

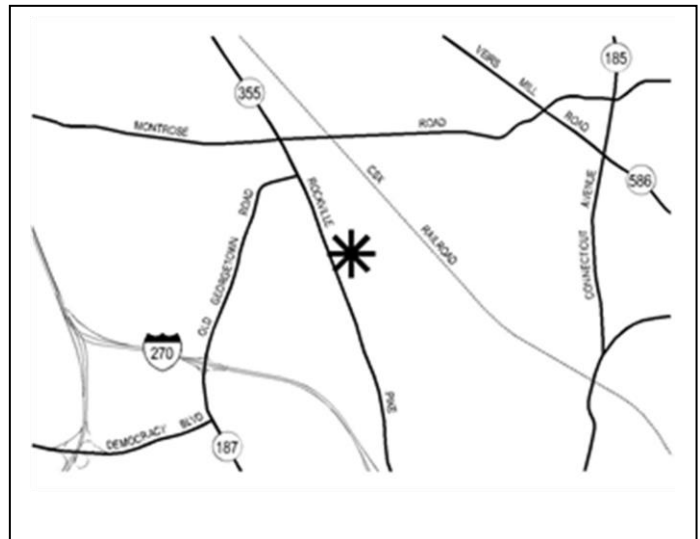
East Village at North Bethesda Gateway, Preliminary Plan 120140240 and Site Plan 820140180

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Completed: 8/29/2016

Description

- Request to subdivide property into one lot for the construction of up to 557,918 square feet of residential development for up to 614 dwelling units, of which a minimum of 12.5% (77 units) must be Moderately Priced Dwelling Units (MPDUs), and up to 34,000 square feet of retail uses;
- Southeast quadrant of Nicholson Lane and Huff Court;
- 5.123 acres zoned CR 3.0: C 1.5, R 2.5, H 200 in the 2010 White Flint Sector Plan area;
- Applicant: Lake Waverly, LP, c/o ProMark;
- Acceptance Date: September 23, 2014.



Summary

- Staff recommends approval with conditions of the Preliminary Plan (Attachment 1) and the Site Plan (Attachment 2).
- The Planning Board approved Sketch Plan No. 320110020 by MCPB Resolution No. 11-06, dated June 5, 2011, and Sketch Plan No. 32011002A by MCPB Resolution No. 13-145, dated November 5, 2013.
- Pursuant to Section 7.7.1.B.1, the applications are being reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.
- Pursuant to Section 50-20(c)(3)(B), Staff recommends approval of the requested 10-year Adequate Public Facilities (APF) validity period.

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SECTION 1: RECOMMENDATION AND CONDITIONS

PRELIMINARY PLAN

Staff recommends approval of Preliminary Plan No. 120140240, subject to the following conditions:

1. This Preliminary Plan is limited to one lot for up to 557,918 square feet of residential development for up to 614 dwelling units, of which a minimum of 12.5% must be Moderately Priced Dwelling Units (MPDUs), and up to 34,000 square feet of retail uses.
2. The Applicant must comply with the conditions of approval of the Preliminary Forest Conservation Plan 120140240 and variance request as specified in the Final Forest Conservation Plan to be approved with the subsequent Site Plan approval.
3. The Applicant must participate in the White Flint Special Taxing District, and make the required special taxing district payment, which will satisfy APFO approval for transportation.
4. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Approximately 5 feet for a total right-of-way (ROW) of 45 feet from the centerline along the Property's Nicholson Lane frontage as shown on the Preliminary Plan;
 - b. Approximately 35 feet for a total ROW of 35 feet from the centerline along the Property's B-19 (Public Street A) frontage as shown on the Preliminary Plan; and
 - c. Approximately 19 to 40 feet for a total ROW of 40 feet from the centerline along the Property's Executive Boulevard frontage as shown on the Preliminary Plan.
5. Prior to the recordation of any plat, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the North Bethesda Transportation Management Organization (TMO), as required by the *White Flint Sector Plan*, to help achieve the Sector Plan's recommended non-auto driver mode share of 34%.
6. The Applicant must construct all protected bike lanes (cycle tracks), sidewalks, and roads as shown on the Preliminary Plan according to the timing established by subsequent Site Plan approvals.
7. The Applicant must coordinate with MCDOT and the M-NCPPC staff regarding MCDOT's Capital Improvements Program (CIP) Project No. 501204, White Flint East.
8. Prior to the release of any building permit, the Applicant must resubmit the traffic signal warrant studies to MCDOT and include both phases of project buildout at the intersections of Executive Boulevard/Huff Court and Executive Boulevard/Sector-Planned Business District Street, B-19. If MCDOT determines that the traffic signal warrants are met, the Applicant must install both traffic signals and associated improvements as required by MCDOT.
9. The Planning Board accepts the recommendations of the MCDOT in its letter dated August 26, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated August 3, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
12. Prior to the recordation of any plat, Site Plan No. 820140180 must be certified by the M-NCPPC Staff.
13. The record plat must show necessary easements.

14. No clearing or grading of the site, or recording of plats are permitted prior to Certified Site Plan approval.
15. In the event that a subsequent site plan and/or site plan amendment approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration, ROW width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
16. The Property is within the Walter Johnson High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level for the multifamily high-rise with structured parking unit rate 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.
17. The Adequate Public Facilities (APF) validity period for the non-transportation elements of the approval for the residential uses is subject to the following phasing schedule:
 - Phase I – Issuance of all building permits for Phase I Residential Building for up to 382 residential units, which must include 12.5% MPDUs, within 84 months from the 30th day after the Planning Board Resolution is mailed; and
 - Phase II – Issuance of all building permits for Phase II Residential Building for up to 232 residential units, which must include 12.5% MPDUs, within 36 months from the expiration date of the Phase I validity period.
18. 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 by the Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.

SITE PLAN

Staff recommends approval, with conditions, of Site Plan No. 820140180, for up to 557,918 square feet of residential development for up to 614 dwelling units, of which a minimum of 12.5% (77 units) must be MPDUs, and up to 34,000 square feet of retail uses on approximately 5.1 acres. All site development elements shown on the latest electronic version as of the date of this Staff Report, August 26, 2016, submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

1. Sketch Plan Conformance

The Applicant must comply with the binding elements and conditions of approval of Sketch Plan No. 320110020 as listed in MCPB Resolution No. 11-06, and Sketch Plan No. 32011002A as listed in MCPB Resolution No. 13-145.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120140240.

3. Staging Allocation Request

Prior to issuance of the first core and shell building permit, the Applicant must receive staging allocation approval by the Planning Board for development in excess of the exemption outlined in the Staging Allocation Request Regulations (COMCOR 50.35.02.01).

4. Forest Conservation & Tree Save

The Applicant must comply with the conditions of the Final Forest Conservation Plan No. 820140180:

- a. The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan.
- b. Prior to issuance of the final Use and Occupancy permit, the Applicant must plant at least 45.5 total caliper inches of native shade trees, using trees a minimum of 3" caliper each, as mitigation for the removal of protected specimen trees as indicated on the Final Forest Conservation Plan. All mitigation trees must be located at least 5 feet outside of any stormwater management areas, and outside of the public right-of-way.
- c. The limits of disturbance shown on the Sediment Control Plan must be consistent with the limits of disturbance on the Final Forest Conservation Plan.
- d. Prior to any on site land disturbance, or demolition, the Applicant must pay a fee-in-lieu equivalent to planting the total reforestation and afforestation required in the worksheet on the Final Forest Conservation Plan, using the per-square-foot fee prescribed by the Montgomery County Planning Department at the time of payment, or must record, in the Montgomery County Land Records, a Certificate of Compliance to use an off-site forest bank for the amount of forest mitigation specified in the Final Forest Conservation Plan.

5. Public Benefits

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

a. Transit Proximity

The Property is located within one-half mile of the White Flint Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Final area calculations must be included on the Certified Site Plan.

b. Connectivity between Uses, Activities, and Mobility Options

i. Neighborhood Services

The Property is located within a ¼ mile radius of at least ten different existing retail services. In addition, at least four have a maximum retail bay floor area of 5,000 square feet. Final calculations must be shown on the Certified Site Plan.

ii. Through Block Connection

The Applicant must provide the pedestrian connection between Huff Court and Public Road A, and the through-block connection must be included on the Certified Site Plan as part of Phase I.

c. Quality of Building and Site Design

i. Structured Parking

The Applicant must provide, and the Certified Site Plan must include, structured parking in a below-grade structure as necessary to achieve 5.14 public benefit points using the following formula from the Implementation Guidelines: $[(A/P)/(A/R)] * 10$, where A=the maximum allowed spaces, R=the minimum required spaces, and P=the proposed spaces.

ii. Public Open Space

The Applicant must provide, and the Certified Site Plan must include, a minimum of 22,695 square feet (13.36% of net lot area) of on-site open space in addition to the minimum required Public Use Space, as shown on the Site Plan.

iii. Exceptional Design - The Applicant must construct, and the Certified Site Plan must include, the buildings and site design with visual and functional elements that enhance the character of the setting, as shown on the Site Plan.

d. Protection and Enhancement of the Natural Environment

i. Building Lot Terminations (BLTs) - Prior to issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 1.825 BLTs to the Department of Permitting Services (DPS).

ii. Cool Roof - The Applicant must provide, and the Certified Site Plan must include, a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ration of 2:12, and a minimum SRI of 25 for slopes above 2:12, as shown on the Site Plan.

6. Public Use Space, Facilities, and Amenities

- a. In addition to the 22,695 square feet of Public Open Space specified in Condition No. 5.c. above, the Applicant must provide, and the Certified Site Plan must include, a minimum of 16,989 square feet (10% of the net lot area) of Public Use Space on-site as shown on the Site Plan.
- b. Prior to release of final Use and Occupancy Certificate for each phase of the residential development, all public use and public open space areas that are included in each phase must be completed.
- c. The Applicant may provide, and the Certified Site Plan must include, a maximum of 4,500 square feet of outdoor private space as determined by individual tenants, provided that pedestrian movement is not impeded, as shown on the Site Plan.

7. Recreation Facilities

- a. Prior to Certified Site Plan, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to Planning Staff that each required recreational element is in conformance with the approved 1992 M-NCPPC Recreation Guidelines.
- b. Prior to issuance to the last use and occupancy certificate for each phase, the Applicant must provide, at a minimum, the following onsite recreation facilities relevant to each phase as shown on the Site Plan:
 - i. One Indoor Tot Facility

- ii. Six Picnic/Sitting Areas
- iii. Two Swimming Pools
- iv. Two Indoor Community Spaces
- v. One Indoor Fitness Facility

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining and ensuring the long-term maintenance of all publicly accessible amenities including, but not limited to, paving, plantings, lighting, benches, public art, fountains, tables, and bike racks, as shown on the Site Plan. Any aforementioned amenities must also be included on the Certified Site Plan.

9. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of 100 private, and a minimum of 10 public, bicycle parking spaces.
- b. The private spaces must be located in a secured, well-lit bicycle room adjacent to the covered parking area, near an elevator or a garage access point. The public spaces must be inverted-U racks or equivalent, installed along the building's retail frontages, or near the plaza in a location convenient to a main entrance, and must be identified on the Certified Site Plan.
- c. Prior to the release of the final Use and Occupancy Certificate for Phase I, the Applicant must construct all protected bike lanes (cycle tracks), sidewalks, and roads associated with Phase I, design and construction of which must comply with the requirements set forth by the Montgomery County Department of Transportation, as shown on the Site Plan.
- d. Prior to the release of the final Use and Occupancy Certificate for Phase II, the Applicant must construct all remaining sidewalks and roads associated with Phase II, design and construction of which must comply with the requirements set forth by the Montgomery County Department of Transportation, as shown on the Site Plan.

10. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service – Fire Code Enforcement Section (MCFRS) in its letter dated June 9, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCFRS provided that the amendments do not conflict with other conditions of Site Plan approval.

11. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant must provide 12.5 percent MPDUs on-site in accordance with the requirements of Chapter 25A of the County Code.
- b. Prior to issuance of the first building permit, the Applicant must execute the MPDU agreement-to-build with the Department of Housing and Community Affairs (DHCA).
- c. The Planning Board accepts the recommendations of DHCA in its letter dated August 8, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

12. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the current Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors must be installed on all fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads.
- e. All streetlights and other pole-mounted lights on-site must not exceed the height illustrated on the Site Plan.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment control 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 include 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. 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, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, paths and associated improvements within the relevant phase of development.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d. The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

14. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

15. Certified Site Plan

The following revisions must be made and/or information provided subject to Staff review and approval for inclusion on the Certified Site Plan:

- a. Include the Final Forest Conservation Plan approval letter, stormwater management concept approval letter, development program, and Planning Board Resolutions for Sketch, Preliminary and Site plans in the Certified Site Plan set.
- b. Add note on title page that all specialty pavements will require a maintenance and liability agreement.
- c. Modify 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. Private bicycle parking spaces must be located in a secured, well-lit bicycle room adjacent to, or within the parking garage near an elevator or a garage access point.
- f. Final design details for private bicycle parking spaces must be shown on the Certified Site Plan, and are subject to M-NCPPC Staff approval.
- g. Clearly delineate Phase I and II on the Certified Site Plan to clearly show which protected bike lanes, roads, sidewalks, streetscape improvements, and amenities will be constructed in each phase.
- h. The Applicant must provide a 19-dock bikeshare station (52 feet by 6 feet, with an additional 6 feet of clearance) on the Subject Property, unless an alternate size bikeshare station and/or location is approved by, or otherwise not required by, MCDOT.

SECTION 2: SITE DESCRIPTION

Site Vicinity

The Subject Property (Property) is located in the southeast quadrant of Nicholson Lane and Huff Court, within the White Flint Mall District, in the *2010 White Flint Sector Plan* (Sector Plan). The Sector Plan specifically identifies the Property as: Lake Waverly Associates LP (LWALP) (5.123 acres), also referred to as the “Eisinger Site”. The Property falls within the ½-mile radius from the White Flint Metro, and is bound on the west by Huff Court, on the north by Nicholson Lane, on the east by a private access road from White Flint Plaza to White Flint Mall, and on the south by a private ring road serving the former White Flint Mall.

