



North Bethesda Market II Sketch Plan Amendment No. 32011003A, Preliminary Plan Amendment No. 12012006A, Site Plan Amendment No. 82012004A

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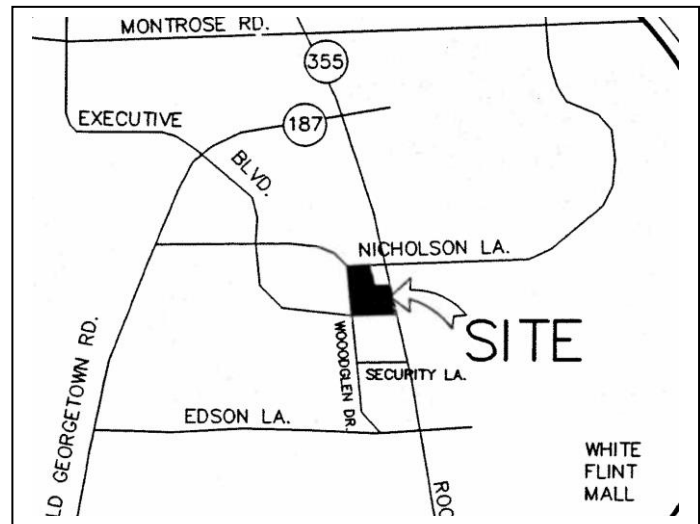
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Description

Date of Staff Report: 1/5/15

- Request for Amendments to the approved Sketch Plan, Preliminary Plan, and Site Plan to modify the Project phasing, reduce non-residential floor area by eliminating a proposed office building and movie theater along Rockville Pike, and increase residential density;
- On 4.41 gross acres, split-zoned CR3.0, C1.5, R2.5, H150' and CR4.0, C3.5, R3.5, H300';
- Located at the southeast corner of the intersection of Nicholson Lane and Woodglen Drive within the 2010 *White Flint Sector Plan* area;
- Filing Date: 08/26/2014;
- Applicant: The JBG Companies.



Summary

- Staff recommends approval of the Sketch, Preliminary, and Site Plan Amendments with conditions.
- The Planning Board approved Sketch Plan No. 320110030 by MCPB Resolution No. 11-07 dated August 12, 2011, Preliminary Plan No. 120120060 by MCPB Resolution No. 12-30 dated April 9, 2012, and Site Plan No. 820120040 by MCPB Resolution No. 12-31 dated April 9, 2012.
- Staff reviewed this set of amendments under the Zoning Ordinance in effect on October 29, 2014 pursuant to the grandfathering provisions of Section 7.7.1.B.1 of the current Zoning Ordinance except for parking requirements.
- The Sketch Plan and Preliminary Plan Amendments encompass the entire Site; the Site Plan Amendment is limited to the proposed Phases One and Two only. Phase Three will require a separate Site Plan approval.
- The proposed changes include building the development in three phases instead of one; reallocating 100,000 square feet of the approved non-residential floor area to residential density; and adding an option to not build a residential building if the market does not support it.
- The proposed Project utilizes the density averaging provisions of Section 59-C-15.122.
- The proposed project contains multiple buildings with mixed-use office, residential and retail development containing a maximum of 740,528 square feet. The project will provide public use space and public benefits, including structured parking, a through-block pedestrian connection, tree canopy, wayfinding, public parking, tower step-backs, and public art.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

Sketch Plan Amendment Recommendation and Conditions

Staff recommends approval of Sketch Plan Amendment No. 32011003A, subject to the following conditions, which supersede the conditions of approval of Sketch Plan No. 320110030:

1. Density

The development is limited to a maximum total of 740,528 square feet, including up to 268,000 square feet of non-residential and up to 492,000 square feet of residential floor area.

2. Height

The development is limited to a maximum height of 150 feet in the CR-3.0 Zone and 300 feet in the CR-4.0 Zone.

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 and must be chosen from at least 4 categories as required by Section 59-C-15.82(a). The requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit.

- a. Transit proximity to Level 1 transit, Metrorail station;
- b. Connectivity and Mobility achieved through public amenities in the sub-categories of Neighborhood Services, Minimum Parking, Through Block Connection, and Way-finding.
- c. Quality Building and Site Design achieved through public amenities in the sub-categories of Structured Parking, Tower Step-back, Public Art, Public Open Space, and Exceptional Design.
- d. Protection and Enhancement of the Natural Environment achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs), Tree Canopy, and Vegetated Roofs.

4. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide MPDUs in accordance with Chapter 25A of the County Code.

Preliminary Plan Amendment Recommendation and Conditions

Staff recommends approval of Preliminary Plan Amendment No. 12012006A subject to the following conditions, which supersede the conditions of approval of Preliminary Plan No. 120120060:

1. Approval is limited to five lots and three private street parcels for a maximum total density of 740,528 square feet of development, including up to 268,000 square feet of non-residential use, and up to 492,000 square feet of residential uses including a minimum of 12.5% MPDUs.
2. Prior to issuance of any building permit, the Applicant must dedicate, and the record plat must show, the following:
 - a. the Sector Plan recommended a 150-foot right-of-way (75 feet from centerline), and 12 feet of reservation (an additional 6 feet on either side of the 150-foot right-of-way), for a total of 81 feet from centerline for Rockville Pike (MD 355); and
 - b. the Sector Plan recommended 80-foot right-of-way (76.5-feet of dedication and a 3.5-foot easement) from the opposite right-of-way line for the Executive Boulevard frontage.
3. Prior to issuance of any building permit for the residential tower on Lot 5 (at the corner of Nicholson Lane and Woodglen Drive), the Applicant must dedicate, and the record plat must show, the Sector Plan recommended 90-foot right-of-way (45 feet from centerline) for Nicholson Lane.
4. Private streets, Street A and the 'Paseo,' must be located in their own separate parcels, separate from the proposed development, and the record plat must reflect a public use and access easement over private streets and adjacent parallel sidewalks.
5. Prior to issuance of any above-grade building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAG) with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) and assist in achieving and maintaining the non-auto driver mode-share goals recommended in the Sector Plan.
6. Prior to any clearing or grading, the Applicant must pay the required Forest Conservation fee-in-lieu.
7. The Applicant must comply with the Final Forest Conservation Plan (FFCP) as part of the Site Plan Amendment No. 82012004A approved concurrently with this Amendment.
8. No demolition, clearing, grading or recordation of plats may occur prior to approval of the Certified Site Plan.
9. The Planning Board accepts the recommendations of MCDOT in its letters dated February 3, 2012, and October 30, 2014, 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 letters, except for condition Number 2 in the letter dated October 30, 2014. The Applicant must comply with all other conditions of both letters, which may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

10. The Planning Board accepts the recommendation of MDSHA in its letters dated November 14, 2013, and March 17, 2014, 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 letters, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. If a traffic signal is warranted at MD 355 and Executive Boulevard, the installation of the signal and associated intersection improvements shall be the responsibility of the Special Taxing District.
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) - Water Resources Section in its letter dated November 21, 2014, conveying stormwater management concept plan approval. The Applicant must comply with each of the recommendations as 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.
12. The Site is within the Walter Johnson High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the unit rates for all 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. 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."
14. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
15. All necessary easements must be shown on the Record Plat.

Site Plan Amendment Recommendation and Conditions

This Site Plan Amendment covers the existing building to remain at the corner of Executive Boulevard and Woodglen Drive in Phase One, and all the new construction in Phases One and Two. The new construction in Phase Three, covered by the proposed Sketch Plan Amendment and Preliminary Plan Amendment, will be reviewed under a separate Site Plan Amendment in the future.

Staff recommends approval of a maximum total of 656,260 square feet of mixed-use development consisting of up to 175,260 square feet of non-residential development (including 67,260 square feet of existing development), and up to 492,000 square feet of new residential development (470 dwelling units including a minimum of 12.5% MPDUs) on approximately 4.41 gross acres in the CR3.0 C1.5 R2.5 H150' and CR4.0 C3.5 R3.5 H300' Zones. All Site development elements shown on the latest electronic version of Site Plan drawings as of the date of this staff report, submitted via ePlans to M-NCPPC, are required, except as modified by the following conditions, which supersede the conditions of approval of Site Plan No. 820120040:

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan Amendment No. 32011003A.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approval for Preliminary Plan Amendment No. 12012006A.

3. Density Allocation

Prior to issuance of any building permits, the Applicant must obtain approval of a Staging Allocation Request under the Staging Allocation Request Regulations (COMCOR 50.35.02.01.A) in the *White Flint Sector Plan Implementation Guidelines* approved by the Planning Board.

4. 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. Transit Proximity

b. Neighborhood Services

Provide an updated list of the retail establishments located within ¼ mile radius of the project Site at Certified Site Plan.

c. Minimum/maximum Parking

The Applicant must provide at least 422 but no more than 632 parking spaces. Certified Site Plan must show a tabulation of maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.

- d. Through Block Connection
 - Include one through-block connection between Woodglen Drive and Rockville Pike and another between Nicholson Lane and Executive Boulevard as shown on the Site Plan.
- e. Wayfinding
 - Provide a wayfinding plan as part of the Certified Site Plan and coordinate with MDSHA and MCDOT the location of all signage for the wayfinding plan. The Wayfinding plan may include, but is not limited to, internal and external signage, banners, lighting, and design elements to be approved by M-NCPPC staff.
- f. Structured Parking
 - Include the proportionate number of parking spaces for each phase in parking structures as shown on the Site Plan.
- g. Tower Step-back
 - Step back the upper floors of the 300-foot tall residential building in Phase Two (Building D) by a minimum of six feet behind the base building above a height of less than 72 feet as shown on the Site Plan.
- h. Public Art
 - At Certified Site Plan, the Applicant must determine whether the “grand staircase” and/or associated public artwork is included in Phase One or Two of the Project, and reflect this phasing in the Certified Site Plan. The Applicant must install the public art as presented to the Planning Board’s Art Review Panel on November 12, 2014, and illustrated in the Site Plan. The Planning Board encourages the Applicant to incorporate the recommendations of the Art Review Panel as described in its letter dated November 26, 2014. Any significant changes to the concept must be presented to the Art Review Panel and approved by M-NCPPC Staff prior to Certified Site Plan, and may require a Site Plan Amendment.
- i. Public Open Space
 - Include a minimum of 6,800 square feet of on-site public open space in addition to the minimum Public Use Space required, to be approved by M-NCPPC Staff at Certified Site Plan.
- j. Exceptional Design
 - Construct the building and all Site features with visual and functional elements that enhance the character of the setting as shown on the Site Plan.
- k. Building Lot Terminations (BLTs)
 - Prior to the issuance of any Use and Occupancy Certificate for each phase, provide proof of purchase and/or payment for a total of 1.61 BLTs to the Department of Permitting Services as follows: Phase One: 0.49 BLTs; Phase Two: 0.94 BLTs; and Phase Three: 0.18 BLTs.
- l. Tree Canopy
 - Provide a minimum of 1,700 square feet of on-site tree canopy coverage at 15 years of growth through the planting of approximately 9 shade trees as shown on the Site Plan.
- m. Vegetated Roof
 - Install a vegetated roof with a minimum solid depth of 4 inches covering at least 34,060 square feet of the buildings’ roofs to be shown on the Certified Site Plan.

5. Transportation

The Applicant must provide a minimum of 220 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

Prior to any clearing or grading, the Applicant must pay the required Forest Conservation fee-in-lieu.

7. Moderately Priced Dwelling Units (MPDUs)

Prior to the release of any building permits, the Applicant must execute an MPDU Agreement-to-Build with the Department of Housing and Community Affairs (DHCA) to provide at least 12.5 percent MPDUs in accordance with Chapter 25-A.

8. Recreation Amenities

- a. Prior to Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the required recreation amenities for residential development and demonstrate to M-NCPPC Staff that each element meets the M-NCPPC Recreation Guidelines.
- b. Prior to issuance of any Use and Occupancy Certificate for each residential building, the Applicant must provide at least the following recreation amenities:

Phase One – Option 1 (residential option for Building B)

- i. 1 indoor fitness facility;
- ii. 2 picnic/sitting areas;
- iii. 1 pedestrian system (network of sidewalks and paths);
- iv. 1 wading pool

Phase Two

- i. 2 picnic/sitting areas;
- ii. 1 pedestrian system (network of sidewalks and paths);
- iii. 1 swimming pool;
- iv. 1 indoor community space;
- v. 1 indoor fitness facility

9. Maintenance of Public Amenities

Maintenance of all on-site public spaces and amenities is the responsibility of the Applicant. This includes maintenance of paving, plantings, lighting, benches, fountains, and public art. The Applicant is responsible for programming the public plaza throughout all seasons. Maintenance may be taken over by a governmental agency by agreement with the Applicant and applicable agency.

10. Architecture and Urban Design

The final exterior building design and character, proportion, materials, and articulation must be substantially similar to the schematic elevations, plans, and renderings shown on the submitted Site Plan architectural drawings and as approved by M-NCPPC Staff at Certified Site Plan.

11. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated February 27, 2012, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

12. Site Plan Surety and Maintenance Agreement

Prior to issuance of the first above-grade building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must be tied to the development program and 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, recreation amenities, site furniture, public art, trash receptacles, retaining walls, railings, private roads, paths and associated improvements within the relevant phases of development.
- c. The completion of all improvements covered by the surety for each phase of development will be followed by inspection and corresponding reduction of the surety.

13. Development Program

The Applicant must construct the development in accordance with a development program reviewed and approved by the M-NCPPC Staff at Certified Site Plan.

14. Certified Site Plan

The Certified Site Plan must include the following revisions and/or information subject to Staff review and approval:

- a) Final Forest Conservation Plan approval letter, all agency approval letters for this set of amendments, development program, and all original and subsequently amended Planning Board resolutions for Sketch Plan, Preliminary Plan, and Site Plan.

- b) A note stating that “Minor modifications to the limits of disturbance shown on the Site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- c) Modified data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.
- e) The final count, location, and facility details for all bicycle parking spaces, and the location of a bike sharing station.
- f) Architectural elevations and other relevant details of Phase One, options 1 and 2 for Building B.
- g) Location of all public amenities, and all recreation amenities provided per the Recreation Guidelines.
- h) Cross-sections and design standards for all private roads in the project.
- i) Lighting and landscaping treatment for the grand staircase if the public art is not installed along the grand staircase in Phase One.

SECTION 2: CONTEXT AND PROPOSAL

Site Vicinity

The subject Site (Site) occupies the majority of the block bounded by Rockville Pike (MD 355) on the east, Woodglen Drive on the west, Nicholson Lane on the north, and Executive Boulevard on the south. It is located approximately one block from the White Flint Metro Station to the north, the White Flint Mall to the southeast, the Montgomery Aquatics Center to the northwest, and the Bethesda North Marriott Hotel and Conference Center to the north. Along with the blocks immediately to the north and south, the Site forms a transition between the dense commercial uses along Rockville Pike (MD 355) and the primarily residential uses to the west.

Nearby recently approved developments include: North Bethesda Market I (NOBE I), approved as an optional method project under the TS-M Zone (Site Plan No. 820060170) that includes 440 multi-family residential units, up to 223,000 square feet of commercial development (a Whole Foods supermarket and additional retail and commercial uses), public open space, and structured parking; North Bethesda Center, located at the White Flint Metro Station east of Rockville Pike; the proposed North Bethesda Gateway project sits directly east, across Rockville Pike; and the first phase of Mid-Pike Plaza, north of Old Georgetown Road and west of Rockville Pike (see Figure 2, page 12).

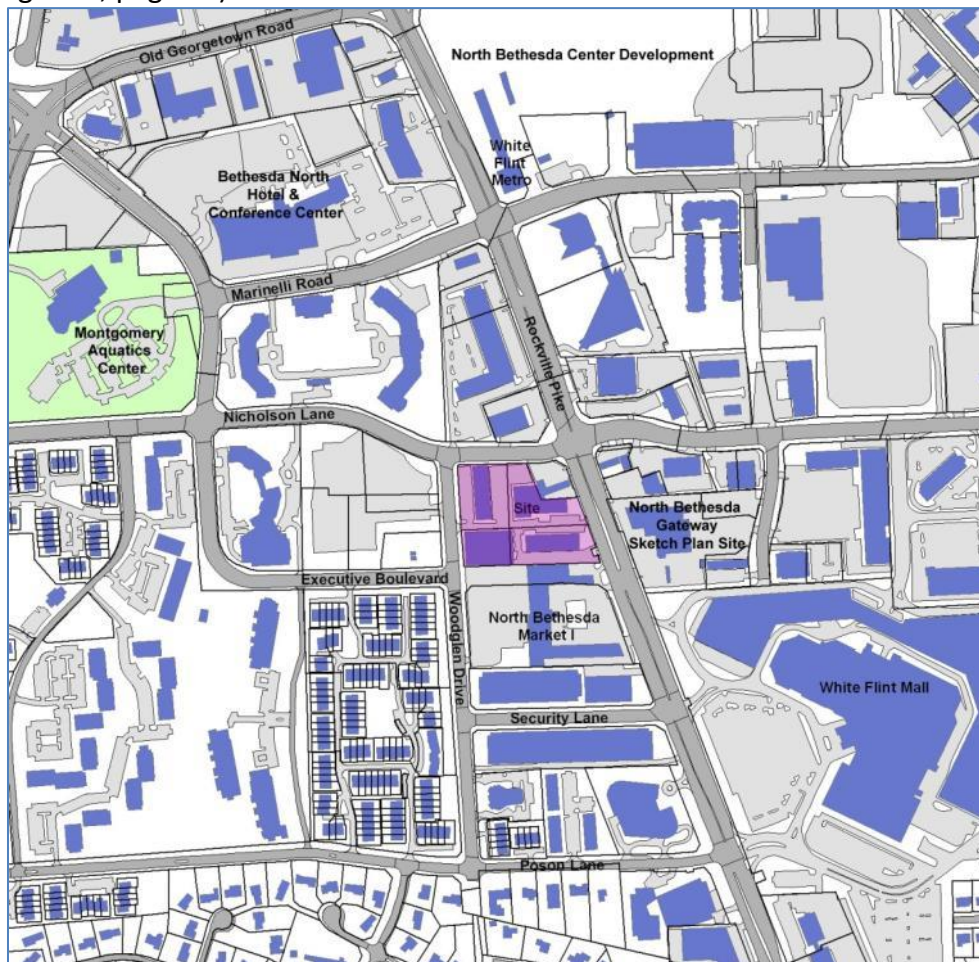


Figure 1: Vicinity Map

Site Analysis

The Site is located in the NoBe District of the 2010 Approved and Adopted *White Flint Sector Plan* (the Sector Plan) and is bounded by Rockville Pike, Executive Boulevard, Woodglen Drive and Nicholson Lane. The Site is split-zoned between CR 3.0 C1.5 R2.5 H150' Zone (the existing office building to remain, located at 11333 Woodglen Drive) and CR 4.0 C3.5 R3.5 H300' Zone for the rest of the Site.

The Site is currently occupied by four commercial buildings and surface parking lots. According to the Maryland State Department of Taxation and Assessment records, the existing commercial buildings contain approximately 195,726 square feet of floor area. The remainder of the block features a gas station at the corner of Nicholson Lane and Rockville Pike that is not part of this proposal. The Site is currently served by public water and sewer.

There are no known rare, threatened, or endangered species on Site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on Site. There are no known historic properties or features on Site.



Figure 2: Site and Context

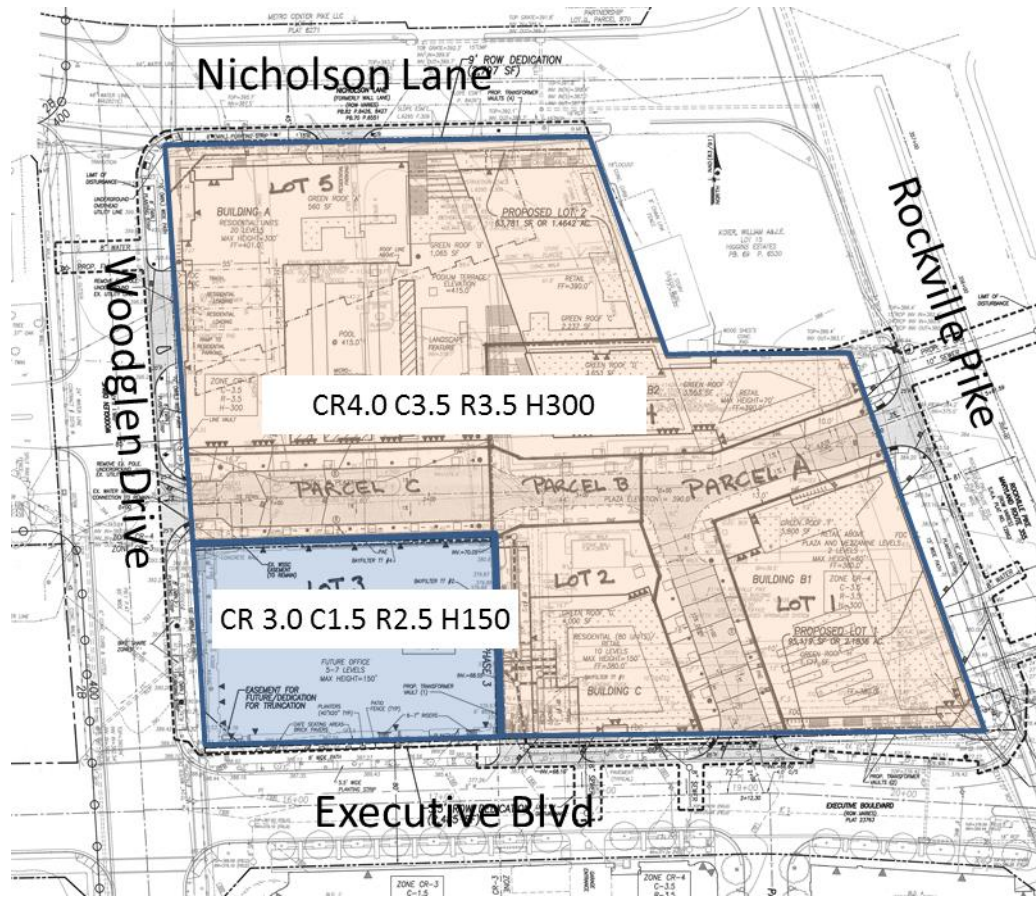


Figure 3: Zoning

PREVIOUS APPROVALS

Sketch Plan

The Planning Board approved Sketch Plan No. 320110030 by Corrected Resolution, MCPB No. 11-07 (see Attachment D), on January 20, 2011, which established a maximum total density of 740,528 square feet, including a maximum of 368,000 square feet of non-residential development; maximum height of 150 feet in the CR3.0 C1.5 R2.5 H150 Zone and 300 feet in the CR4.0 C3.5 R3.5 H300 Zone; general location and extent of public use space; and a total of 150 percentage points for public benefits from the incentive categories of Transit Proximity, Connectivity, Diversity, Design, and Environment.

Preliminary Plan

The Planning Board approved Preliminary Plan No. 120120060 by Resolution, MCPB No. 12-30 (see Attachment E) on March 1, 2012, to create one lot to allow a maximum of 740,528 square feet of mixed-use development including a maximum of 368,000 square feet of non-residential development, and up to 392,000 square feet of new residential uses (up to 414 units). One existing 67,260-square-foot commercial building was to remain as part of the maximum 368,000 square feet of commercial uses allowed. Additional dedications along Rockville Pike and Nicholson Lane, and a truncation at the intersection of Woodglen Drive and Executive Boulevard were required as part of the approval.

