or sector plan;
- b. "The CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area;
- c. "The size and configuration of the tract;
- d. "The relationship of the site to adjacent properties;
- e. "The presence or lack of similar public benefits nearby; and
- f. "Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit" which will be developed and assessed during preliminary and site plan reviews."

Public Facilities

Under Section 59-C-15.851(c), the Planning Board may approve incentive density of up to 70 points in the CR zone for the conveyance of a site for the construction of a major public facility. In this case, the Applicant proposed 22.24 points for providing two public facilities: land area for a parking garage that will accommodate Wall Park's redevelopment and a bike sharing station. The Planning Board grants all requested points for this public benefit, because the parking garage is critical to the future redevelopment of Wall Local Park as envisioned in the Sector Plan and because the bikeshare station will support the County's Capital Bikeshare program in White Flint.

Transit Proximity

Under Section 59-C-15.852, the Planning Board may approve incentive density of up to 30 points for a development that is between $\frac{1}{4}$ and $\frac{1}{2}$ mile of a service level one transit stop and up to 40 points for a development that is within $\frac{1}{4}$ mile of a service level one transit stop. The Sector Plan recommends a new northern entrance to the White Flint Metro Station at the intersection of Old Georgetown Road and Rockville Pike. The Applicant uses the proposed Metro entrance to calculate the incentive density points for transit proximity. Part of the Subject Property is located within $\frac{1}{4}$ mile from transit, and the remainder of the Subject Property is located between $\frac{1}{4}$ mile and $\frac{1}{2}$ mile from the proposed entrance. Section 59-C-15.852 allows for split proximity range averaging in this circumstance. "If less than 75 percent of the gross tract area in a single sketch plan is within the closer of two proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range." This location allows the development to be eligible for level one transit service incentive points under the two proximity ranges, resulting in a weighted average of 35 points. The Planning Board approves Applicant's requested 30.44 points for this public benefit.

Minimum Parking

Under Section 59-C-15.853(b), the Planning Board may approve up to 10 points of incentive density if a development provides less than the maximum number of parking spaces allowed. The Applicant proposed 8.62 points of incentive density under this Section. The development provides 594 parking spaces, while the maximum number of parking spaces allowed under Section 59-C-631 is 864. The Planning Board approves all 8.62 requested points, since the proposed number of parking spaces is only 68.8% of the maximum allowed for the development and because the minimization of parking will contribute towards achieving environmental and alternative transportation goals.

Wayfinding

Under Section 59-C-15.853(i), the Planning Board may grant up to 10 points of incentive density for the implementation of a wayfinding system. The Applicant proposed 5 points for a wayfinding system for the development. The Planning Board grants the requested 5 points, since the system will provide directional signage to the Metro Station, Josiah Henson Special Park, and other important public destinations. The final design for the way-finding system will be determined at site plan.

Structured Parking

Under Section 59-C-15.855(b), the Planning Board may grant up to 20 points of incentive density if a development places parking within above- or below-grade structures. The Applicant proposed 10.82 points under this category for including structured parking as part of the development. The parking garage is important to this development as well as to the anticipated redevelopment of the adjacent Wall Local Park. The Planning Board approves the 10.82 requested points, since the proposed structured parking contributes to a better overall urban design for the development and provides public parking spaces.

Public Art

Under Section 59-C-15.855(d), the Planning Board may approve up to 15 points of incentive density for the installation of public art reviewed by the Arts and Humanities Council. Pursuant to the Planning Board-approved *C/R Zones Incentive Density Implementation Guidelines* (2012), the criteria for public art include achieving aesthetic excellence and ensuring an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context. The Applicant proposes public art in five locations, including three installations along Private Road "A," and requests 5 points of incentive density. The Planning Board approves the requested 5 points, since public art defines public spaces and implements the Sector Plan recommendation that "new development should consider integrating art into public use space" (p.63). At site plan, the Applicant will further define the art and installation locations.