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

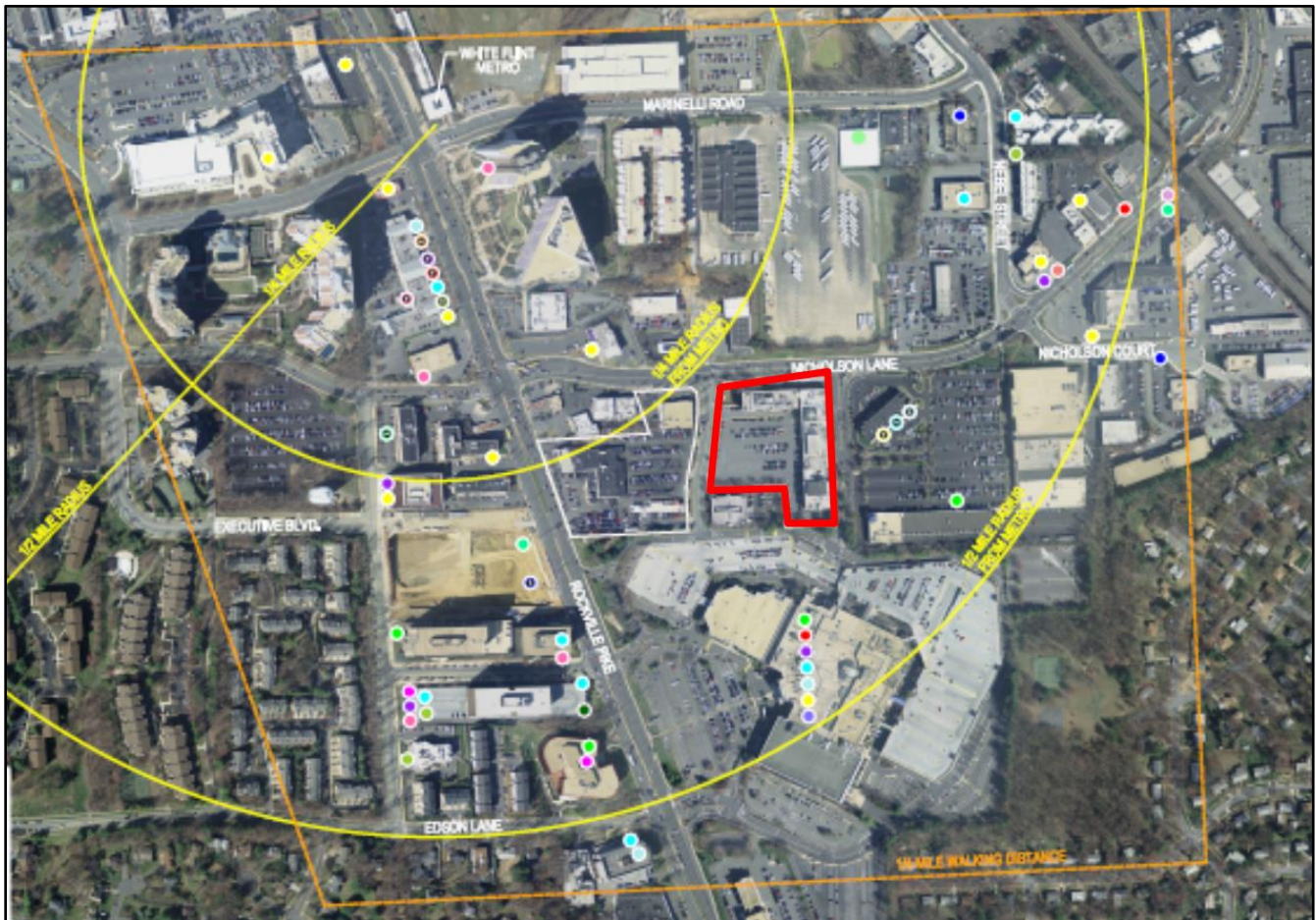


Figure 1: Vicinity Map (Property outlined in red)

Site Analysis

The Property is zoned CR3.0: C1.5, R2.5, H200 and is currently improved with approximately 140,920 square feet of medical office and laboratory space, with related surface parking. It is currently served by public water and

sewer, and generally slopes west to east. Staff approved a Natural Resource Inventory/Forest Stand Delineation Plan (NRI/FSD #420110240) on October 14, 2013. There are no known rare, threatened, or endangered species on the Property; there are no forests, 100-year floodplains, stream buffers, wetlands, or other environmentally sensitive features on the Property, which is not within a Special Protection Area. It is located within the Rock Creek watershed, which are State Use Class I streams. It has five specimen trees (≥ 30 " DBH). There are no known historic properties or features on the Property.

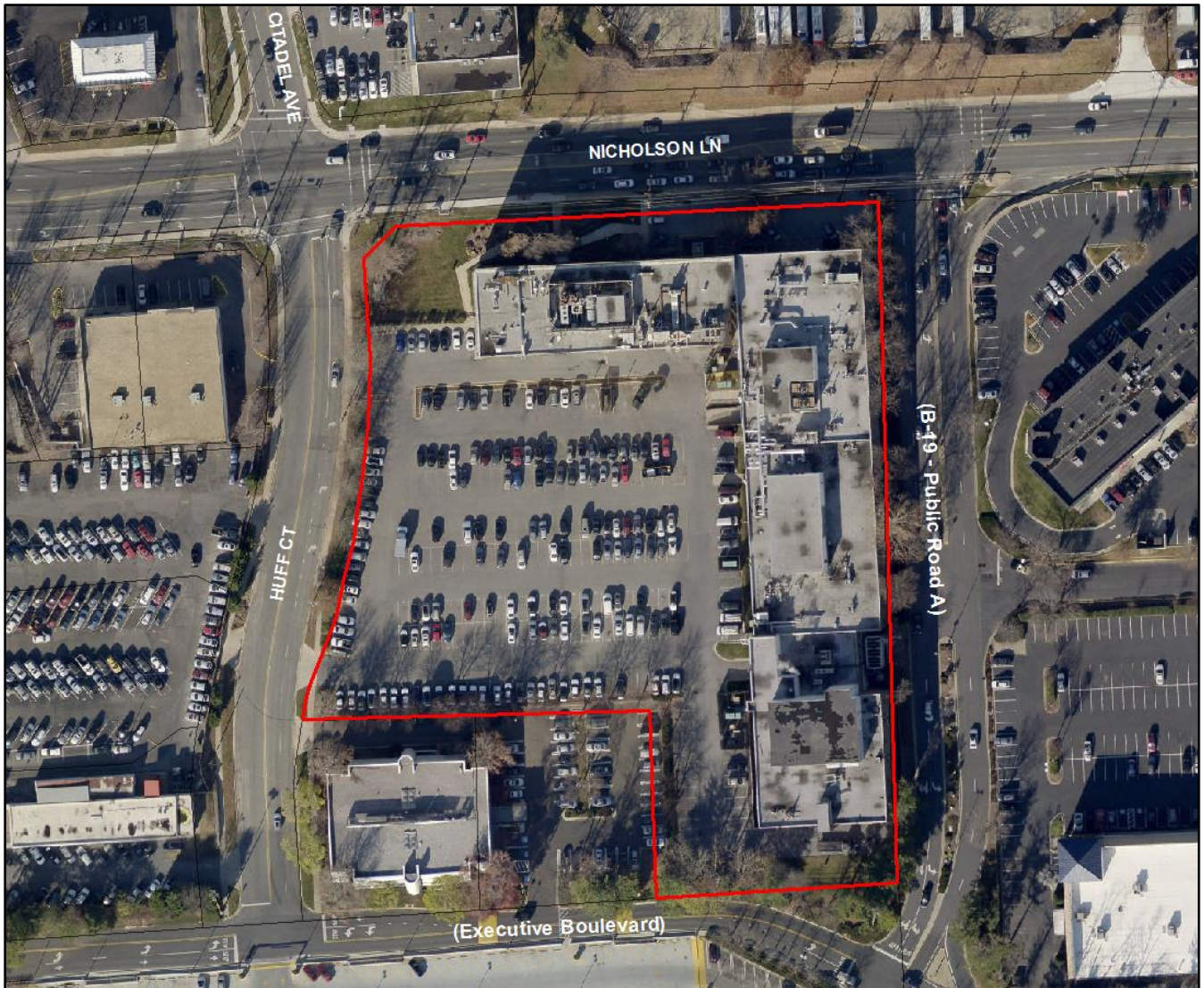


Figure 2: Aerial view of the Property

SECTION 3: PROJECT DESCRIPTION

Previous Approvals and Sector Plan Staging

The Planning Board approved Sketch Plan No. 320110020 by MCPB Resolution No. 11-06 dated July 5, 2011, for three tracts of land separated by Huff Court, and the Planning Board approved Sketch Plan Amendment No. 32011002A by MCPB Resolution No. 13-145 dated November 5, 2013.

The Sketch Plans comprise three separate ownership entities (Sketch Plan Properties):

- Lake Waverly Associates LP (LWALP) (5.123 acres) referred to as the “Eisinger Site” in the Sector Plan (this Property is the subject of this Preliminary Plan and Site Plan);
- John J. Fitzgerald (4.791 acres) referred to as the “Fitzgerald Site” in the Sector Plan; and
- JWW LLC (1.124 acres) is referenced as a smaller property north of the Fitzgerald Site.

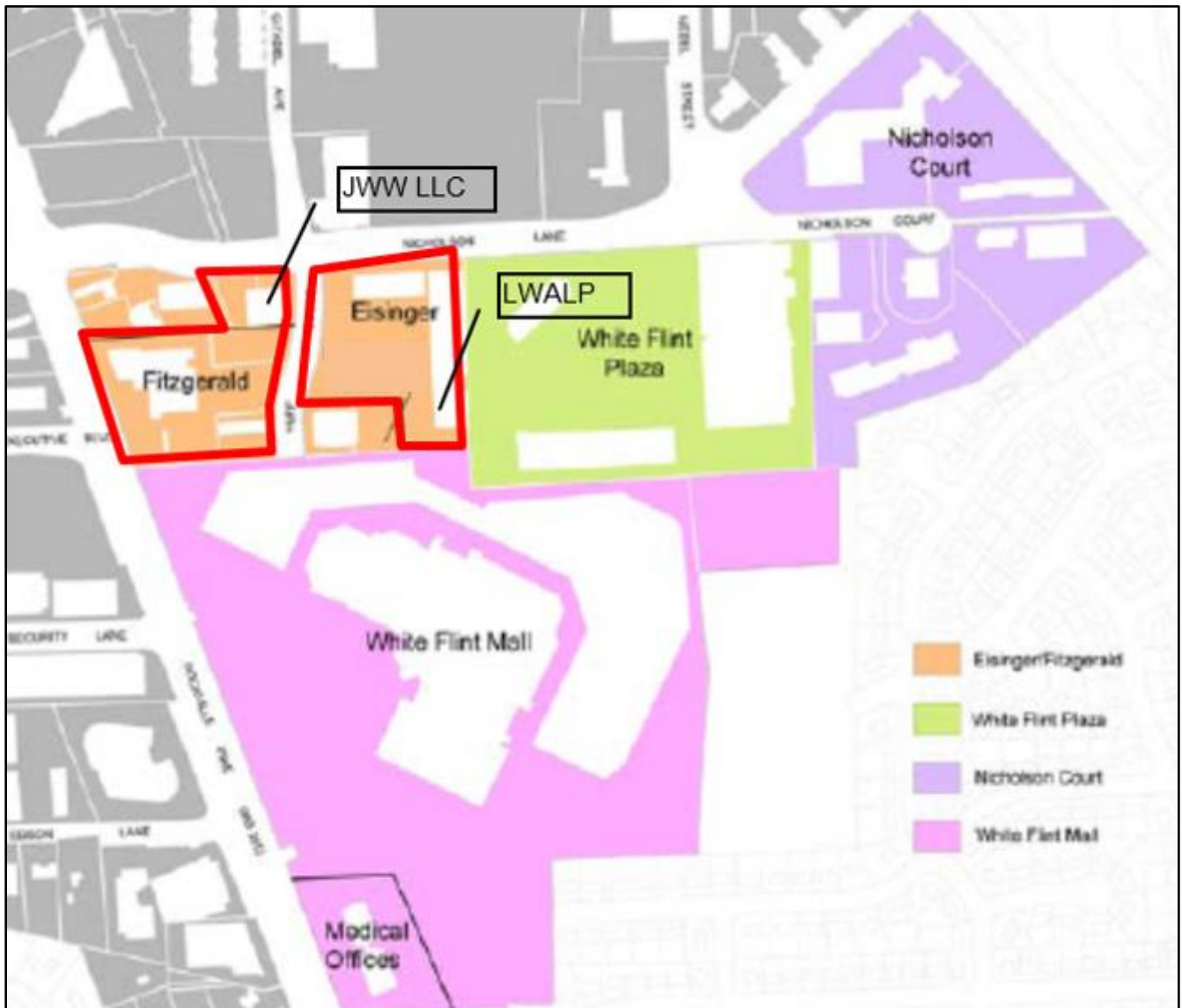


Figure 3: Three properties subject to the approved Sketch Plan

The two properties west of Huff Court, Fitzgerald and JWW LLC, are zoned CR4.0: C3.5, R2.0, H250 and the LWALP Site (Property), east of Huff Court, is zoned CR3.0: C1.5, R2.0, H200. The Sketch Plan Properties are currently improved with 140,920 square feet of medical office and laboratory space, 11,340 square feet of retail, and 38,404 square feet of corporate offices and a car dealership. The Planning Board also determined that each individual property owner could move forward with Preliminary Plan and Site Plan approvals for their properties independent of one another. This Preliminary Plan and Site Plan are for the Property only. The remainder of the Sketch Plan Properties (Fitzgerald and JWW LLC) will be covered under separate preliminary plan(s) and site plan(s).

The Sketch Plan established several binding elements on the entire tract that can be modified by the Site Plan per Section 59-C-15.43(d). The Sketch Plan approved binding elements are as follows:

1. Maximum total density of up to 1,624,158 square feet of development (approximately 3.38 FAR) including a maximum of 884,960 square feet of non-residential uses and a maximum of 739,198 square feet of residential uses, with a maximum building height of 110 feet east of Huff Court and 250 feet west of Huff Court;
 - a. The Property is limited to a maximum of 593,418 square feet of development (approximately 2.66 FAR) including a maximum of 35,500 square feet of non-residential uses and a maximum of 557,918 square feet of residential uses, with a maximum height of 110 feet;
2. General location and extent of Public Use Space;
3. Public benefits schedule; and
4. Phasing program.

Table 1 shows the public benefits and related incentive density calculations for the Sketch Plan Properties as approved by the Sketch Plan No. 320110020 and amended by Sketch Plan No. 32011002A.

Table 1: Public Benefits Calculations				
Public Benefit	Incentive Density			
	Max Allowed	Approved	Requested	Recommended
Transit Proximity	70	30.64	30.64	30.64
Connectivity between Uses, Activities, and Mobility Options				
Neighborhood Services	15	10	10	10
Through Block Connection	20	15	15	15
Quality of Building and Site Design				
Structured Parking	20	14.29	16.25	16.25
Public Open Space	20	9.68	9.68	9.68
Exceptional Design	10	7.5	7.5	7.5
Protection and Enhancement of the Natural Environment				
Building Lot Terminations	30	5	5	5
Vegetated Roof	15	10	5	5
Cool Roof	10	0	5	5
TOTAL	210	102.11	104.07	104.07

*Totals depicted in the table above are the totals on p.6 of Sketch Plan 32011002A Resolution MCPB 13-145

The Planning Board recommended abandonment of Huff Court, Abandonment No. 741, at its public hearing on December 11, 2014. The County Council approved the partial abandonment (east five feet) of Huff Court by Resolution No. 18-289 dated October 13, 2015. The Preliminary Plan proposes to finalize the abandonment by incorporating the eastern five feet of Huff Court as part of the Property when recorded by plat.

