



**Gables White Flint Limited Site Plan Amendment No. 82015001A**

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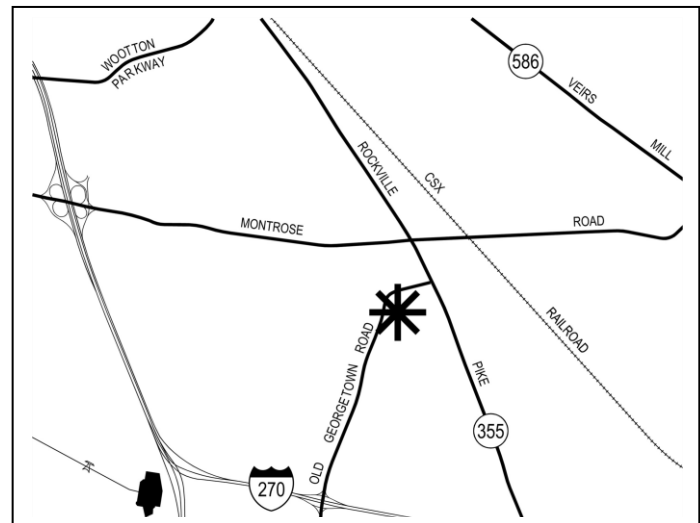
-  Troy Leftwich, Senior Planner, Area 2 Division, [Troy.Leftwich@montgomeryplanning.org](mailto:Troy.Leftwich@montgomeryplanning.org), 301-495-4553
-  Patrick Butler, Acting Supervisor, Area 2 Division, [Patrick.Butler@montgomeryplanning.org](mailto:Patrick.Butler@montgomeryplanning.org), 301-495-4561
-  Khalid Afzal, Acting Chief, Area 2 Division, [Khalid.Afzal@montgomeryplanning.org](mailto:Khalid.Afzal@montgomeryplanning.org), 301-495-4650

**Staff Report Date: 2/24/17**

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**Description**

- Request to increase the height of the western building; change the LOD to accommodate stormwater management facilities; remove the pedestrian bridges between two wings of the proposed building; remove the private dog park; modify the design of the green roof areas; relocate the bikeshare station into the public right-of-way, and redesign and relocate the public art elements;
- Current uses: Surface parking lots and a segment of public right-of-way;
- Located along Executive Boulevard, east of Old Georgetown Road (MD 187);
- 5.14 gross acres of land in the CR3 C1.5 R2.5 H70 and CR4 C2.0 R3.5 H250 Zones in the *White Flint Sector Plan* area;
- Applicant: LG Georgetown LLC;
- Submitted date: 10/10/16.



**Summary**

- Staff recommends approval with conditions.
- Pursuant to the grandfather provisions of Section 59. 7.7.1.B.3 of the current Zoning Ordinance, Staff reviewed this Amendment under the provisions of the Zoning Ordinance in effect on October 29, 2014.
- Staff has not received correspondence from notified parties.

## Staff Recommendation and Conditions

Staff recommends approval of Site Plan Amendment No. 82015001A, subject to the conditions listed below. All previous approved plans and conditions are valid unless modified by this Amendment. All site development elements shown on the latest electronic version of the Site Plan submitted via ePlans as of the date of this staff report are required, except as modified by the following conditions:

### 1. Public Art

- a. Prior to the issuance of the first building permit, the Applicant must obtain approval of the final concept for the art installation from the Art Review Panel;
- b. The sculpture must be a minimum of 20 feet tall;
- c. The Public Art for Area A must be illuminated 24 hours per day;
- d. Prior to issuance of the final use and occupancy permit, inspection of the artworks must be completed by the Arts and Humanities Council of Montgomery County (AHCMC) and Montgomery County Department of Permitting Services (DPS);
- e. Signage of the newly installed artworks must be clearly visible, and it must identify the title of the piece, artist name, materials, completion date, and overall dimensions;
- f. Prior to issuance of the final use and occupancy permit, the Applicant must submit to the Public Art Coordinator staff of the Planning Department at least three images of the artwork(s) installed on-site and information regarding: 1) associated project number; 2) title of the piece; 3) date of completion; 4) description of materials used; and 5) address. This information will be added to the existing inventory of the public artworks throughout the County (<http://www.mcatlas.org/art/>).

### 2. Transportation

Prior to the issuance of the first building permit, the Applicant must enter into a maintenance and liability agreement with the Montgomery County Department of Transportation (MCDOT) for all non-standard streetscape items and pavements in the County rights-of-way subject to review and approval by MCDOT and the Department of Permitting Services (DPS) Right-of-Way Permitting Section.

### 3. Certified Site Plan

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

- a. Modify the proposed seat wall and associated groundcover planting at the interstation of Market Street and Grand Park Avenue, so they do not interfere with pedestrian and bicycle movements;
- b. Adequate lighting and signage details (including but not limited to overall dimensions, materials, footers, and fasteners);
- c. Final design and elements of the green roofs;
- d. ADA ramps throughout the development;
- e. Detailed plan of the internal bike storage area and the number of bikes to be stored; and
- f. Clearly identify locations of the public art for Areas A and B. The public art in Area A must not impede pedestrian circulation.

## Project Description

### Site and Vicinity

The approximately 5.14-acre Gables White Flint property (the Property) is located in the western section of the *White Flint Sector Plan* area. The Property consists of two pieces of land owned by two separate entities: LG Georgetown, LLC (Gables Residential); and Montgomery County. Gables Residential owns the southwest portion of the site, which is approximately 3.18 acres; and Montgomery County owns approximately 0.79 acres of existing Executive Boulevard right-of-way, approximately 0.51 acres of a portion of the Bethesda North Marriott Hotel and Conference Center surface parking lot, and approximately 0.67 acres from prior dedications for Old Georgetown Road (MD 187).

Directly to the south are an M&T Bank and Wall Local Park (owned by the Parks Department) that includes the Eunice Kennedy Shriver Aquatic Center (operated by the Department of Recreation). Office buildings and the Luxmanor residential community are located west of Old Georgetown Road. The Bethesda North Marriott Hotel and Conference Center is to the east. The Pike & Rose development and other commercial uses are to the north. The White Flint Metro Station is within a ½ mile of the Property.

The Property is split-zoned: CR-3 C1.5 R2.5 H70 and CR-4 C2.0 R3.5 H250. It is currently improved with two surface parking lots and a portion of an existing street right-of-way. Existing vehicular access is from Executive Boulevard. Topographically, the Property is lower along Old Georgetown Road (west side of the Property) and higher at the future intersection of Market Street and realigned Executive Boulevard (east side of the Property).



Figure 1- Site Vicinity Map



## Previous Approvals

### Sketch Plan

On December 11, 2013, the Planning Board approved Sketch Plan No. 320130010 for a maximum density of 521,000 square feet of development, including up to 490,000 square feet of residential uses and up to 67,000 square feet of non-residential uses; with a maximum height of 70 feet; approximate location of lot (s) and public dedications; general location and extent of public use space; and general location of vehicular access points.

### Preliminary Plan & Site Plan

On April 30, 2015, the Planning Board approved Preliminary Plan No. 120150010 and Site Plan No. 820150010 for up to 521,000 square feet of mixed-use development, including up to 31,000 square feet of non-residential uses and up to 490,000 square feet of residential uses.



Figure 2- Rendering of Gables White Flint Development



## Proposal

The Applicant is requesting the following revisions to the approved Site Plan:

**1. Changes to the approved LOD**

Modification of the approved limits of disturbance (LOD) to accommodate revised stormwater management facilities, which increases the off-site disturbance by 0.29 acres.

**2. Removal of the pedestrian bridges**

The applicant is proposing to remove the proposed pedestrian bridges between two wings of the building at the third-floor level. The removal of the pedestrian bridges is necessitated by considerations of cost, conflicts with potential lease space holders, and that the bridges did not connect the residents to any amenities (see Figure 3 below). Since the public art elements were to be installed on the pedestrian bridges, the removal of the pedestrian bridges requires modification and relocation of the public art elements.

**3. Redesign and relocation of the public art elements**

The required public art elements in Area A (see Figures 5, 6 and 7 below) will have a new design and location due to the removal of the pedestrian bridges. Instead of a panel on the façade of the bridge at the third-floor level, it will now be a 20-foot tall piece located at the main pedestrian and vehicular entrance to the Property from Market Street. The Art Review Panel has recommended that it be illuminated 24 hours a day because it will be located on the north side of the building and will be in the shade the majority of the time (see Attachment 1). The art installation in Area B will remain as previously approved (see Attachment 3).

**4. Replacement of the private dog park with expanded green roof areas.**

The Applicant proposes to replace the approved private dog park on the roof of the building with expanded green roof areas creating one large contiguous green roof space on top of the parking garage and a supplemental space on the roof terrace (see Figure 4). The removal of the private dog park is necessitated by the difficulties treating the waste water to maintain the facility.

**5. Minor architectural revisions**

The applicant is proposing modification to the architecture of the proposed building encompassing changes in the architectural material from metal to fiber cement on portions of the building and the removal of the sun shade from the eastern façade along Grand Park Avenue. These changes are considered minor and do not significantly change the character of the proposed development as currently approved.

**6. Increase in the height of the western building**

The proposed increase in the height of the western part of the building from 64 feet to 70 feet and landscape adjustments are due to further refinement of the building design and planned improvements to Old Georgetown Road and Market Street.

**7. Relocation of the bikeshare station**

The applicant is proposing to relocate the bikeshare station from the private property into the public right-of-way in a more prominent/visible location at the intersection of Market Street and Grand Park Avenue.