Exceptional Design

Under Section 59-C-15.855(f), the Planning Board may approve up to 10 points of incentive density for building or site design "whose visual and functional impacts

enhance the character of a setting and the purposes delineated in this Section.” The Applicant requested 5 points under this category. Creating a sense of place and enhancing the public realm in a distinct and original manner are two of the six exceptional design criteria established in the *C/R Zones Incentive Density Implementation Guidelines*. The Applicant has submitted precedent images of mid-rise residential developments as examples of this development’s exceptional design. Streets A and B also include streetscape features, such as large sidewalks and street trees that enhance the public realm. While these images do convey the Applicant’s intent, the Planning Board only approves 2.5 points of incentive density for this category. At site plan, the Applicant should provide additional building design features that could contribute to additional points for this public benefit.

Building Lot Terminations

Under Section 59-C-15.856(a), the Planning Board may approve up to 30 points of incentive density for the purchase of BLT easements, of which 5 points are mandatory. In the CR zone, an applicant may earn its mandatory BLT incentive density points by purchasing BLT easements in an amount equal to five percent of the incentive density floor area of the development at a rate of 1 BLT per 20,000 square feet. The incentive density floor area for this development is 20,438.27 square feet, which equates to 1.021 BLTs. The Planning Board grants the Applicant 5 points of incentive density for the purchase of the required 1.021 BLTs.

Energy Conservation and Generation

Under Section 59-C-15.856(b), the Planning Board may approve up to 15 points of incentive density for the construction of new buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings. The Applicant will exceed energy-efficiency standards by 17.5% for the new buildings and has requested 10 points for this public benefit category. The Planning Board approves the 10 requested points, since this is the first sketch plan in White Flint that proposes this public benefit and because energy-efficient buildings will further enhance the development’s ability to meet Sector Plan’s recommendation for energy-efficient buildings.

Vegetated Wall

Under Section 59-C-15.856(c), the Planning Board may approve up to 10 points of incentive density for the installation and maintenance of a vegetated wall that covers at least 30 percent of any blank wall or parking garage that is at least 300 square feet in area and is visible from a public street or open space. The Applicant requested 5 points under this category and proposes installing vegetated walls on portions of the parking garage and the central building. The Planning Board grants all 5 requested points. At site plan, the location of these walls will be further refined.

Cool Roof

Under Section 59-C-15.856(g), the Planning Board may approve up to 10 points of incentive density for constructing a cool roof area with minimum solar reflectance that is

not covered by vegetation or mechanical equipment. The Applicant proposed 5 points under this category. The Planning Board approves the requested 5 points, since cool roofs contribute to reduced energy costs, reduced heat island effect, and other environmental goals.

Recycling Facility Plan

Under Section 59-C-15.856(h), the Planning Board may approve up to 10 points of incentive density for the provision of a recycling facility plan that complies with Montgomery County Executive Regulation 15-04 AM or Montgomery County Executive Regulation 18-04. This public benefit is governed by Executive Regulations for the Department of Environmental Protection and is referenced in Section 48-47 of the County Code. This is the first sketch plan in White Flint to propose this public benefit, and the Applicant proposed 5 points for this benefit.

Since 1993, through Executive Regulation 109-92AM, which became Executive Regulation 15-04AM in 2005, Montgomery County has been committed to recycling through mandatory recycling requirements for businesses, residents, and multi-family properties. The Planning Board will not grant any incentive points for this category because under 15-04AM, all multi-family residential developments with more than 101 units must submit a waste reduction and recycling plan to the County that demonstrates how the development would reduce solid waste by 50% annually, either by volume or weight. At site plan, the Applicant may replace this benefit with another benefit in the zone.

6. *Establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development may be built in two phases: Phase One will include the eastern and central multi-family residential buildings, associated street network, and structured parking garage for private and public use, if public resources are provided for the public component. Phase Two will include the western multi-family building and the public portion of the garage, if the public component is not built in Phase One and public funding for that component becomes available; otherwise, the public component of the parking garage will be constructed after Phase Two, when public funding becomes available.

A full development program detailing phasing of the elements and the final incentive density points will be developed and analyzed during subsequent preliminary and site plan reviews.