Proposal

The Applicant proposes to consolidate one existing lot with the previously abandoned eastern five feet of Huff Court into one new lot for approval of up to 557,918 square feet of residential development for up to 614 dwelling units, of which a minimum of 12.5% (77 units) must be MPDUs, and up to 34,000 square feet of retail uses. A new platted lot will be created for the proposed development, and it will establish the right-of-way dedication for portions of Nicholson Lane, the Executive Boulevard extension, and a new sector-planned street B-19, and provide a portion of the bicycle and pedestrian connections recommended along Nicholson Lane.

The Applicant is proposing two phases, each phase comprising combination retail and a residential building. The Phase I building will include up to 342,187 square feet of residential development for up to 382 dwelling units, with a minimum of 12.5% (48 units) MPDUs; and up to 20,000 square feet of retail uses on the ground floor along Nicholson Lane and Huff Court. The main residential lobby will be located along Nicholson Lane, with a secondary access from the plaza, and access to individual units along the through block connection. A private dog park will also be provided along the through block connection, with restricted access from the Phase I building. There will be a three-level, below grade garage to accommodate up to 416 parking spaces. The Phase II building will include up to 215,667 square feet of residential development for up to 232 dwelling units on a portion of the first floor and above, with a minimum of 12.5% (29 units) MPDUs; and up to 14,000 square feet of retail uses on the ground floor along Huff Court and the plaza. The main residential lobby will be located along the through block connection near the plaza, and there will be a three-level, below grade garage to accommodate up to 285 parking spaces. Both residential buildings will be up to 85 feet high and closely resemble the layout as shown in the approved Sketch Plan Amendment.

The main vehicular access to the underground garage for Phase I is proposed from Huff Court, while secondary vehicular access, and access to the loading dock and trash removal, will be provided as right-in/right-out only from Nicholson Lane. The main vehicular access to the underground garage for Phase II, as well as loading and trash pickup, are proposed from Huff Court. The Applicant must construct all roads, protected bike lanes (cycle tracks), sidewalks, and the through-block connection adjacent to the Phase I building as shown on the Preliminary Plan and Site Plan. Doing so will ensure that sidewalks are provided on all sides of the Phase I building to facilitate and encourage pedestrian movement until the Phase II building provides the remainder of the required improvements.

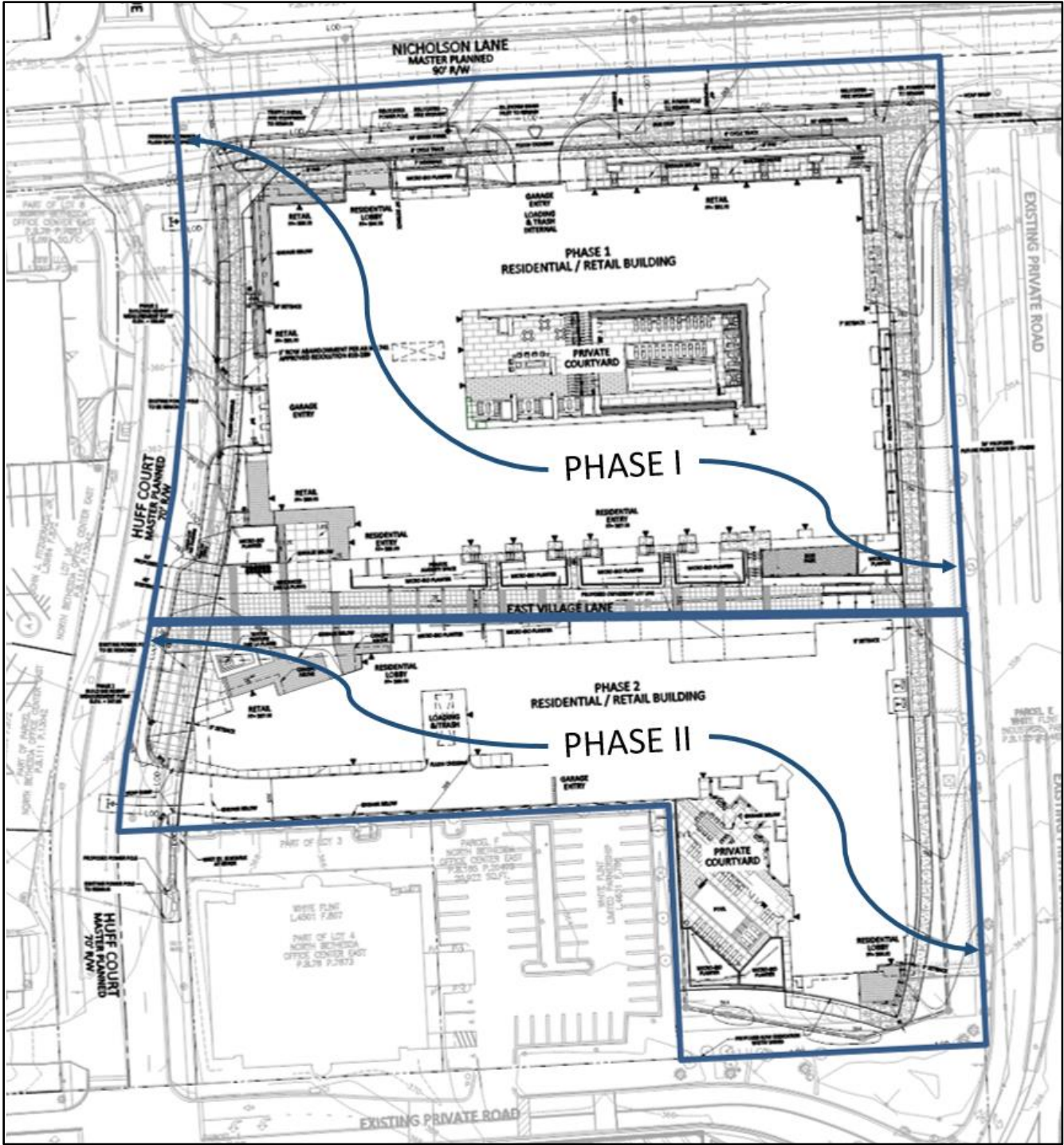


Figure 4: Proposed Preliminary Plan and Site Plan (Phases I & II)



Figure 5: Rendering of Phase I

Open Space and Environment

The proposed open space is provided via a through-block connection as envisioned by the Sector Plan and approved as part of the Sketch Plan. The proposed through-block connection separates the proposed Phase I and II buildings and is a major element of the approved Sketch Plan. When the remaining portion of the connection on the property west of Huff Court is constructed in the future, the complete through-block connection will provide a visual connection from Rockville Pike (MD 355). It is designed to create a vibrant, urban space that enhances commercial viability, while creating a pedestrian-friendly zone. An urban plaza proposed on the Property at Huff Court will create a central space connecting the two arms of the through-block connection. The Plaza will contain a fountain framed by retail for both the Phase I and Phase II buildings, and the main lobby entrance for the Phase II building and multiple residential entry points for the Phase I building. Sidewalks along retail storefronts provide circulation with potential for outdoor café seating along Nicholson Lane, Huff Court, and the through block pedestrian connection. Micro-bioretenion planters are integrated along the edges of the buildings and through block connection, which helps to soften the building edges. Street trees will be planted along all roads to provide buffers, shading, and greenery.

Parking

The Applicant is proposing to provide 701 structured parking spaces (Phase I – 416, Phase II – 285), which is more than the minimum required 651 spaces, but less than the maximum permitted 872 spaces per the Zoning Ordinance.

Public Benefits

The elements of the proposed public benefits package are unchanged from the Sketch Plan Amendment approval. As listed in the conditions and detailed in the findings, the proposed development will provide the following public benefits:

- Transit Proximity
- Neighborhood Services
- Through Block Connection
- Structured Parking
- Public Open Space
- Exceptional Design
- Building Lot Terminations
- Cool Roof

Phasing

The proposed development is in accordance with the phasing plan of the approved Sketch Plan 32011002A.

Community Outreach

The Applicant has met all proper signage, noticing, and submission meeting requirements. As of the date of this report, Staff has not received any correspondence on this application.

SECTION 4: PRELIMINARY PLAN REVIEW

Master Plan Conformance

The Property is part of Block 1: Fitzgerald and Eisinger, within the White Flint Mall District as identified in the Approved and Adopted (2010) *White Flint Sector Plan*. The Fitzgerald block is west of Huff Court and the Eisinger block is to the east, and includes this Property. The Plan notes that “new mixed-use development is anticipated for both blocks. The Eisinger property is anticipated to develop with more residential than non-residential development” (p.45).

The Eisinger block is in the CR3, C1.5, R2.5, H200 zone. A pedestrian promenade is recommended for the WMATA easement area along Rockville Pike (Fitzgerald block), and Executive Boulevard extended (B-7) will intersect with Huff Court and continue to the east. A mid-block connection is recommended for both blocks, and the Applicant is providing their portion of the mid-block connection as envisioned by the Sector Plan and approved as part of the Sketch Plan.

The Project will further the objectives of the 2010 *White Flint Sector Plan* by providing a new mixed-use development including residential and retail uses, and providing the mid-block connection. As recommended in the Sector Plan, the Eisinger property will primarily provide residential uses, away from Rockville Pike.

Density and Building Height

The Property is zoned CR3.0, C1.5, R2.5, H200, which allows a maximum total density of 3.0 FAR and a maximum height of 200 feet on the Property. The approved Sketch Plan Amendment limited the maximum height on the Property to 110 feet. The Application proposes a total of 2.65 FAR on the 5.123-acre Property (approximately 0.15 Non-Residential and 2.5 Residential), and 85-foot maximum height for both Phase I and Phase II buildings, consistent with the Sector Plan’s recommendations, the CR Zoning for the Property, and the approved Sketch Plan Amendment.

Transportation Network

The proposed street network is consistent with Sector Plan recommendations and the 2010 *White Flint Urban Design Guidelines* (Design Guidelines).

Nicholson Lane is designated as a four-lane arterial, A-69, with a recommended 90-foot wide ROW, including bike lanes, BL-27, and the recreation loop. An additional 5 feet of dedication is required for a total of 45 feet from centerline along the Property’s frontage of Nicholson Lane. MCDOT’s Nicholson Lane Raised Separated Bike Lanes Concept Design and Planning, dated October 2015, and the draft White Flint Separated Bike Lanes Network, dated September 2015, include a one-way separated bike lane along each side of Nicholson Lane.

Huff Court is designated as a two-lane business district street, B-4, with a recommended 70-foot wide ROW and no bikeway. Right-of-way dedication is not required because the existing right-of-way is now 75 feet wide. The County Council approved the abandonment petition No. AB 741 to return 5 feet of ROW along the Huff Court frontage to the Applicant because the Sector Plan reduced the recommended right-of-way from 80 to 70 feet wide.

Executive Boulevard is designated as a four-lane business district street, B-7, with an 80-foot wide ROW and no bikeway. MCDOT’s CIP Project No. 501204, White Flint District East Transportation, is currently underway to design and construct Executive Boulevard east of Rockville Pike. ROW dedication is required for the necessary right-of-way for a total of 80 feet from the opposite ROW line.

Proposed Public Street A (adjacent to existing Dart Drug Road) is designated as a two-lane business district street, B-19, with a 70-foot wide ROW and no bikeway. Right-of-way dedication of 35 feet is required for a total of 35 feet from centerline.

Public Use

The proposed public use spaces are consistent with the Sector Plan recommendations to create a hierarchical public use space system in which each space contributes variety in function and setting (pg.20). The proposed development provides an urban plaza and the 15-foot wide mid-block connection envisioned by the Sector Plan, which includes design elements such as a fountain, street furniture, bicycle racks, and planted areas to enhance the neighborhood experience of residents, workers, shoppers, and visitors.

Bikeway Network and Recreation Loop

The Sector Plan establishes a recreation loop as a “signed pathway that is incorporated into the street right-of-way as part of the sidewalk” (p.61). The Applicant is required to provide a one-way protected bike lane on the south side of Nicholson Lane, which satisfies this recommendation.

Environment

The Sector Plan contains several recommendations to create an environmentally sustainable district. Minimization of carbon emissions; reduction of energy through site design and energy-efficient buildings; improving air and water quality; and usage of environmental site design techniques are some of the Plan’s recommendations. The Application is proposing cool roofs, street trees and greenery, and bio-filters throughout the development.

White Flint Urban Design Guidelines

The White Flint Urban Design Guidelines recommend public open space via a mid-block connection, streets, and a public plaza for this Property in the White Flint Mall district. By providing the required dedications and improvements to the streets identified in the Sector Plan, and providing and constructing the mid-block connection and plaza as envisioned by the Sector Plan and Design Guidelines, the Application is in substantial conformance with the recommendations and objectives of the Design Guidelines.

Public Facilities

Available Transit Service

The following bus routes currently operate along the property’s adjacent roadways:

1. Ride On routes 38 and 44 and Metrobus routes C8 and J5 operate along the property frontage of Nicholson Lane.

No transit routes operate along Huff Court, Dart Drug Road (Private Road A), and Executive Boulevard (not yet constructed east of Rockville Pike) frontages. The White Flint Metrorail Station is located approximately ¼ to ½ mile walking distance of the Property.

Transportation Demand Management

This Property is within the North Bethesda Transportation Management District (TMD). As a new development, the Applicant will be required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management Organization (TMO) and assist in achieving and maintaining the Phase I non-auto driver mode share goal of 34% recommended by the White Flint Sector Plan.

The Applicant is required to provide one 19-dock Bikeshare Station, and is providing the required bike parking under the CR zone. In addition, the following trip reduction measures should be considered as part of the TMAg:

1. Cooperate with the MCDOT and/or the TMO to obtain residential and non-residential tenant participation in TMD Annual Commuter Survey;
2. Provide and maintain permanent information displays in a highly visible location in the lobby of each building;
3. Provide space for real time transit information signs at highly visible locations;
4. Make a good faith effort to promote the Guaranteed Ride Home Program and any other emergency ride programs that are available in the region for commuters who carpool, vanpool, use transit, or other commuter options;
5. Provide carpool and vanpool parking spaces for retail employees;
6. Provide car sharing parking spaces in highly visible locations;
7. Provide electric vehicle charging stations in highly visible locations;
8. Cooperate with MCDOT and/or TMD in their marketing efforts designed to attract employees working on-site or nearby to purchase or rent housing within the subject development; and
9. Provide an annual summary report to MCDOT and/or TMO outlining the on-site traffic mitigation efforts.