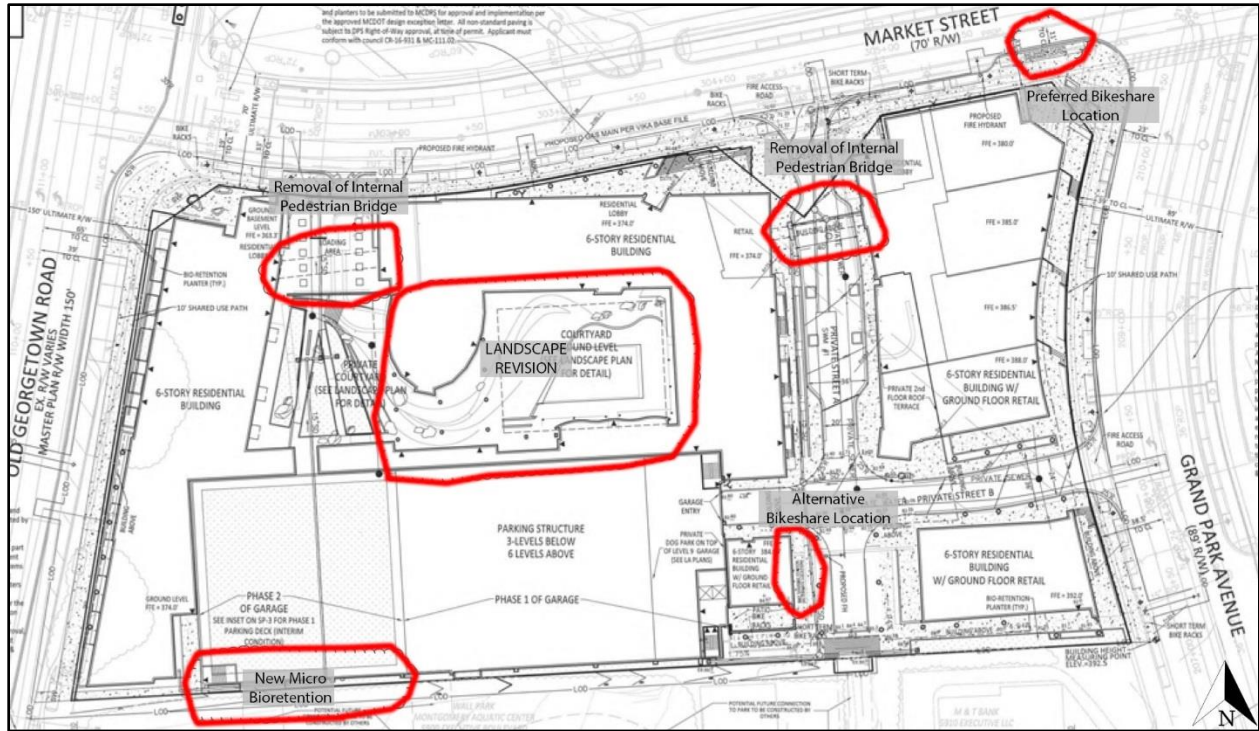


Figure 3- Redline Plan

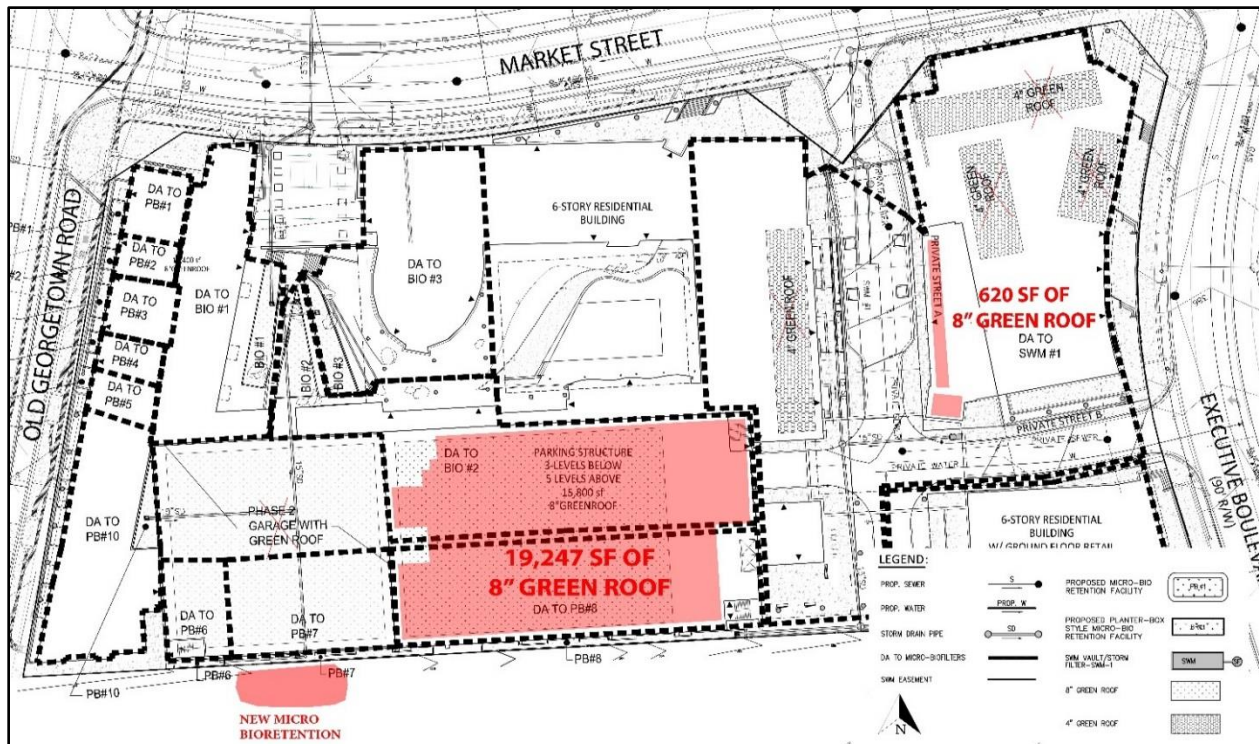


Figure 4- Green Roof Modifications



Figure 5- Public Art Previous Location for Area A

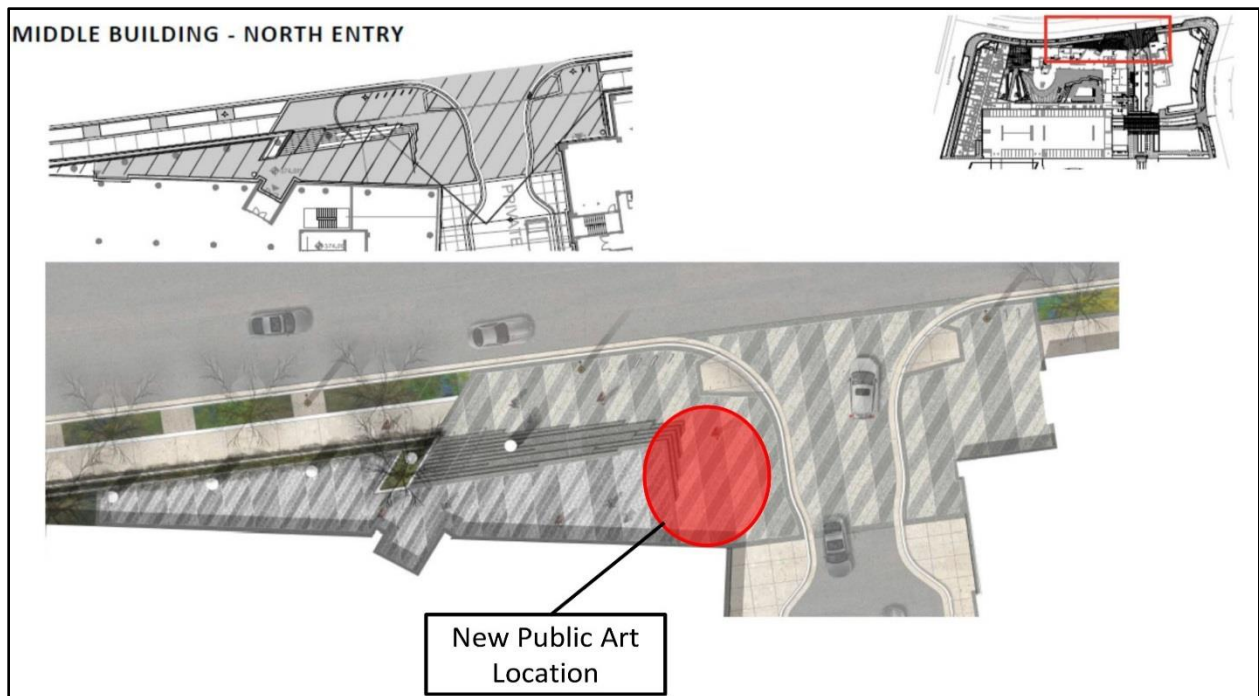
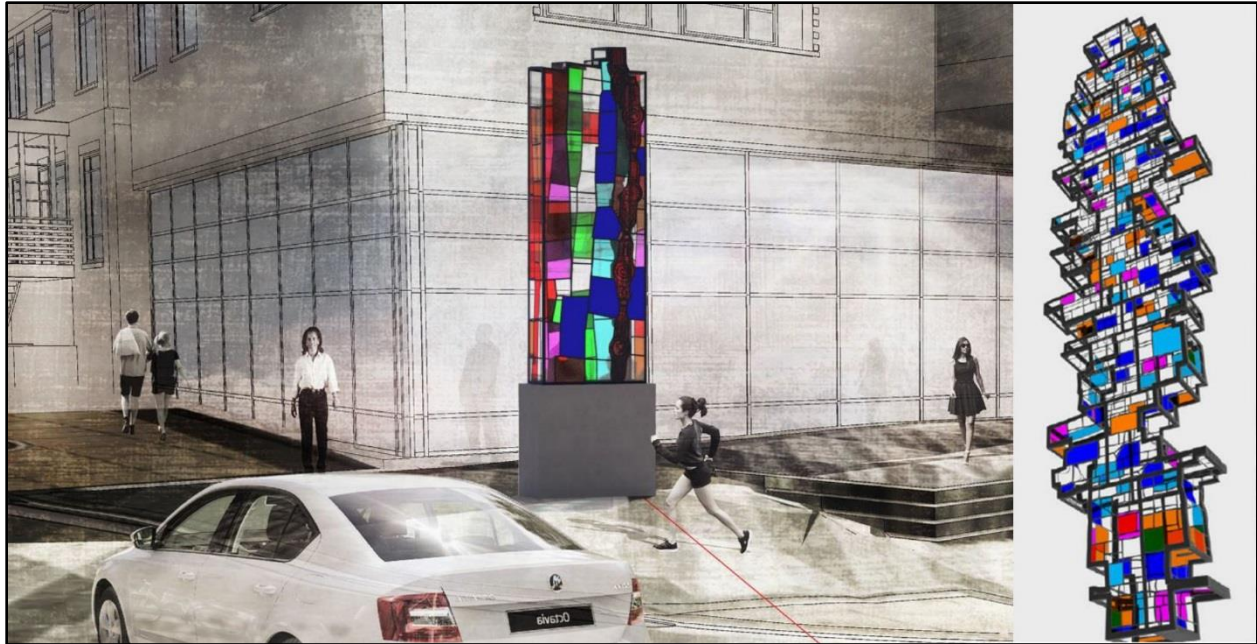


Figure 6- Proposed Location for Area A





**Figure 7- Area A Public Art Concept**

## **Analysis**

### **Master Plan Analysis**

The 2010 *White Flint Sector Plan* identifies the Property as the “Metro West District-Block 2: Wall Local Park”, and recommends that the area “should be primarily residential in character and use” (p.29). The proposed changes are minor in scope; they do not significantly change the architectural character of the proposed development; they do not impact the vehicular and pedestrian circulation in the area; and the proposed development will continue to be compatible with the surrounding development. Therefore, the proposed Amendment is consistent with prior approvals and the recommendations of the Sector Plan.