Site Plan

The Planning Board approved Site Plan No. 820120040 by Corrected Resolution, MCPB No. 12-31 (see Attachment F) on March 1, 2012, to allow up to 740,528 square feet of mixed-use development including up to 368,000 square feet of non-residential development and 392,000 square feet of residential (up to 414 residential units). The Site Plan approved the transformation of the existing strip commercial property surrounded by surface parking into three mixed-use, pedestrian-friendly, urban blocks with buildings of various heights. The approved plan was an extension of North Bethesda Market I, located just south of the Site. It extended the tree lined "retail paseo" and added a new central plaza that blended vehicular, bicycle and pedestrian circulation to create a vibrant retail space.

PROPOSAL

The proposed amendments maintain the overall vision of a multiple-building, mixed-use, office, residential and retail development as previously approved. The proposed project contains a maximum of 740,528 square feet of mixed-use floor area that will be built in three phases (instead of one, as previously approved). The major components of the project include up to 268,000 square feet of non-residential floor area in five buildings including approximately 67,260 square feet of existing retail and office space, a maximum of 492,000 square feet of residential floor area (up to 470 units including 59 MPDUs) in two buildings, and public amenities including structured parking facilities, a through-block pedestrian connection, tree canopy, wayfinding, public parking, tower step-backs, public open spaces and public art, and remove the public parking points but still provide at least the minimum required 100 points.



Figure 4: Proposed project

The proposed project will include an art installation: 1) a series of tree-like sculpted glass columns (26' height) with sunlight reflecting off the textured glass shimmering across the stairs. At dusk the LED video panels behind the glass will be illuminated; and 2) a public art piece called "Constellation Lighting," which will be located on the ceiling of the elevated arcade. This arcade connects Street A and the Paseo with Nicholson Lane to the north via the grand staircase.

The Applicant is requesting two options for Building B in order to respond to the changes in market demands. Option 1, the preferred option of both the Applicant and M-NCPPC Staff, is to build a residential tower of approximately 85,000 square feet on top of a retail base of approximately 7,000 square feet. If the market does not support the residential development as part of Phase One, Building B will be constructed as a two-story retail building of approximately 18,000 square feet without a residential tower on top (Option 2). In either scenario, the proposed project will have the same building footprint and the total number of parking spaces provided will not change (i.e. there will be no reduction in parking if the residential tower on Building B is not built due to the increased retail floor area in Option 2). And, like the prior approvals, the total floor area in the overall project will not exceed 740,528 square feet. The Applicant is requesting this flexibility to be able to develop either scenario and avoid having to go through another Site Plan amendment.

On November 12, 2014, the Applicant presented the proposed project and public art installations to the Art Review Panel, which provided comments (see Attachment C). The Applicant must coordinate with the Art Review Panel on any changes to the proposed public art installations prior to the Certified Site Plan.

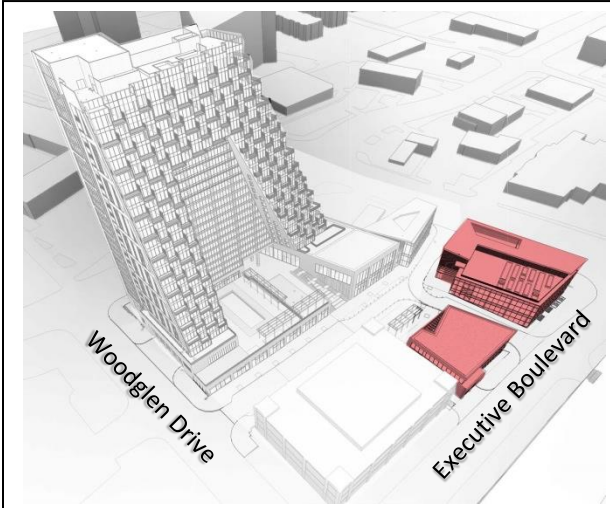


Figure 5: Building B- Option 1, with a residential tower

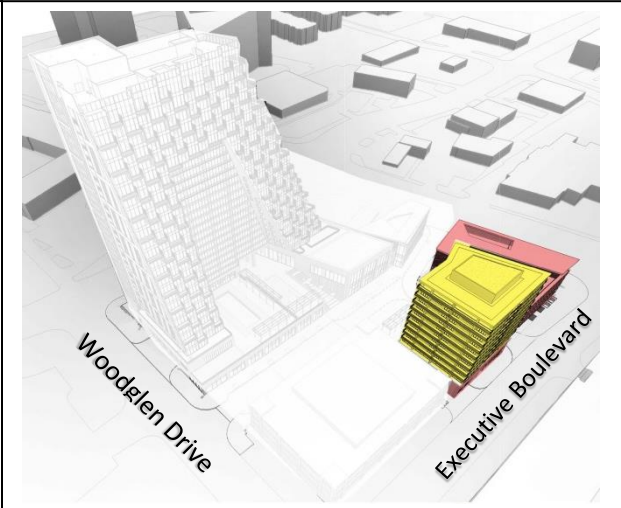


Figure 6: Building B-Option 2, without a residential tower

Table 1 and figures 7 and 8 below provide a comparison of the previously approved project and the proposed amendments:

Table 1 – Previous Approval and Proposed Development

Item	Previous Approval	Proposed Development
Lots	One lot	Two lots
Phases	One phase	Three phases
Total maximum floor area	740,528 square feet	740,528 square feet
Maximum non-residential floor area	368,000 square feet (including 67,260 square feet of existing to remain)	268,000 square feet (including 67,260 square feet of existing to remain)
Maximum residential floor area	392,000 square feet	492,000 square feet
Maximum dwelling units	414 units (52MPDUs, 12.5%)	470 units (59 MPDUs, 12.5%)
Total parking spaces	720	632
Public use space	15,900 square feet (10%)	15,900 square feet (10%)
Maximum building heights	Building A, 175 feet Building B, Up to 50 feet Building C, 70 feet Building D, 300 feet Building E, Up to 50 feet	Building A, 60 feet Building B: Option One: Up to 150 feet; Option Two: up to 50 feet Building C, 70 feet Building D, 300 feet Building E, Up to 150 feet



Figure 7: Previously Approved Plan



Figure 8: Proposed project (Phases One and Two)

Subdivision

Unlike the previous approval, which created one lot for the entire Site, the proposed Preliminary Plan Amendment will create five lots, and three parcels for private streets, as shown in Figure 8. Truncation will not be required at the intersection of Executive Boulevard and Woodglen Drive until Phase Three when redevelopment/expansion of the existing office building in the future pursuant to a separate Site Plan Amendment.



Figure 9: Proposed Preliminary Plan Amendment with Lot Designations

Proposed Phases

Phase One

Phase One will consist of the following:

1. Building A at the corner of Executive Boulevard and Rockville Pike will be up to 60 feet high, and contain 41,000 square feet of non-residential floor area;
2. Building B has two options:
 - a) Option 1: Building B will be 150 feet high and contain approximately 7,000 square feet of retail on the ground floor and up to 85,000 square feet of residential use above (up to 80 dwelling units) for a total of 92,000 square feet.
 - b) Option 2: Building B will be a 50-foot high, 18,000-square-foot retail building without residential units above.
3. Building C along Rockville Pike will be 70 feet high and contain approximately 23,750 square feet of non-residential floor area;
4. Building E with 67,260 square feet of existing non-residential space will be retained; and
5. Structured parking for Phase One.

At the completion of Phase One, vehicular and pedestrian access into the Site will be from Executive Boulevard through the Paseo (a north-south oriented private street), and Rockville Pike (through eastern segment of Street A). A pedestrian sidewalk along the north face of the existing office building (11333 Woodglen Drive) will connect the proposed Public Square and Street A to Woodglen Drive.

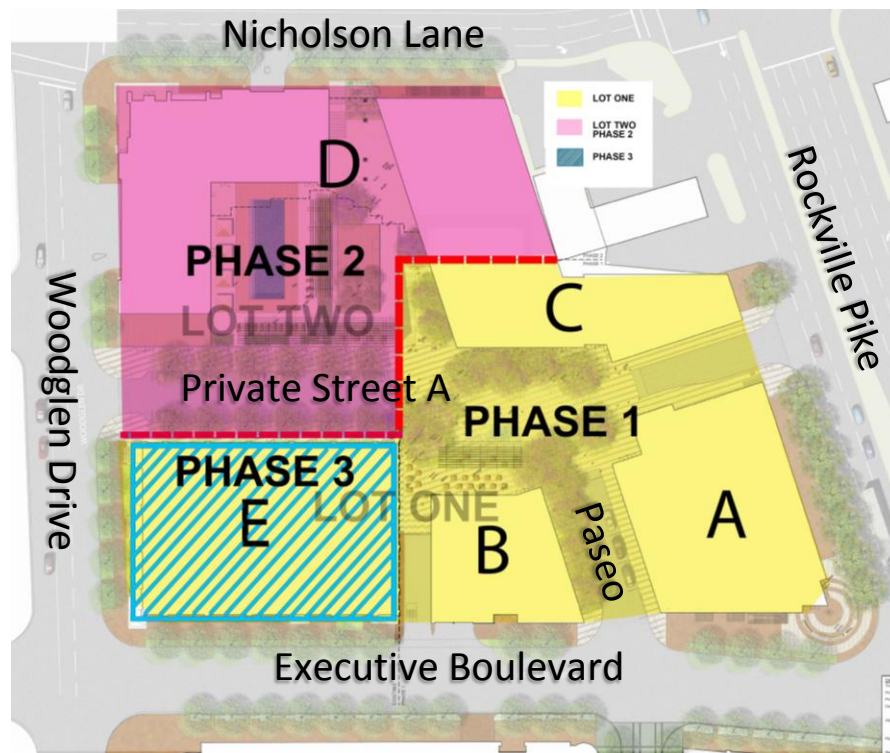


Figure 10: Proposed Buildings (A, B, C, D and E) and Phases.

Phase Two

Phase Two will consist of a 300-foot high, 407,000-square-foot residential building (Building D) with up to 390 units and approximately 25,250 square feet of retail space at the corner of Nicholson Lane and Woodglen Drive, structured parking for approximately 361 parking spaces, and a public amenity terrace on top of the parking garage. Phase Two will complete the vehicular and pedestrian circulation in and around the Site for all three phases.

Phase Three

Phase Three (Building E) will add 81,268 square feet of non-residential development to the existing non-residential building (11333 Woodglen Drive) at the corner of Executive Boulevard and Woodglen Drive for a total of approximately 148,528 square feet of non-residential floor area at this location (office and retail).

Table 2: Proposed Building square footage and phases with Option 1 for Building B

BUILDING	Phase One				Phase Two	Phase Three	Total
	A	B-Option 1	C	E (existing)	D	E (new)	
Non-Residential(sf)	41,000	7,000	23,750	67,260	25,250	81,268	245,528
Residential (sf)/units		85,000 /80			407,000/390		492,000/ 470
TOTAL (sf)/units	41,000	92,000/80	23,750	67,260	432,250/390	81,268	737,528/ 470

Table 3: Proposed Building square footage and phases with Option 2 for Building B

BUILDING	Phase One				Phase Two	Phase Three	Total
	A	B-Option 2	C	E (existing)	D	E (new)	
Non-Residential (sf)	41,000	18,000	23,750	67,260	25,250	81,268	256,528
Residential (sf)/units					407,000/390		407,000/ 390
TOTAL (sf)/units	41,000	18,000	23,750	67,260	432,250/390	81,268	663,528/ 390

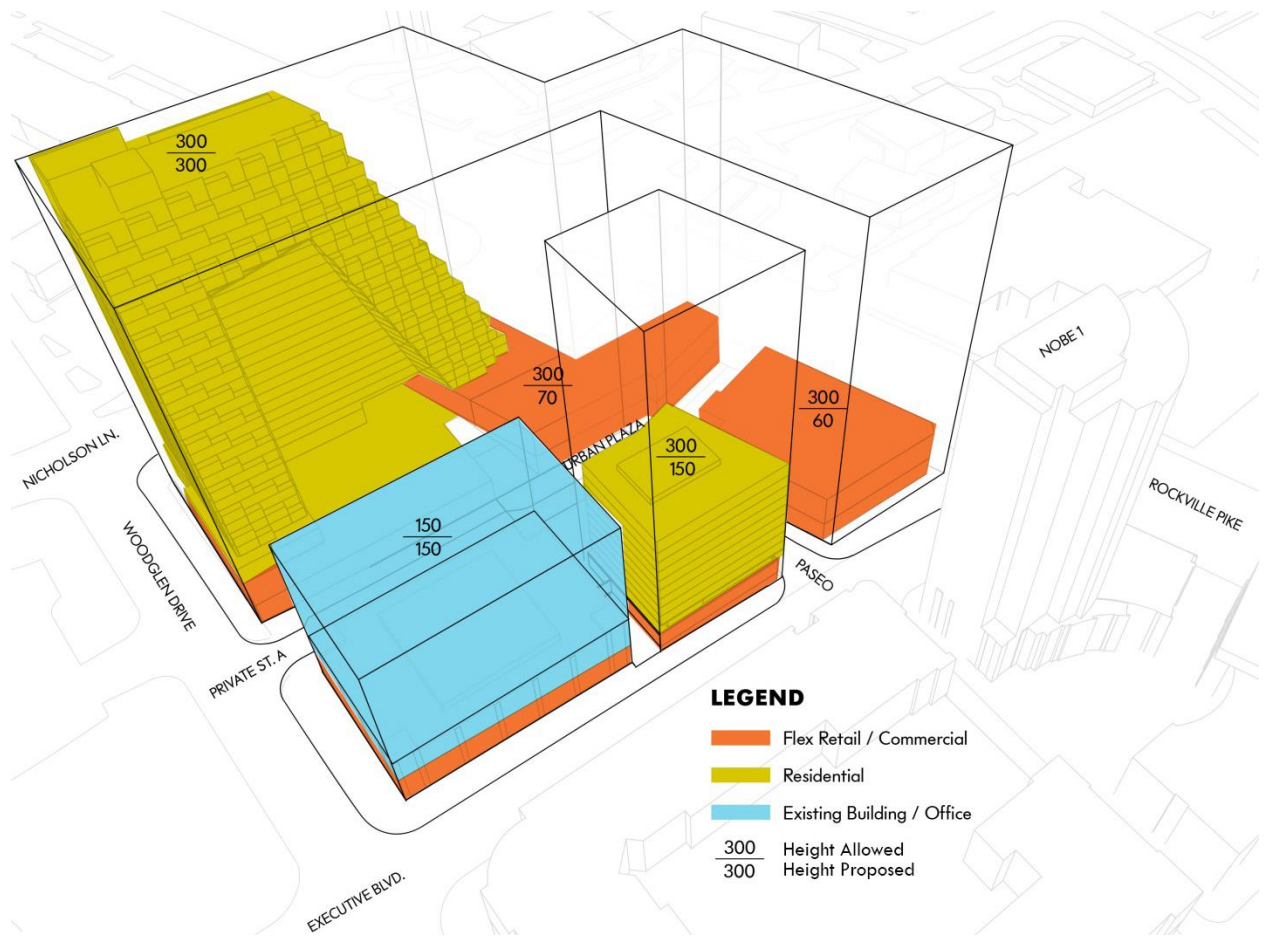


Figure 11: Maximum Allowed and Proposed Building Heights

SECTION 3: SKETCH PLAN FINDINGS

According to Section 7.7.1.B.1 of the current Zoning Ordinance, a Sketch Plan application filed “before October 30, 2014 must be reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.” This Amendment was filed before October 30, 2014; therefore it is being reviewed under the provisions of Section 59-C-15.43(c) of the old Zoning Ordinance, which states: “In approving a sketch plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:”

1. *Meet the objectives, general requirements, and standards of this Division [59-C-15];*

The proposed Sketch Plan Amendment meets the requirements of Section 59-C-15.122. Density averaging, as follows:

Permitted density may be averaged over 2 or more directly abutting or confronting lots or parcels in one or more CRN, CRT, or CR zones provided that:

- (a) The lots or parcels are subject to the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan;*
- (b) The lots or parcels are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;*
- (c) The maximum total non-residential and residential density limits apply to the entire development, not to the individual lots or parcels;*
- (d) No building may exceed the maximum height set by the zone;*
- (e) Uses are subject to the provisions of the property’s zone classification;*
- (f) The total allowed maximum density on a lot or parcel that is adjacent to or confronting a lot or parcel in a one-family residential zones or an agricultural zone that is not improved with a commercial, industrial or utility use, may not exceed that allowed by the lot or parcel’s commercial/residential zone; and*
- (g) Public benefits must be provided under the phasing element of an approved sketch plan.*

The proposed development will create five lots, all of which are subject to the same sketch plan; all the lots will be created by the same preliminary plan; the overall total non-residential and residential densities of the project will not exceed the total maximum allowed by the CR3.0 and CR 4.0 Zones for the entire Site; no building will exceed the maximum height set by the zone; proposed uses are allowed by the Site’s zone classification; the Site is not adjacent to, nor does it confront, a lot or parcel in a one-family residential zone or an agricultural zone that is not improved with a commercial, industrial or utility use; and proposed public benefits are accounted separately for each phase of the project.

The proposed Sketch Plan Amendment meets the objectives of Section 59-C-15.2. as follows:

a) *Implement the policy recommendations of applicable master and sector plans.*

The 2010 *White Flint Sector Plan* establishes policies for transforming an auto-oriented suburban development pattern into an urban center of residences and businesses. The proposed Project will replace auto-oriented office buildings currently surrounded by surface parking into an urban, mixed-use community with emphasis on the pedestrian experience in an improved public realm. It meets the recommendation of the Sector Plan as fully described on page 24 of this report.

b) *Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses.*

The Project will replace four commercial buildings and their associated surface parking lots with a mix of high- and low-rise buildings with structured parking. The development will accommodate a mix of uses including office, retail and residential.

c) *Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities.*

The Project will provide a range of residential unit types and commercial services with public facilities and amenities, all within ¼ mile of the White Flint Metro Station in areas that will have sidewalks, bike paths and transit facilities.

d) *Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors.*

The mix of uses, densities and height of the proposed Project are compatible with existing and approved developments on adjoining properties. The Project achieves an appropriate mix of density and building heights as recommended in the 2010 *White Flint Sector Plan*.

e) *Allow an appropriate balance of employment and housing opportunities.*

The proposed Project will offer a variety of housing options including market-rate units and MPDUs. It also includes office and retail spaces, which will provide opportunities for employment.

f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The proposed Project will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit.

The proposed Sketch Plan Amendment meets the requirements of Section 59-C-15.6, General Requirements, as follows:

Section 15-C-15.61 - Master Plan and Design Guidelines Conformance

The Project conforms to the Sector Plan and Design Guidelines as described in Finding #2 below.

Section 59-C-15.62 - Bicycle Parking Spaces and Commuter Shower/ Change Facility

The Project provides for the minimum required number of bicycle parking spaces for residents and visitors and commuter shower/change facilities.

Section 59-C-15.63 - Parking

According to Section 7.7.1.B.3.b of the current Zoning Ordinance, “An applicant may apply for a minor site plan amendment to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.2) in a manner that satisfies the parking requirements of the Section 6.2.3 and Section 6.2.4.” The Applicant has requested that the proposed project be allowed to meet this provision of the Zoning Ordinance. Accordingly, the proposed project meets the parking requirements of the current Zoning Ordinance, as applicable. The final number of parking spaces will be determined at Certified Site Plan based on the final number of residential units.

Section 59-C-15.7 Development Standards

The proposed Sketch Plan Amendment meets the development standards of Section 59-C-15.7 as shown on page 34, Table 4 of this report.

2. *Further the recommendations and objectives of the applicable master or sector plan;*

The vision of the 2010 *White Flint Sector Plan* “establishes policies for transforming an auto-oriented suburban development pattern into an urban center of residences and business” (pg. 6). The proposed project implements this vision by replacing auto-oriented office and retail buildings surrounded by surface parking lots into an urban, mixed-use community with emphasis on the pedestrian experience in an improved public realm. The proposed project supports the goals and objectives of the Plan (pg. 25) by:

- Creating compact building footprints and a mix of uses in a walkable environment;
- Providing up to 470 residential units including 12.5% MPDUs in a place where no units currently exist; and

- Providing retail space for local retail and commercial services for existing and new residents within walking distance and close to Metro.

The Site is within the NoBe District (Block 2) in the 2010 *White Flint Sector Plan*. The Sector Plan notes the “significant redevelopment opportunity north of Executive Boulevard that could include retail, residential, and offices uses” (pg.36). It also states that “building heights may be less than 150 feet to achieve compatibility with the residential development southwest of this block” (pg.36). The proposed building heights of 60 and 70 feet for non-residential buildings, and 150 and 300 feet for residential buildings, are consistent with the Sector Plan’s building height recommendations; the 300-foot residential tower is located in the northwest corner of the site, away from the existing low-rise residential development southwest of this block.

The proposed street network is consistent with the Sector Plan recommendations. Woodglen Drive is classified as a commercial business street (B-3) with a 70-foot right-of-way. The current right-of-way for Woodglen Drive is 85 feet (Varies), therefore no additional right-of-way is required for Woodglen Drive. Nicholson Lane is classified an arterial roadway (A-69) with a 90-foot right-of-way. Executive Boulevard, between Woodglen Drive and Rockville Pike (MD 355) is a commercial business street with an 80-foot right-of-way. Proposed Street ‘A’ (east-west) and the ‘Paseo’ (north-south) are internal local streets consistent with the Sector Plan’s recommendation for local streets, which “provide access into the interior of the blocks and can have special features to distinguish the different enclaves of development from each other, such as distinctive paving materials” (pg.18).

The Sector Plan envisions Rockville Pike as an urban boulevard with improved pedestrian sidewalks, on-road bicycle accommodation, and bus priority lanes (pg.53). Rockville Pike is classified as a major highway with a 150-foot right-of-way and an additional 12 feet in reservation (six feet on each side) (pg.55). The 2013 *Countywide Transit Corridors Functional Master Plan* recommends a Bus Rapid Transit corridor in the median of Rockville Pike along the frontage of this Site. The proposed project provides the recommended right-of-way for its Rockville Pike frontage.

The Sector Plan identifies Woodglen Drive between Edson Lane and Nicholson Lane as a dual bikeway (SP-41 and LB-4), and recommends a bike lane on Nicholson Lane (BL-27). It also recommends the establishment of a recreation loop on Nicholson Lane. ‘Street A’ is identified in the Plan as a recreation loop extension.

Woodglen Drive currently provides a cycle track, or dual bikeway. The Project’s pedestrian streetscape design along Woodglen Drive supports the cycle track. The proposed recreation loop extension continues through Private Street ‘A’ and the Paseo to connect with the surrounding neighborhoods.

The proposed Sketch Plan Amendment addresses all master plan recommended rights-of-way.

White Flint Design Guidelines

The Approved White Flint Urban Design Guidelines provide specific recommendations for each district, as well as public open spaces and streets. The proposed project is consistent with the design guidelines for buildings, open spaces, architectural character and streets as demonstrated in the site plan analysis section of this report.

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

The proposed buildings and open spaces are compatible with existing nearby buildings, open spaces and uses. This compatibility is achieved through: building heights similar to those of the existing North Bethesda Market I to the south (approximately 289 feet), approved-but unbuilt North Bethesda Gateway across Rockville Pike to the east (approximately 250 feet), and approved-but unbuilt Saul Centers White Flint to the north (approximately 300 feet); creation of blocks that transform the suburban, auto-oriented strip shopping center into a mixed-use, walkable environment; creation of defined streetscapes and open spaces; replacement of surface parking lots with structured parking creating an urban pattern of buildings, sidewalks, and streets; and continuation of the existing public space and internal street grid established by North Bethesda Market I.