Pedestrian and Bicycle Facilities

The Applicant is required to provide the following pedestrian and bicycle improvements:

1. 10 public spaces and 100 private spaces. For Phase I, the Applicant must provide a minimum of 10 public spaces and 65 private spaces, as shown on the Site Plan. For Phase II, the Applicant must provide the remaining 35 private spaces, as shown on the Site Plan;
2. A 19-dock Bikeshare Station (52 feet by 6 feet area to be accompanied by an additional 6 feet of clearance) on the Property, unless an alternate size bikeshare station or location is approved by, or otherwise not required by, MCDOT; and
3. The Sector Planned recommended recreation loop on Nicholson Lane as part of Phase I.

Transportation Public Facilities Review

Since the Property is in the White Flint Sector Plan area, the Applicant is required to make the impact tax payment required for all new development per the White Flint Special Taxing District in lieu of satisfying the transportation APF test (i.e., the LATR and TPAR tests).

Phased Adequate Public Facilities (APF) Validity

The Applicant has requested at 10-year APF Validity Period for the total 557,918 square feet of residential uses for up to 614 dwelling units on the Property. The Applicant has not requested a phased plan validity period, and will plat the one proposed lot within the standard plan validity period of 60 months. Pursuant to Section 50-20(c)(3)(A)(iii) of the Subdivision Regulations, the Planning Board can make an APF determination for “no less than 7 and no more than 12 years after the preliminary plan is approved, as determined by the Board at the time of approval, for any plan approved on or after April 1, 2009, but before April 1, 2017.” In accordance with Sections 50-20(c)(3)(B) and 50-34(g) of the Subdivision Regulations, the Applicant has provided the required phasing plan for completion of the project to the Planning Board for its approval. To allow a validity period longer than the minimum, the Planning Board must find that the extended validity period would promote the public interest.

Applicant's Request

The Applicant requests a 10-year (120 month) APF Validity Period subject to the following phasing schedule:

Phase I – Issuance of all building permits for Phase I Residential Building for up to 382 residential units, which must include 12.5 % MPDUs, within 84 months from the 30th day after the Resolution is mailed; and

Phase II – Issuance of all building permits for Phase II Residential Building for up to 232 residential units, which must include 12.5% MPDUs, within 36 months from the expiration date of the Phase I validity period.

Background

On November 30, 2010, the Montgomery County Council enacted Bill No. 50-10, which established the White Flint Special Taxing District, authorized the assessment of an *ad valorem* tax, and permitted the issuance of bonds to fund certain transportation and infrastructure improvements within the White Flint Sector Plan Area. On that same day, the Montgomery County Council adopted Resolution 16-1570, which, among other things, identified a list of infrastructure improvements to be financed by the White Flint Special Taxing District, and stated that the White Flint Special Taxing District was intended to replace payments associated with adequate public facilities requirements for PAMR and LATR. Additionally, effective July 13, 2011, the Planning Board established Montgomery County Planning Board Regulation 11-01 for implementing the Subdivision Staging Policy's White Flint Alternate Review Procedure. These regulations establish standards and procedures for allocation of staging capacity under the White Flint Sector Plan at the time of building permit. Therefore, in the White Flint Sector Plan area, there is no APF validity period for transportation.

Staff Review

An APF Validity Period for commercial transportation impact is not applicable because the White Flint Special Taxing District replaced the PAMR and LATR requirements. However, school capacity is still subject to a determination of APF, because schools are not covered by the White Flint Special Taxing District. The extended validity period for the residential units requested above is common and typical of a mixed-use/phased project, to allow for construction phasing and financing, and is consistent with the Subdivision Regulations. Staff agrees with the Applicant that the project will likely require additional years to achieve full build-out due to construction phasing and financing, and that granting additional time for the Phase II building is a reasonable request. The Preliminary Plan approval will allow a maximum density of up to 557,918 square feet of residential uses for up to 614 dwelling units, and up to 34,000 square feet of non-residential uses. Allowing the longer APF Validity period promotes the public interest by better allowing this development to implement the approved sketch plan (Sketch Plan No. 32011002A) and facilitate the recommendations contained in the *White Flint Sector Plan*, including the transformation of this suburban office block with surface parking into a pedestrian friendly, multi-modal, mixed-use, and urban area.

The road system, open space, and public benefits of the project are site-wide and interrelated. Staff agrees that granting additional time will promote the public interest and help achieve the goals and recommendations of the *White Flint Sector Plan*.

Because of the Special Taxing District in White Flint, transportation is not considered as part of the request for a longer APF and/or Plan Validity; the school test is the only APF consideration subject to a validity period. Since the proposed residential units are multifamily high-rise (which typically produce a low yield of school age children), and the Applicant is required to pay a school facilities payment at the high school level, Staff feels that a longer APF Validity Period will not cause a burden on capacity of the local schools.

Based on the analysis above, Staff finds approval of the extended APF Validity Period as requested is desirable to facilitate the achievement of the goals and recommendations of the White Flint Sector Plan.

Therefore, Staff recommends the Planning Board approve the requested 10-year APF Validity period subject to the phasing schedule contained in this report.

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 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. The application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS), which has determined that the property has adequate access for emergency vehicles.

The Property 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 multifamily unit rate 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.

Environment

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420110420) on November 3, 2010 and recertified on November 14, 2013. There are no streams or their buffers, wetlands or their buffers, steep slopes, 100-year floodplains, known habitats of rare, threatened and endangered species, or forests on the Property. The Property does contain five specimen size trees. The project is in compliance with the Environmental Guidelines.

Forest Conservation

The proposed project is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and the Applicant has submitted a Preliminary Forest Conservation Plan (PFCP – Attachment 3) and a Final Forest Conservation Plan (FFCP – Attachment 4) for the entire project; and both are being reviewed concurrently. The total amount of afforestation and reforestation required by the plan is 0.74 acres, which may be satisfied by the payment of a fee-in-lieu, purchase of forest planting or forest protection credits at an approved off-site forest bank, or a combination of the two. Payment of a fee-in-lieu can be justified under the provisions of Section 22A-12(g)(2) of the Forest Conservation Law. This project meets the criteria specified in that section under items A (on-site forest cover not appropriate), C (no on-site priority planting areas), and D (net tract area less than 5 acres).

Forest Conservation Variance

Section 22A-12(b) (3) of the Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of

that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request on July 25, 2016 for the impacts to five trees (Attachment 5). The proposed layout will remove all five trees that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law.

Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary, because the Property is currently developed with commercial buildings surrounded by drive aisles and surface parking. The five specimen trees are growing in small landscaped areas and narrow green strips between the buildings and the surrounding road network. The Applicant's Variance request notes that the "development approved in the Sketch Plan (that was) found in conformance with the Sector Plan recommendations and consistent with the intent of CR zoning cannot be realized unless the subject trees are removed. In light of the Property's configuration, the required right-of-way dedications along the Property's boundaries, the location of the subject trees being removed, as well as Sector Plan and CR zoning objectives, it would cause unwarranted hardship to the Applicant if the variance request were to be denied." Based on this analysis, Staff concurs that denial of the variance would constitute a hardship to the Applicant. This finding must be met when determining whether or not to consider a variance for the project.

Variance Findings

Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, Staff makes the following findings:

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

The Applicant states that "Maintaining the subject trees would preclude the roadway dedications, sidewalk improvements, streetscape enhancements, and stormwater management facilities included in the project because all specimen trees to be removed are along the perimeter of the property. Three sides of the property will be impacted by right of way dedications for Nicholson Lane, Executive Boulevard extended, and Public Road A (adjacent to Dart Drug Road). The subject trees are located within the areas that will be dedicated and therefore considered removed." Based on these requirements, Staff finds that granting the variance will not confer on the Applicant a special privilege that would be denied to other applicants.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant, but on site constraints including substantial roadway dedications and requirements for sidewalks and stormwater management.

3. *The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not a result of land or building use on a neighboring property.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The trees being removed will be mitigated by the planting of replacement trees that will, in time, replace the lost water quality functions of the removed trees. Therefore, the project will not violate State water quality standards or cause a measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove five trees, which will be mitigated at a rate of 1" caliper per 4" DBH removed, using a minimum 3" caliper native shade tree. The Applicant will plant 45.5 total caliper inches of native shade trees as shown on the Final Forest Conservation Plan.

County Arborist's Recommendation of the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The County Arborist has reviewed the variance request and recommended approval with mitigation (Attachment 6).

Variance Recommendation

Staff recommends approval of the variance.

Stormwater Management

DPS issued a letter accepting the Stormwater Management Concept for the project on August 3, 2016. The Stormwater Management Concept proposes to meet required stormwater management goals via the use of environmental site design to the maximum extent practicable.

Compliance with the Subdivision Regulations

The Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the Sector Plan, and for the type of development and use contemplated. As conditioned, the lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Sector Plan. Access and public facilities (with the exception of schools, which requires a Schools Facility Payment) will be adequate to serve the lots. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

Conclusion

Staff recommends approval of the Preliminary Plan based on the conditions and analysis contained in the report.

SECTION 5: SITE PLAN REVIEW

Pursuant to Section 7.7.1.B.1 of the current Zoning Ordinance, this application has been reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

Site Plan Findings

Section 59-D-3.4(c)

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.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is subject to the binding elements and conditions of Sketch Plan No. 320110020 and Sketch Plan No. 32011002A, which may be modified at the time of Site Plan review under Section 59-C-15.43(d). The Site Plan corrects the structured parking public benefit anticipated. This was listed as 16.25, but should have been 16.19. This minor discrepancy has no impact on this Site Plan's compliance. Thus, the Site Plan conforms to the approved Sketch Plan.

2. *The Site Plan meets all the requirements of the zone in which it is located, and where applicable, conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan is proposed pursuant to the Commercial/Residential Zone and meets the general requirements of Section 59-C-15 as follows:

Section 59-C-15.61 - Master Plan and Design Guidelines Conformance

The Site Plan conforms to the Sector Plan and Design Guidelines as outlined in the Preliminary Plan Findings in this report.

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

The proposed Site Plan provides accommodation for the minimum required number of bicycle parking spaces as detailed in the following development standards table. Commuter shower/change facilities are required of office uses only and therefore not applicable to this Project.

Section 59-C-15.63 - Parking

The proposed number of parking spaces satisfies the minimum and maximum number of parking spaces as specified by the Zoning Ordinance requirements. The Site Plan proposes all parking in a structured facility. The final number of units at Certified Site Plan will determine the final number of required parking spaces. Although the retail and residential parking will use the same access points, the Applicant is proposing to separate retail and residential parking within the parking structures to adequately manage the use of the parking structures.

Section 59-C-15.7 - *Development Standards*

The proposed Site Plan meets the development standards of Section 59-C-15, as shown in the Project Data Table below:

Table 2: Project Data Table				
Section 59 - C	Development Standard (CR 3.0: C 1.5, R 2.5, H 200 Zone)	Permitted/Required	Approved by Sketch Plan	Proposed
	Gross Tract Area (sf)	n/a	223,167	223,167
15.71	Maximum Density (FAR) <i>Non-residential (sf) C-1.5</i> <i>Residential (sf) R-2.5</i> TOTAL CR 3.0	3.0 FAR 334,751 557,918 892,669	2.66 FAR 35,500 557,918 593,418	2.65 FAR 34,000 557,918 591,918
15.71	Maximum Building Height (ft)	200	110	85
15.72	Minimum Setback	n/a	n/a	n/a
15.73	Minimum Public Use Space (%)	10	10	10
15.74	Residential Amenity Space (sf) <i>Phase I Indoor</i> <i>Phase I Outdoor</i> <i>Phase II Indoor</i> <i>Phase II Outdoor</i> TOTAL	5,000 5,000 4,060 4,060 18,120	- - - - -	5,000 5,000 4,060 4,060 18,120
15.62	Minimum Bicycle Parking (spaces) <i>Publicly Accessible</i> <i>Privately Secured</i>	10 100	- -	10 100
15.631	Vehicular Parking (spaces) <i>Maximum</i> <i>Minimum</i>	872 651	-	(up to) 701

Section 59-E-1.4 – *Off-Street Loading Space Criteria*

The Zoning Ordinance requires that “For any building or land used for commercial or industrial purposes, adequate space for off-street parking to accommodate loading and unloading of materials shall be provided, consistent with the size and proposed use of the building.”

For this mixed-use development, the two (2) total proposed loading spaces are adequate given the size and proposed use of the buildings.

Section 59-C-15.82 – *Public Benefits Required*

The proposed Site Plan satisfies the minimum public benefits points from the required minimum number of benefit categories. 41.275 points (after 30% maximum is applied to the Design Quality category, which reduces the points from 33.39 to 30.00) are recommended for the public benefits provided pursuant to the proposed Site Plan. The remainder of the 59.573 points in the Sketch Plan

approved must be provided by future site plans for the remainder of the Sketch Plan Properties (Fitzgerald and JWW LLC).

Section 59-C-15.83 – *General Incentive Density Consideration*

The proposed public benefits with this Site Plan:

- a. Take into consideration “the recommendations, objectives, and priorities of the applicable master or sector plan” by providing ground floor retail, housing units, general sustainability measures, and connectivity improvements;
- b. Meet “the CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area” by following the proper criteria for each public benefit and by proposing public open space, structured parking, and through-block connections as recommended in the Design Guidelines;
- c. Are appropriate for “the size and configuration of the tract” by providing the proportionate share of public benefits outlined in the Sketch Plan approval for the Sketch Plan Properties;
- d. Adequately address “the relationship of the site to adjacent properties” by designing the building to consider view sheds of adjacent developments and providing open space and enhanced pedestrian facilities near the Metro station; and
- e. Consider “the presence or lack of similar public benefits nearby” through the provision of environmental benefits, and enhanced vehicular, pedestrian and bicycle connections that are currently lacking in this area.

Section 59-C-15.85 – *Individual public benefit descriptions and criteria*

Table 3: Public Benefits Calculations				
Public Benefit	Incentive Density			
	Max Allowed	Sketch Plan 32011002A*	Requested for Site Plan No. 820140180**	Recommended for Site Plan No. 820140180**
Transit Proximity	70	30.64	11.18	11.18
Connectivity between Uses, Activities, and Mobility Options				
Neighborhood Services	15	10	3.65	3.65
Through Block Connection	20	15	7.5	7.5
Quality of Building and Site Design				
Structured Parking	20	16.25***	5.14	5.14
Public Open Space	20	9.68	5.54	5.54
Exceptional Design	10	7.5	2.5	2.5
Protection and Enhancement of the Natural Environment				
Building Lot Terminations	30	5	1.825	1.825
Vegetated Roof	15	5	0	0
Cool Roof	10	5	5	5
TOTAL	210	104.07	41.275****	41.275****

* Approved by Sketch Plan No. 32011002A, total points required/approved for the Sketch Plan Properties.