### **Environmental Analysis**

The Planning Staff approved a Natural Resources Inventory/Forest Stand Delineation for this site on July 2, 2013 (NRI/FSD No. 420131890). The site contains no streams or their buffers, wetlands or their buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known occurrences of rare, threatened or endangered species. There is no forest on the property. The site lies within the Cabin John watershed. Cabin John Creek is a Maryland State Use Class I-P stream, and is not within a Special Protection Area.

The original Final Forest Conservation Plan (FFCP No. 820150010) included 0.79 acres of off-site disturbance in the total Limits of Disturbance (LOD), with a Net Tract Area of 5.26 acres and a reforestation/afforestation requirement of 0.79 acres. This Amendment includes a change to the LOD to accommodate revised stormwater management facilities increasing the off-site disturbance by 0.29 acres. This results in a total off-site disturbance area of 1.08 acres and a new Net Tract Area of 5.55 acres. The change increases the total reforestation/afforestation requirement from 0.79 acres to 0.83 acres. The applicant has already obtained 1.58 acres of credit for forest preservation in an approved forest bank fulfilling the original requirement of 0.79 acres of forest planting or 1.58 acres of

preservation of existing forest. The remaining mitigation requirement of 0.04 acres will be fulfilled by payment of a fee-in-lieu.

A tree variance was approved with the original FCP. Specimen trees have been surveyed and their locations more accurately depicted on the amended FFCP. The adjusted LOD does not result in any new impacts to specimen trees, so no new variance is required with this Amendment. Mitigation trees for the already approved specimen tree removal are shown on the amended FFCP.

Therefore, Staff finds that the Site Plan Amendment is in conformance with the *Environmental Guidelines* and in compliance with Chapter 22A, Forest Conservation.

### **Stormwater Water Management**

The Storm Water Concept was approved by the Montgomery County Department of Permitting Services on December 22, 2014.

### **Community Concerns**

As of the posting of this Staff Report, Staff has not received any communication from the community on this Amendment.

### **Findings**

Pursuant to the provisions of Section 59.7.7.1.B.3, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014 since the original site plan was approved on December 11, 2013. The proposed modifications do not alter the intent of the original site plan approval.

Section 59-D-3.4. (c) of the previous Zoning Ordinance states that the Planning Board, in reaching its decision, 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 proposed Amendment is subject to the binding elements of Sketch Plan 320130010, as modified by Site Plan 820150010. The proposed Amendment is consistent with all prior approvals, except as modified here.

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

The proposed Amendment continues to meet all requirements of the zone. It is not located in an urban renewal plan.

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

The Project will allow the height of the western portion of the building to be up to 70 feet. It will also remove the internal pedestrian bridges and the private dog park. The dog park will be replaced with a larger green roof on the parking garage. These modifications will maintain adequate, safe, and efficient design for the pedestrian and vehicular circulations, which were established by Site Plan 820150010.

*(4) Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and*

The increase in building height is comparable to the adjacent proposed and existing developments. The building will continue to be compatible with other uses, other site plans, and existing and proposed adjacent developments.

*(5) The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.*

Staff finds that the Site Plan Amendment is in conformance with the *Environmental Guidelines* and in compliance with Chapter 22A, Forest Conservation.

## **Conclusion**

The proposed changes are adequate, safe, and efficient. The proposed development, with the conditions of approval stated in the beginning of this report, will be compatible with the neighboring residential and commercial uses in the area. As discussed earlier, the Forest Conservation Plan achieves the requirements of Chapter 22A. Staff recommends approval of Site Plan Amendment 82015001A with conditions.

### **Attachments:**

1. Art Review Panel Letter
2. Amendment Redline Plans
3. Public Art Concepts
4. Sketch Plan Resolution No. 320130010
5. Preliminary Plan Resolution No. 120150010
6. Site Plan Resolution No. 820150010



# ATTACHMENT 1



## MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**FROM:** Molline Jackson,  
Art Review Panel Coordinator

**PROJECT:** Gables White Flint  
SKETCH PLAN No. 82015001A

**DATE:** February 6, 2017

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*The Art Review Panel has generated the following meeting minutes based on our discussion of the design concept for the public amenities on **January 18, 2017** for **Gables White Flint (Site Plan Application)**. The Panel's recommendations should be incorporated into the Staff Report and strongly considered prior to the certification of the Site Plan and/or prior to the release of the first building permit. Should you have any additional questions and/or comments please feel to contact the Art Review Panel Coordinator.*

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### **Attendance:**

Troy Leftwich (Area 2 – Lead Reviewer)  
Molline Jackson (Public Art Coordinator)  
Judy Sutton-Moore (Panelist)  
Mark Kramer (Panelist)  
Ralph Bennett (Panelist)  
Germano Gomez (Panelist)  
Suzan Jenkins (Arts & Humanities Council CEO)

Jack Devine (Art Consultant)  
Eddie Meder (Architect)

### **Meeting Notes:**

1. The Gables in White Flint is located at the southeast intersection of Executive Blvd. and Georgetown Road; zoned CR4 C2.0 R3.5 H250 and CR-3 C1.5 R2.5 H70 on 5.14 gross acres of land. The original Site Plan was approved by the Planning Board on May 7, 2017 for 490,000 square feet of residential development with up to 476 residential dwelling units and 31,000 square feet of non-residential development.
2. Public art was one of several public benefits offered in their initial proposal; for which the Applicant received 5 points (roughly 4% of the total points awarded).
3. The initial public artworks (2) were presented the Art Review Panel on September 10, 2014. Two different areas were identified (Area A & B) for the display of 2 different public artworks.
4. Area A will have colored plexiglass panels configurations inset in the storefront glass. The light through glass will come from both natural exterior and interior mounted fixtures.

5. Area B will be a video presentation projected on the ceiling underside of the covered area. The film loop will be a custom video visible to shoppers, diners, pedestrians and vehicular traffic.
6. The video will be scheduled around the peak hours of the day.
7. There are no changes propose to the estimated budget for both areas: Area A = \$6,500 and Area B = \$125,000.
8. The Site Plan Amendment is only proposing changes to Area A, because the site design has been significantly altered.

2014 Submission	Budgeted Cost	Location of Public Artworks	2017 Submission	Budgeted Cost	Location of Public Artworks
Area A: Colored Plexiglas panel configuration	\$6,500	Glass front of 3 <sup>rd</sup> Floor residential bridge	Area: Colored Plexiglas sculpture (18' tall; 2x4 panels)	\$6,500	Northeast corner of the center building; near the intersection of Market Street & Guild Street.
Area B: Video Projected on ceiling (30' x 40')	\$125,000	Underside of residential units; open to retail pedestrian traffic on the Sidewalk	Area B: Video Projected on ceiling (30' x 40')	\$125,000	Underside of residential units; open to retail pedestrian traffic on the Sidewalk

**Panel Recommendations/ Conditions of Approval:**

1. The Applicant revised the site layout; therefore, the location of the public art in Area A was significantly modified. The 3<sup>rd</sup> floor bridge was eliminated from the Site Plan. The artwork on the bridge was intended to be displayed on the bridge in such a way that light would be reflected through each of the panels. The new location and configuration will still achieve this goal and has been relocated within the streetscape.
2. Considering the budget constraints and the site limitations for constructing the 3<sup>rd</sup> floor bridge, the Panel recommends approval of the modification to the public artwork within Area A only. The proposed artwork will still fulfill the goals and objectives established in the initial proposal.
3. The final concept will be presented to the Art Review Panel prior to the issuance of the first building permit. Panel recommends that the sculpture reaches up to at least the second floor of the proposed building (no less than 20-feet tall). The Applicant will incorporate adequate lighting and signage near the base of the structure.
4. With regards to future installations of artistic functional elements the Certified Site Plan will be amended to reflect specific site details. The site details will include the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners to ensure adequate safety and proper inspection of the artworks by the Arts and Humanities Council of Montgomery

County (“AHCMC”) and Montgomery County Department of Permitting Services (“DPS”). The Panel recommends that the site details of the artwork be drawn by a certified professional.

5. Signage of the newly installed artworks should be clearly visible, specifically identifying the title of the piece, artist name, materials, completion date, and overall dimensions.
6. Prior to final inspection of the public artwork(s), the Applicant must submit to the Public Art Coordinator with the Maryland – National Capital Park and Planning Commission at least three images of the artwork(s) on-site and information regarding the 1) associated project number, 2) title of the piece, 3) date of completion, 4) description of materials used, and 5) address. This information will be added to the existing inventory of the public artworks throughout the County (<http://www.mcatlas.org/art/>).