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

The proposed circulation network for vehicles, pedestrians and bicyclists is safe, adequate and efficient, and will integrate this development into the surrounding area. Structured parking and loading provides adequate access with efficient on-site circulation for vehicles, bicyclists and pedestrians. Safety is enhanced by several improvements, including generously landscaped sidewalks and a narrow internal street which will encourage slower traffic. The proposed vehicular circulation efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation.

5. *Propose an outline of public benefits that support the requested incentive density;*

The proposed public benefits and requested incentive density points are appropriate and meet the objectives of the *White Flint Sector Plan*.

Table 3: Public Benefits Calculations

Public Benefit	Incentive Density Points			Phase One	Phase Two
	Max. Allowed	Requested	Staff Recommended		
59-C-15.852 Transit Proximity					
	50	36.88	36.88	18.44	18.44
59-C-15.853 Connectivity and Mobility					
Neighborhood Services	10	7.5	7.5	3.75	3.75
Minimum Parking	10	8.83	8.61	4.0	4.61
Through-Block Connection	20	15	15	10	5
Way-Finding	10	5	5	5	0
59-C-15.855 Quality and Building Site Design					
Structured Parking	20	17.31	17.31	10	7.31
Tower Step-Back	10	5	5	0	5
Public Art	10	10	10	0	10
Public Open Space	20	4.28	4.28	3	1.28
Exceptional Design	10	10	10	4	6
59-C-15.853 Protection & Enhancement of the Natural Environment					
Building Lot Terminations	5	5	5	5	0
Tree Canopy	15	10	10	5	5
Vegetated Roof	15	10	10	5	5
TOTAL	205	144.8	144.58	80.69	63.89

6. *Establish 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 proposed project will be built in three phases as described on page 19 of this report. However, all the proposed public benefits and amenities for all three phases of the project will be provided in Phases One and Two as illustrated in Table 3 above.

SECTION 4: PRELIMINARY PLAN FINDINGS

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

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

The proposed Amendment substantially conforms to the recommendations of the 2010 *White Flint Sector Plan* as demonstrated on page 24 of this staff report.

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

Site Location and Access Points

The Site has frontage on Rockville Pike on the east, Executive Boulevard on the south, Woodglen Drive on the west, and Nicholson Lane on the north. Vehicular and pedestrian access into the Site is proposed from all four roadways. The proposed network of streets and sidewalks is safe, adequate, and efficient for the proposed mix of uses.

Transportation Demand Management

This Site is within the boundary of the North Bethesda Transportation Management District (TMD). The *White Flint Sector Plan* recommends that the TMD establish a 50% non-auto driver mode-share (NADMS) goal for employees. The TMD currently has a 26% transit mode-share. The Applicant must participate in the TMD through a traffic mitigation agreement to achieve the NADMS goals of the Sector Plan.

Sector Plan Roadways and Bikeways

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

1. Rockville Pike (MD 355) is designated as a major highway, M-6, with a recommended 150-foot right-of-way, reservation for an additional 12 feet (for a total of 162 feet), and a recommended shared use path, Local Bikeway, LB-5, on the east side. MCDOT's Capital Improvements Program Project No. 501116, White Flint District West Transportation, includes reconstruction of Rockville Pike as recommended in the Sector Plan.
2. Nicholson Lane is designated as an arterial, A-69, with a recommended 90-foot right-of-way, recommended bike lanes, BL-27 and a recreation loop.
3. Woodglen Drive is designated as a business street, B-3, with a recommended 70-foot right-of-way and a planned cycle track along the west side of Woodglen Drive. The current right-of-way for Woodglen Drive is 85 feet; no additional right-of-way is required.

4. Executive Boulevard is designated as a business street, B-7, with a recommended 80-foot right-of-way and extension of the White Flint recreation loop on the north side of the street. The Applicant proposes a 10-foot-wide shared path along the north side of Executive Boulevard.

The proposed project provides the required dedications to meet the necessary right-of-way needs of all abutting streets as shown on the submitted Preliminary Plan. All internal streets are proposed to be private streets lined with retail, providing public art, a public plaza, bicycle racks, and the Recreation Loop Extension. Final details and design standards for all private streets will be determined at Site Plan.

Available Transit Service

Ride-On routes 5 and 46 and Metrobus J-5 operate along Rockville Pike on the Site's eastern boundary. The entire Site is within a quarter-of-a-mile from the White Flint Metrorail Station.

Adequate Public Facilities Review

Local Area Transportation Review and Transportation Policy Area Review (LATR/TPAR):

Pursuant to County Council Resolution 16-1324, adopted April 27, 2010, the Site is exempt from LATR and TPAR analysis because the transportation Adequate Public Facilities test for new developments in the *White Flint Sector Plan* area is satisfied by requiring the property owners to participate in, and pay the applicable development impact tax as part of, the White Flint Special Taxing District. The revenue generated from this project will go towards funding the MCDOT CIP Project No. 501116, White Flint District West Transportation, which includes reconstruction of Rockville Pike.

Utilities

The Sector Plan recommends undergrounding of utilities noting that "undergrounding utilities and locating "wet" and "dry" utilities under the pavement or under the sidewalk will allow the street tree canopy space to grow" (pg.17). During Phase Two construction the Applicant will underground all existing overhead utilities along the east side of Woodglen Drive north of the existing office building E (11333 Woodglen Drive).

Urban District

Functions of an urban district include maintenance of streetscape within the public right-of-way and promotion of the local area. The Director of the Bethesda Regional Services Center has initiated an ad-hoc working group of White Flint residents and property owners to begin discussing the detail functioning and responsibilities of the White Flint District (established on October 23, 2014). In the meantime, existing developments, including North Bethesda Market I and North Bethesda Center, have signed agreements with the Montgomery County Department of Permitting Services to maintain the streetscape along Woodglen Drive, Executive Boulevard and Rockville Pike. The Applicant must comply with the White Flint Urban District requirements when it is fully established and operational.

Other Public Facilities and Services

All other public facilities and services are available and will be adequate to serve the proposed development. The Site is served by public water and sewer. Gas, electric, and telecommunications services are also available to the Site. Police stations, firehouses, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. The application has been reviewed and conditionally approved by the Montgomery County Fire and Rescue Service (MCFRS), which must verify that the proposed development has adequate access for emergency vehicles prior to recordation of the plat.

The Site is located in the Walter Johnson High School Cluster, which requires a School Facilities Payment at the high school level. The School Facilities Payment must be made prior to the issuance of any residential building permit covered by this Preliminary Plan.

Staff finds the proposed application satisfies the Adequate Public Facilities Ordinance.

- 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 five lots and three parcels for private streets. The application meets the requirement and standards of all applicable sections of Chapter 50 of the Montgomery County Code, the Subdivision Regulations. 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 H150 and CR4.0 C3.5 R3.5 H300 Zones as specified in the Zoning Ordinance. The proposed development meets all dimensional requirements of those zones, as detailed in Section 5: Site Plan Review of this report. Finally, the application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan.

- 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 August 30, 2010. The Site contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, specimen trees, or rare, threatened or endangered species.

Staff approved Final Forest Conservation Plan (FFCP) No. 820120040 on February 12, 2012, for the original Preliminary and Site Plans. Based on the Site's size (4.4 acres) and land use category of Mixed-use Development Area, the required afforestation is 0.66 acres. The approved FFCP satisfied the afforestation requirement with 0.21 acres of landscaping credit and 0.45 acres of off-site forest banking. Staff has reviewed an amended FFCP to alter the composition of the proposed landscape plantings for afforestation credit as part

of this Site Plan Amendment. The amount of landscape credit requested remains at 0.21 acres, with the balance of the afforestation requirement now to be met through payment of a fee-in-lieu. The proposed FFCP satisfies all the requirements of the forest conservation law. Staff recommends approval of the proposed FFCP as part of this Site Plan Amendment approval.

Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS) approved a stormwater management concept plan on August 31, 2011 and reconfirmed it in a letter dated November 21, 2014. The proposed project meets stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-biofilters. Runoff not treated in these facilities will be treated in proprietary underground filter systems before being discharged to the existing storm drain system.

Subdivision Regulations Waiver 50-38(a)(1)

The Applicant is proposing to build a parking garage under the area covered by new construction in Phase One and Phase Two, which will cross lot lines for the proposed parcels for private Street A and the Paseo. However, Section 50-20(b) states:

“A building permit must not be approved for the construction of a dwelling or other structure, except a dwelling or structure strictly for agricultural use, which is located on more than one lot, which crosses a lot line, which is located on the unplatted remainder of a resubdivided lot, or which is located on an outlot...”

The Applicant has requested relief from Section 50-20-(b) of the Subdivision Regulations through a waiver pursuant to Section 50-38(a)(1) of the Subdivision Regulations, which states:

“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

The requested waiver pertains to the proposed garages in Phase One and Two, which will be located partially under the proposed Private Streets (Street ‘A’ and the Paseo). The proposed below-grade parking garages for all the new construction in Phases One and Two will be directly beneath the footprint of these buildings as well as the proposed Private Street ‘A’ and the Paseo. Private Street ‘A’ and the Paseo divide this segment of Phase One into four separate lots and two parcels, and Phase Two into one lot and one parcel. Due to the size and configuration of both the Site and the compact, high density character of the proposed mixed-use development, it is not feasible for the below-grade parking garage to avoid crossing the proposed lot and parcel lines. Therefore, Staff finds that a practical difficulty exists for the

proposed development to fully meet the requirements of Section 50-20 of the subdivision regulations while creating a walkable mixed-use environment with an integrated system of public open spaces, public amenities and the vehicular and pedestrian circulation in one seamless organization as envisioned in the Sector Plan if the proposed garage is not allowed to cross lot and parcel lines.

Staff finds that the requested waiver is the minimum necessary to provide relief from this requirement; any less would not allow the project to be built in a desirable manner. The requested waiver is not adverse to the objectives of the General Plan because the White Flint Sector Plan encourages below-grade parking to support high-density, mixed-use development at this location. The requested waiver is not adverse to the public interest because the proposed below-grade garage allows for safe, adequate, and efficient pedestrian circulation for residents and will not impede public vehicular or pedestrian circulation. Therefore, Staff finds that all required findings have been made pursuant to Section 50-38(a)(1) and recommends approval of a waiver of Section 50-20(b) to permit a structure to cross lot and parcel lines.

SECTION 5: SITE PLAN FINDINGS

The Site is split-zoned between the CR3.0 C1.5 R2.5 H150 and the CR4.0 C3.5 R3.5 H300 Zones on 191,925 square feet of gross tract area. This Site Plan Amendment covers Phase One and Two only. A separate Site Plan Amendment must be filed for Phase Three in the future.

According to Section 7.7.1.B.1 of the New Zoning Ordinance, a Site Plan application filed “before October 30, 2014 must be reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.” Since this Amendment was filed before October 30, 2014, it is being reviewed under the provisions of Section 59-D-3 of the old Zoning Ordinance for all other provisions except required parking, which is being reviewed under Section 7.71.B.3.b of the New Zoning Ordinance, which states:

“An Applicant may apply for a minor site plan amendment to amend the parking requirements of a previously approved application in a manner that satisfies the parking requirements of the Section 6.2.3 and Section 6.2.4.”

Section 59-D-3.4.(c) of the old Zoning Ordinance states that in reaching its decision the Planning Board must require that:

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

This Site Plan Amendment 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 Amendment 320120030A, which is being reviewed concurrently with this Site Plan Amendment. This Site Plan Amendment is not modifying any conditions or binding elements of the Sketch Plan Amendment 320120030A as described in this report.

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.*

The Application must meet the following requirements of the CR Zone:

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

Uses

The proposed residential, retail and office use are permitted uses in the CR4.0 C3.5 R3.5 H300 and the CR3.0 C1.5 R2.5 H150 Zones.

General Requirements

The Project is substantially consistent with the 2010 *White Flint Sector Plan* and *White Flint Urban Design Guidelines* as described on page 23 of this report.

Development Standards

The proposed project meets all the development standards of the CR4.0 C3.5 R3.5 H300 and the CR3.0 C1.5 R2.5 H150 Zones as shown in the project data table below.

Table 4: Project Data Table-Development Standards

Section 59-C	Development Standards	Permitted/Required	Proposed for this Site Plan Amendment (Phase One and Two)
	Total Gross Tract Area (sf)		191,925
	CR4.0, C3.5, R3.5, H300'		164,753
	CR3.0, C1.5, R2.5, H150'		27,172
	Total Net Lot Area		158,900
15.71	Maximum Density (sf)		
	<i>CR 4.0 portion (164,753 x 4.0)</i>	659,012	589,000
	<i>CR3.0 portion (27,172 x 3.0)</i>	81,516	67,260
	Total maximum density	740,528	656,260
	Maximum density with option 1 and 2 for Building B:		
	Option 1:		
	<i>Non-residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	97,000
	<i>Non-residential CR3.0 portion (27,172 x 1.5)</i>	40,758	67,260
	Total maximum non-residential	617,394	164,260
	<i>Residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	492,000
	<i>Residential CR3.0 portion (27,172 x 2.5)</i>	67,930	0.0
	Total maximum residential	644,565.5	492,000
	Option 2:		
	<i>Non-residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	108,000
	<i>Non-residential CR3.0 portion (27,172 x 1.5)</i>	40,758	67,260*
	Total maximum non-residential	617,394	175,260
	<i>Residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	407,000
	<i>Residential CR3.0 portion</i>	67,930	0.0

Section 59-C	Development Standards	Permitted/Required	Proposed for this Site Plan Amendment (Phase One and Two)
	(27,172 x 2.5)		
	Total maximum residential	644,565.5	407,000
15.71	Maximum Building Height (ft)		
	CR4.0 Portion	300	300
	CR3.0 Portion	150	150
15.72	Minimum Setback	n/a	
15.73	Minimum Public Use Space	10%	10%
15.74	Residential Amenity Space		
	Minimum indoor	5,000	7,700
	Minimum outdoor @ 411 market rate units	8,220**	10,400
59-6.2.4	Parking		
	Minimum/Maximum	422/1198	422/632 (for both options for Building B)
15.62	Bicycle Parking (based on the higher number of required spaces for Option 1 for Building B)		
	Total Required Public Spaces	45 (28 phase 1, 17 phase 2)	70, (32, 38)
	Total Req. Private Spaces	146 (42 in phase 1, 104 in phase 2)	150 (50 in phase 1, 100 in phase 2)

*The existing non-residential square footage exceeds the maximum permitted non-residential floor area in the CR3.0 portion. The proposed project utilizes the provisions of Section 59-C-15.122. Density averaging, which allows permitted density to be averaged of 2 or more directly abutting or confronting lots or parcels in one or more CR Zones.

**At least 400 square feet must adjoin or be directly accessible from the indoor amenity space.

Special Regulations for the Optional Method of Development (Public Benefits)

The proposed project meets all the requirements for Optional Method Developments in the applicable Zones as shown on page 27 of this report.

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

Option 1:

The locations of the buildings and structures are adequate, safe, and efficient as envisioned by the Sector Plan and White Flint Urban Design Guidelines. The

proposed structures provide pedestrian-oriented blocks, appropriate massing with street walls along sidewalks, and density near transit facilities.

Option 2:

The locations of the buildings and structures are adequate, safe, and efficient. The buildings in Option 2 provide pedestrian-scaled streetscapes, seasonal landscaping, retail along the ground floor, and public spaces and public art that enhance the overall experience for visitors throughout the Site.

In both options, the proposed buildings and open spaces are compatible with existing and proposed nearby buildings, open spaces and uses.

b. Open Spaces

The locations of the open spaces are adequate, safe, and efficient. They meet the recommendations of the Sector Plan and White Flint Urban Design Guidelines to provide a network of sidewalks complemented by a variety of pedestrian-scaled open spaces and more centralized, adaptable, larger open spaces that will provide passive and active areas for sitting, relaxing, dining, strolling, and social engagement. The Site will provide a public plaza that is integrated into the rest of the development and provides outdoor seating near restaurant space. Through multi-programming, an interactive fountain, and proximity to the surrounding retail, the plaza will function as a gathering space to draw passersby from the surrounding area into the interior blocks. Its location also makes it well integrated into the surrounding uses and streetscape.

There will be no change in the proposed open spaces regardless of Option 1 or 2 for Building B.

c. Landscaping and Lighting

Proposed landscaping and lighting will be safe, adequate, and efficient for year-round use and enjoyment by patrons, employees, and residents. Site furnishings, shade, color, special features such as artwork, interactive fountains, and seasonal landscaping will be integrated within the Site to create an interesting place. There will be no change in the proposed landscape and lighting plan regardless of whether Option 1 or 2 is implemented for Building B.

d. Recreation Amenities for Residential Development

The proposed development will provide the following recreation amenities in accordance with the M-NCPPC Recreation Guidelines. The proposed recreation amenities will be adequate, safe, and efficient and enable the residents to lead an active and healthy life.

Phase One – Option 1 (Residential option for building B)

- i. 1 indoor fitness facility;
- ii. 2 picnic/sitting areas (plaza; grand stairs);

- iii. 1 pedestrian system (network of sidewalks and paths);
- iv. 1 wading pool

Phase Two

- i. 2 picnic/sitting areas;
- ii. 1 pedestrian system (network of sidewalks and paths);
- iii. 1 swimming pool;
- iv. 1 indoor community space;
- v. 1 indoor fitness facility

The development can also take advantage of the nearby recreation facilities at Wall Park, including:

- i. 1 multi-age playground;
- ii. 1 pedestrian system (network of sidewalks and paths);
- iii. 1 indoor community space; and
- iv. 1 indoor swimming pool.

In addition to the recreation amenities pursuant to the Recreation Amenities Guidelines, the proposed project will also provide Public Use Space and other open spaces and public amenities pursuant to *Section 15-C-15.8 Special regulation for optional method of development* of the old Zoning Ordinance.

e. Pedestrian and Vehicular Circulation Systems

Vehicular circulation and traffic calming will be enhanced through increased on-street parking, consolidated loading and garage entrances, and smaller blocks. Pedestrian and vehicular access to and through the Site will be provided along Woodglen Drive and Executive Boulevard. New parking garage and loading access points will be located on Woodglen Drive, Nicholson Lane, and Executive Boulevard. These proposed circulation routes, access points, and loading movements will have minimal conflicts with pedestrians.

Pedestrian circulation on and around the Site will be greatly improved along the street frontages and within the Site through pedestrian-scaled paved crosswalks at all curb cuts within the proposed project, a raised intersection at the Paseo and Private Street A, and sidewalks. The new network of sidewalks, open spaces and bicycle and pedestrian amenities, such as benches, handicapped access, bike racks, shade trees, bike lanes, and through-block connections will provide adequate, safe, and efficient pedestrian and vehicular circulation systems.

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

Each structure and use in the proposed buildings is compatible with adjacent existing and proposed buildings regarding scale, massing, and height. There are no pending site plans adjacent to the proposed development.

1. Building B has two options:
 - a) Option 1: Building B will be 150 feet high and contain approximately 7,000 square feet of retail on the ground floor and up to 85,000 square feet of residential use above (up to 80 dwelling units) for a total of 92,000 square feet. Each structure and use in Option 1 is compatible with adjacent existing and proposed buildings regarding scale, massing, and height.
 - b) Option 2: Building B will be a 50-foot high, 18,000-square-foot retail building without residential units above. Each structure and use in Option 2 is compatible with adjacent existing and proposed buildings regarding scale, massing, and height.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 of the County Code, regarding water resource protection, and any other applicable law.*
 - a. Forest Conservation

The net tract area of the Site is 4.41 acres. Based on the land use category of Mixed-use Development Area, the required afforestation is 0.66 acres. The previously approved Final Forest Conservation Plan (FFCP) satisfied the afforestation requirement with 0.21 acres of landscaping credit and 0.45 acres of off-site forest banking. Staff has reviewed an amended FFCP to alter the composition of the proposed landscape plantings for afforestation credit as part of this Site Plan Amendment. The amount of landscape credit requested remains at 0.21 acres, with the balance of the afforestation requirement now to be met through payment of a fee-in-lieu. The proposed amended FFCP satisfies all the requirements of the forest conservation law.

 - b. Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS) approved a stormwater management concept plan on August 31, 2011 and reconfirmed it in a letter dated November 21, 2014. The plan proposes to meet stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-biofilters. Runoff not treated in these facilities will be treated in proprietary underground filter systems before being discharged to the existing storm drain system.

COMMUNITY OUTREACH

The Applicant has met all signage, noticing, and submission meeting requirements. On June 10, 2014, the Applicant held a pre-submittal public meeting at the North Bethesda Marriott Hotel and Conference Center. Staff has not received correspondence on this matter.

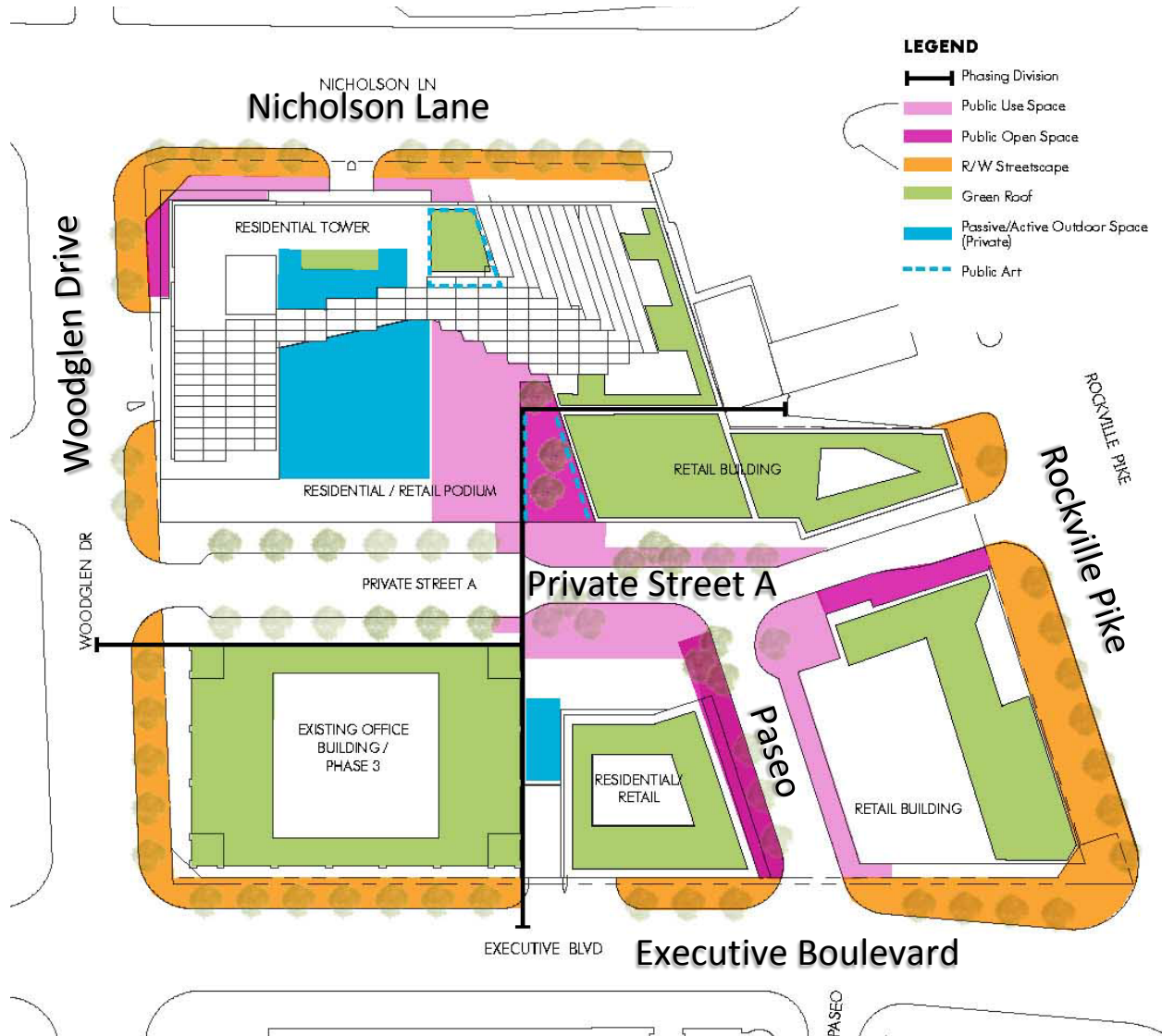
CONCLUSION

Based on the analysis contained in this report and subject to the recommended conditions at the beginning of this report, Staff concludes that the proposed project is consistent with the vision and objectives of the *White Flint Sector Plan* and complies with all the applicable regulation and development standards of the Commercial/ Residential Zones. The existing and proposed infrastructure is appropriate to support the uses and densities proposed for the Site. Staff therefore recommends approval of the proposed Amendments with conditions, including approval of a waiver of Section 50-20(b) to permit a structure to cross lot and parcel lines.