**Points requested/recommended for approval for this Property (Site Plan No. 820140180) only.

***16.25 points approved by Sketch Plan No. 32011002A for structured parking. Calculated incorrectly and should have been 16.19 points. Applicant has recalculated to 16.21 points based on further detail/design of site.
****Total points requested/recommended for approval after 30% maximum is applied to the Design Quality category, which reduces total from 42.335 to 41.275.

Transit Proximity

The Planning Board previously anticipated 30.64 points for the Sketch Plan Properties for proximity to White Flint Metro, a Level 1 transit portal. The value resulted from a weighted average for the portion of the property within ¼ mile radius of the Metro and the portion within a ½ mile radius from the Metro. The entire gross tract area falls within the ½ mile radius, of which 30,862 SF (6.4%) also falls within the ¼ mile radius. The proposed Site Plan does not change the proximity to transit; therefore, the conditions of approval for Sketch Plan Amendment 32011002A still apply. Staff supports the proportionate 11.18 points¹, as requested for this Site Plan.

Connectivity between Uses, Activities, and Mobility Options

The Planning Board previously anticipated 25 points for the Sketch Plan Properties achieved through public amenities in the subcategories of Neighborhood Services and Through Block Connection.

Neighborhood Services: The Planning Board previously anticipated 10 points for the Sketch Plan Properties for proximity to at least 10 different retail services currently existing within a ¼ mile radius of the Sketch Plan Properties. In addition, at least 4 had a maximum retail bay floor area of 5,000 square feet. The proposed Site Plan does not change the proximity to services; therefore, the conditions of approval for Sketch Plan Amendment 32011002A still apply. Staff supports the proportionate 3.65 points², as requested for this Site Plan.

Through Block Connection: The Planning Board previously anticipated 15 points for the Sketch Plan Properties for the through block connection between Rockville Pike, Huff Court, and Proposed Road 'A'. In accordance with the CR Zone Guidelines, the connector will be at least 15 feet in width; have at least 35 percent of the walls facing the interior pedestrian connection below a height of 8 feet with clear, unobstructed windows; and be open to the public between sunrise and sunset. The through block connection will be pedestrian only east of Huff Court and shared pedestrian and light vehicular west of Huff Court. These conditions were the basis for approval and remain unchanged in the proposed Site Plan. Staff supports the proportionate 7.5 points, as requested for this Site Plan.

Quality of Building and Site Design

The Planning Board previously anticipated the maximum 30 points (actually 33.43 points achieved, but limited by 30-point maximum allowed) for the Sketch Plan Properties through public amenities in the subcategories of Structured Parking, Public Open Space, and Exceptional Design.

Structured Parking: The Planning Board previously anticipated 16.25 points (should have been 16.19 points) for the Sketch Plan Properties for structured parking provided above and below ground. This incentive is granted on a sliding scale based on the percentage of total on-site spaces provided in above ground parking multiplied by 10%, plus the percentage of total on-site spaces provided in below ground parking multiplied by 20%. The Sketch Plan Amendment proposed 838 above grade parking spaces, and 1,360 below grade parking spaces

¹ Calculation based on percentage of density approved in Sketch Plan Nos. 320110020 and 32011002A.

² Calculation based on percentage of density approved in Sketch Plan Nos. 320110020 and 32011002A.

(2,198 total), which should have equated to 16.19 points, not 16.25 points as approved. Based on more detailed design of the Property for this Site Plan, the new total parking for the Sketch Plan Properties is 2,212, which now equates to 16.21 points for the Sketch Plan Properties. Staff supports the proportionate 5.14 points³, as requested for this Site Plan.

Public Open Space: The Planning Board previously anticipated 9.68 points for the Sketch Plan Properties for public open space; which is easily accessible to the public between sunrise and sunset; and contains amenities such as seating, plantings, trash receptacles, and water features. This incentive is granted on a sliding scale based on the percentage of the net lot area placed in open space up to 20%. The public open space consists of the urban plaza, the pedestrian areas in the through block connection, and the adjacent landscaped areas within the through block connection. The Applicant proposes to provide a minimum of 22,695 square feet of public open space, which is above the required 11.44% approved by Sketch Plan Amendment 32011002A. Staff supports the proportionate 5.54 points⁴, as requested for this Site Plan.

Exceptional Design: The Planning Board previously anticipated 7.5 points for the Sketch Plan Properties for design that creates a sense of place and serves as a landmark. Consideration was given to the proposed Hotel and Office towers along Rockville Pike as prominent, signature structures and the quality of the proposed open spaces including the Pike Promenade, Pike Plaza, Retail Plaza (along Huff Court), and mid-block connection. The retail plaza and mid-block connection elements have been incorporated into the design of the site and are shown on the proposed Site Plan. The Application features a retail plaza, on the east side of Huff Court, which is designed with streetscape elements and a decorative fountain, which creates a distinct landmark feature. Stairs and low walls provide visual interest and help activate the plaza, which is framed on the north and south by retail. Microbioretention areas and plantings line the mid-block connection, which soften the building edges. When the property west of Huff Court develops, the mid-block connection will provide a visual connection to the plaza from Rockville Pike (MD 355). Staff supports the proportionate 2.5 points⁵, as requested for this Site Plan.

Protection and Enhancement of the Natural Environment

The Planning Board previously anticipated 15 points for the Sketch Plan Properties achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs) and Vegetated Roofs.

BLTs: The Planning Board previously anticipated 5 points for the purchase of 5 BLT easements or payment to the Agricultural Land Preservation Fund by the Sketch Plan Applicants. The CR Zone requires that at least 5 points but no more than 30 points be obtained through the purchase of BLTs. The condition for this approval remains unchanged and Staff recommends no changes to the incentive density. Staff supports the proportionate 1.825 points⁶, as requested for this Site Plan.

Cool Roof: Consistent with the approved Sketch Plan, the Applicant must provide roof area “that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio

³ The new parking total for the Sketch Plan Properties is 2,212 spaces. Points were divided based on the percentage of total parking spaces provided at Sketch Plan for Fitzgerald and JWW properties and the current proposed parking spaces in this Site Plan.

⁴ Calculation based on percentage of total public use space and public open space provided in Sketch Plan Nos. 320110020 and 32011002A.

⁵ Prorated 33% based upon equal allocation among the Sketch Plan Properties.

⁶ Calculation based on percentage of density approved in Sketch Plan Nos. 320110020 and 32011002A.

of 2:12, and a minimum SRI of 25 for slopes above 2:12". The Applicant requests 5 points, and Staff supports the requested points.

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

Location of Buildings and Structures

The location of the buildings and parking structures are adequate, safe and efficient. The buildings emphasize the public realm by establishing a continuous street wall along Nicholson Lane, Huff Court, and Dart Drug Road (B-19). The parking structures will be below grade, which reduces the conflicts between vehicles and other modes of transportation. Below grade parking is the most efficient use of land given the urban context envisioned in the Sector Plan and proximity to the Metro Station.

Open Spaces

The locations of proposed open spaces are adequate, safe, and efficient. The open spaces are organized around the buildings to create an urban block with active sidewalks and streetscape elements. An arrival plaza proposed along Huff Court at the midpoint of the mid-block connection will create a distinct landmark feature. Open spaces are proposed with trees and stormwater management areas that serve as passive landscape amenities.

Landscaping and Lighting

The proposed landscaping and lighting for the Property will ensure the area will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The proposed pedestrian-scale lighting fixtures, street lighting fixtures, and decorative lighting will illuminate the streets, sidewalks, and walking paths. A mix of shade trees, ornamental trees and foundation plantings is proposed throughout the Property.

Recreation Facilities

The Site Plan will provide adequate, safe, and efficient recreation facilities to help residents lead an active and healthy life. The on-site recreation amenities are proposed in accordance with the M-NCPPC Recreation Guidelines. The amenities include a tot lot, seating areas, swimming pools, indoor community spaces, fitness facility, and pedestrian and bike systems. Off-site recreation facilities within 1 mile of the Property include a multi-age playground, multipurpose courts, and tennis courts.

Pedestrian and Vehicular Circulation Systems

The Site Plan will create an urban block surrounded by streets on four sides: Nicholson Lane, Huff Court, Executive Boulevard extended, and Dart Drug Road (B-19). The vehicular access point to/from the parking garage for Phase I is proposed from Huff Court, and loading access is proposed from Nicholson Lane. The vehicular access and loading access to/from the parking garage for Phase II are proposed from Huff Court. The location of the facilities minimizes potential conflicts with pedestrians and alleviates congestion on the surrounding streets. Retail and residential access to the facilities will be shared, while the parking spaces for retail and residential uses will be separate. The proposed pedestrian paths will provide a safe, convenient and attractive walking environment to/from the Metro Station and other destinations in the area. It also provides the first phase of the protected bike lanes along Nicholson Lane, which upon full buildout, will provide an efficient network of bicycle infrastructure in the White Flint Sector Plan area. The proposed pedestrian and vehicular circulation systems are adequate, safe, and efficient.

4. *Each structure and use is compatible with other uses and other Site Plans, and with existing and proposed adjacent development.*

The buildings are compatible with other uses and other Site Plans, and with existing and proposed adjacent development. This compatibility is achieved through:

- a. Building heights that provide the step-down envisioned by the Sector Plan, with the tallest buildings envisioned along Rockville Pike (Fitzgerald Site – approx. 250 feet), while stepping-down to lower heights near surrounding residential neighborhoods (Property – approx. 85 feet). The approved but unbuilt White Flint View (approx. 180 feet) is located on the north side of Nicholson Lane directly across from the Property;
- b. Strong definition of blocks that transform the suburban, auto-oriented land use in the area into urban, compact, mixed-use development;
- c. Creation of defined streetscapes, plaza, and open spaces;
- d. Replacement of surface parking with structured parking allowing more space on the ground floor to be dedicated to community serving retail near existing public transportation; and
- e. Provides an appropriate reduction in intensity and use from the office buildings and hotels approved and planned near Rockville Pike.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protections, and any other applicable laws.*

- a. Under Chapter 22A of the Montgomery County Code, the Applicant has provided a Final Forest Conservation Plan that is in compliance with Chapter 22A. FFCP 820140180 covers all disturbance associated with demolition of the existing structures, improvements to the surrounding vehicle and pedestrian network, and construction of the proposed development. The net tract area for FFCP 820140180 is 5.57 acres and reflects the disturbance associated with Phases I and II. Staff recommends that the Planning Board approve the FFCP and accompanying variance request with conditions cited in this Staff Report.
- b. The Department of Permitting Services issued a letter accepting the Stormwater Management Concept for the project on August 3, 2016.

Conclusion

Staff recommends approval of the Site Plan based on the conditions and analysis contained in this report.

ATTACHMENTS

1. Preliminary Plan
2. Site Plan
3. Preliminary Forest Conservation Plan
4. Final Forest Conservation Plan
5. Forest Conservation Variance Request
6. County Arborist's Letter
7. Agency Letters

DATE: 10/20/16

DEVELOPMENT TABULATIONS CR3, CL5, R2.5, H200
ZONING ORDINANCE 59-C-15

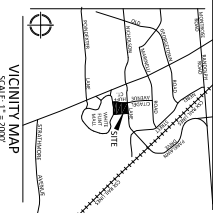
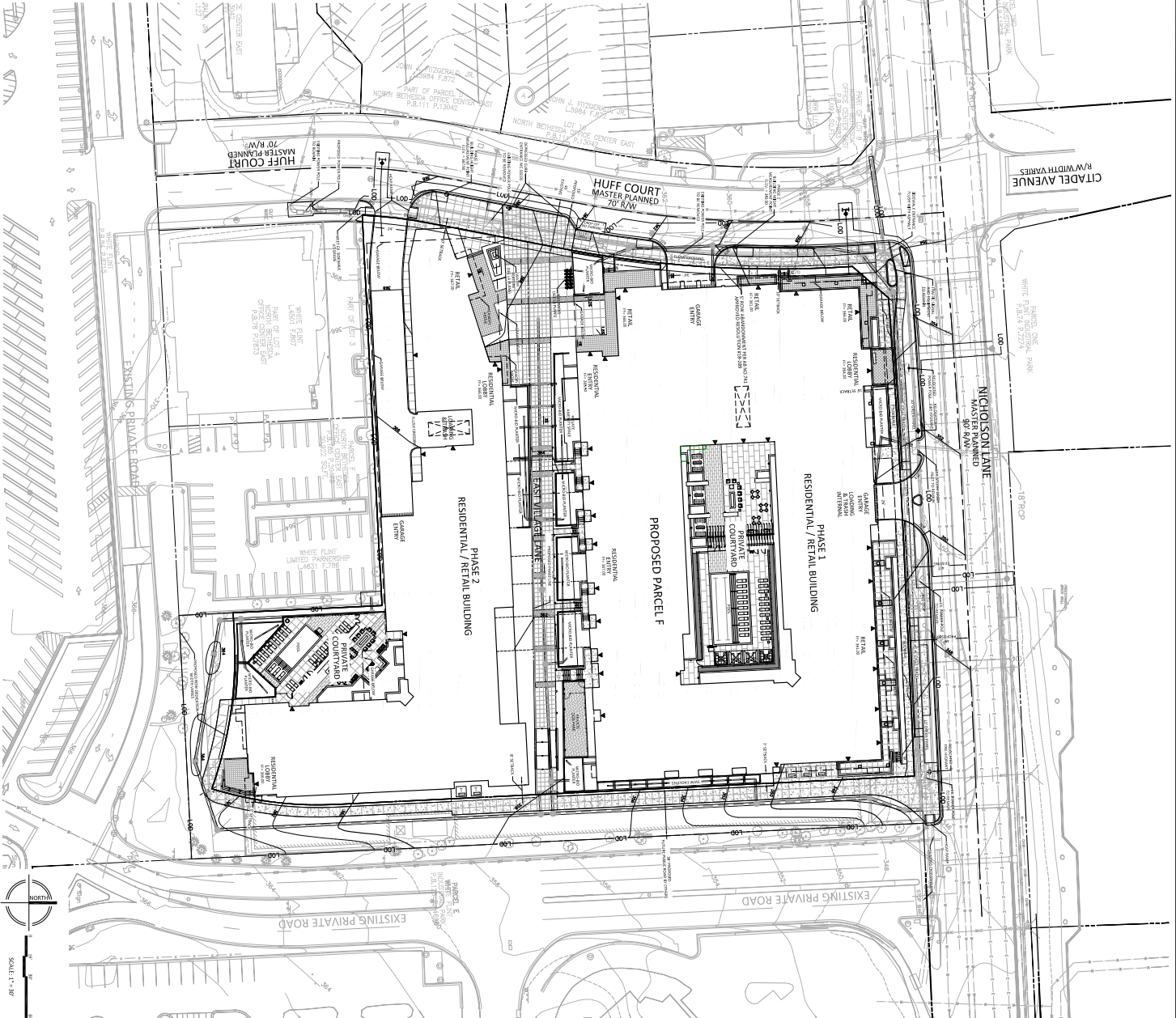
Area Calculations table with columns for Starting Area, Zoning Ordinance, and Proposed Development.