BE IT FURTHER RESOLVED that 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 Sector Plan. If 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 Sector 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 Staff-proposed modification of a binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Sector 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, Sector 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-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the sketch 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, sector plan, or other requirements for 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 the Board 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 sector plan requirements, the Board might have decided to approve fewer elements of the Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty above 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; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320130010, Gables White Flint, stamped received by M-NCPPC on September 17, 2013 are required except as modified herein; and

MCPB No. 13-150
Sketch Plan No. 320130010
Project Name: Gables White Flint
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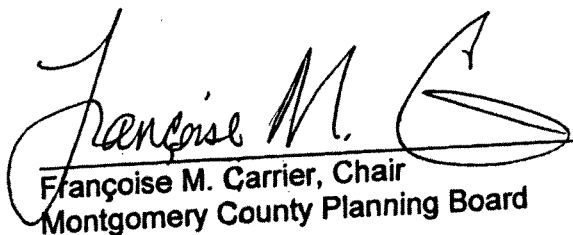
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 11 2013 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of October 30, 2013, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected Resolution, consistent with procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

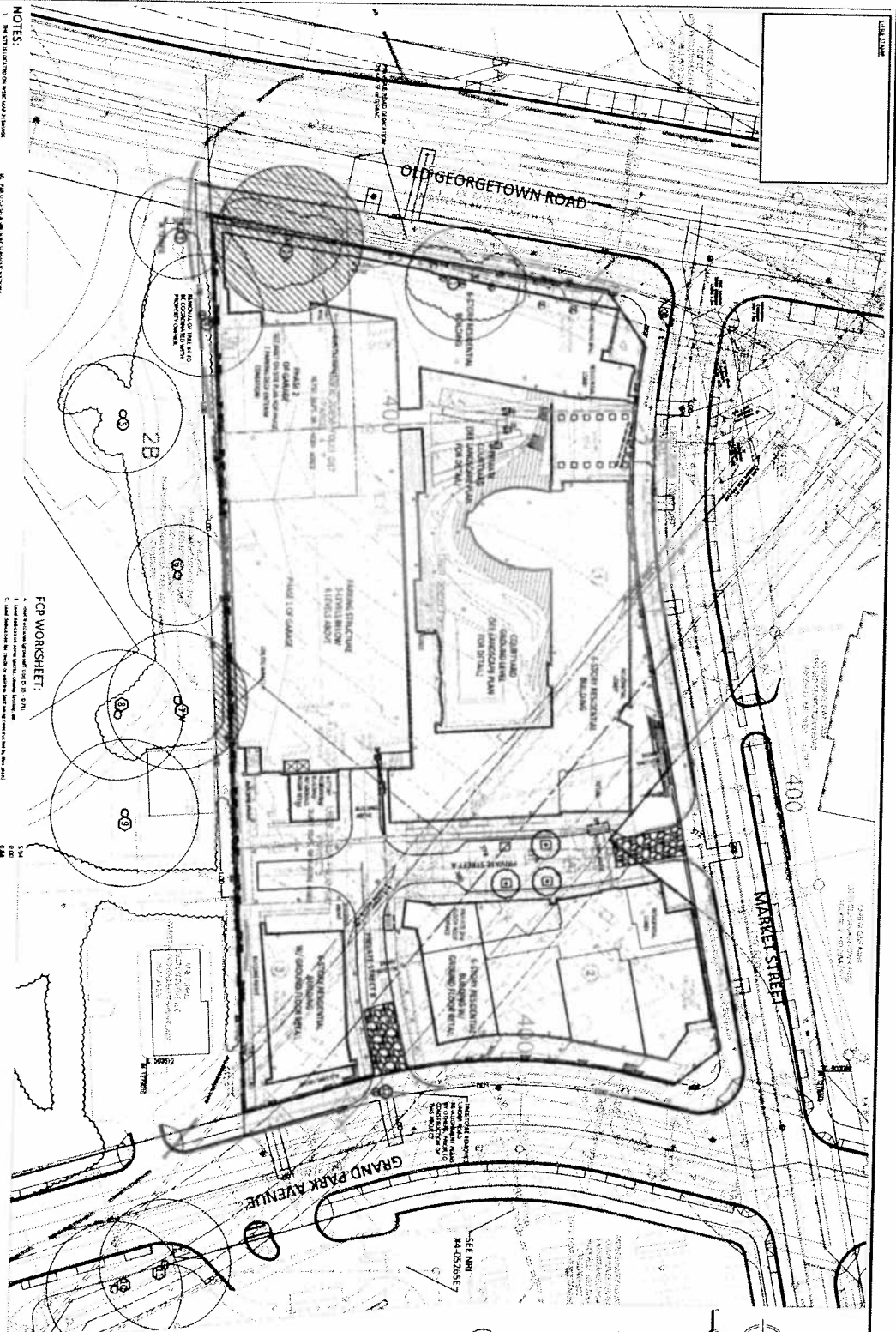
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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, December 5, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