ATTACHMENTS:

- A. Proposed Open Space Plan
- B. Agency Approval Letters
- C. Art Review Panel Comments
- D. Sketch Plan Resolution MCPB No. 11-07
- E. Preliminary Plan Resolution MCPB No. 12-30
- F. Site Plan Resolution MCPB No. 12-31
- G. Forest Conservation Plan
- H. Sections and Elevations

ATTACHMENT A: PROPOSED OPEN SPACE PLAN



Proposed Open Space System

ATTACHMENT B: AGENCY APPROVAL LETTERS



FIRE MARSHAL COMMENTS

DATE: 27-Feb-12
TO: Kevin Johnson - kjohnson@jba-inc.net
Johnson Bernat Associates
FROM: Marie LaBaw
RE: North Bethesda Market II
120120060 820120040 320110030

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **27-Feb-12**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

February 3, 2012

Arthur Holmes, Jr.
Director

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

RE: Preliminary Plan No. 120120060
North Bethesda Market II

Dear Mr. Butler:

We have completed our review of the amended preliminary plan signed on November 18, 2011. An earlier version of this preliminary plan was reviewed by the Development Review Committee at its meeting on September 26, 2011. We appreciate the applicant's responses to the DRC meeting comments. We recommend approval of this preliminary 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 DPS in the package for record plats, storm drain, grading, paving or streetscape plans, or application for access permit(s). Include this letter and all other correspondence from this department.

Design Exception Requests

- o Design Exception A: Steps in the right-of-way at the southeast corner of the Nicholson Lane/Woodglen Drive intersection.

This Design Exception request is to install steps within the right-of-way truncation.

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

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

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 applicant will also need to execute and record a County-approved Declaration of Covenants for Maintenance and Liability, plus posting of necessary surety and insurance, prior to approval of the record plat. This Declaration will need to cover the proposed steps plus any non-standard improvements (streetscaping) in the right-of-way that will not be maintained by the County. The record plat will need to reflect the liber and folio information for this Declaration.

- o Design Exception B: Proposed Truck (2) Loading (1) and Passenger Car Garage Driveways (2) on Woodglen Drive less than 100 feet from and intersections

The plan proposes to construct a 60 foot wide apron (to accommodate a 20 foot wide in/out driveway to the residential parking garage, two truck loading docks, and one trash truck dock) with curb returns. The plan proposes approximately a 35 foot tangent section (offset from the existing parking lot driveway on the opposite side of Woodglen Drive) from the curb return of Private Street "A" and approximately a 50 tangent from the curb return at Nicholson Lane.

Response: In their response to the DRC comments, the applicant indicated the existing driveway apron for the parking lot (on the west side of Woodglen Drive) will be relocated when that property is redeveloped; the relocated entrance will be aligned with Private Street A.

We accept the proposed locations of the combination truck loading docks and residential garage driveway, subject to installing physical channelization to preclude southbound left turns movements into the parking garage from Woodglen Drive. The garage entrance should be 24 feet wide to allow one in-bound and one out-bound lane.

- o Design Exception C: Proposed Truck (2) Loading (1) and Passenger Car Garage Driveways (2) on Executive Boulevard less than 100 feet from and intersections.

The plan proposes to construct a 74 foot wide apron (to accommodate a 30 foot wide driveway to the office/retail parking garage, two truck loading docks, and one trash truck dock) with curb returns. The plan proposes approximately a 35 foot tangent section from the curb return of the Private "Paseo."

Response: We accept the proposed locations of the combination truck loading docks and residential garage driveway, subject to reducing the width of the parking garage driveway to twenty four (24) feet to allow one in-bound and one out-bound lane.

NOTE regarding Design Exceptions B and C: We understand the applicant is proposing to provide less truck loading docks than those required under the Executive Branch's "Off-Street Truck Loading Space" policy. We also understand the proposed truck loading docks will be shared between the different buildings. At this time we have not received a Design Exception package for these proposals. Such a Design Exception request should include calculations for the number and size of the spaces required under the policy for each building within the limits of the plan, explain the rationale for the current truck loading spaces proposal and how the buildings will be serviced, and a description of how those shared spaces would be managed.

If the proposed number, size, and location of the shared truck loading spaces are ultimately approved, the applicant will need to execute and record of a County-approved Restricted Access Easement document. This document will establish the applicability, maintenance, and operations of the coordinated on-site management for the jointly used loading docks. This document should be recorded prior to the issuance of any applicable building permits, with a copy sent to the County for their records.

General Site layout and Right-of-Way Review Comments

1. Necessary right-of-way dedication along Rockville Pike/MD 355, Executive Boulevard, Woodglen Drive, and Nicholson Lane in accordance with the master plan. Provide a standard truncation at the intersection of Rockville Pike/MD 355 and Executive Boulevard.
2. Provide an easement for future dedication (for future right-of-way truncation) on the northeast corner of the intersection of Woodglen Drive and Executive Boulevard.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Prior to approval of the record plat(s) by the Department of Permitting Services, submit completed, executed and sealed MCDOT Sight Distances Evaluation certification forms (for the existing and proposed driveways on Executive Boulevard, Woodglen Drive, and Nicholson Lane) for our review and approval.

The form(s) need to identify actual measured sight distances.
5. Continued coordination with the Traffic Impact Study being prepared for the County's Capital Improvements Program Project for White Flint District West roads (CIP Project No. 501116). Please continue to coordinate with our Division of Transportation Engineering's Manager for that project, Mr. Gary Johnson, at 240-777-7220.
6. Record plat to reflect denial of access along Rockville Pike/MD 355 except at the entrance locations approved under this plan.
7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan. Montgomery County will not participate in traffic control or parking enforcement on the private streets.
8. 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.

9. The private streets "A" and the "Paseo" must be sufficiently wide to accommodate two-way vehicular traffic. These private streets should be designed to allow an SU-30 truck to circulate without crossing the centerline nor the curbline.
10. 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.
11. 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.
12. Access and improvements along Rockville Pike/MD 355 as required by the Maryland State Highway Administration.
13. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
14. 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.
15. Prior to approval of the record plat by MCDPS, the applicant will need to prepare and submit a traffic signal warrant analysis, for the intersection of Woodglen Drive and Executive Boulevard, for our review and approval. This study will need to reflect projected volumes from the development. Should a traffic signal be warranted as a result of this study, the applicant will be required to construct the signal at their expense.
16. 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.
17. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards (unless a Design Exception is granted). Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
18. 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.

19. Regarding the applicant's color-coded utility concept plan, we have not received an analysis of alternative locations that were considered to avoid locating underground utilities in the County rights-of-way. We note the utility concept plan proposes undergrounding an existing overhead electric line along Woodglen Drive; this proposal is acceptable so long as a satisfactory width unobstructed pedestrian path is provided. We do not support installing the underground electric cable in the recently constructed brick sidewalk of Executive Boulevard (between Rockville Pike/MD 355 and the existing building to remain at 11333 Woodglen Drive) – we suggest locating that line within the Private Street "A" and/or the "Paseo." We do not see any proposed gas connection (to the proposed "Gas Room" on the northwest corner of the site) nor any proposed underground facilities for telephone.
20. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher and/or Ms. Beth Dennard of the Division of Transit Services/Commuter Services Section. They may be contacted at 240-777-8380.

A draft Traffic Mitigation Agreement was submitted for review. We believe the traffic mitigation measures in the finalized Agreement and preliminary plan should include:

- Design building lobbies to provide two way visibility for transit or shuttles.
- Ensure port-cocheres or similar covered entryways have adequate height to accommodate buses and shuttles.
- Provide adequate support for transportation demand management (TDM) measures to offset reductions in parking. Ensure market-rate pricing of parking.
- Ensure existing bus stops on surrounding roads, including Rockville Pike (MD 355, remain and are well-connected with uses on-site.
- Provide one Real Time Transit Information signs and necessary electrical and internet connections. Work with MCDOT to locate this sign at a key, highly-used location in the Project and/or proximate to bus stops, to assist residents, employees and visitors with commuter information and promote use of all forms of transit.
- Incorporate display space for transit and other TDM information into all lobbies, and provide opportunity for such information in kiosks and other outdoor areas.
- Provide adequate numbers of carpool/vanpool and car sharing parking spaces in highly visible, preferentially-located spots throughout the development.
- Provide at least one electric car charging station on-site.
- Provide weatherproof or weather-protected bike racks and bike lockers.
- Provide showers and changing rooms at key points within the development proximate to office buildings, for use by employees working on-site, in order to encourage biking and walking to work.
- Provide space in the Project for one bike sharing docking station. The location will be selected by the Applicant with approval of the County, based on the requirements of the bike sharing system and must be in a highly-visible, convenient and well-lit location on the Project. The project shall be required to pay the capital cost of this station and five years of operating expenses in return for offsetting parking reductions, amenity credits, or other benefits.

Mr. Patrick Butler
Preliminary Plan No. 120120060
February 3, 2012
Page 6 of 7

21. If the applicant is required to install streetscaping amenities along the site frontages, it should be in accordance with the Bethesda CBD Streetscape details. Prior to approval of the record plat by MCDPS, the applicant will need to execute and record the aforementioned Declaration of Covenants for Maintenance and Liability.
22. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Across the Woodglen Drive and Nicholson Lane site frontages, provide an unobstructed eight (8) foot minimum width sidewalk pavement, street trees with amended soil panels and underground watering systems), and street lights.
 - B. Provide channelized entrance on Nicholson Lane (for ingress/egress to the proposed residential parking garage) to limit vehicle movements to right in, right out.
 - C. Provide channelized entrance on Woodglen Lane (for ingress/egress to the proposed residential garage) to preclude southbound left turn vehicle movements into that facility.
 - D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

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

Sincerely,



Gregory M. Leck, Manager
Development Review Team.

Mr. Patrick Butler
Preliminary Plan No. 120120060
February 3, 2012
Page 7 of 7

cc: Greg Trimmer; JBG/Nicholson Lane East, LLC
Kevin Johnson; Johnson Bernat Associates, Inc.
Andrew Bradshaw; Johnson Bernat Associates, Inc.
Steven A. Robins; Lerch, Early & Brewer
Craig Hedberg; Integrated Transportation Solutions, Inc.
Glenn Kreger; M-NCPPC Area 2
Josh Sloan; M-NCPPC Area 2
Ed Axler; M-NCPPC Area 2
Catherine Conlon; M-NCPPC DARC
Scott Newill; MSHA AMD
Vaughn Lewis; MSHA AMD
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Ramona Bell-Pearson; MCOCE
Dee Metz; MCOCE
Diane Schwartz Jones; MCDPS DO
Rick Brush; MCDPS WRPR
Dave Kuykendall; MCDPS WRPR
Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Henry Emery; MCDPS RWPR
Jeremy Souders; MCDOT DPM
Sande Brecher; MCDOT DTS
Beth Dennard; MCDOT DTS
Stacy Coletta; MCDOT DTS
Deanna Archey; MCDOT DTS
Bruce Mangum; MCDOT DTEO
Kyle Liang; MCDOT DTEO
Will Haynes; MCDOT DTEO
David Adams; MCDOT DTEO



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

October 30, 2014

Mr. Michael Bello, Planner Coordinator
Area2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120060A
North Bethesda Market II

Michael:
Dear Mr. Bello:

We have completed our review of the amended preliminary plan dated June 25, 2014. This plan was reviewed by the Development Review Committee at its meeting on September 29, 2014. We recommend approval of the project subject to the comments made in our previous letter dated February 3, 2012 and the following modified comments:

1. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed MCDOT Sight Distances Evaluation certification form, for the existing and proposed driveways, for our review and approval. **Please note that the sight distance evaluation forms reflect the display the measured sight distance.**
2. Provide space in the Project for one bike sharing docking station. The location will be selected by the Applicant with approval of the County, based on the requirements of the bike sharing system and must be in a highly-visible, convenient and well-lit location on the Project. **The project shall be required to pay the capital cost of this station and twelve (12) years of operating expenses in return for offsetting parking reductions, amenity credits, or other benefits.**

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Monet L. Lea, our Development Review Area Engineer for this project at monet.lea@montgomerycountymd.gov or (240) 777-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "guleck".

Gregory M. Leck, Manager
Development Review Team

m:/subd/MonetL/120120060A, North Bethesda Market II MCDOT plan review ltr

Division of Traffic Engineering and Operations

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



Mr. Michael Bello
Preliminary Plan No. 12012006A
October 29, 2014
Page 2

cc: Greg Trimmer Applicant
Caroline Latimer Johnson, Bernat, Associates, Inc.
Andrew Bradshaw Johnson, Bernat, Associates, Inc.
Steven Robins Lerch, Early and Brewer, Chtd.
Preliminary Plan folder
Preliminary Plan letters notebook

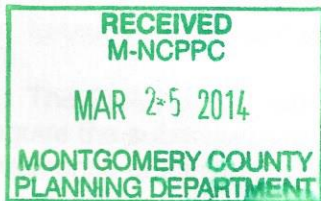
cc-e: Catherine Conlon M-NCPPC DARC
Ed Axler M-NCPPC Area 2
Atiq Panjshiri MCDPS RWPR
Sande Brecher MCDOT DTS
Beth Dennard MCDOT DTS
Kyle Liang MCDOT DTEO
Monet L. Lea MCDOT DTEO

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

March 17, 2014



Re: Montgomery County
MD 355
North Bethesda Market
SHA Tracking No. 08APMO01809
Traffic Impact Study
Mile Point 5.87

82006 017 F
12006 0310

Mr. Ed Axler
Transportation Planner/Coordinator
M-NCPPC Area #2
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Axler:

Thank you for the opportunity to review the Revised Traffic Signal Warrant Study Report dated January 21, 2014 by Integrated Transportation Solutions (ITS), Inc. that was prepared at the MD 355 intersection with Executive Boulevard/Fitzgerald Auto Mall as part of a condition of approval for the North Bethesda Market mixed-use development in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) review is complete and is pleased to respond.

The review determined the major report findings and the SHA comments and conclusions as follows:

- A Traffic Signal Warrant Study was conducted at the MD 355 intersection with Executive Boulevard/Fitzgerald Auto Mall after the completion of the Whole Foods Market and residential component of the site, and the completion of the roadway link of Executive Boulevard between Woodglen Drive and MD 355.
- As recommended in SHA's letter dated November 14, 2013, the Traffic Signal Warrant Study at the MD 355 intersection with Executive Boulevard/Fitzgerald Auto Mall included: 1) an evaluation of Warrant #4 (Pedestrian Volume), 2) an evaluation of the reduced volume warrants that assumed MD 355 speeds greater than 40 MPH, and 3) a reassignment of a portion of the Executive Boulevard traffic that currently travels north on MD 355 via Woodglen Drive and Nicholson Lane to the eastbound Executive Boulevard to northbound MD 355 left turn movement (assuming a full movement intersection with MD 355). The results of the revised Traffic Signal Warrant Study again revealed that zero (0) traffic signal warrants would be satisfied.

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mr. Ed Axler
08APMO01809
Page 2
March 17, 2014

- Based upon the results of the Traffic Signal Warrant Study, a traffic signal was not recommended at the MD 355 intersection with Executive Boulevard/Fitzgerald Auto Mall at this time. However, a follow-up Traffic Signal Warrant Study was recommended as further development proceeds along Executive Boulevard.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. Unless specifically indicated in the SHA response of this study, the comments contained herewith do not supersede previous comments made on this development. If you have any questions regarding the enclosed traffic report comments, please contact Ms. Erica Rigby at 410-545-8395 or erigby@sha.state.md.us.

Sincerely,


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

SDF/er

cc: Mr. Matt Baker, OPPE RIPD
Ms. Rola Daher, OPPE DSED
Ms. Mary Deitz, SHA RIPD
Mr. Bob French, OOTS CPD
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Craig Hedberg, ITS, Inc.
Mr. Subrat Mahapatra, SHA DSED
Mr. Mark McKenzie
Ms. Anyesha Mookherjee, SHA District 3 Office
Mr. Scott Newill, SHA AMD
Mr. Johnson Owusu-Amoako, OOTS CPD
Mr. Saed Rahwanji, SHA TDSD
Ms. Erica Rigby, SHA AMD
Ms. Lisa Shemer, SHA ICD
Mr. Errol Stoute, SHA TDSD
Mr. Bill Stroud, SHA CPD
Mr. Morteza Tadayon, SHA DSED
Mr. John Thomas, SHA RIPD
Mr. Eric Waltman, SHA AMD

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



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

January 17, 2012

Mr. Andrew M. Bradshaw, PE
JBA Associates, Inc.
1395 Piccard Drive, Suite 350
Rockville, Maryland 20850

Re: Montgomery County
MD 335 (Rockville Pike)
at Nicolson Lane
"North Bethesda Market II"
SHA Tracking #: 11-AP-MO-055-XX
Mile Post: 5.87

Dear Mr. Bradshaw:

The State Highway Administration (SHA) would like to thank you for the opportunity to review your site plan package associated with the North Bethesda Market project located in Montgomery County, Maryland. The SHA completed its review and offers the following comments:

District 3 Traffic Engineering Office Comments:

1. Please submit a detailed Maintenance of Traffic (MOT) plan for any proposed work affecting MD 355 associated with the above project.

For clarification of traffic comments, feel free to contact Mr. Miguel Andrews at 301-513-7326 or by emailing (mandrews@sha.state.md.us).

Technical Review Team Highway Hydraulic Comments:

1. As the project design proceeds, please provide documentation of the local agency's review and approval of both the stormwater management and erosion/sediment control plans. [We note that the design engineer is attempting to meet 'Environmental Site Design' (ESD) to the 'Maximum Extent Practicable' (MEP). Three (3) on-site green roofs, three (3) on-site micro-bioretenion facilities, and four (4) on-site 'BayFilter' devices are proposed. See comments #2 and #3a.]
2. Although we defer to the Montgomery County Department of Permitting Services for stormwater management approval, we have the following comments:
 - a. As the project design proceeds, please provide a copy of the stormwater management report.
 - b. As the project design proceeds, please provide (for our records) the enlarged plan views, profiles, sections, and details for the proposed on-site BMP's.

My telephone number/toll-free number is _____

3. Please provide a separate pre-development drainage area map which incorporates the detailed topography shown on the Stormwater Concept Plan. Every attempt should be made to maintain the existing drainage pattern. In looking at the 30-scale Stormwater Concept Plan, we detect that runoff from the northwest corner of the existing parking lot drains southwesterly towards Woodglen Drive. We would anticipate that an existing on-site inlet, within the corner of the parking lot, is intercepting and possibly draining to an existing system along Woodglen Drive. Please clarify, add any required features to the plan view; and provide photographs of the parking lot.
4. Please provide supporting computations for inlet interception efficiency for proposed inlet along MD 355 and entrance trench train. Provide corresponding inlet drainage area mapping.
5. Once finalized, please provide a copy of the signed 'recordable' plat (in SHA format and on SHA border) with accompanying deed – for right-of-way dedication and 'release' of existing easement.


For clarification of highway hydraulics comments, please contact Ms. Makeda Drake at 410-545-8969 or by emailing (mdrake@sha.state.md.us).

Access Management Division Comments:

1. The proposed sidewalk ramps at the entrance to North Bethesda Market II need to be labeled at location with MD Standard.
2. Provide this note on all plan sheets with sidewalk ramps (WHEN CONSTRUCTING A MD 655.12 OR MD 655.13 ALL MEASUREMENTS MUST BE TAKEN FROM THE BACK OF RAMP).
3. Provide this note at location on plan sheet. (**A Minimum 60" pedestrian pathway with a maximum 2% cross slope must be maintained across the entire entrance.**)
4. Show location of proposed sidewalk on plan sheet with shading.
5. Provide a sight distance evaluation at the proposed entrance/exit along MD 355.

Further review of this project will be withheld until the above comments have been addressed. Please reference the SHA tracking number on future submissions. Kindly submit five (5) sets of plans and provide a **written point-by-point response** to the above noted comments directly back to Mr. Steven D. Foster attention of Mr. Michael Bailey. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at (<http://www.marylandroads.gov/page/amdaspx/>). If you have any questions regarding our request, feel free to contact Mr. Bailey at 410-545-5593 or our toll free number in Maryland only 1-800-876-4742 extension-5593 or by emailing (mbailey@sha.state.md.us).

Sincerely,


Steven D. Foster, Chief
Engineering Access Management Division

Mr. Andrew M. Bradshaw
North Bethesda Market II
SHA Tracking No. 11-AP-MO-055-XX
Page 3 of 3

Cc: Mr. Miguel Andrews, SHA- District 3 Traffic Engineering Office
Ms. Lisa Choplin, SHA- Chief Innovative Contracting Division
Ms. Cathy Conlon / M-NCPPC
Ms. Makeda Drake, SHA- Access Management Division
Mr. Victor Grafton, SHA- District 3 Utility Engineer
Ms. Kate Mazzara, SHA- District 3 ADE Special Programs
Mr. Mark McKenzie, SHA Access Management Division
Mr. D. Scott Newill, SHA Access Management Division
Mr. Greg Trimmer, Developer/JBG/Nicholson Lane East, LLC/ The JBG Companies,
4445 Willard Avenue, Suite 400, Chevy Chase, Maryland 20815
Mr. John Vranish, SHA- Innovative Contracting Division
Mr. Cedric Ward, SHA- District 3 ADE- Traffic
Mr. Brain Young, SHA- District 3 Metropolitan District Engineer



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

James T. Smith, Jr., *Secretary*
Melinda B. Peters, *Administrator*

Maryland Department of Transportation

November 14, 2013

Re: Montgomery County
MD 355
North Bethesda Market
SHA Tracking No. 08APMO01809
MD 355 (Mile Point 5.87)

12006031 [Photo A]
82006017 [Photo B]

Mr. Ed Axler
Transportation Planner/Coordinator
M-NCPPC Area #2
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Axler:

Thank you for the opportunity to review the Traffic Signal Warrant Study Report dated August 14, 2012 by Integrated Transportation Solutions (ITS), Inc. (received by the AMD on October 16, 2013) that was prepared at the MD 355 at Executive Boulevard/Fitzgerald Auto Mall intersection as part of a condition of approval for the North Bethesda Market mixed-use development in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) review is complete and is pleased to respond.