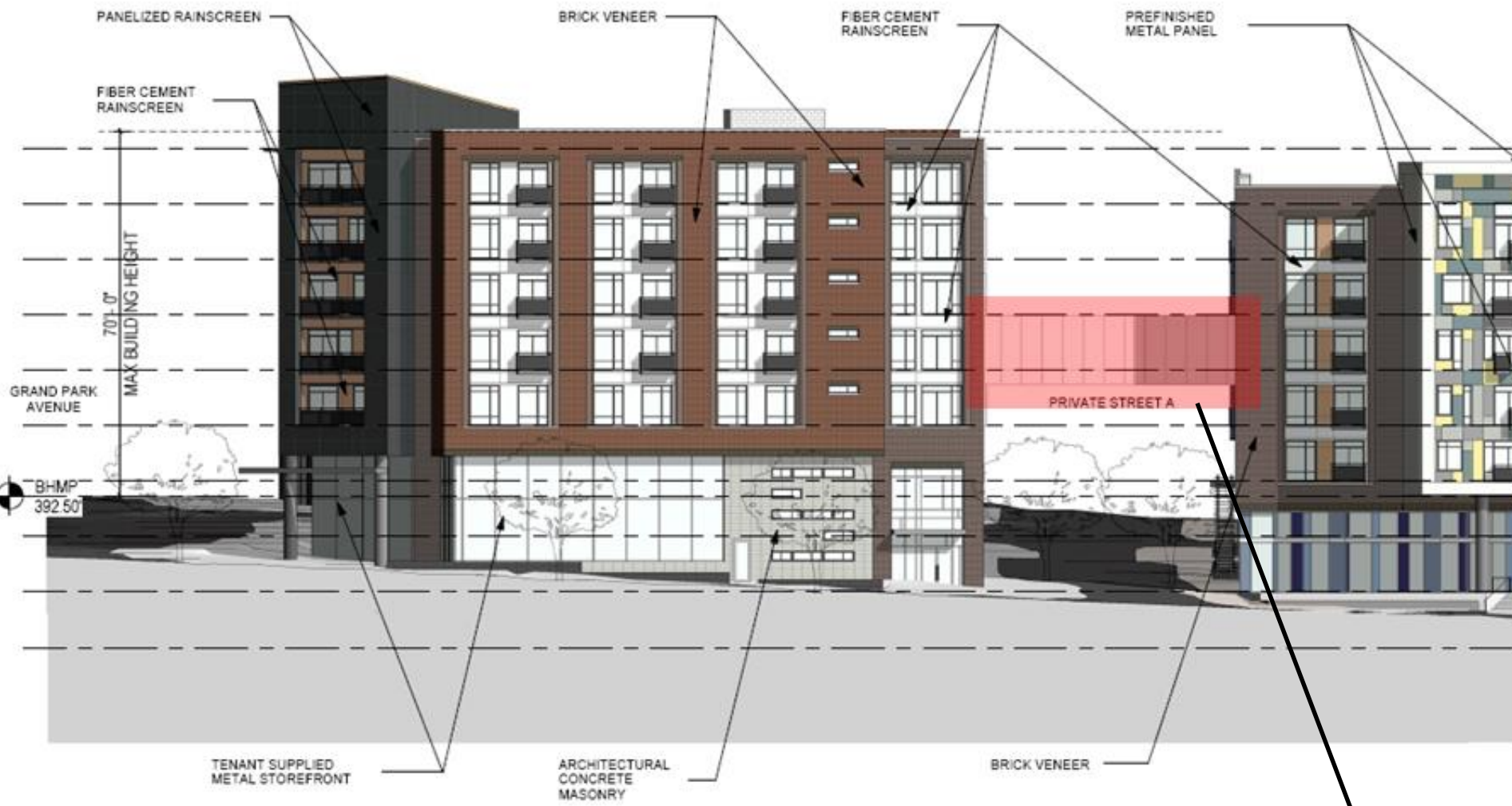




## **ATTACHMENT 3**

Artwork Area A



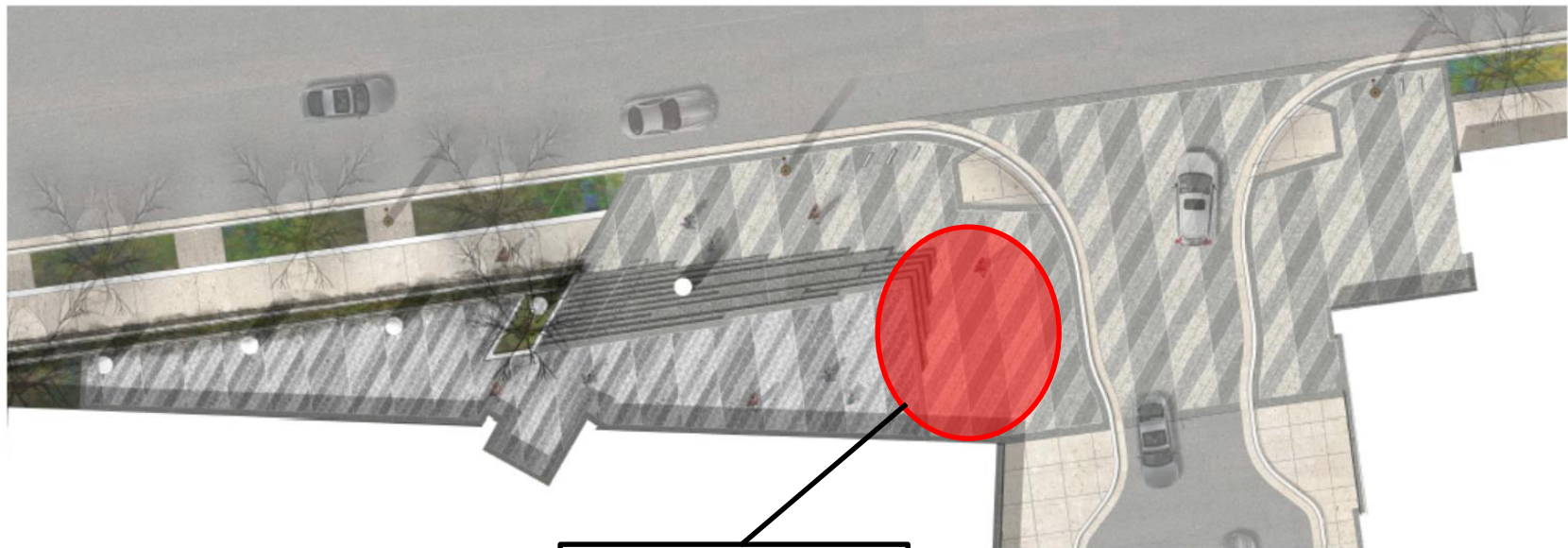
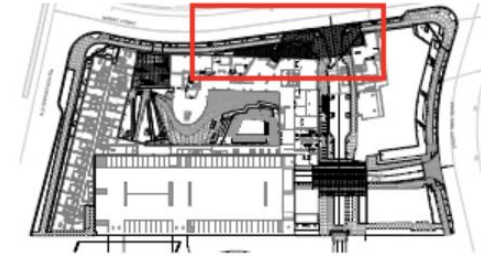
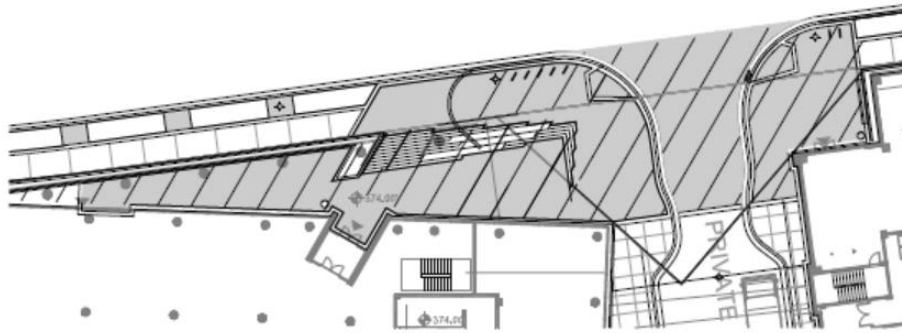


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# North Elevation 1/20

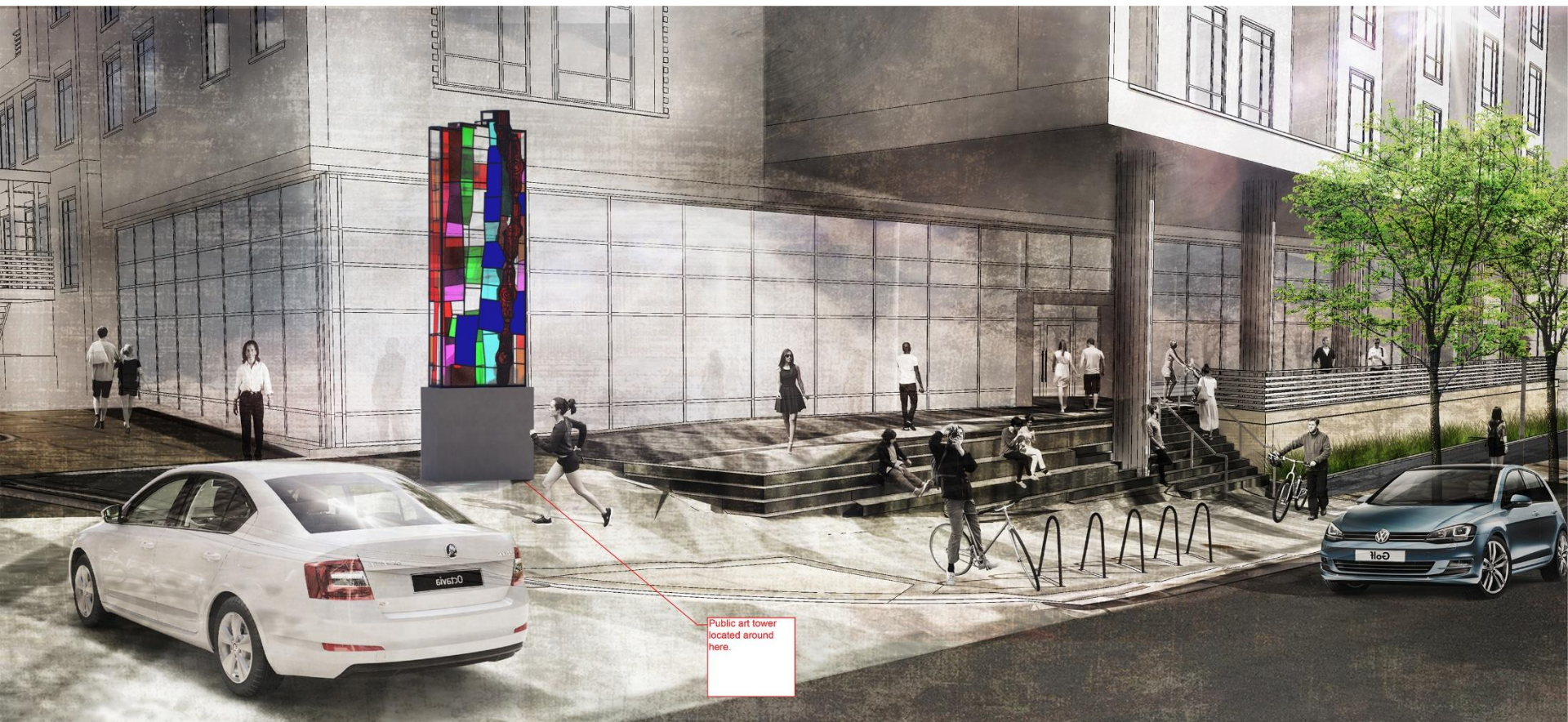
1" = 20'-0"

## MIDDLE BUILDING - NORTH ENTRY



New Public Art  
Location





Public art tower  
located around  
here.