Proposed Density of Development table with columns for Residential Unit, Retail Unit, and Total Units.

Dwelling Unit Mix table with columns for Unit Type, Phase 1, Phase 2, and Total.

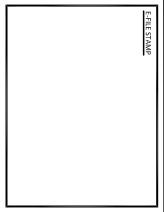
Parking Calculations table with columns for Unit Type, Phase 1, Phase 2, and Total.

Grading table with columns for Category, Quantity, and Unit.



PLAN LEGEND table defining symbols for various site features like building footprints, parking spaces, and landscaping.

Project information including design consultants (PROMARK REAL ESTATE SERVICES, LLC), date (10/20/16), and site plan details.



FINAL FOREST CONSERVATION NOTES (MNCPPC STANDARD)

EXPLANATION OF FOREST CONSERVATION NOTES TO COMPARE WITH FOREST CONSERVATION NOTES FROM THE STATE OF OHIO...

- 1. THE FOREST CONSERVATION NOTES FROM THE STATE OF OHIO... 2. THE FOREST CONSERVATION NOTES FROM THE STATE OF OHIO... 3. THE FOREST CONSERVATION NOTES FROM THE STATE OF OHIO...

INSPECTIONS (MNCPPC STANDARD)

- 1. THE FOREST CONSERVATION NOTES FROM THE STATE OF OHIO... 2. THE FOREST CONSERVATION NOTES FROM THE STATE OF OHIO... 3. THE FOREST CONSERVATION NOTES FROM THE STATE OF OHIO...

PLANTING NARRATIVE

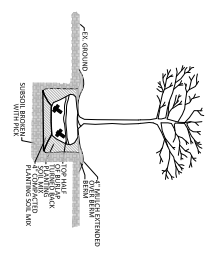
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AFFORESTATION/ REFORESTATION MANAGEMENT PLAN

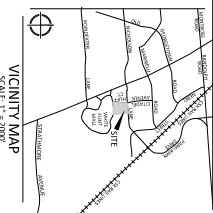
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ADDITIONAL NOTES

- 1. THE FOREST CONSERVATION NOTES FROM THE STATE OF OHIO... 2. THE FOREST CONSERVATION NOTES FROM THE STATE OF OHIO...



1 TREE PLANTING DETAIL NO SCALE



NEHADES FOR WAINWRY ASSOCIATES, LLC/O PROMARK REAL ESTATE SERVICES, LLC... PROJECT LOCATION: 12345 MAIN ST, COLUMBUS, OH 43201

DESIGN CONSULTANTS: ARCHITECTS: [FIRM NAME], ENGINEERS: [FIRM NAME], PLANNERS: [FIRM NAME]

ATTORNEY AND BROKER: [FIRM NAME], PROJECT MANAGER: [NAME], CONTACT: [PHONE NUMBER]

Table with columns: DATE, REVISIONS, and DESCRIPTION. Includes a grid for tracking changes and a section for PROJECT SPECIAL DATA.

PHASE 1.8.2: 8TH ELECTION DISTRICT, MNCPPC CONSERVATION NOTES & DETAILS, # 820140180, EAST VILLAGE AT NORTH BETHESDA GATEWAY

BRIDGERS' CERTIFICATE: The undersigned agrees to execute all the documents of the Site Plan Approval and Certificate...

DATE: [DATE], BY: [SIGNATURE], TITLE: [TITLE], PROJECT: [PROJECT NAME]



October 28, 2014

Mr. Mark Pfefferle
 Development Applications & Regulatory Coordination
 M-NCPPC
 8787 Georgia Avenue
 Silver Spring, MD 20910

Re: East Village at North Bethesda Gateway
 Final Forest Conservation Plan – Specimen Tree Variance Request for Preliminary and Site Plan Applications
 VIKA #VM1915A

Dear Mr. Pfefferle,

Our client, Lake Waverly Associates LP, c/o Promark Real Estate Services LLC (“Applicant”), the applicant for the above-referenced Preliminary Plan and Site Plan Applications (the “Applications”) hereby requests a variance from the provisions of Maryland Code (1973, 2012 Repl. Vol.), § 5-1607(c)(2)(iii) of the Natural Resources (N.R.) Article pursuant to Section 22A-21(b) of the Montgomery County Code (the “Code”). Specifically, Applicant seeks a variance from § 5-1607(c)(2)(ii) to remove five (5) trees 30 inches or greater in DBH (the “Subject Trees”).

As explained more fully below, retention of the Subject Trees proposed to be removed as identified on the Forest Conservation Plan, which is attached hereto, would result in undue hardship to Applicant, including the inability to develop Applicant’s property with the East Village at North Bethesda Gateway project pursuant to the recommendations of the White Flint Sector Plan (the “Sector Plan”), the intent of the CR zone, and the Planning Board’s sketch plan approval of the North Bethesda Gateway project in Sketch Plan No. 320110020, as amended by Sketch Plan No. 32011002A (collectively, the “Sketch Plan”). The conditions of the Property and the nature of the improvements proposed in the Applications justify the granting of the variance pursuant to Section 22A-21(b) of the Code.

Project Information

The subject property is located at 5516 Nicholson Lane in Kensington, is more particularly known as Parcel E, Block A, North Bethesda Office Center East, and is identified in the Applications as East Village at North Bethesda Gateway (the “Property”). The Property is improved with 140,920 square feet of industrial flex space built in 1973. It is zoned CR 3.0 C-1.5 R-2.5 H-200’ and is subject to the recommendations of the Sector Plan. There is no existing forest on site. The Montgomery County Planning Department approved Natural Resource Inventory / Forest Stand Delineation (NRI/FSD) No. 420110420 for the Property on October 14, 2013.

The Montgomery County Planning Board also approved the Sketch Plan for the North Bethesda Gateway project on July 5, 2011, with amendments thereto on November 15, 2013. The Sketch Plan permits the redevelopment of 11.04 acres of CR zoned land owned by three different owners, including Applicant’s Property, with up to 884,960 square feet of non-residential uses and up to 739,198 square feet of residential uses for a total of 1,624,158 square feet.¹ With respect to Applicant’s Property, the Sketch Plan allows 35,500 square feet of non-

¹ Sketch Plan No. 320110020 permitted the redevelopment of the entire 11.04 acres with up to 1,236,648 square feet of non-residential uses, up to 1,073,288 square feet of residential uses, and a limit of total cumulative density up to 1,700,241 square feet. Applicant then requested amendments to Sketch Plan No. 320110020 in Sketch Plan No. 32011002A which, among other things, decreased the square footage of non-residential uses and increased the square footage of residential uses solely on the Property. Sketch Plan No. 32011002A, which was subsequently approved by the Planning Board, did not impact the approved densities approved in Sketch Plan No. 320110020 for the two other properties included in the North Bethesda Gateway project.

VIKA Maryland, LLC

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 Tysons, VA • Germantown, MD • Washington, DC

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Mr. Mark Pfefferle
 M-NCPPC
 Re: East Village at North Bethesda Gateway
 Final Forest Conservation Plan
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residential uses and 557,918 square feet of residential uses. As an optional method of development project in the CR zone, the Sketch Plan supports the requested incentive density with a diverse array of important public benefits, including transit proximity, a through block connection, structured parking, public open space, and cool roofs.

The Applications for East Village at North Bethesda Gateway implement the Sketch Plan for the Property with 557,918 square feet of residential development (multi-family apartments) and 33,500 square feet of commercial development (ground floor retail) (collectively, the "Project"). The Project includes 12.5% Moderately Priced Dwelling Units ("MPDUs") and residential amenity spaces, as well as public benefits supporting incentive density such as a pedestrian-only through block connection, structured parking, public open space, exceptional design, BLTs, and cool roofs.

Most relevant to this request, the Project also includes roadway, sidewalk, stormwater management, and streetscape improvements on the Property's perimeter. Specifically, the Project proposes a 35 foot roadway dedication and improvements for the western half of Avenue A (commonly known as Dart Drug Road) on the Property's eastern border, a 5 foot roadway dedication and improvements for Nicholson Lane at the properties northern frontage and for the portion of Executive Boulevard Extended along the Property's southern frontage. With respect to the Property's western frontage along Huff Court, Applicant is enhancing the sidewalk, installing an entry point to the through block connection, undergrounding existing utilities, and proceeding with the abandonment of a 5 foot wide portion along the eastern curb. Applicant's improvements to Huff Court, Nicholson Lane, and Avenue A also incorporate stormwater management facilities.

The Subject Trees identified in this variance request for removal are shown on the Final Forest Conservation Plan. The trees to be removed are located within the limits of disturbance. The five (5) specimen trees requested to be removed are described in the table below. None of these trees are state champion trees.

TREE NO	SPECIES NAME	COMMON NAME	DBH	CRZ% IMPACT	CONDITION
2	<i>ROBINIA PSEUDOACACIA</i>	BLACK LOCUST	36	100%	FAIR
5	<i>ROBINIA PSEUDOACACIA</i>	BLACK LOCUST	31	100%	FAIR
7	<i>QUERCUS PHELLOS</i>	WILLOW OAK	31	100%	GOOD
8	<i>QUERCUS PHELLOS</i>	WILLOW OAK	36	100%	GOOD
16	<i>ACER NEGUNDO</i>	BOX ELDER	31	100%	FAIR

Variance Request

Removal of the subject trees would satisfy the variance requirements of Section 22A-21(b) as follows:

(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

The proposed development included in the Applications and Project is in accordance with the recommendations of the Sector Plan, the intent of the Property's CR zoning, and the Planning Board's Sketch Plan approval. As noted above, the Project will redevelop the Property's existing office building and large surface parking lot with multi-family buildings containing ground floor retail near transit, a pedestrian-only through block connection, and roadway improvements along the entire perimeter of the site that include stormwater management facilities. This conforms with the vision of the Sector Plan, which proposes the transformation of the existing suburban and auto-oriented built environment with urban, transit-oriented, walkable, mixed-use, and sustainable development connected by a grid system of pedestrian friendly streets. See Sector Plan, pgs. 6, 15-16, 23, 45, 48-49,



Mr. Mark Pfefferle

M-NCPPC

Re: East Village at North Bethesda Gateway
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50. Applicant's Project as proposed in the Applications is also in harmony with the intent of CR zoning, which targets opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses and encourages reducing dependence on the automobile. Section 59-C-15.2 of the Zoning Ordinance. The Sketch Plan also includes enhanced circulation provided by the provision and/or improvement of an east-west pedestrian-only through block connection, Executive Boulevard Extended, Avenue A, Huff Court, and Nicholson Lane. See MCPB No. 11-06, pgs. 9, 13-15, 18.

The type of development proposed in the Applications, however, could not be realized if the Subject Trees could not be removed. Maintaining the Subject Trees would preclude the roadway dedications, sidewalk improvements, streetscape enhancements, and stormwater management facilities included in the Project because all specimen trees to be removed are along the perimeter of the Property. Three sides of the Property will be impacted by right of way dedications for Nicholson Lane, Executive Boulevard Extended, and Avenue A. The Subject Trees are located within the areas that will be dedicated and therefore considered removed. Tree #5 and #16 are located outside of the Property's eastern property line along the existing private road. The proposed Applications include a future right of way dedication of 35 feet to create a 70 foot public right of way for Avenue A. This road dedication and future road construction make the removal of these trees unavoidable. Tree #2 is located along Executive Boulevard Extended on the south side of the property within the future right of way dedication area for that roadway. The road dedication and future road construction for Executive Boulevard Extended also make the removal of this tree unavoidable. Tree #8 is located within the Huff Court public right-of-way on the northwest corner of the Property and Tree #7 is located on the north side along Nicholson Lane. They are proposed to be removed for the Project's sidewalk improvements and proposed mixed-use development.

Thus, the unwarranted hardship arises from the fact that development approved in the Sketch Plan found in conformance with Sector Plan recommendations and consistent with the intent of CR zoning cannot be realized unless the subject trees can be removed. In light of the Property's configuration, the required right-of-way dedications along the Property's boundaries, the location of the Subject Trees being removed, as well as Sector Plan and CR zoning objectives, it would cause unwarranted hardship to the Applicant if the variance request were to be denied.

(2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others

Prohibiting removal of the Subject Trees would deprive Applicant of the rights commonly enjoyed by others who are in the Sector Plan area. Similarly located sites without specimen trees on their perimeters could be developed with improved sidewalks, enhanced streetscaping, new stormwater management facilities, and dedications for the provision of a grid network of walkable streets. Such development would be unavailable to Applicant if the Subject Trees are retained on the Property. The potential inability to remove the Subject Trees on the Property would require major changes to the Project requested in the Applications precluding implementation of the Sector Plan recommendations, advancing redevelopment consistent with the intent of CR zoning, and developing the Property pursuant to the approved Sketch Plan with urban, walkable, and sustainable design.

(3) verify that State water quality standards will not be violated and that a measureable degradation in water quality will not occur as a result of granting the variance; and

The Subject Trees are not directly connected to any streams, or part of a riparian buffer system. The proposed stormwater management plan for the new buildings makes provision for stormwater runoff that would have been intercepted by these trees. SWM calculations show that the Project proposed in the Applications will improve water quality at the Property. Indeed, granting the variance will allow the installation of stormwater management facilities in the improved sidewalks along Huff Court, Nicholson Lane, and Avenue A. In turn, this will



Mr. Mark Pfefferle

M-NCPPC

Re: East Village at North Bethesda Gateway
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increase the Project's sustainability and permit the Project to meet State and County regulatory requirements to utilize environmental site design to the maximum extent possible. Retaining the Subject Trees would prevent environmental site design to the maximum extent possible.

(4) provide any other information to support the request.

The removal of the Subject Trees arises from dedications for Huff Court, Nicholson Lane, Avenue A, and Executive Boulevard Extended, as well as the Project's inclusion of improved sidewalks, enhanced streetscaping, and new stormwater management facilities. The right of way dedications will improve the overall traffic pattern in the area, enhance access to the Property, create a new walkable grid network of streets, and accommodate environmental site design to the maximum extent possible. The Property is also being developed with high-quality open spaces, including the pedestrian-only through block connection and public plazas, all of which create an urban sense of place and enhance connections to the surrounding neighborhood. The proposed mixed-use structures included in the Project provide new housing, including MPDUs, proximate to transit and are designed to ensure compatibility with existing and anticipated development. The Project will thus revitalize the Property and complement surrounding commercial, retail, and residential uses. In short, granting the variance will permit the Property to be redeveloped as envisioned by the Sector Plan, the CR zoning, and the North Bethesda Gateway Sketch Plan that would otherwise not be possible if the Subject Trees are to be maintained.