The review determined the major report findings and the SHA comments and conclusions as follows:

- A Traffic Signal Warrant Study was conducted at the MD 355 at Executive Boulevard/Fitzgerald Auto Mall intersection after the completion of the Whole Foods Market and residential component of the site, and the completion of the roadway link of Executive Boulevard between Woodglan Drive and MD 355. The results of the Traffic Signal Warrant Study revealed that zero (0) traffic signal warrants are satisfied.
- Based upon the results of the Traffic Signal Warrant Study, a traffic signal was not recommended at the MD 355 at Executive Boulevard/Fitzgerald Auto Mall intersection at this time. However, a follow-up Traffic Signal Warrant Study was recommended as further development proceeds along Executive Boulevard.

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mr. Ed Axler
08APMO01809
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November 14, 2013

- 1) The study did not analyze Warrant 4 (Pedestrian Volume). SHA recommends that pedestrian counts be conducted at the intersection and the intersection be re-evaluated for traffic signal warrants.
- 2) The study assumed prevailing travel speeds along MD 355 as 40 MPH or less. However, travel speeds are frequently higher than the 40 MPH speed limit posting on MD 355. Therefore, SHA recommends that the applicant re-evaluate the traffic signal warrants based upon 70% of the traffic signal warrant volume thresholds consistent with studies along roadways with greater than 40 MPH travel speeds.
- 3) The study assumed that the southbound MD 355 U-turn movements at the MD 355 at Security Lane would be the only source of determining the traffic that would otherwise want to turn left from Executive Boulevard to northbound MD 355 (Executive Boulevard is restricted to right turn movements only currently). However, the study did not consider traffic on Executive Boulevard that travels north on MD 355 via Woodglen Drive and Nicholson Lane. SHA recommends that a portion of this traffic be considered as potential left turn movements from Executive Boulevard to northbound MD 355 when the traffic signal warrants are evaluated.
- 4) The State's fiscally constrained draft 2014-2019 Consolidated Transportation Program (CTP) includes projects under construction and/or development and evaluation. The CTP includes planning for the future Montrose Parkway East, an extension of existing Montrose Parkway. This project will construct a grade-separated Montrose Parkway East crossing over the CSX Transportation (CSXT) Metropolitan Subdivision. In addition, a grade-separated interchange will be constructed at Montrose Parkway East and Parklawn Drive. Plans do not include closure of the Randolph Road CSXT Metropolitan Subdivision grade crossing. Plans do include connections between Nebel Street and both Montrose Parkway East and Randolph Road. For further information, contact Mr. Luis Gonzalez, Transportation Engineer, Project Management Division, SHA, at 410-545-8826 or lgonzalez@sha.state.md.us.
- 5) The State's fiscally unconstrained Highway Needs Inventory (HNI), the State's long-range plan, includes projects which are critical to Maryland's transportation needs. The HNI includes the 6.6-mile multilane reconstruction, to include interchanges and transit, of MD 355 (Wisconsin Avenue/Rockville Pike) between the District of Columbia line and Randolph Road. If and when such improvements proceed, there may be right-of-way impacts.
- 6) Montgomery County Ride On and WMATA Metrobus provide bus service to the proposed development site. WMATA Metrorail Red Line service is accessible approximately ¼ mile north at White Flint Metro Station. All roadway improvements to SHA roadway facilities should provide for and maintain full ADA-compliant access to existing and future transit facilities. Coordinate design

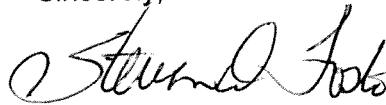
Mr. Ed Axler
08APMO01809
Page 3
November 14, 2013

with Ms. Lisa Choplin, Chief, Innovative Contracting Division (ICD), SHA, at 410-545-8824 or lchoplin@sha.state.md.us and Ms. Anyesha Mookherjee, Assistant District Engineer-Traffic, District 3 (D3), SHA, at 301-513-7404 or amookherjee@sha.state.md.us

- 7) The M-NCPPC March 2005 Countywide Bikeways Functional Master Plan includes no bicycle facilities at this intersection. Proposed or existing routes do run along nearby roads including Old Georgetown Road east of MD 355 (Rockville Pike), Marinelli Road, Nicholson Lane, Woodglen Drive/Bethesda Trolley Trail south of Marinelli Road, Nebel Street, and Executive Boulevard west of Woodglen Drive. All roadway improvements to SHA roadway facilities should provide for and maintain bicycle facilities as well as full ADA-compliant pedestrian facilities. Coordinate design with Ms. Lisa Choplin, Chief, SHA/ICD, at 410-545-8824 or lchoplin@sha.state.md.us and Ms. Anyesha Mookherjee, Assistant District Engineer-Traffic, SHA/D3, at 301-513-7404 or amookherjee@sha.state.md.us.

The SHA will require the submission of six (6) hard copies and one (1) electronic revised traffic impact study and point-by-point response. Please send this information to the SHA Access Management Division addressed to Mr. Steven D. Foster to the attention of Ms. Erica Rigby and reference the SHA Tracking Number on the submission. Unless specifically indicated in the SHA response of this study, the comments contained herewith do not supersede previous comments made on this development. Please keep in mind that you can view the reviewer and project status via the SHA Access Management Division's web page at (<http://www.roads.maryland.gov/pages/amd.aspx>). If you have any questions regarding the enclosed traffic report comments, please contact Mr. Larry Green at 410-995-0090 x20.

Sincerely,



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

SDF/er/lg

cc: Mr. Ed Axler, MNCPPC Area #2
Ms. Mary Deitz, SHA RIPD
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Craig Hedberg, ITS, Inc.
Mr. Subrat Mahapatra, SHA Travel Forecasting Section
Ms. Anyesha Mookherjee, SHA District 3 Office
Mr. Scott Newill – SHA AMD
Mr. Saed Rahwanji – SHA TDSD
Ms. Erica Rigby – SHA AMD

Mr. Ed Axler
08APMO01809
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November 14, 2013

Ms. Lisa Shemer – SHA ICD
Mr. Errol Stoute – SHA TDSD
Mr. Bill Stroud – SHA CPD
Mr. Morteza Tadayon – SHA DSED
Mr. Subrat Mahapatra – SHA DSED
Mr. John Thomas – SHA RIPD
Mr. Eric Waltman – SHA AMD



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

November 21, 2014

Mr. Andrew M. Bradshaw, P.E.
Johnson Bernat Associates, Inc.
205 North Frederick Avenue, Suite 100
Gaithersburg, MD 20877

Re: Stormwater Management
CONCEPT RECONFIRMATION
North Bethesda Market II
SWM Concept #:240712

Dear Mr. Bradshaw:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated August 31, 2011 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

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

Cc: SM File #: 240712



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

August 31, 2011

Andrew M. Bradshaw, P.E.
Johnson Bernat Associates, Inc.
1395 Piccard Drive, Suite 350
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for North Bethesda Market II
Preliminary Plan #: 120120060
SM File #: 240712
Tract Size/Zone: 4.4 Ac./CR-3 & CR-4
Total Concept Area: 3.52 Ac.
Lots/Block: 16
Parcel(s): N923, N924, N978
Watershed: Lower Rock Creek

Dear Mr. Bradshaw:

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 micro-biofilters and green roof. This will be supplemented with structural volume based proprietary filters to meet full onsite control of stormwater management.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Provide adequate access to all structures for inspection and maintenance. Show access path for underground structures on design plans. Also provide a narrative on the plan that details how to access the green roofs and micro-biofilters.
6. At a minimum please provide 22,042 square feet (sf) of green roof. 17,003 sf will be 4 inches thick and 5,039 sf will be 8 inches thick. Try to increase the total amount of green roof coverage as well as increase the amount of 8 inch greenroof.
7. Easements and covenants will be required for all stormwater structures.

This list may not be all-inclusive and may change based on available information at the time.
255 Rockville Pike, Suite 1000, Rockville, MD 20850

www.montgomerycountymd.gov

montgomerycountymd.gov/311



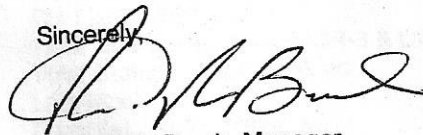
240-773-3556 TTY

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

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

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

Sincerely,



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

RRB: tla CN240712 North Bethesda Market II.DWK

cc: C. Conlon
SM File # 240712

ESD Acres:	0.71
STRUCTURAL Acres:	3.69
WAIVED Acres:	0.00

ATTACHMENT C: ART REVIEW PANEL COMMENTS



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FROM: Molline Jackson,
Art Review Panel Coordinator

PROJECT: North Bethesda Market II
Site Plan No. 82012004A

LEAD REVIEWER: Area 2 - Michael Bello

DATE: November 26, 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 November 12, 2014 for the North Bethesda Market II (Site Plan No. 82012004A). The recommendations provided within this memo should be incorporated into The Staff Report and considered by the Planning Board prior to the certification of the Site Plan and/or prior to the release of the first building permit. Should you have any additional questions and/or comments please feel to contact me.

Attendance:

Michael Bello (Lead Plan Reviewer)
Khalid Afzal (Area 2 - Supervisor)
Molline Jackson (Art Review Panel Coordinator)
Luann Korona (Panelist)
Ralph Bennett (Panelist)
Judy Moore (Panelist)
Mark Kramer (Panelist)
Devon Lauer (Applicant)
Ashton Allan (Architect)
Brian Pilot (Architect)
Elizabeth Geare (Attorney)

Meeting Notes:

- North Bethesda Market II will be developed in 3 phases. One of the subsequent phases as already been constructed and the Applicant has submitted a Site Plan Amendment (No. 82012004A) for Phase 2.
- Phase 2 (1.46 ac.) is bordered by Woodglen Drive (to the west), Nicholson Lane (to the north) and Rockville Pike (to the east). This phase intends to provide up to 108,000 sf. of new commercial, up to 492,000 sf. of residential including 12.5% MPDUs (±49 units, maximum

height: 26-stories), 22,000 sf. of public use space and 22,000 sf. of open space within the CR zone. The total FAR is approximately 665,953 sf. and 350 to 361 parking spaces.

- The public use space consists of an urban plaza (approximately 3,000 sf.), situated at the intersection of three access points (i.e. centrally located). This space will be used to host community events, outdoor performances, markets and art festivals. Street closures will allow for a larger space for outdoor events.
- The plaza and podium terrace will include interactive water features and a tall trellis.
- The public plaza is connected to a grand stair that leads to a podium terrace activated with retail and outdoor seating (constructed in phase 3).
- The podium terrace was designed to take advantage of the southern exposure in order to maximize the year-round use of the space.
- The staircase has a 5-inch rise with a 15-inch tread, so that people of all ages can use it. Visitors of all ages will be able to look back/down on the activity in the plaza area.
- The grand staircase (connected to the retail building) will have artwork mounted flush into the concrete walls on either side, a series of tree-like sculptured textured glass columns 26-feet high.
- The staircase will also incorporate site specific artwork, installed and designed by [Gray Circle](#) ("Starlight"). This is a permanent installation that uses light and glass to create interactive motion.
- The artwork is inspired by the C&O Canal; combining architecture, technology, history and nature.
- At dusk, the whole area dramatically transforms. LED video panels are hidden beneath the glass are blue and greens.

Panel Recommendations:

1. The Panel supports the need for flexible public spaces with different seating areas. However, also acknowledge that the staircase leads to an undeveloped portion of the overall project (i.e. a stair to nowhere). The staircase and the associated public artwork would be better served in conjunction with the development of Phase 3.
2. The artwork is not easily seen at the terminus of any major viewpoints, and the visitors will most likely notice the artwork when they begin to climb the stairs and/or when they arrive inside public plaza area. Therefore, the artwork is better suited for the public plaza area as it is 1) more accessible to the public, 2) may serve as a terminus viewpoint, and 3) enhances and reinforces the activation of the main public space. The proposed artwork could be used as the backdrop for performances, which would have a larger impact on visitors of all ages and physical capabilities.
3. The podium terrace (i.e. elevated public plaza areas) typically gives the impression as being directly associated with "private space". Therefore, these spaces are typically underutilized by the public. Notable examples mentioned during the meeting include: the green space area between buildings 7610 Georgetown Road and 7601 Woodmont Avenue in Bethesda MD, or the public plaza near 7450 Wisconsin Avenue, Bethesda MD. The Applicant may want to visit these

spaces to get a better understanding of best/worst case scenarios that could enable a more sustainable approach to their project.

4. Upon making substantial changes to this proposal, the Applicant will revisit the Art Review Panel in order to 1) provide clarification/updates on notable revisions, 2) refine the site details of the interactive water feature and tall trellis in the main public plaza, and 3) elaborate on the development phasing with regards to the associated public amenities (i.e. the development program).
5. The maintenance and surety agreements should include the public artworks, necessary lighting features, trellis and water features specifically.

ATTACHMENT D: SKETCH PLAN RESOLUTION MCPB NO. 11-07

JUL 5 2011



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

MCPB No. 11-07
Sketch Plan No. 320110030
Project Name: North Bethesda Market II
Date of Hearing: January 20, 2011

RESOLUTION

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

WHEREAS, on September 24, 2010, JBG/Nicholson Lane East, LLC ("Applicant"), filed an application for approval of a sketch plan for a multi-building mixed-use development with up to 368,000 SF of non-residential uses and up to 372,528 SF of residential uses, but limited by a total cumulative density of up to 740,528 SF, on 4.41 acres of CR-zoned land, located on the west side of Rockville Pike between Nicholson Lane and Executive Boulevard ("Property" or "Subject Property"); and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320110030, North Bethesda Market II (the "Application"); and

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

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

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

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

Approved as to
Legal Sufficiency:

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

M-NCPPC Legal Department

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

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

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Sketch Plan No. 320110030 for a multi-building mixed-use development with up to 368,000 SF of non-residential uses and up to 372,528 SF of residential uses, but limited by a total cumulative density of up to 740,528 SF, on 4.41 gross acres of land in the CR Zones, including as binding elements under Section 59-15.42(b)(4)(B) the maximum density and heights, general location and extent of public use space, public benefits, and phasing program as shown on the sketch plans, subject to the conditions below and modification at Site Plan per the restrictions enumerated in section 59-C-15.42(d). This approval is subject to the following conditions and binding elements:

1. Density

The proposed development is limited to a maximum total of 740,528 sf. of development, including 368,000 sf. of non-residential development and 372,528 sf. of residential development.

2. Height

The proposed development is limited to a maximum of height of 150 feet in the portion zoned CR-3 C1.5 R2.5 H150, and 300 feet in the portion zoned CR-4 C3.5 R3.5 H 300.

3. Incentive Density

The proposed development must be constructed with a proportion of the following public benefits necessary to achieve the proposed density. During site plan review, the Planning Board may find that alternative public benefits and their associated incentive density requested are equally acceptable.

a. Transit Proximity

The Applicant proposes 40% incentive density for proximity to the White Flint Metro Station, a Level 1 transit portal.

b. Connectivity and Mobility

The Applicant proposes 30% incentive density overall for the Connectivity and Mobility category, which is achieved through public amenities in the sub-categories of Neighborhood Services (10% incentive), Minimum Parking (10% incentive), Through Block Connection (15% incentive), and Public Parking (6.4% incentive).

c. Diversity of Uses & Activities

The Applicant proposes 5% incentive density through the Dwelling Unit Mix.

d. Design Quality

The Applicant proposes the maximum of 30% allowed incentive density for the Design Quality category, which is achieved through public amenities in the sub-categories of Structured Parking (14.6% incentive), Tower Setback (5% incentive), Public Art (5% incentive), Streetscape (3% incentive), and Exceptional Design (10% incentive).

e. Natural Environment Protection and Enhancement

The Applicant proposes 25% incentive density overall for the Natural Environment Protection and Enhancement category, which is achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs) (5% incentive), Tree Canopy (10% incentive), and Vegetated Roofs (10% incentive).

4. Incentive Density Implementation

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

5. Building Lot Terminations (BLTs)

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

6. Moderately Priced Dwelling Units (MPDUs)

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

7. Transportation Planning

a. The Applicant must obtain access in coordination with the Maryland State Highway Administration (SHA) regarding future site access from Rockville Pike (MD 355).

b. The Applicant's plans must provide the shared use path, SP-41, North Bethesda Trail, along the east side of Woodglen Drive as recommended in the *Countywide Bikeway Functional Master Plan*.

c. At the time of Preliminary Plan, the Applicant must:

i. be in compliance with the requirement to pay the special tax for the White Flint Sector Plan area required at the time when the taxing district is established in lieu of satisfying the transportation Adequate Public Facilities tests;

- ii. dedicate any additional right-of-way along Executive Boulevard Extended to provide the *Sector Plan* recommended 80-foot right-of-way;
 - iii. dedicate right-of-way for truncation at the corners of the public roadways adjacent to their site unless a waiver is granted.
- d. At the time of site plan, the Applicant must:
- i. agree to comply with requirements of participating in the Transportation Management District.
 - ii. provide and show on the plan inverted-U bike racks in front of the main entrances to the buildings and bike lockers in the garages.
8. Future Coordination for Preliminary and Site Plan
The following must be addressed prior to filing the site plan application in conjunction with any other items that may be identified at a later stage:
- a. Provide the square footage for each of the Neighborhood Services with a maximum retail bay floor area of 5,000 sf. to be considered for incentive density.
 - b. Define 'Street A' with sustainable materials and a coherent street streetscape.
 - c. Underground utilities within public rights-of-way.
 - d. Demonstrate how the proposal will achieve sustainability recommendations, including increased tree canopy; maximization of LEED standards; environmental site design as recommended in the Sector Plan.
 - e. Implement the bikeway and recreational loop recommendations as established in the Sector Plan and Design Guidelines, including the recreation loop along Nicholson Lane and the dual bikeway recommendation along Woodglen Drive.
 - f. Demonstrate how development along Rockville Pike will contribute to the walkable environment envisioned in the Sector Plan.
 - g. Consider ways to provide some level of pedestrian sidewalk activation on the outer facing perimeter of the development area.
 - h. Consider ways to consolidate "fragments" of public use space into one substantial pedestrian priority space internal to the block.
 - i. Consider alternative to screen service access points from Private Street A to reduce their intrusion on pedestrian space.

- j. Consider solar orientation when locating building mass in proximity to spaces for public use.
- k. Implement White Flint Urban Design recommendations.
- l. Continue the established streetscape in North Bethesda Market I along Executive Boulevard Extended.
- m. Demonstrate compliance with the requirements for streetscape improvements, residential amenity space, and parking in the Zoning Ordinance.
- n. Explore ways to reduce overall parking, including shared parking and incentives in the CR zone.
- o. Provide schematic elevations illustrating exterior architectural character, proportion, materials, and articulation of the proposed buildings and especially structured parking.

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

- (a) The proposed development meets the requirements and standards of Division 59-C-15;**
- (b) The proposed development will further the objectives of the White Flint Sector Plan; and**
- (c) The proposed development will provide more efficient and effective development of the site than the standard method of development.**

The Sketch Plan meets the requirements of the Division and satisfies the specific objectives of the White Flint Sector Plan by providing density and building height, and augments the transportation and bikeway network consistent with the recommendations of that plan. This optional method of development is more efficient and effective than the standard method of development because it provides more public benefits and places higher density in an area that can

sustain growth with built in infrastructure improvements, including transit. In particular, this project will provide a high number of residential dwelling units and office space within walking distance of the White Flint transit station, and many nearby commercial amenities. The public space and potential restaurant opportunities within the project will not only serve residents and workers on the site, but will provide further benefits and amenities to the surrounding community.

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

The proposed development extends the architectural massing and public space of the adjacent North Bethesda Market I development across Executive Boulevard. The proposed commercial and residential buildings are consistent with those of the adjacent development and the proposed new Private Street A. The subject site links the primary public space and internal street of North Bethesda Market I with those of those of the proposed North Bethesda Market II, terminating the vista and redirecting pedestrian circulation and focus back into the adjacent residential neighborhoods. Along the section of Woodglenn Drive opposite the site is a surface parking lot and further to the west a high-rise multi-family apartment building. For this area, the North Bethesda Market II development will set the standard for height and future compatibility.

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

The general circulation for vehicles, pedestrians and bicyclists is safe, adequate and efficient, integrating this development into the surrounding area. Structured parking and loading is adequately designed into the site, providing integrated access with the general on-site circulation. Safety is enhanced by several improvements, including generous streetscaped sidewalks and a narrow internal street which will encourage slower traffic. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. This balance of design with the site, the recommendations of the Master Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles. Dedication of the rights-of-way associated with this project will be determined during the review of the Preliminary Plan.

- (f) The proposed public benefits and associated requested incentive density will further the objectives of the applicable master or sector plan and the objectives of the CR zones.**

The proposed public benefits and associated requested incentive density are appropriate for the site and the applicable zoning, and meet the objectives of the White Flint Sector Plan, specifically to include enhanced pedestrian connectivity, a diversity of uses and public spaces, increased tree canopy, and excellence in design.

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

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

The proposed development will be constructed in a single phase, comparable to the companion North Bethesda Market I development. The public benefits proposed will be constructed along with the rest of the project. Timing for the construction of the amenities will be detailed with the Site Plan review.

- (h) Other Issues**

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

site plan approval standards, including conformance with zoning and master plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved sketch plan, including a binding element, does not meet the requirements of the zone, master plan, or other findings necessary to approve a site plan, and deny the site plan application.

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

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

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320110030, North Bethesda Market II stamped received by M-NCPPC on December 1, 2010, are required except as modified herein; and


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

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

* * * * *

RESOLUTION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Commissioners Dreyfuss and Presley present and voting in favor of the motion, and Vice Chair Wells-Harley and Commissioner Alfandre absent at its regular meeting held on Thursday, June 2, 2011, in Silver Spring, Maryland.


Chair Françoise M. Carrier
Montgomery County Planning Board

JBG/NICHOLSON LANE EAST, LLC
TONY GREENBERG
C/O THE JBG COMPANIES
4445 WILLARD AVENUE, SUITE 400
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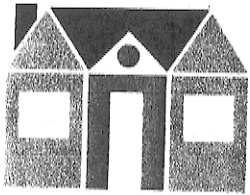
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No.	Name & Phone Number	Email	Organization & Address	Time
1	Ken Hurdle <i>NOT APPLICANT</i>		6100 Poindexter Lane Rockville, MD 20852	10
	Steven Robins		Lerch Early & Brewer, Chtd.	10
2	Greg Trimmer		3 Bethesda Metro Center Avenue, Ste. 460 Bethesda, MD 20814 The JBG Companies	
3	Brian Olooney Applicants		Torti Gallas and Par	
4	Natalie Goldberg 301-946-8868		Garrett Park Estates-White Flint Park Citizens Assn 11111 Jolly Way Kensington, MD 20895	
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GARRETT PARK ESTATES - WHITE FLINT PARK CITIZENS' ASSOCIATION

#5
1-20-11

11111 Jolly Way
Kensington, MD 20895
January 20, 2011

Re: Sketch Plan #320110030 North Bethesda Market II

Chairman Carrier, members of the Planning Board, I am Natalie Goldberg representing Garrett Park Estates – White Flint Park Citizens' Association. Thank you for the opportunity to comment on the Sketch Plan for North Bethesda Market II.