ATTACHMENT 3



LEGEND

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- CONTOUR 2' - 4' 0"
- CONTOUR 4' - 8' 0"
- CONTOUR 8' - 16' 0"
- CONTOUR 16' - 32' 0"
- CONTOUR 32' - 64' 0"
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- CONTOUR 3741444190957110912882444404977731113580688832' - 74



December 8, 2014

Area 2 Planner
 M-NCPPC
 8787 Georgia Avenue
 Silver Spring, MD 20910

Re: Forest Conservation Tree Variance Request
Gables White Flint
Rockville, Maryland
NRI/FSD #420131890
VIKA # VM 1614B

Dear Sir or Madam:

On behalf of our client, LG Georgetown, LLC, we are submitting this Tree Variance Request to comply with the Natural Resources, Title 5, Section 5-1607 of the Maryland Code and Chapter 22A of the County Code, requiring the Applicant to file for a variance to remove or impact trees that either have a diameter-at-breast-height (DBH) of 30" or greater, or trees that are 75% of the diameter of the state champion tree for that species if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009. This report has been prepared by Joshua C. Sloan, RLA, ASLA.

This mixed-use redevelopment project is zoned CR-3.0, C-1.5, R-2.5, H-70, & CR-4.0, C-2.5, R-3.5, H-250 and NRI/FSD #420131890 was approved in June 2013. Sketch Plan #320130010 for the project was also approved July 2, 2013. This Tree Variance Request is accompanying the submission of the Final Forest Conservation Plan submitted concurrently with Preliminary Plan #120150010 and Site Plan #820150010. A total of two (2) specimen trees with 30" DBH or greater will be impacted by the redevelopment of the subject property with one of the two trees (tree 2) identified for removal.

Table 1 lists the specimen trees as they are identified on the Forest Conservation Plan and provides the respective proposed impacts.

Table 1

Tree #	Species	Diameter (inches)	Field Condition	Disposition	CRZ Area (sf)	CRZ Impacts (sf)	CRZ Impacts (%)
V2	<i>Liriodendron tulipifera</i>	35"	Good-Fair	Remove	8,659	8,659	100
V7	<i>Quercus palustris</i>	33"	Good	Preserve	7,698	1,359	18

The Assessment below was performed by VIKA Maryland, LLC at the time of the field work for the NRI as a visual, at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

VIKA Maryland, LLC

20251 Century Boulevard, Suite 400 ◊ Germantown, Maryland 20874 ◊ 301.916.4100 Fax 301.916.2262
 Tysons, VA ◊ Germantown, MD ◊ Washington, DC

www.vika.com

Tree # 2

35" Tulip poplar (*Liriodendron tulipifera*): Tree 2 is a lawn tree located along the eastern property line +/-60 feet from the southwest corner of the subject property.

- **Field Condition:** Good – Fair with ivy growing up the trunk; pruning for utility lines; uneven crown; rodents living in trunk cavity
- **Proposed CRZ Impact:** removal at 100% per the project's design.
- **Disposition:** Tree 2 is specified to be removed.

Tree # 7

33" Pin Oak (*Quercus palustris*): Tree 7 is located off-site on the adjacent Wall Park property to the south of the subject property in a planted screen/buffer area.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Minimal at 18% as the tree is located +/-35 from the subject property.
- **Disposition:** Tree 7 is specified to be preserved.

Justification Narrative for Tree Disturbance

The Gables White Flint mixed-use project is a continuation of the development occurring as a result of the Western Workaround road network and is located south of the Pike and Rose development. It will consist of up to 490,000 square feet of residential space and approximately 31,000 square feet of non-residential space, as allowed by zoning. As shown on the approved Sketch Plan for the property, the development addresses the challenges of the site, which include significant slopes, through a sensitive design that respects the topography and provides ample public use space and public benefits. These include pedestrian activated retail areas and a pedestrian oriented private roadway that may be closed off for public events at any time.