Pursuant to Section 22A-21(d) of the Code, granting the variance:

(1) Will not confer upon the Applicant a special privilege that would be denied to other applicants;

The variance will not confer upon Applicant a special privilege that would be denied to other applicants. The existence of the Subject Trees along the Property's perimeter, as well as the Property's location within the Sector Plan area, require removal for the type of development recommended by the Sector Plan, supported by the Property's CR zoning, and envisioned by the Sketch Plan. The use of this site for urban structures containing a mix of uses and accommodating new and enhanced streetscaping and sidewalks is encouraged by zoning, planning, and approved development plans. Impacts to the Subject Trees are anticipated in light of the urban nature of the envisioned development and applicants with similar circumstances and with property appropriate for redevelopment would similarly be entitled to necessary variances to remove specimen trees that significantly impede the ability to achieve urban redevelopment. As such, this is not a special privilege to be conferred on Applicant.

(2) Will not be based upon conditions or circumstances which result from the actions by the Applicant;

The variance request arises from the location of the Subject Trees along the Property's perimeter, which preclude the dedication of right of way and/or improvement of Huff Court, Nicholson Lane, Avenue A, and Executive Boulevard Extended. The Project is consistent with the Sector Plan's recommendation to revitalize the White Flint area with transit-oriented, urban, mixed-use, and pedestrian-friendly development that provides new housing, as well as the Property's CR zoning, which, among other things, targets opportunities for redevelopment of surface parking lots, encourages development that reduces automobile dependence, and allows an appropriate balance of employment and housing opportunities. Thus, the variance request is not based on any conditions or circumstances that result from the actions of Applicant.

(3) Will not be based upon a condition relating to land or building use, either permitted for nonconforming, on a neighboring property; and



Mr. Mark Pfefferle

M-NCPPC

Re: East Village at North Bethesda Gateway
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The requested variance is a result of the Project's proposed design and the locations of the Subject Trees along the Property's perimeter requiring removal, as opposed to a condition related to land or building use, either permitted or non-conforming, on a neighboring property.

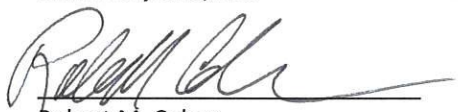
(4) Will not violate State water quality standards or cause measurable degradation in water quality;

As stated above, granting this variance request will not violate State water quality standards or cause measurable degradation in State water quality standards. In fact, the Project proposes environmental site design to the maximum extent possible, thereby enhancing sediment control and stormwater management practices currently employed on the Property.

For these reasons listed above, we believe it is appropriate to grant this request for a variance. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

VIKA Maryland, LLC



Robert M. Cohen
Landscape Architect

RMC/kc



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

August 12, 2016

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

RE: East Village at North Bethesda Gateway, ePlans 820140180, NRI/FSD application accepted on 9/19/2013

Dear Mr. Anderson:

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

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

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

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

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

255 Rockville Pike, Suite 120 • Rockville, Maryland 20850 • 240-777-7770 • 240-777-7765 FAX
www.montgomerycountymd.gov/dep



Casey Anderson
August 12, 2016
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variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

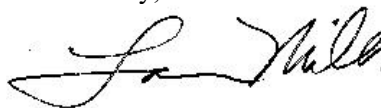
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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

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

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

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

Sincerely,



Laura Miller
County Arborist

cc: Steve Findley, Planner Coordinator



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdich
Director

August 26, 2016

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

RE: Preliminary Plan No. 120140240
East Village at North Bethesda

Dear Mr. Butler:

We have completed our review of the revised design exception request dated July 21, 2016 and for the revised preliminary plan dated August 19, 2016. A previous Preliminary Plan was reviewed at the DRC held on November 24, 2014. We appreciate the cooperation and additional information provided by the applicant and their consultant. Below are summaries of our findings and recommendations:

Design Exception Requests

- Design Exception Request A-1: Right-of-way truncation to 0-ft

The applicant is requesting the Planning Board to make a finding to eliminate the truncation requirements for the Nicholson Lane and Avenue A (future public road), and at Avenue A and future extension of Executive Boulevard intersections. Under Section 50-26 of the County Code, the right-of-way lines of corner lots at an intersection are required to be truncated by straight lines joining points twenty-five (25) feet from the theoretical property line intersection in each quadrant. The twenty-five (25) foot truncation is required unless a larger or small truncation is approved by the Planning Board. The applicant proposes to provide zero (0) truncation at the Nicholson Lane and Avenue A (future public road), and at Avenue A and future extension of Executive Boulevard intersections.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Mr. Patrick Butler
 Preliminary Plan No. 120140240
 August 26, 2016
 Page 2

In addition, although not mentioned in the latest Design Exception package, the applicant is also proposing to reduce the truncation to twenty (20) feet at the intersection of Nicholson Lane and Huff Court.

Response: MCDOT **does not support a waiver** for a zero (0) truncation at Avenue A (future public road) intersections with Nicholson Lane and future extension of Executive Boulevard. However, MCDOT defers the decision on this request to the Planning Board.

MCDOT **does support** a reduced truncation at the Nicholson Lane and Huff Court intersection. The applicant has shown on the preliminary plan that there is adequate space for the traffic signal cabinet, pedestrian equipment and bicycle facilities in the right-of-way. However, should the final approved traffic signal and/or roadway construction plans require move space for right-of-way improvements, the applicant should grant a Public Improvement Easement as necessary to accommodate those improvements. Therefore, MCDOT **recommends** the Planning Board approval of not less than a twenty (20) foot truncation.

- Design Exception Request A-2: Driveway Radii Reduction to ten (10) feet

The radius for the curb return for the entrance to the Phase two (2) Building on Huff Court will be reduced to ten (10) feet.

Response: MCDOT **approves** the request to reduce the radii on the curb return entrance to the Phase two (2) building on Huff Court. The applicant has stated that the vehicular movements for SU-30 trucks and passenger vehicles in and out of the entrance will be made per county standards. In addition, a larger radius would encroach on the adjacent property's frontage.

- Design Exception Request A-3: Reduced Driveway Spacing

MCDOT has an access policy to provide a minimum of one hundred (100) feet of tangent distance between the curb returns of proposed entrances for proposed multi-family residential and commercial sites to those nearby intersections as well as adjacent and opposite driveways. The applicant proposes to provide a vehicular access point for the Phase two (2) building along Huff Court located directly adjacent to another driveway. The other possible location for their entrance was along Avenue "A"; however, the applicant does not have access

Mr. Patrick Butler
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August 26, 2016
Page 3

rights to and was unable to get an easement from the property owner. In addition, due to the sketch plan criteria of maintaining a pedestrian thoroughfare in between the Phase one (1) and Phase two (2) buildings, the vehicle entrance must be located on the southern edge of the Huff Court frontage.

Response: MCDOT **approves** the request to locate the driveway directly adjacent to another property. The proposed vehicular access point meets the County's sight distance requirements. MCDOT recommends the Planning Board require this development to work with the adjacent property owner when their property redevelops to potentially combine driveways.

- Design Exception Request A-4: Reduction to the number of required loading spaces

Since the site has a sketch plan approved in 2011, it must comply with the Zoning Ordinance at the time of the approval; therefore, this development must comply with the Department of Permitting Services (DPS) off-Street Loading Space Criteria. However, the applicant is requesting to comply with the new Zoning Ordinance requirements for loading. These requirements reduce the number of loading spaces for both buildings from one (1) WB-50 and six (6) SU-30 to two (2) SU-30 loading spaces.

Response: MCDOT **approves** the request to reduce the number of loading spaces from one (1) WB-50 and six (6) SU-30 spaces to two (2) SU-30 spaces, one for each building. The two (2) SU-30 loading spaces complies with the new Zoning Ordinance. In addition, the applicant states that "having too many loading docks impedes their ability to manage the docks that are provided. If a delivery truck driver knows that a loading dock will be available at any hour of the day, the applicant has ... a much harder time forcing them to stick to a given schedule."

NOTE: Trucks accessing the loading dock off Nicholson Lane must enter and exit with head-in maneuvers; **no backup movements will be permitted on Nicholson Lane.**

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August 26, 2016
Page 4

- Design Exception Request A-5: Special Paving Materials for Sidewalks in the right-of-way

The applicant is requesting to use non-standard materials on-site around key pedestrian features, and at the main entrances to the residential and retail spaces.

Response: MCDOT approves the request for non-standard materials in the rights-of-way for sidewalks only. The applicant will need to execute a maintenance and liability agreement for the non-standard materials.

NOTE: In accordance with Section 49-20 of the County Code, the non-standard paving improvements to be implemented and maintained under this agreement are limited to temporary removable obstructions. Permanent obstructions, which are not easily removed, require a Franchise Agreement approved by the County Council.

- Design Exception Request A-6: Modification to the Context Sensitive Road Sections

The applicant is seeking a design modification from the road code section MC-2004.02 for Nicholson Lane and MC-2005.02 for Huff Court. The design modification for Nicholson Lane is to comply with the MCDOT AND MNCPPC cycle track initiative and due to right-of-way limitations. The design modification for Huff Court is to add the two (2) foot between the property line and the sidewalk as shown on MC-2005.02 to the sidewalk; therefore, the sidewalk will be nine (9) feet wide instead of seven (7) feet and create a more "urban area."

Response: MCDOT **approves** the modifications to the design standard MC-2004.02 for Nicholson Lane, as it was recommended by MCDOT AND MNCPPC.

MCDOT also **approves** the modifications to the design standard MC-2005.02, which will provide for an urban environment that the master plan envisioned.

- Design Exception Request A:7: Layby on Huff Court

Although not specifically requested in the Consultant's Design Exception Package, the plan proposes a non-standard layby (drop off) area on the east side

Mr. Patrick Butler
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August 26, 2016
Page 5

of Huff Court, immediately south of the vehicular access to Phase one (1) building.

Response: MCDOT **does not approve** the proposed layby along Huff Court in its current location; however, another location may be proposed by the applicant prior to certified preliminary plan approval. MCDOT **must** approve the layby prior to certified preliminary plan approval. If a layby area is approved by MCDOT, the space will be restricted for "No Parking Any Time" and be available for use by anyone.

Preliminary Plan Review Comments

1. Full width dedication of Nicholson Lane (MC-2004.02 modified, as shown on PP-1) in accordance with the master plan. The applicant is responsible for improvements along their site frontage, which will be comprised of the following elements: fifty-one (51) foot paving section. The paving section from north to south, will include:
 - a. Eleven (11) foot westbound travel lane;
 - b. Ten (10) foot westbound travel lane;
 - c. Ten (10) foot turning lane;
 - d. Ten (10) foot eastbound travel lane; and
 - e. Ten and one-half (10.5) foot eastbound travel lane.

Additionally, the applicant will provide for a ten (10) foot green panel, six (6) foot cycle track, and seven (7) foot wide sidewalk (maximum of two (2) feet in the proposed right-of-way and maximum of five (5) feet in a public access easement).

Additional restriping improvements along Nicholson Lane, west of Huff Court, will be required (as necessary) to accommodate the restriping along the Applicant's street frontage.

2. Per County Council Resolution No. 18-289, the preliminary plan shows a five (5) foot right-of-way abandonment along Huff Court site frontage. The applicant is responsible for improvements along their Huff Court site frontage, which includes the following from the centerline of the roadway:

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- a. Eleven (11) foot northbound travel lane;
- b. Eight (8) foot northbound parking lane;
- c. Seven (7) foot wide tree panel; and
- d. Nine (9) foot wide sidewalk.

Along phase two (2) of the project, the parking lane is removed to increase the sidewalk.

3. On the certified preliminary plan, provide the following:
 - a. Dimension the right-of-way from the proposed extension of Executive Boulevard centerline to the property line;
 - b. Typical section for "Street A";
 - c. Two (2) typical sections for Huff Court, one along phase one (1) street frontage and one along phase two (2) street frontage;
 - d. Public Access Easement (PAE) along Nicholson Lane;
 - e. Detail of the proposed three (3) inch mountable curb next to the Nicholson Lane cycle track (MC-104.01).
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. The White Flint sector plan suggests undergrounding utilities. While the plan does not specifically require property owners to underground utilities along their street frontages, MCDOT recommends that it be done by the applicant. However, MCDOT defers to the Planning Board in its recommendation for undergrounding utilities.
6. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
7. 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.
8. 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

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prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

9. The sight distance studies have been accepted. Copies of the accepted Sight Distances Evaluation certification forms are enclosed for your information and reference.
10. Record plat to reflect denial of access along the site frontage of the future extension of Executive Boulevard. Denial of access along Nicholson Lane, except at the single approved garage entrance location as shown on PP-1.
11. The signal warrant analyses at the proposed intersections of Executive Boulevard Extended with Huff Court and Proposed Private Street "A" is currently under review.
12. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
13. 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.
14. 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. Kamal Hamud 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.
15. Prior to the issuance of any building permits by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and this Department. The applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-8380. Facilitate draft TMAg review and revisions by submitting an MSWord file based upon the TMAg template for developments

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within the White Flint Sector Plan area. The final TMAg will include but not be limited to the following specific elements:

- a. Commitment to achieving Non-Auto Mode Share goals established for the White Flint Sector Plan at the Project site
 - b. Electric Car Charging. Provide at least two (2) electric car charging stations on site and comply with all applicable laws.
 - c. Bicycle Facilities. Provide bike racks/lockers in weather-protected, highly visible/active locations. Consider providing secure bicycle storage area in garage for resident use (bike cage) as well as a small bicycle repair station for resident use.
 - d. Real Time Transit Information: Provide opportunity and connections for electronic (LCD) display screens providing Real Time Transit Information Signs in the residential lobby to enable information to be readily accessed by building residents, employees, visitors, etc. Applicant will reimburse the County for the cost of County-provided monitors. Alternatively, Real Time Transit Information display can be incorporated into planned lobby display monitors/software system for building(s). Applicant will pay for five years of maintenance for County-provided sign(s); if Real Time Transit Information is incorporated into the building's own display screens, there would be no additional maintenance costs.
 - e. Bikesharing Station. See comment below.
16. Bikesharing Station. On the certified preliminary and site plan show space in the Project for a bikesharing station for use by residents, employees and visitors at the Project. Coordinate with MCDOT to determine optimum location; the final location will be selected by the Applicant with approval of MCDOT prior to approval of the certified preliminary plan, based upon the requirements of the bike sharing system and in a highly-visible, convenient and well-lit location on the Project. A typical station requires 52' x 12' of space. The Applicant will pay the capital cost of such station and twelve (12) years of operating expenses. Applicant will need to take other actions in concert with MCDOT to promote use of bikesharing among residents, employees and visitors at the Project, in order to accomplish the objectives of the TMD.