We focus our comments today on:

- Building Massing and Height
- General Circulation Patterns
- Incentive Density Provisions

Building Massing and Height

We are concerned that the height levels seem to be fluid in this plan when they should be defined. Page 5 of the memo indicates that the Applicant has requested the maximum allowable height of 150 feet in the CR - 3 zone and 300 feet in the CR - 4 zone, with final determination at site plan. We believe height should be determined at the time of sketch plan as it is an integral part of the overall concept. Allowing all buildings in the CR 4 zone to be 300 feet in height creates an unpleasant dense massing, overshadowing the urban plaza, the private streets, and both Rockville Pike and Nicholson Lane. We agree with the staff report on Page 9 which states "the proposed non-residential building height at 240 feet and the proposed residential building heights of 100 feet and 300 feet are consistent with the Plan's building height recommendations. The existing office building along Woodglen Drive, which is approximately 45 feet in height, will be retained." These heights should become part of the Sketch Plan approval.

General Circulation Patterns

Our primary concern is walkability and especially access from the metro station. We do not see easy accessibility to this site. Neither the Sector Plan nor the Design Guidelines call for Private Street A cutting through to Rockville Pike or to Nicholson Lane. We oppose this change in design believing that these proposed intersections are too close to the intersection of Rockville Pike and Nicholson Lane, and believing that the proposed urban plaza would function much better with less vehicular traffic. We would strongly support pedestrian/bicycle access at both these points.



AUG 12 2011

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

MCPB No. 11-07
Sketch Plan No. 320110030
Project Name: North Bethesda Market II
Date of Hearing: January 20, 2011

CORRECTED RESOLUTION

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

WHEREAS, on September 24, 2010, JBG/Nicholson Lane East, LLC ("Applicant"), filed an application for approval of a sketch plan for a multi-building mixed-use development with a maximum of 368,000 SF of non-residential uses and limited by a total cumulative density of up to 740,528 SF, on 4.41 acres of CR-zoned land, located on the west side of Rockville Pike between Nicholson Lane and Executive Boulevard ("Property" or "Subject Property"); and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320110030, North Bethesda Market II (the "Application"); and

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

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

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

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

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department

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

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

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Sketch Plan No. 320110030 for a multi-building mixed-use development with a maximum of 368,000 SF of non-residential uses and limited by a total cumulative density of up to 740,528 SF, on 4.41 gross acres of land in the CR Zones, including as binding elements under Section 59-C-15.42(b)(4)(B) the maximum density and heights, general location and extent of public use space, public benefits, and phasing program as shown on the sketch plans, subject to the conditions below and modification at Site Plan per the restrictions enumerated in section 59-C-15.42(d). This approval is subject to the following conditions and binding elements:

1. Density

The proposed development is limited to a maximum total of 740,528 sf. of development, including a maximum of 368,000 sf. of non-residential development.

2. Height

The proposed development is limited to a maximum of height of 150 feet in the portion zoned CR-3 C1.5 R2.5 H150, and 300 feet in the portion zoned CR-4 C3.5 R3.5 H 300.

3. Incentive Density

The proposed development must be constructed with a proportion of the following public benefits necessary to achieve the proposed density. During site plan review, the Planning Board may find that alternative public benefits and their associated incentive density requested are equally acceptable.

a. Transit Proximity

The Applicant proposes 40% incentive density for proximity to the White Flint Metro Station, a Level 1 transit portal.

b. Connectivity and Mobility

The Applicant proposes 30% incentive density overall for the Connectivity and Mobility category, which is achieved through public amenities in the sub-categories of Neighborhood Services (10% incentive), Minimum Parking (10% incentive), Through Block Connection (15% incentive), and Public Parking (6.4% incentive).

c. Diversity of Uses & Activities

The Applicant proposes 5% incentive density through the Dwelling Unit Mix.

d. Design Quality

The Applicant proposes the maximum of 30% allowed incentive density for the Design Quality category, which is achieved through public amenities in the sub-categories of Structured Parking (14.6% incentive), Tower Setback (5% incentive), Public Art (5% incentive), Streetscape (3% incentive), and Exceptional Design (10% incentive).

e. Natural Environment Protection and Enhancement

The Applicant proposes 25% incentive density overall for the Natural Environment Protection and Enhancement category, which is achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs) (5% incentive), Tree Canopy (10% incentive), and Vegetated Roofs (10% incentive).

4. Incentive Density Implementation

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

5. Building Lot Terminations (BLTs)

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

6. Moderately Priced Dwelling Units (MPDUs)

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

7. Transportation Planning

a. The Applicant must obtain access in coordination with the Maryland State Highway Administration (SHA) regarding future site access from Rockville Pike (MD 355).

b. The Applicant's plans must provide the shared use path, SP-41, North Bethesda Trail, along the east side of Woodglan Drive as recommended in the *Countywide Bikeway Functional Master Plan*.

c. At the time of Preliminary Plan, the Applicant must:

- i. dedicate any additional right-of-way along Executive Boulevard Extended to provide the *Sector Plan* recommended 80-foot right-of-way;
- ii. dedicate right-of-way for truncation at the corners of the public roadways adjacent to their site unless a waiver is granted.

- d. At the time of site plan, the Applicant must:
 - i. agree to comply with requirements of participating in the Transportation Management District.
 - ii. provide and show on the plan inverted-U bike racks in front of the main entrances to the buildings and secured bike lockers or similar bike storage facility in the garages.

8. Future Coordination for Preliminary and Site Plan

The following must be addressed as part of the site plan application in conjunction with any other items that may be identified at a later stage:

- a. Provide the square footage for each of the Neighborhood Services with a maximum retail bay floor area of 5,000 sf. to be considered for incentive density.
- b. Define 'Street A' with sustainable materials and a coherent street streetscape.
- c. Underground utilities within public rights-of-way, except those that are the obligation of the Special Taxing District.
- d. Demonstrate how the proposal will achieve sustainability recommendations, including increased tree canopy; maximization of LEED standards; environmental site design as recommended in the Sector Plan.
- e. Implement the bikeway and recreational loop recommendations as established in the Sector Plan and Design Guidelines, including the recreation loop along Nicholson Lane and the dual bikeway recommendation along Woodglen Drive.
- f. Demonstrate how development along Rockville Pike will contribute to the walkable environment envisioned in the Sector Plan.
- g. Consider ways to provide some level of pedestrian sidewalk activation on the outer facing perimeter of the development area.
- h. Consider ways to consolidate "fragments" of public use space into one substantial pedestrian priority space internal to the block.
- i. Consider alternative to screen service access points from Private Street A to reduce their intrusion on pedestrian space.
- j. Consider solar orientation when locating building mass in proximity to spaces for public use.

- k. Implement White Flint Urban Design recommendations.
- l. Continue the established streetscape in North Bethesda Market I along Executive Boulevard Extended.
- m. Demonstrate compliance with the requirements for streetscape improvements, residential amenity space, and parking in the Zoning Ordinance.
- n. Explore ways to reduce overall parking, including shared parking and incentives in the CR zone.
- o. Provide schematic elevations illustrating exterior architectural character, proportion, materials, and articulation of the proposed buildings and especially structured parking.

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

- (a) The proposed development meets the requirements and standards of Division 59-C-15;**
- (b) The proposed development will further the objectives of the White Flint Sector Plan; and**
- (c) The proposed development will provide more efficient and effective development of the site than the standard method of development.**

The Sketch Plan meets the requirements of the Division and satisfies the specific objectives of the White Flint Sector Plan by providing density and building height, and augments the transportation and bikeway network consistent with the recommendations of that plan. This optional method of development is more efficient and effective than the standard method of development because it provides more public benefits and places higher density in an area that can sustain growth with built in infrastructure improvements, including transit. In particular, this project will provide a high number of residential dwelling units and office space within walking distance of the White Flint transit station, and many

nearby commercial amenities. The public space and potential restaurant opportunities within the project will not only serve residents and workers on the site, but will provide further benefits and amenities to the surrounding community.

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

The proposed development extends the architectural massing and public space of the adjacent North Bethesda Market I development across Executive Boulevard. The proposed commercial and residential buildings are consistent with those of the adjacent development and the proposed new Private Street A. The subject site links the primary public space and internal street of North Bethesda Market I with those of those of the proposed North Bethesda Market II, terminating the vista and redirecting pedestrian circulation and focus back into the adjacent residential neighborhoods. Along the section of Woodglen Drive opposite the site is a surface parking lot and further to the west a high-rise multi-family apartment building. For this area, the North Bethesda Market II development will set the standard for height and future compatibility.

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

The general circulation for vehicles, pedestrians and bicyclists is safe, adequate and efficient, integrating this development into the surrounding area. Structured parking and loading is adequately designed into the site, providing integrated access with the general on-site circulation. Safety is enhanced by several improvements, including generous streetscaped sidewalks and a narrow internal street which will encourage slower traffic. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. This balance of design with the site, the recommendations of the Master Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles. Dedication of the rights-of-way associated with this project will be determined during the review of the Preliminary Plan.

- (f) The proposed public benefits and associated requested incentive density will further the objectives of the applicable master or sector plan and the objectives of the CR zones.**

The proposed public benefits and associated requested incentive density are appropriate for the site and the applicable zoning, and meet the objectives of the

White Flint Sector Plan, specifically to include enhanced pedestrian connectivity, a diversity of uses and public spaces, increased tree canopy, and excellence in design.

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

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

The proposed development will be constructed in a single phase, comparable to the companion North Bethesda Market I development. The public benefits proposed will be constructed along with the rest of the project. Timing for the construction of the amenities will be detailed with the Site Plan review.

(h) Other Issues

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

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved sketch plan, including a binding element, does not meet the requirements of the zone, master plan, or other findings necessary to approve a site plan, and deny the site plan application.

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

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

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320110030, North Bethesda Market II stamped received by M-NCPPC on December 1, 2010, are required except as modified herein; and

BE IT FURTHER RESOLVED that the original mailing date of the Resolution is July 5, 2011 (which is the date that this Resolution was mailed to all parties of record); and

BE IT FURTHER RESOLVED that the mailing date of this Corrected Resolution is AUG 12 2011 (which is the date that this Corrected Resolution is mailed to all parties of record); and

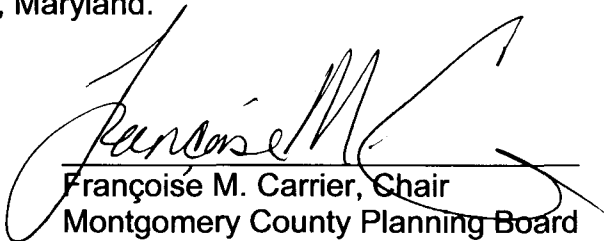
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected Resolution, consistent with the procedural

rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley and Commissioner Presley present and voting in favor of the motion, with Commissioner Anderson abstaining, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 21, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

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Mr. Michael Reahl, Manager
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Mr. Jay Beatty, Manager
MCDPS-Well and Septic
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Mr. Leroy Anderson, Manager
MCDPS-Right of Way Development
Inspection and Enforcement
255 Rockville Pike, MD 20850

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

MCPB No. 12-30
Preliminary Plan No. 120120060
North Bethesda Market II
Date of Hearing: March 1, 2012

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on August 12, 2011, the Planning Board approved Sketch Plan No. 320110030 ("Sketch Plan") establishing several binding elements, including a maximum density of 740,528 square feet of total development including a maximum of 368,000 square feet of non-residential development, and 392,000 square feet of residential development on 4.41 acres (gross) of land split-zoned CR3 C1.5 R2.5 H150 and CR4 C3.5 R3.5 H300, located in the southeast quadrant of the intersection of Nicholson Lane and Woodglen Drive ("Property" or "Subject Property") in the White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on August 24, 2011, JBG/Nicholson Lane East, LLC ("Applicant"), filed an application for approval of a preliminary plan for one lot; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120120060, North Bethesda Market II ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 17, 2012, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report" or "Report"); and

WHEREAS, on March 1, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

Approved as to
Legal Sufficiency:

Christina Soma 3/28/12

8787 Georgia Avenue

MNCPPC Legal Department

Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

WHEREAS, on March 1, 2012, the Planning Board approved the Application, subject to certain conditions, on motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120120060, subject to the following conditions:

1. Approval is limited to one (1) lot for a maximum density of 740,528 square feet of total development including up to 368,000 square feet of commercial uses and up to 392,000 square feet of residential uses for up to 414 residential units, including a minimum of 12.5% moderately priced dwelling units (MPDUs). Any non-residential floor area above 348,528 square feet (up to a maximum of 368,000 square feet) must be accompanied by an equal reduction in residential floor area such that the total floor area does not exceed 740,528.
2. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 150-foot right-of-way (75 feet from centerline) and the Sector Plan recommended 12-foot reservation (an additional 6 feet from each right-of-way line) for a total of 81 feet from centerline for Rockville Pike (MD 355) as shown on the Preliminary Plan.
3. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 90-foot right-of-way (45 feet from centerline) for Nicholson Lane as shown on the Preliminary Plan.
4. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 80-foot right-of-way (40 feet from centerline) for Executive Boulevard as shown on the Preliminary Plan. Dedication for truncation at the intersection of Executive Boulevard and Woodglen Drive will occur at the time of future redevelopment of the existing commercial building that is being retained.
5. The Applicant must provide bicycle parking spaces as part of the site plan per at least the minimum number required by the Zoning Ordinance.
6. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) and assist in achieving and maintaining the non-auto driver mode share goals recommended in the White Flint Sector Plan. The Traffic Mitigation Agreement must be executed prior to release of any building permits. One of the trip reduction measures should be providing a centralized location within the

overall site for bike sharing docks approximately 8-by-40 feet as required by MCDOT.

7. The Applicant shall comply with the White Flint Urban District requirements when it is established by the Montgomery County Council.
8. At the time of the issuance of the first occupancy permit for the project, the Applicant shall prepare and submit a supplemental traffic signal warrant study for the intersection of Rockville Pike and Executive Boulevard as required by the Maryland State Highway Administration (SHA) and/or MCDOT if it is determined that such a study is necessary to supplement the previous signal warrant study prepared by the Applicant of Preliminary Plan No. 120060310 – North Bethesda Market I. The installation of the signal and associated intersection improvements shall be the responsibility of the Special Taxing District.
9. The Applicant must prepare and submit a traffic signal warrant study for the intersection of Woodglen Drive and Executive Boulevard to MCDOT. The study must be submitted prior to recordation of the plat unless amended by MCDOT.
10. All required offsite forest conservation areas must be placed in a Category I Conservation Easement. Category I Conservation Easements must be platted prior to any clearing or grading occurring on site.
11. Substitute approved non-invasive and non-exotic species for *Catalpa* species in the planting plan for trees taken for afforestation credit.
12. Applicant to submit and obtain approval of the forest conservation Certificate of Compliance for off-site forest banking prior to any clearing or grading occurring on site.
13. The Applicant must comply with the conditions of approval of the MCDOT letter dated February 3, 2012. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
14. The Applicant must comply with the conditions of approval of the SHA letter dated January 17, 2012. These conditions may be amended by SHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
15. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated August 31, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
16. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
17. The Applicant must satisfy provisions for access permits as required by SHA.
18. The Applicant must comply with the conditions of the Montgomery County Fire and Rescue Service (MCFRS) Development Review Committee memo dated September 26, 2011.

- a. These conditions may be amended by MCFRS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 - b. The Applicant must provide the final MCFRS approval letter and final approval of the fire department access plan prior to approval of the record plat.
19. No clearing, grading, or recording of plats prior to certified site plan approval.
 20. 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.
 21. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment, the Applicant must obtain approval of a preliminary plan amendment prior to certification of the site plan.
 22. 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."
 23. Prior to the issuance of any residential building permit covered by this Preliminary Plan, the Applicant must make a School Facilities Payment at the elementary and middle school levels to the Montgomery County Department of Permitting Services. The Applicant is proposing high/low rise w/parking residential units as defined by the Annual School Test effective July 1, 2011. This amounts to \$819.59 per residential unit at the elementary school level, and \$991.03 per residential unit at the middle school level. If the type of residential units changes the applicable school facilities payment, per the Annual School Test effective July 1, 2011, should apply.
 24. The non-transportation portion of the Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
 25. All necessary easements must be shown on the Record Plat.

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

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

The Property is in the NoBe District (Block 2) within the *Sector Plan*. The Sector Plan rezoned the property to commercial residential (“CR”) zones, specifically CR4, C3.5, R3.5, H300 and CR3, C1.5, R2.5, H150. The area near the intersection of Woodglen Drive and Executive Boulevard is in the CR3 zone, while the remainder of the Property is in the CR4 zone.

The Sector Plan’s general recommendations for the Property states that the “block contains a significant redevelopment opportunity north of Executive Boulevard and could include a hotel, retail, residential uses, and offices.” It also states that “building heights maybe less than 150 feet to achieve compatibility with the residential development southwest of this block.” None of the major community facilities proposed in the Sector Plan are intended to be located on the Subject Property.

The Preliminary Plan redevelops the Subject Property with the mix of uses envisioned by the Sector Plan. The existing office building (approximately 45 feet tall) at the intersection of Woodglen Drive and Executive Boulevard will remain, which is closest to the residential development to the southwest.

Street Network

The street network is consistent with the Sector Plan recommendation for an internal private street network. The approved internal private street, with different paving patterns, is consistent with the Sector Plan’s recommendation for local streets. Local streets, according to the Sector Plan, “provide access into the interior of the blocks and can have special features to distinguish the different enclaves of development from each other, such as distinctive paving materials.”

Woodglen Drive is classified as a commercial business street (B-3) with a 70 foot right-of-way and Nicholson Lane is classified as an arterial roadway (A-69) with a 90 foot right-of-way. Executive Boulevard, between Woodglen Drive and Rockville Pike (MD 355), was constructed when North Bethesda Market I was developed. Executive Boulevard (B-7) is a commercial business street with an 80 foot right-of-way. An easement was granted for the Subject Property during the North Bethesda Market I approval via Preliminary Plan No. 120060310. Condition 8 (b). The Applicant will dedicate the additional 3.5 feet of right-of-way for Executive Boulevard Extended with this Preliminary Plan.

An urban boulevard is envisioned for Rockville Pike with improved pedestrian sidewalks, on-road bicyclist accommodation, and bus priority lanes. Rockville Pike is classified as a major highway with a 150 foot right-of-way. The Sector Plan allows for the right-of-way for MD 355 to be increased to 162 feet with the additional dedication placed in reservation. The Montgomery County Department of

Transportation has initiated a Countywide Bus Rapid Transit (BRT) Study that will inform the location of BRT, either in the median or curb lane. The Preliminary Plan shows dedication along MD 355 up to 75 feet with an additional 6 feet in reservation.

The Preliminary Plan shows the required dedication for Executive Boulevard, Nicholson Lane, and Rockville Pike.

Bikeway Network

Woodglen Drive, between Edson Lane and Nicholson Lane, is identified as a dual bikeway (SP-41 and LB-4), and a bike lane is recommended on Nicholson Lane (BL-27). The Sector Plan also recommends the establishment of a recreational loop on Nicholson Lane, which will occur in the future. The Applicant is providing the bikeways for Woodglen Drive and Nicholson Lane as required by the Sector Plan.

Environment

Environmental site design techniques, increasing the tree canopy in the Sector Plan area to 20 percent, and minimization of carbon emissions are some of the environmental recommendations in the Sector Plan. The site plan indicates green roofs for all of the new buildings. A green roof is already in place on the existing office building that will be retained. The streetscape for the Paseo, private street, Woodglen Drive and Rockville Pike will have canopy trees that are closely spaced.

It is unknown at this time what other onsite environmental benefits, such as on-site renewable energy sources or maximization of LEED or Energy Star standards, the Applicant will utilize for this Property. This Application will also minimize parking, which is viewed as an environmental benefit. These measures will further implement the Sector Plan's environmental recommendations.

Utilities

The Sector Plan recommends undergrounding of utilities noting that "undergrounding utilities and locating 'wet' and 'dry' utilities under the pavement or under the sidewalk will allow the street tree canopy space to grow." The Applicant will utilize underground utilities along the east side of Woodglen Drive. The Special Taxing District is responsible for undergrounding of utilities along Rockville Pike and Nicholson Lane.

White Flint Design Guidelines Compliance

The Planning Board Approved White Flint Urban Design Guidelines (2010) provides specific recommendation for open space, streets, and buildings in the NoBe district. Some of the recommendations are:

- Streetscape elements along business streets should extend into proposed streets to ensure pedestrian continuity.

- Encourage compatibility of streetscape elements between newly constructed and future developments along Rockville Pike.
- Provide signage along designated recreation loop extension.

The Preliminary Plan shows steps, fountains, and seating that extends to the private streets as envisioned by the Design Guidelines. The streetscape elements approved along Rockville Pike for the Subject Property have been designed consistent with the Sector Plan vision, and have been designed to connect to the existing development to the south and to allow for future connection as part of future development on the adjoining property to the north. Signage for the recreation loop extension will be provided in the future when the recreation loop is established.

Therefore, based on the analysis above and with the conditions of approval, the Planning Board finds the Preliminary Plan substantially conforms to the Approved and Adopted 2010 White Flint Sector Plan.

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

Site Location and Vehicular Site Access Points

The site of the subject mixed-use development is located on the block formed by Rockville Pike on the east, Executive Boulevard to the south, Woodglen Drive to the west, and Nicholson Lane to the north. The vehicular access points are proposed from all four roadways.

Transportation Demand Management

The Property is within the boundary of the North Bethesda TMD. The Applicant must enter into a traffic mitigation agreement to participate in the North Bethesda TMD. The Sector Plan recommends that the TMD achieve a 39% non-auto driver mode share goal for employees that consists of a 26% transit mode share, 5% ridesharing, and 8% other commuting modes of transportation.

Public Transit Service

Ride-On routes 5 and 46, and Metrobus J-5 operate along the Property's eastern boundary on Rockville Pike. The Property is located ¼ mile from the White Flint Metrorail Station.

Sector Plan Roadway and Bikeway

In accordance with the Sector Plan and Countywide Bikeways Functional Master Plan, the Sector Plan roadways and bikeways are as follows:

1. Rockville Pike (MD 355) is designated as a major highway, M-6, with a recommended 150-foot right-of-way and reservation for 12 additional feet (i.e.,

for a total of 162 feet) with a shared use path, Local Bikeway, LB-5 (on the east side). MCDOT's Capital Improvements Program Project No. 501116, White Flint District West Transportation, includes reconstruction of Rockville Pike.

2. Nicholson Lane is designated as an arterial, A-69, with a recommended 90-foot right-of-way and recommended bike lanes, BL-27.
3. Woodglen Drive or Mid-Pike Spine is designated as a business street, B-3, with a recommended 70-foot right-of-way and a dual bikeway (bike lanes and a shared use path on the east side).
4. Executive Boulevard is designated as a business street, B-7, with a recommended 80-foot right-of-way and the White Flint recreation loop extension (on the north side) between Rockville Pike and the internal private street on the Subject Property.

Transportation Adequate Public Facilities Review

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

Other Public Facilities and Services

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

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

Therefore, based on the analysis above and with the conditions of approval, the Planning Board finds public facilities are adequate to support and service the area of the Preliminary Plan.

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

The lot has been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lot are appropriate for the location within the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") for the Property was approved by Staff on August 30, 2010. The Property contains no forest, streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, or rare, threatened or endangered species.

Forest Conservation

The net tract area of the site is 4.41 acres. Based on the Mixed-use Development Area land use category, the required afforestation is 0.66 acres. The Preliminary and Final Forest Conservation Plans satisfy this requirement with a combination of 0.21 acres of credit for on-site landscaping, and 0.45 acres of off-site reforestation credit to be fulfilled at an approved forest conservation bank.