To grant the requested variance, the Planning Board must find that the request:

- 1. Describes the special conditions peculiar to the property which would cause the unwarranted hardship;**
- 2. Describes how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;**
- 3. Verifies that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and**
- 4. Provides any other information appropriate to support the request**

We submit the following rationale in support of the request for a Forest Conservation Tree Variance.

1. The requested tree variance is necessary for implementation of this mixed-use redevelopment project which has an approved NRI and Sketch Plan and is proceeding through the development approval process with the concurrent submission of Preliminary and Site Plans. Tree 2 will be removed for the proposed residential buildings, structured parking, and stormwater management facilities. Tree 7 will have minimal impact from the development and will be preserved. The conditions related to this request are neither unique nor special to this project and instead are unavoidable consequences of the development process under the zoning applied through the Master Plan.



2. The requested variance is based on plans being developed under the zoning approved through the County planning process, not conditions or circumstances resulting from actions by the applicant. The 5.15-acre subject property has no existing forest. The majority of trees within the existing property are lawn trees planted as part of the landscape plan for the existing development.

The two variance trees are impacted by the proposed residential redevelopment for which the Preliminary and Site Plans have been submitted for approval. There are no conditions relating to land or building use, either permitted or nonconforming, on a neighboring property that have played a role in the need for this variance.

3. The concept storm water management plan incorporates environmental site design (ESD) to the maximum extent practicable (MEP), according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual. Water quality treatment will be provided by approximately 15 micro-biofilter planters located around the perimeter of the building and in the courtyards. Additionally, green roof will be provided on the parking structure and part of the proposed building. These will treat the first 1.2 inches of runoff. The remaining runoff will be treated by a structural vault containing stormfilter cartridges.

4. We believe that the information provided in the three outlined points above is adequate in support of granting the Tree Variance request.

Thank you for your consideration of this Tree Variance request. We believe that the supporting information provided with this letter justifies the variance to remove one (1) specimen trees and impact the critical root zone of one (1) more. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,
VIKA Maryland, LLC.

Joshua C. Sloan, RLA, ASLA
Director of Planning and Landscape Architecture



ATTACHMENT 4

Resolution No.: 18-21
Introduced: January 13, 2015
Adopted: January 13, 2015

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By County Council

SUBJECT: DOT Docket No. AB739
Abandonment Portion of Executive Boulevard
White Flint District, North Bethesda

Background

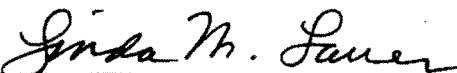
1. By memorandum dated May 27, 2013 from the Director of the Montgomery County Department of Transportation, the Applicant, a request was made for the County to abandon a portion of Executive Boulevard in the White Flint District of North Bethesda. The portion of the right-of-way for which abandonment is sought is owned in fee by the County. Pursuant to the 2010 White Flint Sector Plan this abandonment and associated realignment are recommended.
2. A Public Hearing to consider the abandonment proposal was held on September 18, 2013 by the designee of the County Executive.
3. Verizon indicated that it would require easements and a written statement that the County will pay all costs associated with relocating its facilities.
4. Washington Suburban Sanitary Commission conditioned its approval upon being granted a right-of-way 20 feet wide.
5. Washington Gas did not respond within 60 days and therefore, concurrence is presumed.
6. PEPCO did not respond within 60 days and therefore, concurrence is presumed.
7. The Montgomery County Police Department did not respond within 60 days and therefore, concurrence is presumed.
8. The Montgomery County Planning Board did not respond within 60 days and therefore, concurrence is presumed.
9. The Department of Fire and Rescue Services conditioned its approval provided that the new alignment is in service prior to the closure of the right-of-way.
10. The County Executive recommends approval of the proposed abandonment.

Action

The County Council for Montgomery County, Maryland, finds that a portion of Executive Boulevard in the White Flint District of North Bethesda as shown on the attached drawing is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment subject to the following conditions which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. The Applicant must grant easements and provide a written statement to Verizon concerning the Applicant's paying all costs associated with relocating Verizon's facilities;
2. The Applicant must grant Washington Suburban Sanitary Commission a right-of-way twenty feet wide;
3. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area; and
4. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.