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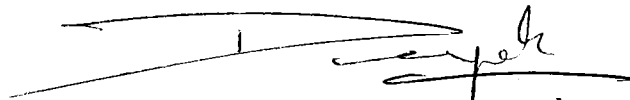
17. Parking. Provide no more than the minimum number of parking spaces required. Provide flexibility in design of parking areas to enable mixed uses to share parking areas so as to make most efficient use of them. This also strengthens the incentive to reduce drive-alone commuting and parking among employees, since doing so frees up spaces for other uses including retail customers.
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. The applicant should coordinate with Montgomery County Transportation Engineering Department regarding the CIP project and the horizontal alignment and cross section of proposed Executive Boulevard. Please contact Mr. Daniel Sheridan at 240-777-7283 for any information regarding this project. Provide concept profile for future Executive Boulevard 500-ft past the proposed Avenue 'A'.
20. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, and street trees along Nicholson Lane per MC-2004.02, modified (pre comment no. 1 of this letter).
 - b. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, and street trees along Huff Court per MC 2005.02, modified (per comment no. 2 of this letter).
 - c. Minimum five (5) foot wide sidewalk and handicap ramps, storm drainage and appurtenances, and street trees along "Street A."
 - d. Underground and/or relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant (per comment no. 5 of this letter).
 - e. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

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- f. 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.
- g. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- h. 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 the design exception requests. If you have any questions or comments regarding this letter, please contact Ms. Rebecca Torma, our Development Review Senior Planning Specialist for this project, at (240) 777-2118 or at rebecca.torma-kim@montgomerycountymd.gov.

Sincerely,



JDR Gregory M. Leck, Manager
Development Review Team
Office of Transportation Policy

Sharepoint/director's office/development review/Rebecca/developments/white flint/east village/120140240 East Village prelim plan ltr.docx

Enclosures (2)

cc: Rob Eisinger; Lake Waverly LP
Josh Etter; Fougler-Pratt
Jamie Chapman; VIKA

Mr. Patrick Butler
Preliminary Plan No. 120140240
August 26, 2016
Page 11

Barbara Sears; Linowes and Blocher LLP
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Patrick Butler; MNCPPC
Dee Metz; CAO
Bruce Johnston; MCDOT DTE
Dan Sanayi; MCDOT DTEO
Kamal Hamud; MCDOT DTEO
Daniel Sheridan; MCDOT DTE
Patricia Shepherd; MCDOT DTE
Matt Johnson; MCDOT DTE
Sam Farhadi; MCDPS RWPR
Kyle Liang; MCDOT DTEO
Rebecca Torma; MCDOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: East Village at North Bethesda Gateway

Preliminary Plan Number: 1- 120140240

Street Name: Huff Court

Master Plan Road Classification: Business

Posted Speed Limit: 25 mph

Street/Driveway #1 (Driveway #2)

Street/Driveway #2 (Driveway #3)

Sight Distance (feet)	OK?
Right <u>242'</u>	<u>OK</u>
Left <u>270'</u>	<u>OK</u>

Sight Distance (feet)	OK?
Right <u>462'</u>	<u>OK</u>
Left <u>200'</u>	<u>OK</u>

Comments: _____
Vehicles approaching from Right are a signalized intersection and vehicles from Left have a 3-Way Stop

Comments: _____
Vehicles approaching from Right are a signalized intersection and vehicles from Left have a 3-Way Stop

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

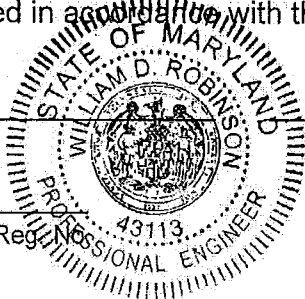
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

WDR
 Signature



6/16/16
 Date

PLS/P.E. MD Reg. No. _____

Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>Elizabeth Poma</u>
Date:	<u>8/26/16</u>



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: East Village at North Bethesda Gateway Preliminary Plan Number: 1- 120140240

Street Name: Nicholson Lane Master Plan Road Classification: Arterial

Posted Speed Limit: 30 mph

Street/Driveway #1 (Driveway #1) Street/Driveway #2 (_____)

Sight Distance (feet) OK?
 Right N/A _____
 Left 450' OK

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: _____
Driveway is 'Right Out Only' and Traffic is coming from a signalized intersection at 240', however the driver can see past the intersection.

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

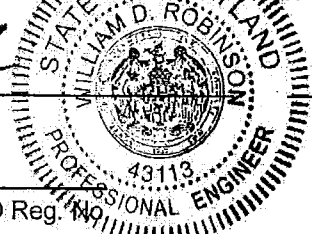
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that the information is accurate and was collected in accordance with these guidelines.

WDR Signature Date: 6/16/16



Montgomery County Review:

Approved
 Disapproved:

By: [Signature]
 Date: 8/20/16

PLS/P.E. MD Reg. No. _____



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

August 3, 2016

Mr. William Robinson, P.E.
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
Revision Request for North Bethesda Gateway
East Village
Preliminary Plan #: 120140240
SM File #: 256875
Tract Size/Zone: 4.45 Ac./CR-3.0
Total Concept Area: 5.1 Ac.
Parcel(s): E
Watershed: Lower Rock Creek

Dear Mr. Robinson:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of ESD to the MEP via the use of. Due to site limitations only a maximum Pe of 1.08 can be achieved, so a waiver of the remaining volume has been granted.

The following items will need to be addressed during the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Use the latest design standards for stormwater management structures at the time of plan submittal. Also try to increase the amount of volume treated at time of plan submittal.
6. All underground parking is to drain to WSSC.

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

Mr. William Robinson, P.E.
August 3, 2016
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7. Provide a copy of the mechanical drawings showing the drain pipe schematics for the roof drains to the stormwater structures and the schematics for the garage drains going to WSSC.
8. Provide stormwater management easements and covenants for all stormwater management structures on private property.
9. **This approval supersedes the previous stormwater conceptual approval dated November 19, 2014.**

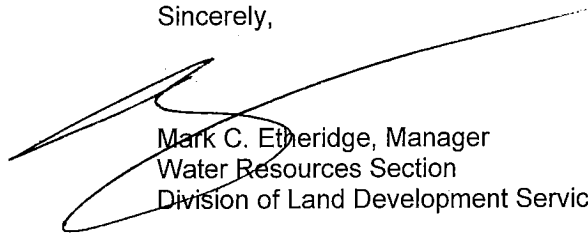
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required.**

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

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

Sincerely,



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

MCE: CN256875 North Bethesda Gateway East Village Revised.DWK

cc: C. Conlon
SM File # 256875

ESD Acres: 5.1
STRUCTURAL Acres: 0.0
WAIVED Acres: 5.1

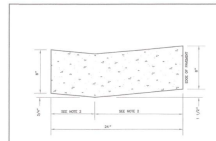
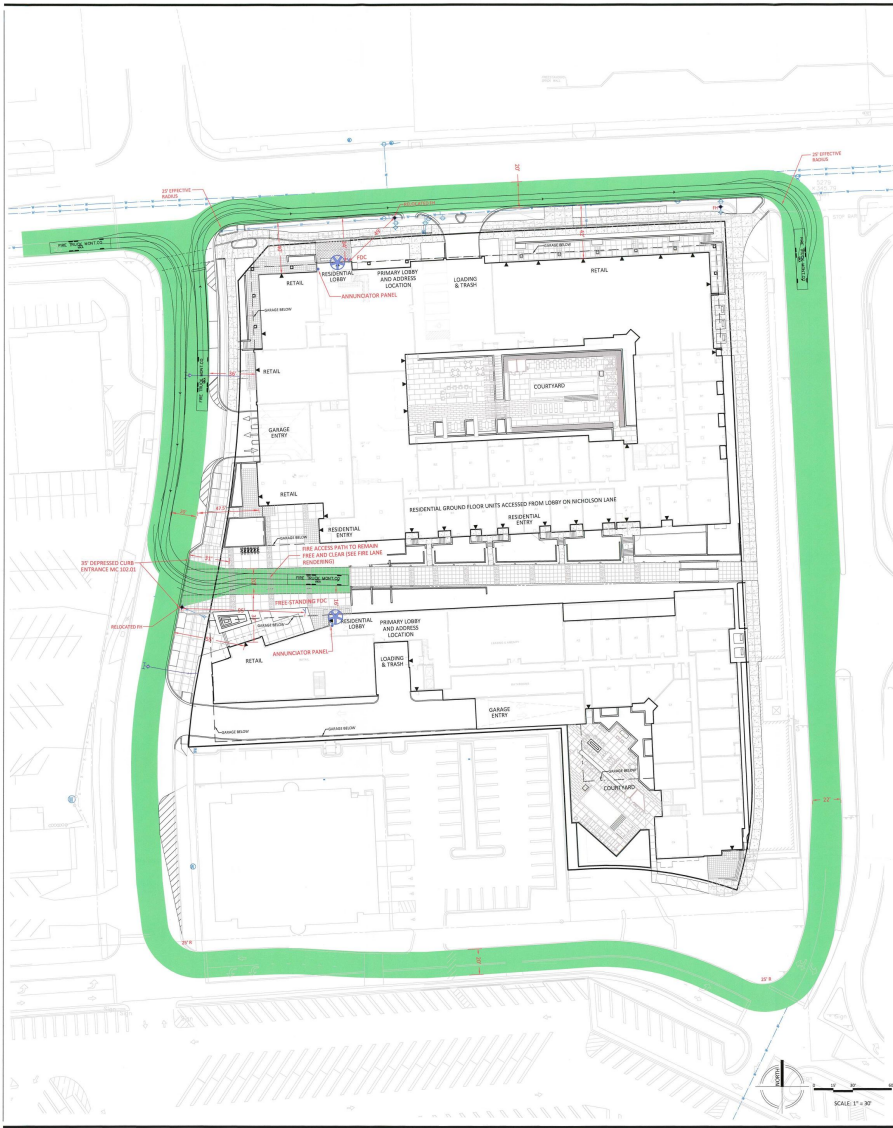


FIRE MARSHAL COMMENTS

DATE: 09-Jun-16
TO: Jamie Chapman - chapman@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: East Village at North Bethesda
820140180 120140240

PLAN APPROVED

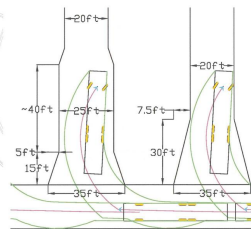
1. Review based only upon information contained on the plan submitted **09-Jun-16** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



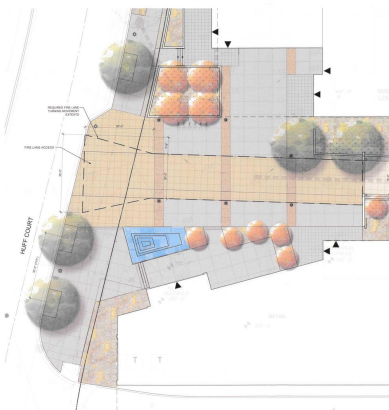
GENERAL NOTES

1. REFER TO PROJECT'S CIVIL, MECHANICAL, ELECTRICAL, PLUMBING, AND STRUCTURAL DRAWINGS FOR ALL DETAILS.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MARYLAND STATE DESIGN SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

APPROVED	DATE	BY	REVISION
			1. DEPRESSURE CURB ENTRANCE
			2. STANDARD NO. MC-102.01



ACCEPTABLE MCRS COMMERCIAL DRIVEWAY APRON



FIRE CODE ENFORCEMENT
Fire Department Access Review
 Review based only upon information contained on this plan. There are many construction details that are not shown on this plan. Construction details will be required to fund these proposals and the approval.

1. FIRE LANE ACCESS PAVING COLOR WILL BE DIFFERENT FROM DRIVEWAY PAVING SURFACE TO VISUALLY DELINEATE LANE. PAVING COLOR SHOULD BE THE SAME AS THE DRIVEWAY PAVING COLOR TO BE IN CONFORMANCE WITH THE MARYLAND STATE DESIGN SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION.

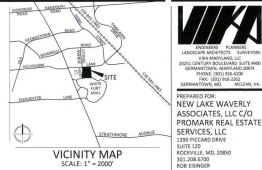
2. FIRE LANE ACCESS PAVING COLOR WILL BE DIFFERENT FROM DRIVEWAY PAVING SURFACE TO VISUALLY DELINEATE LANE. PAVING COLOR SHOULD BE THE SAME AS THE DRIVEWAY PAVING COLOR TO BE IN CONFORMANCE WITH THE MARYLAND STATE DESIGN SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION.

3. FIRE LANE ACCESS PAVING COLOR WILL BE DIFFERENT FROM DRIVEWAY PAVING SURFACE TO VISUALLY DELINEATE LANE. PAVING COLOR SHOULD BE THE SAME AS THE DRIVEWAY PAVING COLOR TO BE IN CONFORMANCE WITH THE MARYLAND STATE DESIGN SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION.

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- LEGEND**
- ▲ Possible Retail Entry Points
 - ▲ Intended Main Entry Points on Address Side
 - Existing Fire Hydrant
 - Fire Department Connection
 - Existing Water Line and Fittings
 - Fire Access Path
 - Proposed Fire Hydrant

WKA
 WASHINGTON COUNTY REAL ESTATE SERVICES, LLC
 2000 COUNTY ROUTE 201, SUITE 100
 ROCKVILLE, MD 20850
 (301) 781-1000

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DATE

REVISIONS

PROFESSIONAL SEAL

EAST VILLAGE AT NORTH BETHESDA GATEWAY
 8TH ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 WOOD GREEN DRIVE, SUITE 214
 TAYLOR, MD 20852 & 40321
MNCPCC # 820140180

FIRE ACCESS PLAN
 PHASE 1 & 2
 DRAWN BY: JBC
 CHECKED BY: JBC
 DATE ISSUED: 02/08/2024
 SHEET: FA-1



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

August 8, 2016

Mr. Patrick Butler
Area 2 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: East Village at North Bethesda Gateway
Preliminary Plan No. 120140240
Site Plan No. 820140180

Dear Mr. Butler:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans. The currently proposed bedroom mix is incorrect. Therefore, DHCA recommends Approval of the plan with the following condition:

- DHCA will need to review and approve the project's bedroom mix at certified site plan.

Please provide DHCA with floor plates showing MPDU locations and MPDU unit layouts as soon as they are available.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Jamie Chapman, VIKA Maryland, LLC

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Landlord-Tenant Affairs
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