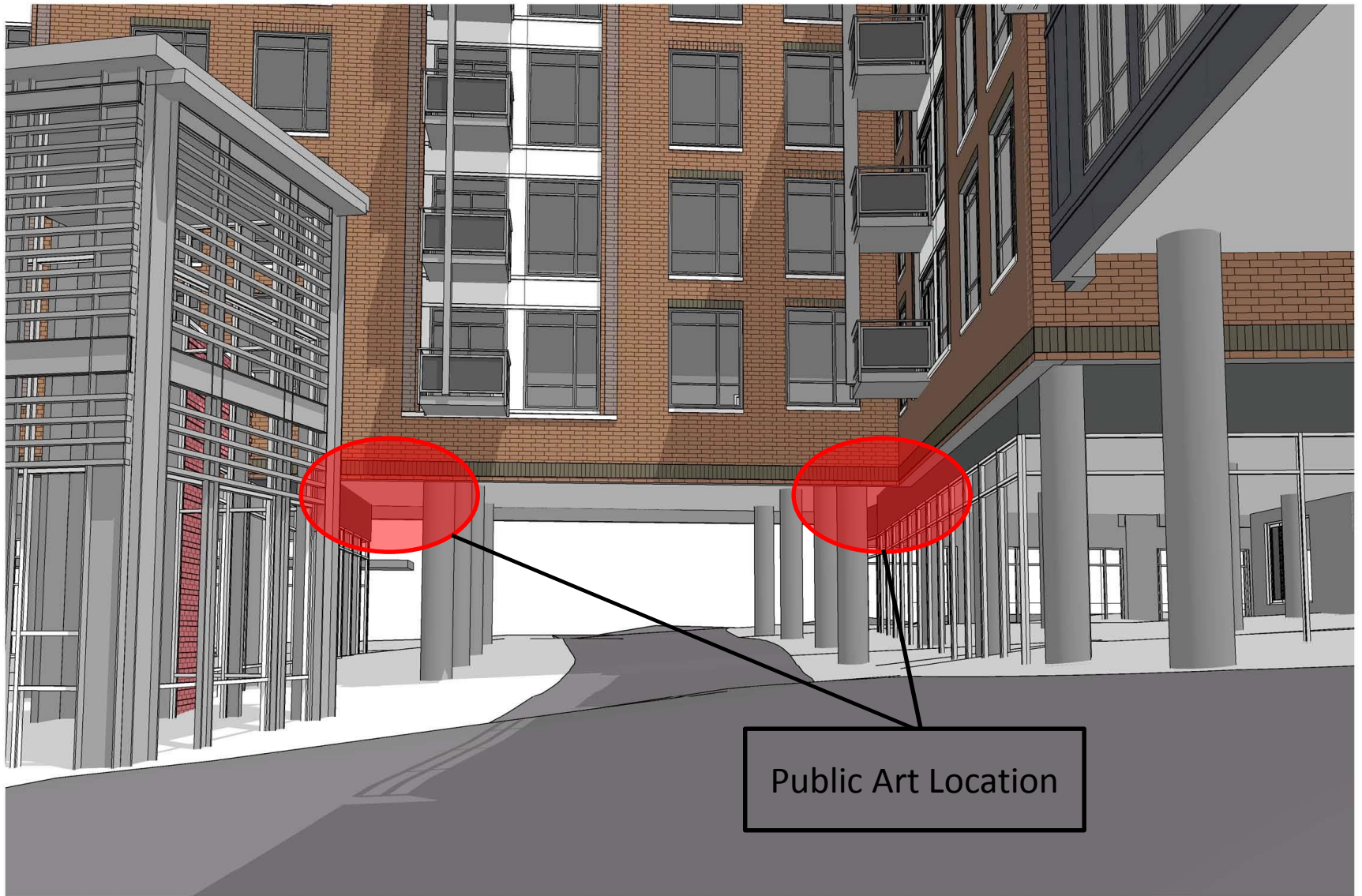








Artwork Area B



Public Art Location









## ATTACHMENT 4



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

Agenda Date: December 5, 2013  
Agenda Item No. 1C

November 15, 2013

### MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Chief, Area 2 Planning Division *GK*  
Nkosi Yearwood, Senior Planner, Area 2 Planning Division *NY*

FROM: Gwen Wright, Planning Director *GW*

SUBJECT: Correction of Resolution for Sketch Plan No. 320130010, MCPB  
No. 13-150, Gables White Flint

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Attached please find a redlined version of the Resolution for Sketch Plan No. 320130010, MCPB No. 13-150, Gables White Flint. The Resolution was adopted by the Planning Board at the October 24, 2013 Planning Board hearing and was mailed out to all parties of record on October 30, 2013.

This correction is to address modification to Condition No. 3 (b). This modification was inadvertently omitted from the final draft of the resolution prior to mailing. The correction of this mistake will ensure consistency with the intended conditions of approval.

Condition 3(b) should read as follows:

Major Public Facilities, achieved through the provision of land area for a shared parking garage and construction of a bikeshare station.

Staff is requesting that the Planning Board approve the correction to the resolution so that the corrected resolution can be mailed out to all parties of record.

cc: Christina Sorrento, Associate General Counsel



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

DEC 11 2013

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

**CORRECTED RESOLUTION**

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

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

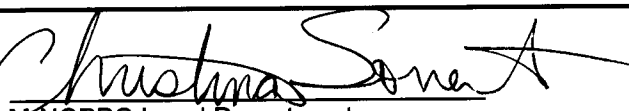
WHEREAS, the sketch plan application was designated Sketch Plan No. 320130010, Gables White Flint ("Sketch Plan" or "Application"); and

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

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

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

Approved as to  
Legal Sufficiency

 11/15/13  
MNCPPC Legal Department

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

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

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

All other elements of the Sketch Plan are illustrative.

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

1. Density

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

2. Height

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

3. Incentive Density

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

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



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

- a. Transit Proximity;
  - b. Major Public Facilities, achieved through the dedication-provision of land area for a shared parking garage and construction of a bikeshare station;
  - c. Connectivity and Mobility, achieved through public parking, minimum parking, and wayfinding;
  - d. Quality Building and Site Design, achieved through structured parking, public art, and exceptional design; and
  - e. Protection and Enhancement of the Natural Environment, achieved through the purchase of Building Lot Terminations, vegetated areas, and a cool roof.
4. Public Facilities  
At preliminary plan review, Montgomery County, Parks Department, Recreation Department, and the Applicant will work to establish a strategy for the implementation of the parking garage construction.
  5. Public Use Space  
The Applicant must provide the proposed public use spaces along Private Street "A," Private Street "B," realigned Executive Boulevard, and segments of Market Street and Old Georgetown Road as illustrated in the Sketch Plan and finalized by a subsequent site plan.
  6. Building Lot Terminations ("BLTs")  
The Applicant must provide proof of purchase and/or payment for the required 1.02 BLTs, prior to release of the first building permit for core and shell construction.
  7. Moderately Priced Dwelling Units ("MPDUs")  
The development must provide MPDUs in accordance with Chapter 25A.
  8. Environment  
At site plan review, the Applicant must complete the following:
    - a. Implement stormwater management strategies with Environmental Site Design methods to the maximum extent practicable;
    - b. Comply with the Forest Conservation Law and the Planning Board's Environmental Guidelines; and
    - c. Demonstrate how the landscape plan will contribute to achieving the Sector Plan tree canopy goal of 20 percent.

9. Transportation

At preliminary plan review, the Applicant must:

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

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

#### 10. Phasing Program

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

#### 11. Future Coordination for Preliminary and Site Plan

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

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

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified

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

1. *Meets the objectives, general requirements, and standards of Division 59-C-15;*

a. The Sketch Plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the development as approved will:

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



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

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

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

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

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

- iii. *Section 15-C-15.63 – Parking.*

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

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

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

Development Standard	Permitted/Required	Approved by the Planning Board and Binding on the Applicant
<b>Gross Tract Area</b>		
<i>CR-3: C1.5 R 2.5 H 70</i>	NA	202,290 sq.ft.
<i>CR-4: C2.0 R 3.5 H 250</i>	NA	24,728 sq.ft.
<b>Density</b>		
<i>Non-Residential</i>	C1.5 FAR	Up to 0.3 FAR or 67,000 sq.ft.
<i>Residential</i>	R2.5 FAR	Up to 2.16 FAR or 490,000 sq.ft.
<b>Building Height</b>	70 feet	70 feet
<b>Setbacks</b>	NA	NA
<b>Parking Spaces</b>		
<i>Minimum Required</i>	512 spaces	
<i>Maximum Allowed</i>	864 spaces	594 spaces <sup>2</sup>
		400 spaces for Wall Park redevelopment
<b>Public Use Space</b>	10 percent	10 percent
<b>Residential Amenity Space</b>		
<i>Required Indoor</i>	9,100 sq.ft.	9,100 sq.ft.
<i>Required Outdoor</i>	9,100 sq.ft.	9,100 sq.ft.

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

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

<sup>2</sup> These parking spaces are provided for the proposed mix use development only.

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

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

a. Density and Building Height

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

b. Transportation

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

c. Bikeway Network

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

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

d. Public Use Space

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

e. Public Facilities

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

f. Environment

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

g. White Flint Design Guidelines

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



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

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

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

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

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

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

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

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

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

Category	Public Benefit	Points Allowed	Points Requested	Points Approved at Sketch Plan
Major Public Facility	Parking for Wall Park Redevelopment	70	17.24	17.24
	Bike Sharing Location	70	5.00	5.00
Transit Proximity	Level 1	35	30.44	30.44
Connectivity and Mobility	Minimum Parking	10	8.62	8.62
	Way Finding	10	5.00	5.00
Quality Building and Site Design	Structured Parking	20	10.82	10.82
	Public Art	15	5.00	5.00
	Exceptional Design	10	5.00	2.50
Natural Environmental Protection and Enhancement	Building Lot Termination	30	5.00	5.00
	Energy Conservation and Generation	15	10.00	10.00
	Vegetated Wall	10	5.00	5.00
	Cool Roof	10	5.00	5.00
	Recycling Facility Plan	10	5.00	0.00
Total Incentive Density Points		315	117.12	109.62

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

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

#### Public Facilities

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

#### Transit Proximity

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

#### Minimum Parking

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

#### Wayfinding

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

#### Structured Parking

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

#### Public Art

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

#### Exceptional Design

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



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

#### Building Lot Terminations

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

#### Energy Conservation and Generation

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

#### Vegetated Wall

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

#### Cool Roof

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

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

#### Recycling Facility Plan

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

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

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

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

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

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change

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

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

The Board's review of sketch plans is governed by Section 59-C-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the sketch plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, sector plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter, it would be unwise for the Board to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and sector plan requirements, the Board might have decided to approve fewer elements of the Sketch Plan as binding.