Therefore, the Planning Board finds the Preliminary and Final Forest Conservation Plan meets the Environmental Guidelines and Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the Property. This finding is based on the determination by DPS that the Stormwater Management Concept Plan approval meets DPS' standards.*

A stormwater management concept plan was approved by MCDPS on August 31, 2012, meeting stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-bioretenion, to be supplemented by underground filters.

BE IT FURTHER RESOLVED that for the purpose of this Resolution, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution is the written opinion of the Planning Board, and the date of this Resolution is APR 19 2012 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of an Order adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and Commissioner Anderson absent at its regular meeting held on Thursday, April 5, 2012, in Silver Spring, Maryland.


Françoise Carrier, Chair
Montgomery County Planning Board

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Status Dates

Processed
COO
Issued 8/18/2011 12:05
Expires
Final
Temp COO

Application Details

(Tab Not Loaded)

Reviews

(Tab Not Loaded)

Inspections

(Tab Not Loaded)

Conditions

(Tab Not Loaded)

Required Licenses

(Tab Not Loaded)

Fees

(Tab Not Loaded)

Bonds

(Tab Not Loaded)

Valuations

(Tab Not Loaded)

Applicants

All Applicants

Primary Capacity	Last Name	First Name	Primary DBA	Day Phone	Email	Address	City	State	Zipcode
False	ENG	BRADSHAW	ANDREW	(301)963-1133x18	abrashaw@jba-inc.net	1395 PICCARD DRIVE	ROCKVILLE	MARYLAND	20850
False	ENG	JOHNSON	KEVIN	(301)983-1133x11	kjohnson@jba-inc.net	1395 PICCARD DRIVE	ROCKVILLE	MARYLAND	20850
False	LAW	ROBINS	STEVEN	(703)610-6166x	srobins@larchway.com	3 BETHESDA METRO CENTER, SUITE 460	BETHESDA	MD	20814
True	OWNER	TRIMMER	GREG	(240)333-3709x	gtrimmer@jba.com	4445 WILLARD AVENUE	CHEVY CHASE	MARYLAND	20815

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APR 19 2012



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 12-31
Site Plan No. 820120040
Project Name: North Bethesda Market II
Date of Hearing: March 1, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

WHEREAS, on August 12, 2011, the Planning Board approved sketch plan No. 320110030 (MCPB Resolution 11-07) ("Sketch Plan") establishing several binding elements, including a maximum density of up to 740,528 square feet of total density including a maximum of 368,000 square feet of non-residential development on 4.41 gross acres of land located on the west side of Rockville Pike between Nicholson Lane and Executive Boulevard ("Property" or "Subject Property") split-zoned CR3 C1.5 R2.5 H150 and CR4 C3.5 R3.5 H300 in the White Flint Sector Plan ("Sector Plan"); and

WHEREAS, on August 24, 2011, JBG/Nicholson Lane East, LLC ("Applicant"), filed an application for approval of a Site Plan for 740,528 square feet of mixed-use development including up to 368,000 square feet of non-residential development and up to 414 residential units ("Site Plan") on approximately 4.41 gross acres in the CR3 C1.5 R2.5 H150 and CR4 C3.5 R3.5 H300 zones, on a portion of the Property; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820120040, North Bethesda Market II (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 17, 2012, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on March 1, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

Approved as to
Legal Sufficiency:

Christina Sorrento 3/28/12

8787 Georgia Avenue, Suite 200, Spring Mill, Maryland 20910

Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

WHEREAS, on March 1, 2012, the Planning Board approved the Application subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820120040 for 740,528 square feet of mixed-use development including up to 368,000 square feet of non-residential development and up to 414 residential units, subject to the following conditions:

1. Sketch Plan Conformance

The development must comply with the applicable binding elements and conditions of Sketch Plan No. 320110030 approved by the Planning Board by a Corrected Resolution dated August 12, 2011.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approved Resolution for Preliminary Plan No. 120120060, unless amended and approved by the Planning Board.

3. Density Allocation

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

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines, as amended, for each one. Each public benefit must be verified by M-NCPPC Staff to be complete as required by the submittals listed for each prior to issuance of any use-and-occupancy permit for the associated building, except as noted below. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

a. Transit Proximity

- Submit revised calculation based on Metro Station portal on east side of Rockville Pike.

b. Neighborhood Services

- Revise table to show only 10 different basic services as defined by the approved incentive density guidelines.
 - c. Minimum Parking
 - Submit as-built drawings of parking garage for each building with tabulation of maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.
 - d. Through Block Connection
 - e. Way-Finding
 - Submit detailed schematics for at least 3 signs to be placed along Woodglen Drive, within the interior plaza, and along Rockville Pike. Final design and location to be approved by M-NCPPC Staff and any applicable agency controlling signage within rights-of-way.
 - f. Public Parking
 - Submit as-built drawings of parking garage showing public parking spaces and signage and documentation of facility use and access restrictions.
 - g. Structured Parking
 - h. Tower Step-back
 - i. Public Art
 - Provide supplemental plan to be presented to the Public Arts Trust Steering Committee prior to issuance of any core-and-shell building permit.
 - j. Public Open Space
 - k. Exceptional Design
 - l. BLTs
 - Purchase or payment for 1.61 Building Lot Terminations must be made prior to issuance of any building permit. Documentation to be provided to Staff.
 - m. Tree Canopy
 - Provide as-built landscape plan showing tree locations and species with 15 year coverage and tabulation of total open space under canopy; may be completed in phases for open space around individual buildings.
 - n. Vegetated Roof
 - Provide as-built roof plans showing coverage of roof that is vegetated and cross-section of planting detail, for each applicable building.
5. Transportation
- The Applicant must provide a minimum of 175 bicycle parking spaces, including 10 publicly accessible bike spaces and 108 private, secure bike spaces for the residential building; 20 publicly accessible bike spaces for the non-residential buildings; and 1 private, secure bike space per 10,000sf in each of the non-residential buildings (37 total). Final location and facility details to be determined by Certified Site Plan.

6. Environment

Applicant to submit and obtain approval of the forest conservation Certificate of Compliance for off-site forest banking prior to any clearing or grading occurring on site.

7. Moderately Priced Dwelling Units (MPDUs)

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

8. Recreation Facilities

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

- a. Indoor Community Space;
- b. Swimming Pool;
- c. Pedestrian System;
- d. Indoor Fitness Facility; and
- e. Four Picnic/Sitting Areas.

9. Maintenance

Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

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 Staff.

11. Performance Bond and Agreement

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.

- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

12. Development Program

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

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

13. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Remove unnecessary sheets.
- d. Make corrections and clarifications to details, incentive density calculations, recreation facilities, labeling, data tables, and schedules.

- e. Ensure consistency of all details and layout between architecture, site, and landscape plans.

BE IT FURTHER RESOLVED, that all site development elements as shown on the North Bethesda Market II drawings stamped by the M-NCPPC on November 18, 2011, are required, except as modified by the above conditions of approval; and

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

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

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the binding elements and conditions of Sketch Plan No. 320110030, which may be modified at the time of site plan review under Section 59-C-15.43(d).

There are two modifications to the binding elements with the Site Plan.

- a. The change approved in uses and massing for Buildings A and B allow the residential uses to be placed nearer to the lower density edges of the Sector Plan area and to allow a signature office, retail, and entertainment building to be placed along Rockville Pike. Further, the stepping of the floor plates from south to north requires that the massing of the residential building, Building A, rise higher than the office building would have in the northwest corner. Regarding the necessary findings under Section 59-C-15.43(c), the buildings will continue to achieve compatible internal and external relationships between existing and approved nearby buildings, open space, and uses. The heights, densities, and uses are all similar in the reconfigured layout to what adjacent zoning would allow and create more effective and useful open spaces and commercial activity.
- b. Two public benefits, Streetscape and Dwelling Unit Mix, originally approved by the Sketch Plan have been removed because the details of the Site Plan show that the criteria for these benefits cannot be met. Without these two benefits, the project continues to meet the necessary criteria for public

benefits, with a minimum of 100 points from at least four categories. The Application does qualify, however, for two alternative public benefits that are more in keeping with the objectives of the Sector Plan to provide access to and information about open space, pedestrian and bicycle connections, and transit opportunities: Open Space above the minimum 10% public use space required and Way-Finding signage along trails and within open spaces. These changes, therefore, continue to meet the necessary findings regarding public benefits that must support the requested incentive density and are in keeping with the priorities of the Sector Plan.

2. *The Site Plan meets all of the requirements of the zones in which it is located.*

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 approved uses – residential, retail, restaurant, theatre, and office – are permitted uses in the zone. There are no limited or special exception uses in the approved Site Plan.

b. General Requirements

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

- North Bethesda II is within the NoBe District within the Approved and Adopted (2010) *White Flint Sector Plan*. In accord with the recommendations of the Sector Plan, the approved development will provide opportunities for new mixed-uses and public use spaces while maintaining residential and office uses and ensuring a buffer for existing residential communities.
- Building heights up to 300 feet are approved in the northwest corner of the Property, away from the residential neighborhood to the southwest, while a mid-rise office building will continue the streetwall established by the North Bethesda Market I project to the south; finally, lower buildings along the southern edge of the Property provide a varied skyline transitioning to the south and east and protect the internal open spaces.
- The highest density will be located along Nicholson Lane and Rockville Pike as allowed by the zoning and envisioned by the Sector Plan.

- The Site Plan street network is consistent with the Sector Plan recommendation for private streets creating a more fine-grained grid and with the layout approved in the Sketch Plan.
- The public use space provides the open spaces approved by the Sketch Plan that implement the recommendations of the Sector Plan with open spaces along and between blocks adjacent to activating retail, restaurant, and entertainment uses.
- The Sector Plan establishes several recommendations to create an environmentally sustainable district. The Site Plan will minimize carbon emissions by providing a pedestrian environment and more balanced jobs/housing ratio; it will reduce energy consumption through site design and energy-efficient buildings meeting a minimum of LEED certification; it will improve air and water quality by implementing tree canopy, vegetated roofs, landscape area, and environmental site design stormwater management facilities.
- The Approved White Flint Urban Design Guidelines provide specific recommendations for each district, including building design and public open space. The design guidelines recommend that buildings be located without significant setbacks along streets, as shown by the approved building layouts. Way-finding signage and activating uses along sidewalks are primary goals of the Design Guidelines that will be achieved through the Site Plan.

c. Development Standards

The Site Plan is split zoned between the CR3 C1.5 R2.5 H150 zone and the CR4 C3.5 R3.5 H300 zone on 191,925sf of gross tract area. 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.

Maximum Density of Development (square feet per gross tract)			
	Total (CR)	Non-Residential (C)	Residential (R)
Allowed by the Zones	740,528	617,393.5	644,565.5
Approved with Sketch Plan	740,528	368,000	372,528 ¹
Approved and Binding on the Applicant	740,528	368,000 ²	392,000

¹ Although this number was provided in the data table, the Resolution approved by the Planning Board did not set a particular limit on the residential density, only the commercial density up to 368,000sf.

² Any non-residential floor area above 348,528 square feet (up to a maximum of 368,000 square feet) must be accompanied by an equal reduction in residential floor area such that the total floor area does not exceed 740,528.

Maximum Height (feet)		
	CR3.0 C1.5 R2.5 H150	CR4.0 C3.5 R3.5 H300
Allowed by the Zones	150	300
Approved with Sketch Plan	150	300
Approved and Binding on the Applicant with Phase 1		
Building A (Residential)	n/a	300
Building B (Office, New)	n/a	175
Building C (Retail, New)	n/a	50
Building D (Office, Existing)	50	n/a

Minimum Public Use Space (% of 160,942sf net lot)	
Required by the Zones	10 (16,100sf)
Approved with Sketch Plan	10 (16,100sf)
Approved and Binding on the Applicant	16.1 (26,000sf)

Minimum Residential Amenity Space (square feet per market rate unit ³)		
	Required	Approved and Binding on the Applicant
Indoor Amenity Space	5,000	7,700
Outdoor Amenity Space	5,000	10,400

Minimum Bicycle Parking Spaces & Shower/Change Facilities				
Use	Required		Approved and Binding on the Applicant ⁴	
	Minimum Publicly Accessible	Minimum Private & Secure	Public	Private
414 Residential Units	10	100	10	108
368,000sf Non-Residential	20	37	20	37

Parking (spaces, may be provided off-site)			
	Minimum Required	Maximum Allowed	Approved and Binding on the Applicant
Estimate at Sketch Plan	458	1,082	694 Min/976 Max

³ Amenity space is not required to be calculated for MPDUs within a Metro Station Policy Area.
⁴ As conditioned.

Site Plan Requirement	422	1,198	720 ⁵
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d. Public Benefits

The Site Plan will provide numerous public benefits with proportional incentive density points. These public benefits have been considered according to:

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

The approved public benefits fulfill the priority recommendations of the Sector Plan, meet the criteria of both the Implementation and Design Guidelines; are appropriate for the size and configuration of the tract; enhance the Property's relationship to adjacent properties; provide benefits that are not provided nearby; and are not appropriate for increased points for enhancements beyond the elements and criteria established by the Zoning Ordinance or the Implementation Guidelines. The Applicant will provide public benefits from at least 4 categories equal to or greater than 100 points, the final numbers will be determined prior to approval of the certified site plan.

Public Benefit	Proposed Points [Sketch Plan] ⁶	Criteria	Points Awarded for Site Plan 820120020
Transit Proximity Category			
Site split within ¼ mile and ½ mile of transit	40 [40 at sketch plan]	Per the conditions of approval, to be recalculated with approximately 60% of the site within ¼ mile of a Level 1 transit portal.	Approx. 36.00
Connectivity & Mobility Category			
Neighborhood Services	10.00 [10.00]	Site within ¼ mile of 10 different basic services.	10.00
Minimum Parking	10.00 [10.00]	720 spaces out of 1,194 allowed.	5.86

⁵ May be adjusted at building permit if within minimum and maximum range and if public benefit for minimum parking and public parking still applies and does not decrease public benefit points below 100.

⁶ The total points have been adjusted during detailed site design and review but are substantially similar and allowed under the conditions of Sketch Plan approval in the approved resolution.

Through-Block Connection	20.00 [15.00]	Meets minimum criteria and will have windows along facing walls, provides additional open space and amenities, and will have integrated activating uses and artwork. Access to Nicholson Lane is not ADA accessible.	15.00
Public Parking	10.00 [6.40]	120 public parking spaces.	10.07
Way-Finding	10.00 [0.00]	As conditioned, design and installation of 3 signs indicating locations of nearby open space, recreation and cultural facilities, trails, and transit services.	5.00

Public Benefit	Proposed Points [Sketch Plan]	Criteria	Points Awarded for Site Plan 820120020
Diversity of Uses & Activities Category			
Dwelling Unit Mix	0.00 [5.00]	No longer meets criteria.	0.00
Quality Building & Site Design Category			
Structured Parking	20.00 [14.60]	Approximately 601 spaces below grade; approximately 96 spaces above grade. Revise with certified site plan	Approx. 18.03
Tower Step-Back	10.00 [5.00]	Tower step-backs of at least 6 feet from first floor façade at or below 72 feet.	5.00
Public Art	15.00	Public art provided that meets at least 5 goals established by Incentive Density Guidelines to be reviewed by the PATSC.	10.00
Public Open Space	20.00 [0.00]	9,900sf of open space above minimum public use space required.	6.15
Exceptional Design	10.00 [10.00]	Open space and building design that meets the six criteria in the Incentive Density Guidelines:	10.00
<ul style="list-style-type: none"> ▪ Provides innovative solutions in response to the immediate context (stepped floor plates, terraced open space and pedestrian connections); ▪ Creates a sense of place and serves as a landmark (unique open space and landmark building); ▪ Enhances the public realm in a distinct and original manner (complete integration of buildings and pedestrian-focused open space); ▪ Introduces new materials, forms, or building methods (stepped floor plates, "table-top" street and sidewalk integration, and amphitheater steps and open space,); ▪ Uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable (activating uses, minimized vehicular/pedestrian conflicts, integrated office/retail/entertainment/housing layout; integrated public/private open spaces, and buildings as bridges over pedestrian connections); and ▪ Integrates low-impact development methods into the overall design of the site and 			

building (solar exposure to south, integrated LEED components and ESD facilities, efficient floor plate width and glazing features, low buildings to south of open space, and pedestrian-focused open space).			
Protection & Enhancement of the Natural Environment Category			
BLTs	5.00 [5.00]	1 BLT per 20,000sf of 5% of incentive density.	5.00
Tree Canopy	15.00 [10.00]	6,750sf tree canopy (26% of on-site open space).	10.00
Vegetated Roof	15.00 [10.00]	34,060 vegetated roof (36% of roof area).	10.00
Total			Approx. 156.11

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

a. Locations of buildings and structures

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

b. Open Spaces

The open spaces are adequate, safe, and efficient for an infill development site that is envisioned by the Sector Plan and White Flint Urban Design Guidelines to concentrate on sidewalks complemented by strategically placed, unique, small open spaces and more centralized, adaptable, larger open spaces that will provide passive and active spaces for sitting, relaxing, dining, strolling, and social engagement.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that landscaping, lighting, and site amenities will be safe, adequate, and efficient for year-round use and enjoyment by patrons, employees, and residents. Site furnishings, shade, color, special features such as artwork and fountains, and specialty lighting will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

d. Recreation Facilities

The Site Plan is exceeding the active and passive recreation space required by the zone as shown in the data tables above. The Site Plan will provide the following on-site recreation facilities:

- 4 picnic/sitting areas;
- 1 pedestrian system;

- 1 swimming pool;
- 1 indoor community space;
- 1 indoor fitness facility.

The development can also take advantage of the nearby recreational facilities at Wall Park, including:

- 1 multi-age playground;
- 1 pedestrian system;
- 1 indoor community space; and
- 1 indoor swimming pool.

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

e. Pedestrian and Vehicular Circulation Systems

Vehicular circulation will be enhanced through increased on-street parking, consolidated loading and garage entrances, and smaller blocks. Access to and through the Property will be provided near the center of each road frontage except for Nicholson Lane creating a T-intersection within the Property. New parking garage and loading access points will be located on Woodglen Drive, Nicholson Lane, and Executive Boulevard. These circulation routes, access points, and loading movements have been reviewed to ensure minimal conflicts with pedestrians and that full build-out will be in line with the Sector Plan and code requirements.

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

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

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

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 net tract area of the site is 4.41 acres. Based on the Mixed-use Development Area land use category, the required afforestation is 0.66 acres. The Preliminary and Final Forest Conservation Plans propose to satisfy this requirement with a combination of 0.21 acres of credit for on-site landscaping, and 0.45 acres of off-site reforestation credit to be fulfilled at an approved forest conservation bank.

b. Stormwater Management

A stormwater management concept plan was approved by the Montgomery County Department of Permitting Services on August 31, 2011. The concept plan proposes to meet stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-biofilters. Runoff not treated in these facilities will be treated in proprietary underground filter systems before being discharged to the existing storm drain system.

BE IT FURTHER RESOLVED that for the purpose of this Resolution, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

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

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

BE IT FURTHER RESOLVED, that the date of this Resolution is APR 9 2012 (which is the date that this Resolution is mailed to all parties of record); and

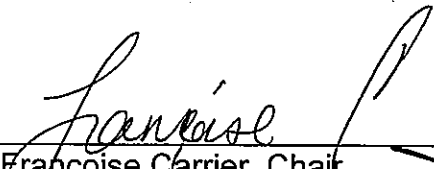
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

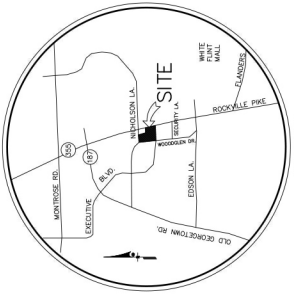
* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of an Order adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and Commissioner Anderson absent at its regular meeting held on Thursday, April 5, 2012, in Silver Spring, Maryland.



Françoise Carrier, Chair
Montgomery County Planning Board



VICINITY MAP

W.S.C. MAP 214 AND 65
100 000' 100'

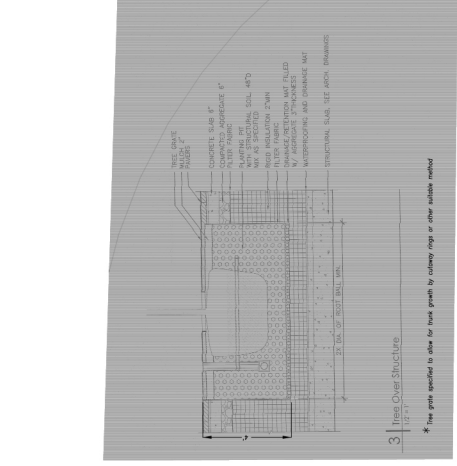
INSTRUCTIONS

All final inspections must be requested by the applicant. Inspections must be conducted as follows:

1. Inspections of construction progress shall be coordinated and conducted by the contractor for the duration of construction project and must not be altered.
2. Inspections of the final construction shall be coordinated and conducted by the contractor.
3. Inspections of the final construction shall be coordinated and conducted by the contractor.

ADDITIONAL REQUIREMENTS FOR PLANS WITH DRAINAGE REQUIREMENTS

1. All tree preservation devices shall be as detailed and installed by the contractor.
2. All tree preservation devices shall be installed and installed by the contractor.
3. All tree preservation devices shall be installed and installed by the contractor.



Tree Cover Structure

The grid specified is done for tree growth by canopy strip or other suitable method.

SIGNATURE AND SEAL OF QUALIFIED PRACTICER

CAROLYN LUTHEIM
DATE: _____
FCA QUALIFIED PROFESSIONAL

NORTH BETHESDA MARKET II
LOT 16, HIGGINS ESTATE
BLOCK 15, P.D. 13-55
PLANNED COMMUNITY DEVELOPMENT
MONTGOMERY COUNTY, MARYLAND

PRELIMINARY FOREST
CONSERVATION PLAN
1 OF 1
(C-7.00)

Forest Conservation and/or Tree-Save Plans

1. A detailed forest conservation plan is required after the limits of disturbance are determined and shall be approved by the Department of Planning and Zoning.
2. The plan shall include a site map showing the limits of disturbance, the location of all trees to be preserved, and the location of all trees to be removed.
3. The plan shall include a list of all trees to be preserved, including the species, size, and location of each tree.
4. The plan shall include a list of all trees to be removed, including the species, size, and location of each tree.
5. The plan shall include a list of all trees to be planted, including the species, size, and location of each tree.
6. The plan shall include a list of all trees to be protected, including the species, size, and location of each tree.
7. The plan shall include a list of all trees to be maintained, including the species, size, and location of each tree.
8. The plan shall include a list of all trees to be harvested, including the species, size, and location of each tree.
9. The plan shall include a list of all trees to be removed, including the species, size, and location of each tree.
10. The plan shall include a list of all trees to be protected, including the species, size, and location of each tree.
11. The plan shall include a list of all trees to be maintained, including the species, size, and location of each tree.
12. The plan shall include a list of all trees to be harvested, including the species, size, and location of each tree.