Linda M. Lauer, Clerk of the Council

P
25
216 NW
215 NW
214 NW
213 NW
212 NW
NO GRID 430,000 FT
370047

6 NW
770730

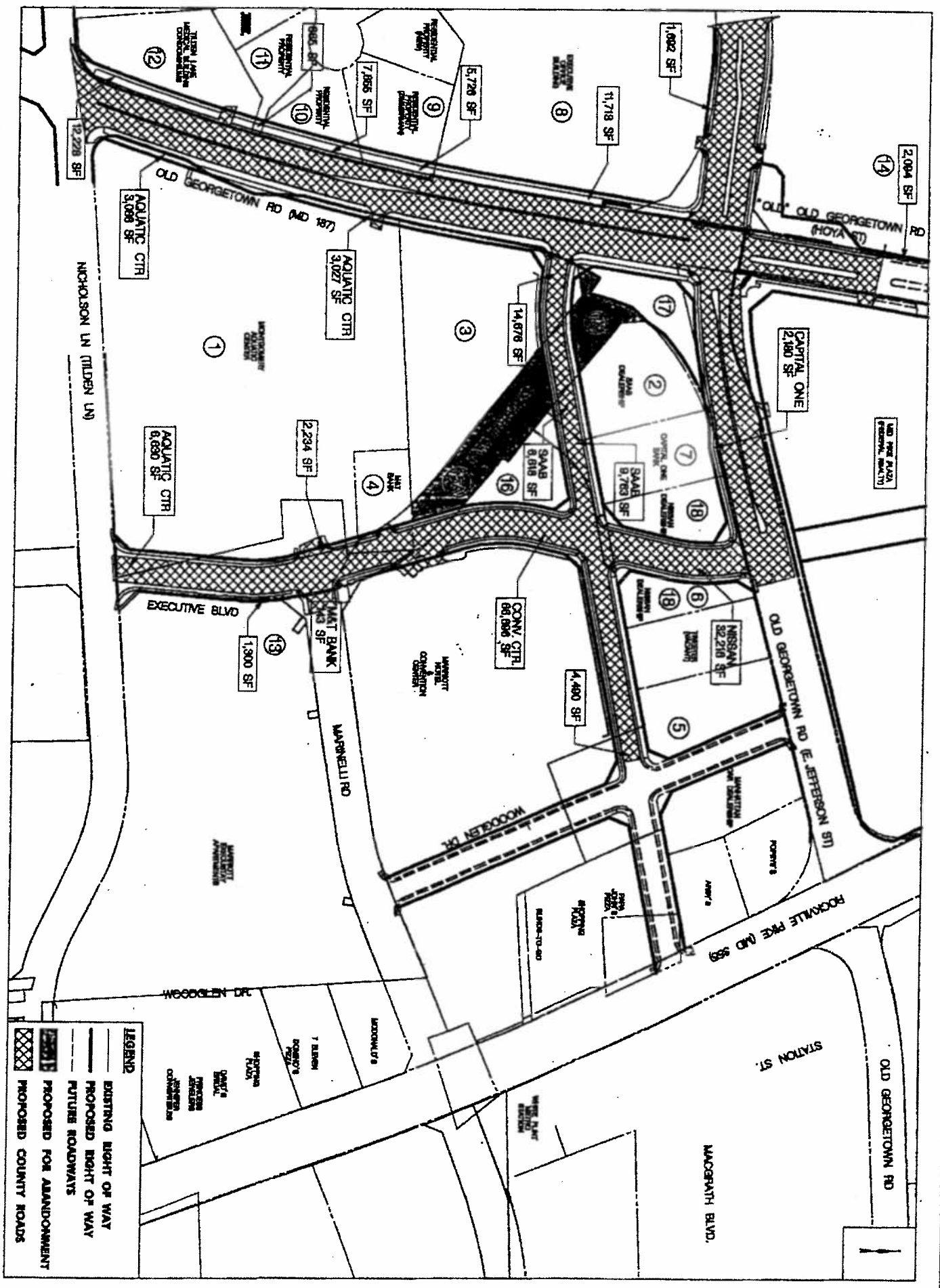
5 NW
770600

Joins Map 5165

770515



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LEGEND

- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- FUTURE ROADWAYS
- PROPOSED FOR ABANDONMENT
- PROPOSED COUNTY ROADS