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

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

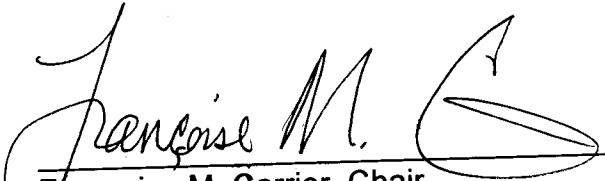
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 11 2013 (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

**CERTIFICATION**

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

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



## ATTACHMENT 5



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

JUL 28 2015

MCPB No. 15-41  
Preliminary Plan No. 120150010  
Gables White Flint  
Date of Hearing: April 30, 2015

#### CORRECTED RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board (Planning Board or Board) is authorized to review preliminary plan applications; and

WHEREAS, on July 30, 2014, LG Georgetown LLC, filed an application for approval of a preliminary plan of subdivision to create one lot ~~and a private roadway parcel~~, for up to 490,000 square feet of residential uses and 31,000 square feet of non-residential development on approximately 5.14 acres in the CR-3 C1.5 R2.5 H70 and CR-4 C2.0 R3.5 H250 Zones (the Property), located along Old Georgetown Road (MD 187), south of the future Market Street and west of realigned Executive Boulevard (future Grand Park Avenue) in the 2010 White Flint Sector Plan ("Master Plan" or "Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120150010, Gables White Flint ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, April 17, 2015, setting forth its analysis and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on April 30, 2015 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120150010, subject to the following conditions:

1. This approval is limited to one lot for a maximum density of 521,000 square feet of total development, including a maximum of 490,000 square feet of residential

APPROVED AS TO LEGAL SUFFICIENCY

*Christina S. [Signature]* 7/15/15  
MNCPPC LEGAL DEPARTMENT



uses and a maximum of 31,000 square feet of non-residential uses. A minimum of 12.5% of residential units must be moderately priced dwelling units (MPDUs).

2. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 70-foot right-of-way for business district street (Market Street) as shown on Montgomery County Department of Transportation (MCDOT) Capital Improvements Program (CIP) White Flint West Workaround No.501506 and the approved Preliminary Plan No. 120150010.
3. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 150-foot right-of-way for Old Georgetown Road (MD 187) as shown on MCDOT's CIP White Flint West Workaround No.501506 and the approved Preliminary Plan No. 120150010.
4. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 89 foot right-of-way for a realigned Executive Boulevard (future Grand Park Avenue) as shown on MCDOT's CIP White Flint West Workaround No.501506 and the approved Preliminary Plan No. 120150010.
5. The Planning Board accepts the recommendations of MCDOT in its letter dated December 4, 2014 and March 6, 2015 and April 28, 2015 electronic mails, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to the release of any residential building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with MCDOT and the Montgomery County Planning Board to participate in the North Bethesda Transportation Management District (TMD) and assist in achieving and maintaining the non-auto mode share goals recommended in the White Flint Sector Plan.
7. Private Street A and Private Street B must be implemented with a common access easement to Montgomery County in a form approved by the M-NCPPC Office of General Counsel and the Montgomery County Attorney's office. The easement must be shown on the record plat for the private streets and adjacent parallel sidewalks. The common access easement must, at a minimum, include the following:
  - a. The design of the roads must follow or improve on the corresponding Montgomery County Road Code standard for a similar public road, unless approved by MCDOT and the Planning Board.
  - b. Installation of any public utilities must be permitted within such easements.
  - c. The streets may not be closed for any reason unless approved by MCDOT.



- d. The public access easements must be volumetric to accommodate uses above or below the designated easement areas.
  - e. Montgomery County may require the Applicant to install appropriate traffic control devices within the public easement and the easement must grant the right to the County to construct and install such devices.
  - f. Maintenance and Liability Agreements will be required for each Easement Area. These agreements must identify the respective Applicant's responsibility to maintain all of the improvements within their easement areas in good fashion and in accordance with applicable laws and regulations.
  - g. The Applicant is obligated to remove snow and provide repairs to keep the roads in working order and open and if, for any reason, the Applicant does not, the County must have the right, but not the obligation, to remove snow and/or provide repairs.
  - h. The boundary of the easements must be shown on the record plat.
- 
8. The Planning Board accepts the recommendations of the Maryland State Highway Administration (SHA) in its letter dated February 4, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by SHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
  9. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its letter dated December 22, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
  10. The Planning Board accepts the recommendations of Montgomery County Fire and Rescue (MCFRS) Service in its letter dated December 16, 2014 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations set forth in the letter, which may be amended by MCFRS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
  11. The Subject Property is within the Walter Johnson High School Cluster. The Applicant must make a School Facilities Payment to MCDPS at the multi-family residential, 5 or more floors, for all residential units for which a building permit is issued and a school facilities payment is applicable. The timing and amount of



the payment will be in accordance with Chapter 52 of the Montgomery County Code.

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



BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Property is within the Metro West District-Block 2: Wall Local Park of the Approved and Adopted (2010) White Flint Sector Plan. The Sector Plan rezoned the Property to CR-3 C1.5 R2.5 H70 and CR-4 C2.0 R3.5 H250 Zones. The CR-3 zone segment is west of existing Executive Boulevard and the CR-4 zone segment is to the east, including a portion of the Bethesda North Conference Center. The Sector Plan recommends the maximum height of 70 feet for the Property.

The Sector Plan recognizes the Gables Residential property as an important site and states that the area "should be primarily residential in character and use". The Sector Plan also states that the "land area remaining after the intersection realignment of Old Georgetown Road and Executive Boulevard will be reconfigured into rectangular blocks in sizes more conducive to redevelopment. Wall Local Park should be redesigned with more active outdoor facilities through developer contributions". In addition, the Sector Plan "envision[s] a public/private partnership with adjacent properties to relocate the surface parking within a parking structure built in conjunction with new residential development. This would help direct public funds from building structured parking on-site to improving Wall Local Park".

The Preliminary Plan substantially conforms to the Sector Plan recommendations since the development is principally residential and the Applicant has provided land for a future parking garage that will support Wall Park's redevelopment.

#### Street Network

The public and private streets shown on the Preliminary Plan are consistent with the Sector Plan recommendations. The Sector Plan recommends the creation of Market Street (B-10) as a new 70-foot commercial business street and the realignment of Executive Boulevard (B-15) with a minimum ~~80~~89 foot right-of-way. The Sector Plan referenced Montgomery County Road Code standards 2005.02 and 2004.01, respectively, for these streets. Old Georgetown Road (MD 187) is west of the development and is classified as a major highway (M-4) with a minimum right-of-way of 150 feet. Private Streets A and B are not Master Plan streets, but they provide additional internal circulation for the development.



Montgomery County Department of Transportation (MCDOT), via Capital Improvements Program (CIP) White Flint West Workaround (No. 501506), is responsible for constructing Market Street (B-10), realigned Executive Boulevard (B-15)-future Grand Park Avenue-and Old Georgetown Road improvements. The Applicant's Preliminary Plan has dedicated rights-of-way for roadways that surround the development and incorporates MCDOT's CIP proposal.

#### Old Georgetown Road

Old Georgetown Road (MD 187), between Nicholson Lane and Executive Boulevard, is classified as a major highway (M-4) with a minimum right-of-way of 150 feet. The Approved and Adopted *Countywide Functional Transit Corridors Master Plan* (December, 2013) recommends Old Georgetown Road as a segment of the North Bethesda Transitway (Corridor 6). A dedicated BRT lane is recommended along Old Georgetown Road between Executive Boulevard and Nicholson Lane. The Functional Plan recommends a BRT station north of the Property at Old Georgetown Road, Executive Boulevard and Towne Road.

#### Bikeway Network

The Preliminary Plan will begin to implement the bikeway recommendations for adjacent roadways. The Sector Plan recommends a Shared Use Path (LB-1) along Old Georgetown Road (MD 187) and another Shared Use Path (LB-3) along Market Street. The White Flint West Workaround CIP project will implement Share Use Paths that surround the Property.

#### Environmental

Minimization of carbon emissions and creating a livable urban environment by improving air and water quality are the Sector Plan's two main environmental recommendations. The Preliminary Plan will utilize environmental site design techniques, including green roofs, vegetated walls, and energy standards for the buildings that will exceed the Department of Energy standard by 10 percent. These measures, along with minimization of parking and a network of bikeways and sidewalks will substantially implement the Sector Plan's environmental recommendations.

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

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

#### Design Exceptions



The Planning Board and MCDOT reviewed and approved the following design exceptions that will contribute to enhancing a mixed-use and pedestrian environment:

- a) Non-standard elements in the right-of-way.
- b) Retaining walls and steps in the right-of-way.
- c) Tree planters in the right-of-way.
- d) Reduction in entrance spacing requirement.
- e) Reduction to the number of required loading spaces.

#### Site Location and Vehicular Site Access Points

Market Street, a new east-west public street, will serve as the northern boundary to the approved development, the realigned Executive Boulevard will run along the eastern frontage of the development, and Old Georgetown Road (MD 187) will continue to be on the west side of the Property. Two internal, Private Streets A and B, will provide access to Market Street, realigned Executive Boulevard and the parking garage.

#### Transportation Demand Management

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

#### Public Transit Service

The Property is located within a ½ mile from the White Flint Metrorail Station entrance. Montgomery County Ride-On route 81 operates along Executive Boulevard's current alignment and Ride-On routes 5 and 26 operate along Old Georgetown Road (MD 187) with a bus stop at the intersection of existing Executive Boulevard and Old Georgetown Road. Metrobus operates routes J-5 and C-8 along nearby Rockville Pike (MD 355).

#### Sector-Planned Roadways and Bikeways

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

1. Old Georgetown Road (MD 187) is designated as a major highway (M-4) with a recommended minimum right-of-way of 150 feet with a Shared Use Path (LB-1). A 10-foot wide Shared Use Path will be provided along the eastern frontage of Old Georgetown Road.
2. Executive Boulevard (B-15), called Mid-Pike Spine Street in the Sector Plan, is designated as a commercial business street with a minimum recommended right-of-way of ~~8089~~ feet. MCDOT's Capital Improvements Program (CIP) No. 501506, White Flint West Workaround, includes the construction of this street with a Shared Use Path.



3. Market Street (B-10) is designated as commercial business street with a minimum recommended right-of-way of 70 feet and a Shared Use Path (LB-3).

#### Transportation Adequate Public Facilities Review

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

#### Other Public Facilities and Services

The site is served by public water and public sewer. Gas, electric, and telecommunications services are also available to serve the Property. Public facilities and services, including fire stations and police stations, are available and will be adequate to serve the development. Rockville Station (23) on Rollins Avenue and Bethesda Station (20) at West Cedar Lane and Old Georgetown Road can provide emergency services to the Property. The development is located in the Walter Johnson High School Cluster. A School Facilities Payment is required at the high school level. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Based on the analysis above and the conditions of approval, the Planning Board finds that the public facilities are adequate to support and service the area for the Preliminary Plan. The Preliminary Plan satisfies the Adequate Public Facilities Ordinance.

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

The Preliminary Plan will create one lot, ~~and a private parcel for private streets~~. The Planning Board finds that the size, shape, width, and area of the lot and parcel are appropriate for their location within the subdivision. The Application also complies with the dimensional requirements of the CR-3 C1.5 R2.5 H70 and CR-4 C2.0 R3.5 H250 Zones as specified in the Zoning Ordinance. The Application has been reviewed and approved by other County agencies.