LEGEND

- BOUNDARY
- LIMIT OF DISTURBANCE
- PROPOSED TREE
- AFFORESTATION CREDITED

Table 2.33: Proposed Forest Cleanups

Category	Area (ac)	Percentage of Acre (0.0 acre)
1. Total area of forest to be cleaned	0.00	0.00
2. Total area of forest to be cleaned	0.00	0.00
3. Total area of forest to be cleaned	0.00	0.00
4. Total area of forest to be cleaned	0.00	0.00
5. Total area of forest to be cleaned	0.00	0.00
6. Total area of forest to be cleaned	0.00	0.00
7. Total area of forest to be cleaned	0.00	0.00
8. Total area of forest to be cleaned	0.00	0.00
9. Total area of forest to be cleaned	0.00	0.00
10. Total area of forest to be cleaned	0.00	0.00
11. Total area of forest to be cleaned	0.00	0.00
12. Total area of forest to be cleaned	0.00	0.00

NET TRACT AREA

Category	Area (ac)
1. Total area of forest to be cleaned	0.00
2. Total area of forest to be cleaned	0.00
3. Total area of forest to be cleaned	0.00
4. Total area of forest to be cleaned	0.00
5. Total area of forest to be cleaned	0.00
6. Total area of forest to be cleaned	0.00
7. Total area of forest to be cleaned	0.00
8. Total area of forest to be cleaned	0.00
9. Total area of forest to be cleaned	0.00
10. Total area of forest to be cleaned	0.00
11. Total area of forest to be cleaned	0.00
12. Total area of forest to be cleaned	0.00

EXISTING FOREST COVER

Category	Area (ac)
1. Total area of forest to be cleaned	0.00
2. Total area of forest to be cleaned	0.00
3. Total area of forest to be cleaned	0.00
4. Total area of forest to be cleaned	0.00
5. Total area of forest to be cleaned	0.00
6. Total area of forest to be cleaned	0.00
7. Total area of forest to be cleaned	0.00
8. Total area of forest to be cleaned	0.00
9. Total area of forest to be cleaned	0.00
10. Total area of forest to be cleaned	0.00
11. Total area of forest to be cleaned	0.00
12. Total area of forest to be cleaned	0.00

PROPOSED FOREST CLEANUPS

Category	Area (ac)
1. Total area of forest to be cleaned	0.00
2. Total area of forest to be cleaned	0.00
3. Total area of forest to be cleaned	0.00
4. Total area of forest to be cleaned	0.00
5. Total area of forest to be cleaned	0.00
6. Total area of forest to be cleaned	0.00
7. Total area of forest to be cleaned	0.00
8. Total area of forest to be cleaned	0.00
9. Total area of forest to be cleaned	0.00
10. Total area of forest to be cleaned	0.00
11. Total area of forest to be cleaned	0.00
12. Total area of forest to be cleaned	0.00

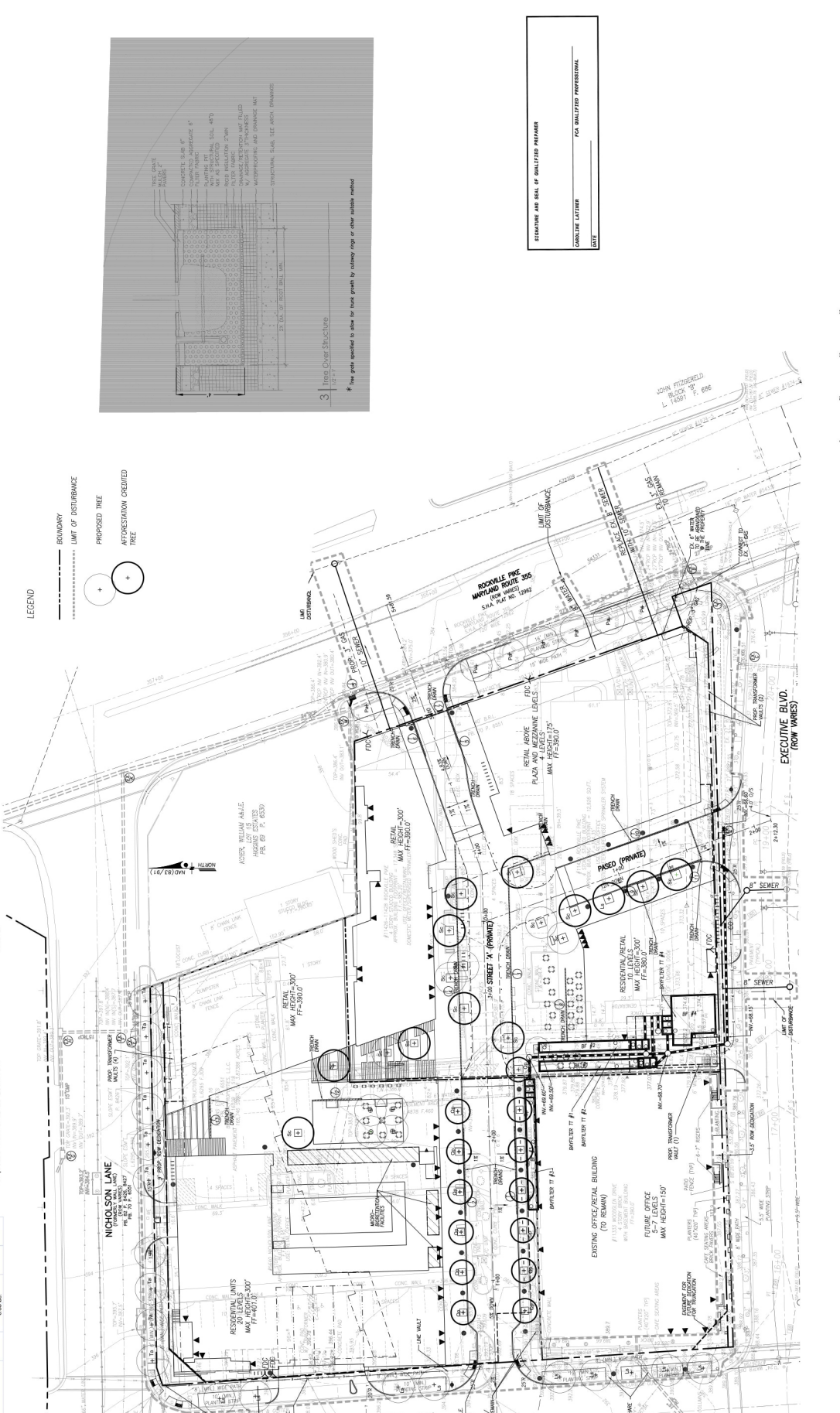
PLANTING REQUIREMENTS:

1. All trees shall be planted within 60 days of the completion of the development.
2. All trees shall be planted within 60 days of the completion of the development.
3. All trees shall be planted within 60 days of the completion of the development.

FOREST CONSERVATION COMPLIANCE REQUIREMENT

Forest Conservation Compliance Requirement
Proposed off-site forest bank credit of:

Category	Area (ac)
1. Total area of forest to be cleaned	0.00
2. Total area of forest to be cleaned	0.00
3. Total area of forest to be cleaned	0.00
4. Total area of forest to be cleaned	0.00
5. Total area of forest to be cleaned	0.00
6. Total area of forest to be cleaned	0.00
7. Total area of forest to be cleaned	0.00
8. Total area of forest to be cleaned	0.00
9. Total area of forest to be cleaned	0.00
10. Total area of forest to be cleaned	0.00
11. Total area of forest to be cleaned	0.00
12. Total area of forest to be cleaned	0.00



04-03-11
VERSION 1.0

Forest Conservation and/or Tree-Save Plans

NET TRACT AREA
4.41 ac
0.00 ac
0.00 ac
4.41 ac

LAND USE CATEGORY (From Table 2.3, "Usage Manual")

EXISTING FOREST COVER

PROPOSED FOREST CLEANUPS

PLANTING REQUIREMENTS:

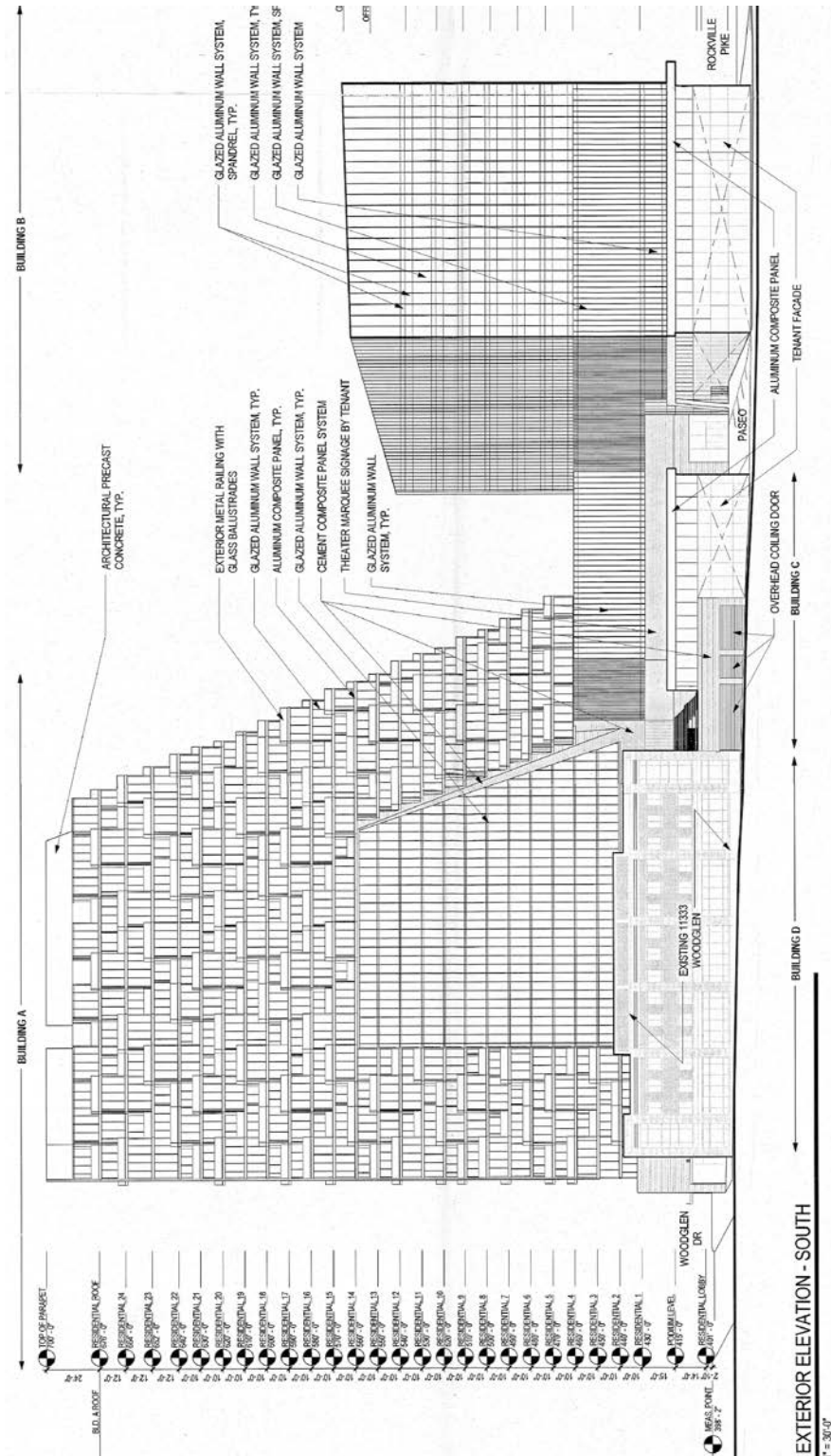
FOREST CONSERVATION COMPLIANCE REQUIREMENT

Proposed off-site forest bank credit of:

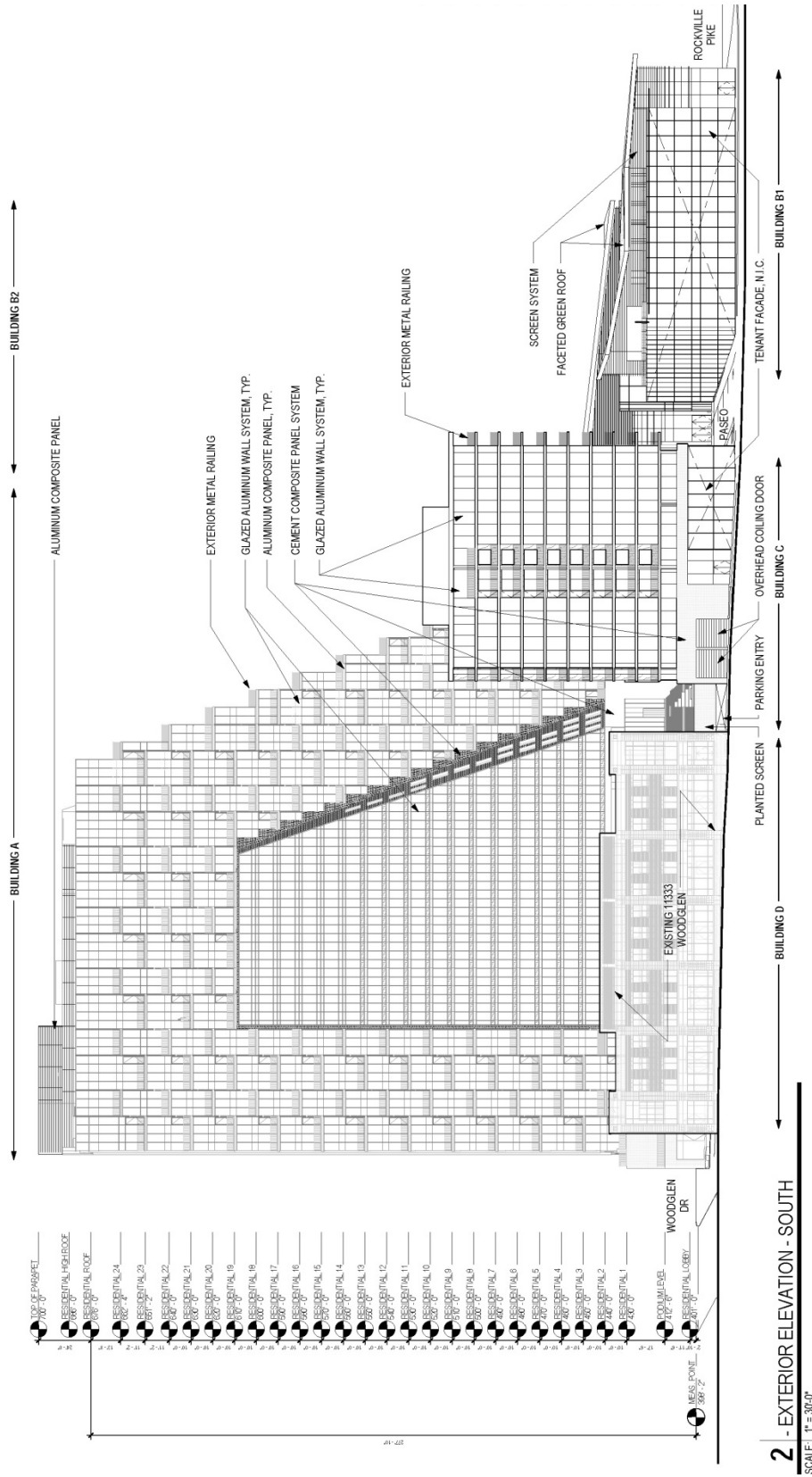
Category	Area (ac)	Percentage of Acre (0.0 acre)
1. Total area of forest to be cleaned	0.00	0.00
2. Total area of forest to be cleaned	0.00	0.00
3. Total area of forest to be cleaned	0.00	0.00
4. Total area of forest to be cleaned	0.00	0.00
5. Total area of forest to be cleaned	0.00	0.00
6. Total area of forest to be cleaned	0.00	0.00
7. Total area of forest to be cleaned	0.00	0.00
8. Total area of forest to be cleaned	0.00	0.00
9. Total area of forest to be cleaned	0.00	0.00
10. Total area of forest to be cleaned	0.00	0.00
11. Total area of forest to be cleaned	0.00	0.00
12. Total area of forest to be cleaned	0.00	0.00

ATTACHMENT H: SECTIONS AND ELEVATIONS

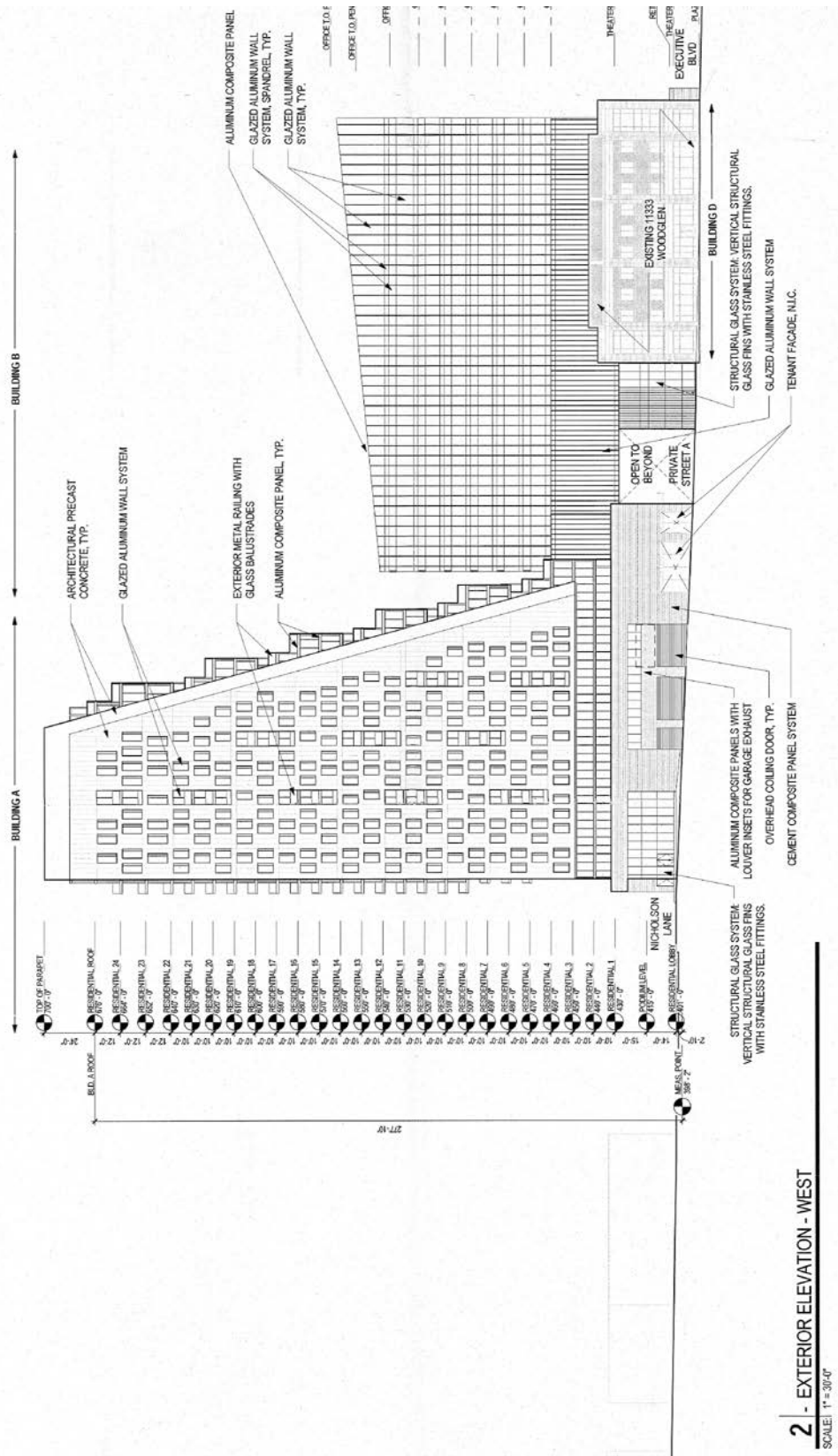
Previously Approved and Proposed Elevations



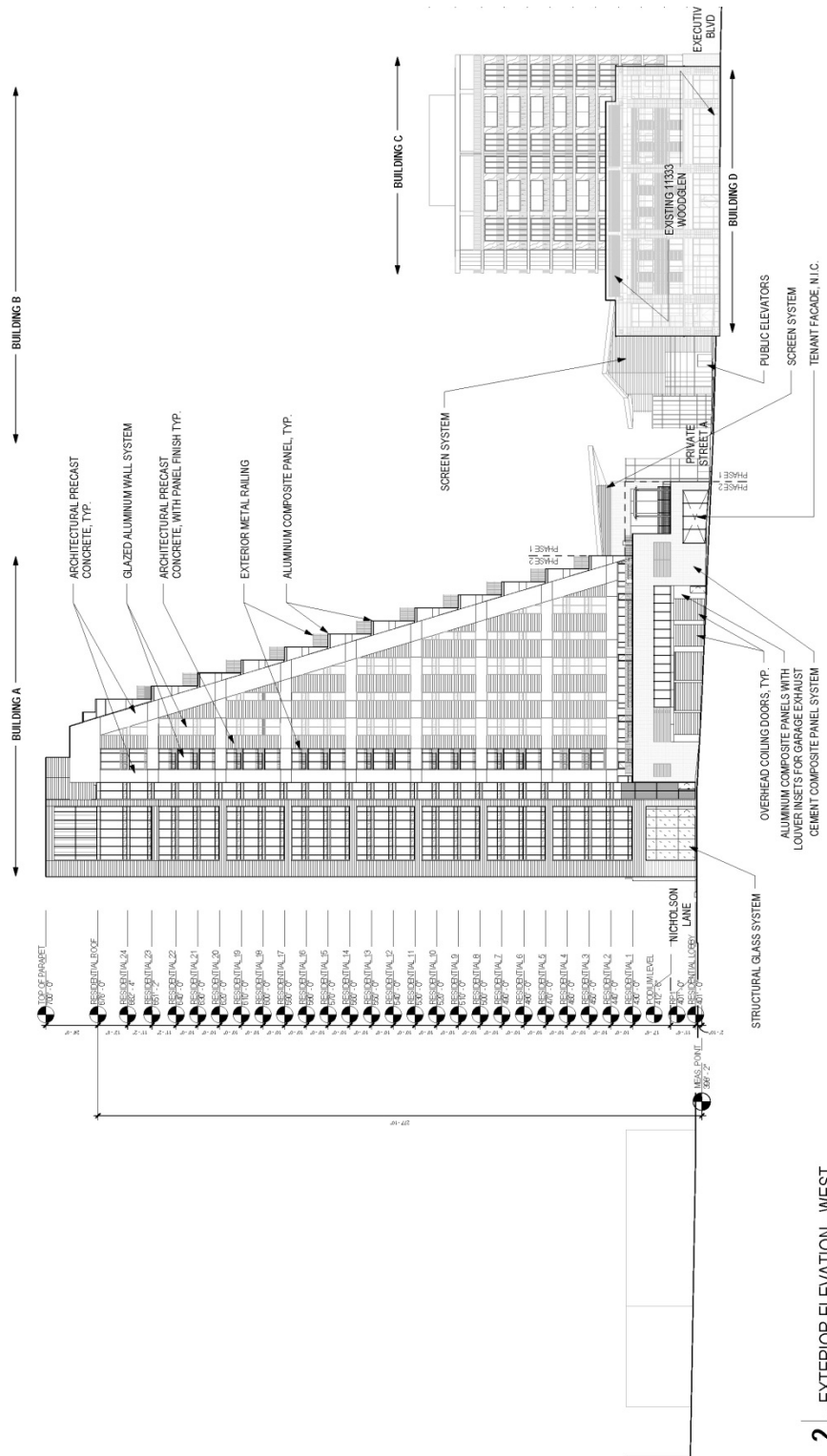
Building Elevation (South Elevation along Executive Boulevard) Site Plan No. 820120040



Building Elevation (South Elevation along Executive Boulevard) Site Plan No. 82012004A | Phase II



Building Elevation (East Elevation along Woodglen Drive) Site Plan No. 820120040



Building Elevation (looking west from Woodglen Drive) Site Plan No. 82012004A | Phase II