#### Subdivision Regulations Waivers

Under §50-38(a)(1) of the Montgomery County Code, the Board may grant a waiver from the Subdivision Regulations if it finds that: "practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest."



The Applicant requested a waiver from Sections 50-1 and 50-30(c)(1) of the Montgomery County Code. Section 50-30(c)(1) requires that all roads are dedicated to public use to the full extent of any rights-of-way. Section 50-1 includes the definition for a right-of-way which states that "for land platting purposes, every right-of-way shown on a record plat must be separate and distinct from any adjoining lot or parcel, and not included in any other lot or parcel". However, the Planning Board finds that placing Streets A and B in their own parcel creates a practical difficulty because the streets have structures that will be developed below or above the street right-of-way that are critical to the layout and design of the development. This would conflict with the Department of Permitting Services (DPS) interpretation of the County Code, as amended, that precludes any development above or below a ~~public or private~~ right-of-way. The platting of these streets would prevent the East and Central buildings from obtaining a building permit for any development above a right-of-way. The Board finds that granting this waiver is not adverse to the objectives of the General Plan; provides minimum relief from the requirements; and is not adverse to the public interest. Further, the development is consistent with the Sector Plan recommendations for mixed-use development at this location and the configuration of the lot is created by the street network recommended in the Sector Plan.

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

Staff approved a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the site on July 2, 2013. The site contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, or rare, threatened or endangered species.

A Final Forest Conservation Plan (FFCP) is approved with Site Plan No. 820150010. Based on the Property's size and development, the Afforestation threshold for this site, plus required off-site disturbance, is 0.79 acres. The Applicant proposes to meet this requirement through payment of a fee-in-lieu, purchase of off-site forest bank credits, or a combination of the two. The FFCP satisfies the requirements of the forest conservation law.

5. *All storm water management requirements shall be met as provided in Chapter 19, article II, title "Storm Water Management," Sections 19-20 through 19-35.*

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



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

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is May 7, 2015 (which is the date that ~~this the original~~ Resolution ~~is was~~ mailed to all parties of record); and

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

\* \* \* \* \*

#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Dreyfuss, with Chair Anderson and Commissioners Dreyfuss and Fani-González voting in favor of the motion, and Vice Chair Wells-Harley and Commissioner Presley absent, at its regular meeting held on Thursday, July 23, 2015, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

## ATTACHMENT 6



### MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUL 28 2015

MCPB No. 15-42  
Site Plan No. 820150010  
Project Name: Gables White Flint  
Date of Hearing: April 30, 2015

### MONTGOMERY COUNTY PLANNING BOARD

#### CORRECTED RESOLUTION

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

WHEREAS, under Section 59-7.7.1.B.1 of the Zoning Ordinance, the site plan is being reviewed under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on December 11, 2013, the Planning Board by Corrected Resolution MCPB No. 13-150, approved Sketch Plan No. 320130010 ("Sketch Plan"), establishing several binding elements, including a maximum total density of up to 521,000 square feet including, a maximum of 67,000 square feet of non-residential development on 5.21 gross acres of land zoned CR4 C2.0 R3.5 H250 and CR3 C1.5R2.5 H70, located at the northeastern intersection of Old Georgetown Road (MD 187) and Executive Boulevard ("Subject Property") in the White Flint Sector Plan ("Master Plan" or "Sector Plan"); and

WHEREAS, on July 30, 2014, LG Georgetown LLC ("Applicant"), filed an application for approval of a Site Plan for up to 490,000 square feet of residential development with up to 476 residential dwelling units, and up to 31,000 square feet of non-residential development on approximately 5.14 gross acres in the CR4 C2.0 R3.5 H250 and CR3 C1.5 R2.5 H70 Zones, on a portion of the Subject Property; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820150010, Gables White Flint (the "Application"); and

WHEREAS, on April 30, 2015, following review and analysis of the Application by the Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, date April 17, 2015, setting forth its

APPROVED AS TO LEGAL SUFFICIENCY

Christina [Signature] 7/15/15  
M-NCPPC LEGAL DEPARTMENT

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

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analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on April 30, 2015, the Planning Board held a public hearing on the Application ("Hearing"); and

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

WHEREAS, at the Hearing, the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820150010 for up to 476 residential dwelling units and up to 31,000 square feet of non-residential development, subject to the following conditions:

1. Sketch Plan Conformance

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

2. Preliminary Plan Conformance

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

3. Density Allocation

Prior to issuance of any core and shell building permits, the Applicant must obtain from the Planning Board approval of a Staging Allocation Request under the Staging Allocation Request Regulations (COMCOR 50.35.02.01.A) in the *White Flint Sector Plan Implementation Guidelines* (July 2011) approved by the Planning Board.

4. Public Benefits

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

- a. Major Public Facility (Parking for Wall Park Redevelopment and a Bike Share Station)
- b. Transit Proximity
- c. Minimum Parking

- The Applicant must provide at least 524 but no more than 696 parking spaces. The Certified Site Plan must show a tabulation of the maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.
- d. Way Finding
  - Prior to the issuance of the first residential core and shell building permit, the final design for the wayfinding signage, locations and installation details must be approved by M-NCPPC Staff and Department of Permitting Services.
- e. Structured Parking
  - Include the proportionate number of parking spaces in the parking structure as shown on the Site Plan.
- f. Public Art
  - Prior to the issuance of the first residential core and shell building permit, all public art details must be approved by the Public Arts Trust Steering Committee.
- g. Exceptional Design
  - Construct the building and all site features with the visual and functional elements that enhance the character of the setting as shown on the Site Plan.
- h. Building Lot Termination
  - Prior to the issuance of any residential core and shell building permit, provide to the MNCPPC Staff proof of purchase, or pay for 1.021 Building Lot Termination.
- i. Energy Conservation and Generation
  - Prior to the issuance of the first residential core and shell building permit, an energy use/generation model with comparisons to average use/generation (in kwh) for the proposed building type based on the Department of Energy standard or as modeled by a LEED accredited professional must be provided to M-NCPPC Staff.
- j. Vegetated Wall
- k. Cool Roof
  - Prior to the issuance of the residential first core and shell building permit, provide as-built roof plans showing coverage of roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

##### 5. Transportation

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



spaces must be provided with inverted-U racks installed in locations convenient to main building entrances.

6. Environment

- a. Prior to conducting any land disturbing activity, the Applicant must purchase forest bank credits or pay a fee-in-lieu.
- b. Site inspections by M-NCPPC Staff must occur per Section 22A.00.01.10 of the Forest Conservation Regulations.
- c. Final Sediment Control Plan must be consistent with the limit of disturbance shown on the Final Forest Conservation Plan.
- d. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector or the Parks Department construction permit.
- e. The Applicant must receive a Parks Department construction permit for any construction activity that occurs on the Wall Park/Kennedy Shriver Aquatic Center property.

7. Moderately Priced Dwelling Units (MPDUs)

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

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

8. Recreation Facilities

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

9. Maintenance



Maintenance of all on-site public use space is the responsibility of the Applicant and any successor (s) and assigns. This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with Applicant or any successor(s) and assigns and applicable agency. For the purpose of this condition, the term "Applicant and any successor (s) and assigns" means the owner or any successor (s) in interest to the Public Use Space that is responsible for common area maintenance, such as a homeowners association, a condominium association, or a merchants' association.

10. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

11. Parking Garage

- a. Phase 2 of the Parking Garage will be financed by Montgomery County or the Parks Department, and will be constructed by Montgomery County, Parks Department, or by others, and will include up to 400 new parking spaces in the Parking Garage (the "Phase 2 Parking Garage") to accommodate replacement surface parking at the Eunice Kennedy Shriver Aquatic Center, parking for the future Recreation Center, or other public facilities.
- b. Upon completion of the Phase 2 Parking Garage, the Applicant must create a condominium structure through which approximately 400 spaces will be allocated to, and reserved for, public use as a separate condominium unit (the "Reserved Public Spaces"). Montgomery County, or its successors or assigns, or the Montgomery County Parks Department will have the option, to be exercised on or before December 1, 2026, to demand that the Applicant transfer the fee (ownership) interest of the Reserved Public Spaces to the County or its successor or assign at no cost to the County or its successor or assign, or the Montgomery County Parks Department.
- c. If the Reserved Public Spaces are not constructed and transferred to Montgomery County or the Parks Department, prior to December 1, 2026, the Site Plan condition requiring a Shared Parking Garage be constructed on the Gables' property will terminate.

12. Site Plan Surety and Maintenance Agreement

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

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.



- b) The cost estimate must include applicable Site Plan elements, including, but not limited to Streets A and B, plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of any building permit within each relevant phase of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each block/phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each phase.

13. Development Program

The Applicant must construct the approved development in accordance with a development program approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Delineation of all construction phases and the related triggers for the release of various permits for each phase/portion of the approved buildings. Dedications, stormwater management, sediment and erosion control, afforestation and other features to be implemented for each phase prior to release of that portion of the building's Use and Occupancy Certificate.
- b. Prior to the release of a Use and Occupancy Certificate for each phase, streetscape improvements for realigned Executive Boulevard (future Grand Park Avenue), Old Georgetown Road Market Street and Private Streets A and B, including paving, lighting, street furniture and tree planting for and lighting adjacent to each portion of a respective building in each phase must be installed. Landscape planting may wait until next growing season for each respective building. In the event that improvements along the Property's frontage for Market Street are not completed by the County prior to Applicant's Use and Occupancy application for a given phase, the Applicant must construct interim streetscape improvements which must be approved by M-NCPPC Staff and MCDOT Staff, along that frontage prior to the release of the Use and Occupancy Certificate. Such interim improvements will remain in place until such time as construction of Market Street is complete. Within ninety (90) days of the completion of Market Street, final paving, lighting, street furniture, tree planting and lighting will be installed by the Applicant. Landscape planting may wait next growing season.
- c. On-site amenities including, but not limited to, recreation amenities and public use space adjacent to each building, must be installed prior to the release of any Use and Occupancy Certificate for the respective building.



14. Certified Site Plan

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

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

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest electronic version of Gables White Flint drawings submitted to M-NCPPC as of the date of the Staff Report, April 17, 2015, shall be required, except as modified by the above conditions of approval; and

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

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

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is subject to the binding elements and conditions of the Sketch Plan, which may be modified at the time of site plan review under Section 59-C-15.43 (d) of the Zoning Ordinance.

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



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

The Applicant has modified the public use space in the approved Sketch Plan No. 320130010. Public use space along Executive Boulevard has been removed, while the public use space along Market Street has been enhanced with new seat walls, water walls and enlarged stairs. Further, the total points have been adjusted to accommodate for changes in the gross land area. The Planning Board approves these modifications since they are consistent with the overall approved Sketch Plan.

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

There are several requirements of the CR zones that must be met by this Application:

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

a. Uses

The proposed residential and retail uses are permitted uses in the CR zone. No limited or special exception uses are proposed.

b. General Requirements

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

- Gables Residential is within the Metro West District, Block 2: Wall Local Park, in the Approved and Adopted (2010) *White Flint Sector Plan*. The Sector Plan notes that the “land area remaining after the intersection realignment of Old Georgetown Road and Executive Boulevard will be reconfigured into rectangular blocks in sizes more conducive to redevelopment” (p.29). Further, the “area should be primarily residential in character and use” (p.29). The approved development will be built on a reconfigured rectangular block as recommended by the Sector Plan.
- Building heights at 70 feet will define Old Georgetown Road, realigned Executive Boulevard (future Grand Park Avenue) and Market Street.
- The creation of Market Street and realigned Executive Boulevard (future Grand Park Avenue) are consistent with the Sector Plan.
- Market Street (LB-3) and Old Georgetown Road (LB-1) are roadways with recommended shared use paths as part of the Sector Plan bikeway network. A shared use path along realigned Executive Boulevard is included in White Flint West Workaround CIP (No. 501506) and it will be implemented by the County. The approved Preliminary Plan No. 120150010 will dedicate rights-of-way to accomplish the bikeway recommendations.
- Enhanced streetscapes along realigned Executive Boulevard (future Grand Park Avenue), Market Street and Private Streets A and B will provide the main public use spaces in the development. These public use spaces are consistent with the Sector Plan and White Flint Urban Design Guidelines.
- The approved development will provide an energy efficient development along with vegetated roofs, bioswales and bioretention areas that will further implement the Sector Plan’s environmental recommendations.
- The Approved White Flint Urban Design Guidelines for each district in the Sector Plan provides open space, streets and building recommendations. Specific to this development, the Guidelines recommend that public use spaces should be located to reduce extended periods of shadow; open spaces should be defined by building walls; buildings should create a consistent street wall along public streets; and locate and size buildings to minimize shadow impacts on streets and public use spaces. Most of the public use space along Market Street and Street A are open but segments of the East building do overlap with public use spaces along Street B. A consistent street wall occurs for most of the development, including along Old Georgetown Road and realigned Executive Boulevard.



c. Development Standards

The development will comply with all development standards as shown in the data tables below.

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

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

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

<b>4. Residential Amenity Space (square feet per market rate unit<sup>1</sup>)</b>		
	<b>Required</b>	<b>Approved<sup>2</sup></b>
<b>Minimum Indoor Amenity Space</b>		
416 Market Rate Units	5,000 sq.ft.	5,000 sq.ft.
<b>Minimum Outdoor Amenity Space</b>		
416 Market Rate Units	5,000 sq.ft.	5,000 sq.ft.

<sup>1</sup> Amenity space is not required for Moderately Price Dwelling Units (MDPUs) on a site within a Metro Station Policy Area.

<sup>2</sup> Indoor amenity area calculated at 20 sq.ft., up to 5,000 square feet maximum required; Outdoor amenity area calculated at 20 sq.ft per unit, 5,000 sq.ft maximum required, 400 sq.ft must adjoin indoor amenity space.

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

<b>6. Parking</b>			
	<b>Maximum Allowed</b>	<b>Minimum Required</b>	<b>Approved</b>
Approved with Sketch Plan	864	512	594
Proposed with Site Plan	696	524	574
Parking for Wall Park Redevelopment			400 <sup>3</sup>

<sup>3</sup> The parking garage for Wall Park redevelopment will be implemented by Montgomery County or the Montgomery County Parks Department. The number of parking spaces could increase to 421 when parking spaces are reallocated.



d. Public Benefits

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

- Major Public Facility (Parking for Wall Park Redevelopment and Bike Share Station)
- Transit proximity
- Minimum Parking
- Way Finding
- Structure Parking
- Public Art
- Exception Design
- Building Lot Termination (BLTs)
- Energy Conservation and Generation
- Vegetated Wall
- Cool Roof

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

The approved public benefits for the development are appropriate for the following reasons:

- They further the Sector Plan's recommendations and objectives;
- They implement the White Flint Urban Design Guidelines and follow the CR Zone Incentive Density Implementation Guidelines; and
- The presence or lack of similar public benefits nearby.

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

Public Benefit	Total Points Approved for Sketch Plan No. 320130010	Measurement/Criteria	Points Approved for Site Plan No. 820150010
<b>Major Public Facility</b>			
Parking for Wall Park Redevelopment	17.24	This public benefit is dependent on a public-private partnership. If it is	17.55

		not implemented, per condition No. 11 in the Site Plan, the Applicant must provide additional public benefits to retain the minimum points for an optional method development.	
Bike Sharing Location	5.00	This public benefit will be implemented in the development.	5.00
<b>Transit Proximity</b>			
Level 1	30.44	The project is within ½ mile from the Metro Station.	30.44
<b>Connectivity and Mobility</b>			
Minimum Parking	8.62	The project will provide 82% of maximum amount of parking.	8.90
Way Finding	5.00	The project will provide way finding signage to several public facilities and amenities in the area.	5.00
<b>Quality Building and Site Design</b>			
Structured Parking	10.82	Six-levels of structured parking will be provided.	13.45
Public Art	5.00	This project has incorporated public art at different locations.	5.00
Exceptional Design	2.50	2.50 points are appropriate since the development creates a sense of place; integrates low-impact development techniques; and uses design solutions for compact development.	2.50
<b>Natural Environmental Protection and Enhancement</b>			
Building Lot Termination	5.00	1 BLT per 20,000 sq.ft of 5% of incentive density	5.00
Energy Conservation and Generation	10.00	The project will achieve energy efficiency standards that exceed	10.00



		DOE standards by 10%.	
Vegetated Wall	5.00	A green wall is provided on the structure garage.	5.00
Cool Roof	5.00	90% of development will provide this public benefit.	5.00
<b>Total</b>	<b>109.62</b>		<b>112.84<sup>4</sup></b>

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

a. Locations of buildings and structures

The locations of the buildings and structures are adequate, safe, and efficient for ~~the shopping center~~ a surface parking redevelopment as envisioned in the Sector Plan and White Flint Design Guidelines to provide street-oriented development, and taller buildings along major roads and closer to the Metro Station.

b. Open Spaces

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

c. Landscaping and Lighting

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

d. Recreation Facilities

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

<sup>4</sup> Since the Sketch Plan approval, the VOB site, approximately 2,549 square feet has been removed from the development and prior street dedications from Old Georgetown Road increased by 15,325 square feet. These modifications have adjusted the points to 112.84.

### Demand Calculations

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

### Onsite Supply Calculations

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



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

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

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

e. Pedestrian and Vehicular Circulation Systems

Market Street, realigned Executive Boulevard (future Grand Park Avenue) and Private Streets A and B will provide the main vehicular circulation for the development. Residential loading is located along Market Street and access to the parking garage is from the internal private streets.

Pedestrian circulation will improve along Market Street, Old Georgetown Road and realigned Executive Boulevard, including two shared use paths, street furnishings and bike racks. Streets A and B will also feature street trees, art, sidewalks and decorative street pavement. Intersections are designed to enhance walking and handicapped access, including minimize turning radii. Additional pedestrian circulation is provided by the two elevated walkways that link each segment of the development.

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

The development is compatible with existing uses regarding height, scale and massing as reflected by the Sector Plan recommendations, CR Zone, and the Urban Design guidelines. There are no other pending site developments in the immediate vicinity.

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



Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Subject Property on July 2, 2013. The Site contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, specimen trees, or rare, threatened or endangered species.

**A. Forest Conservation**

The development is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and the Planning Board approves a Final Forest Conservation Plan ("FFCP"). The site contains no designated forest areas. The Afforestation threshold for this site, plus required off-site disturbance, is 0.79 acres. The Applicant proposes to meet this requirement through payment of a fee-in-lieu, purchase of off-site forest bank credits, or a combination of the two.

Variance

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

**Forest Conservation Variance**

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's Critical Root Zone (CRZ) requires a variance. The Forest Conservation Law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion 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 since the impact to two trees is considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. The variance sought permission to remove one tulip poplar tree and to impact 8% of the Critical Root Zone (CRZ) of one pin oak tree.

### **Unwarranted Hardship Basis**

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

### *Variance Findings*

The Planning Board makes the following finding necessary to grant the Variance:

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

The approved development design has attempted to balance all of the competing factors that constrain the site. Given the intensity of the development and the Sector Plan recommendations, impacts to the two variance trees are unavoidable. The Applicant has taken all reasonable steps to minimize impacts. Granting the variance will not confer a special privilege to the Applicant.

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

The Planning Board finds that the variance is based on the constraints of the site and the proposed development density, public facilities and amenities as recommended in the Sector Plan, and not on conditions or circumstances which are the result of actions by the Applicant.

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



The Planning Board finds that the requested variance is a result of the proposed site design and layout on the Subject Property and not as a result of land or building use on a neighboring property.

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

The Planning Board finds that granting the variance will not violate State water quality standards or cause measurable degradation in water quality. The Montgomery County Department of Permitting Services (DPS) approved a stormwater management concept on December 22, 2014 for the Subject Property. The Stormwater Management Plan (SWM) concept plan incorporates Environmental Site Design (ESD) practices, including green roofs. Further, existing impervious surface area will not increase substantially from construction of this development, since the majority of the site is already paved. Finally, three trees will be planted in mitigation for the removal of the one specimen tulip-poplar tree, ultimately replacing the water quality function of the specimen tree lost to the development.

#### *Mitigation for Trees Subject to the Variance Provisions*

The Applicant must plant three native canopy trees of at least 3 inches caliper on site to replace the functions lost from removal of the 35-inch dbh tulip-poplar tree.

#### *County Arborist's Recommendation on the Variance*

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

### **B. Stormwater Management**

The Montgomery County Department of Permitting Services (DPS) approved a stormwater management concept on December 22, 2014 for the Property. The Stormwater Management Plan (SWM) concept plan incorporates Environmental Site Design (ESD) practices, including green roofs.



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

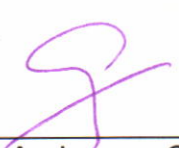
BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code Section 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is May 7, 2015 (which is the date that this-the original Resolution is-was mailed to all parties of record); and

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

#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Dreyfuss, with Chair Anderson and Commissioners Dreyfuss and Fani-González voting in favor of the motion, and Vice Chair Wells-Harley and Commissioner Presley absent, at its regular meeting held on Thursday, July 23, 2015, in Silver Spring, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board