



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

MCPB No. 15-009
Sketch Plan Amendment No. 32011003A
North Bethesda Market II
Date of Hearing: January 15, 2015

FEB 12 2015

RESOLUTION

WHEREAS, under Montgomery County Code Section 59-7.1.2, the Montgomery County Planning Board is authorized to review sketch plan applications; and

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

WHEREAS, on August 12, 2011, by Corrected Resolution MCPB No. 11-07, the Planning Board approved Sketch Plan No. 320110030 for a multi-building mixed-use development with a maximum total density of 740,528 square feet, including a maximum of 368,000 square feet of non-residential development; a maximum height of 300 feet in the CR4.0 C3.5 R3.5 H300 Zone and 150 feet in the CR3.0 C1.5 R2.5 H150 Zone; the general location and extent of public use space; and a total of 150 percentage points for public benefits from the Transit Proximity, Connectivity, Diversity, Design, and Environment incentive categories, on 4.41 acres of CR-4.0 C3.5 R3.5 H300 and CR3.0 C1.5 R2.5 H150 zoned-land, located on the west side of Rockville Pike between Nicholson Land and Executive Boulevard ("Subject Property") in the White Flint Sector Plan ("Sector Plan"); and

WHEREAS, on August 26, 2014, The JBG Companies ("Applicant"), filed an application for approval to amend the previously approved sketch plan to allow the Applicant to build the development in three phases instead of one; reallocate 100,000 square feet of the approved non-residential floor area to residential density; and add an option to not build a residential building; and

WHEREAS, the Applicant's sketch plan amendment application was designated Sketch Plan Amendment No. 32011003A, North Bethesda Market II ("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

Approved as to
Legal Sufficiency:

 1/28/15

Planning Board, dated January 5, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on January 15, 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, on January 15, 2015, the Planning Board voted to approve the Application subject to certain binding elements and conditions, on the motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor; and

WHEREAS, on January 29, 2015, prior to approving this Resolution, the Planning Board accepted a minor revision to the January 5, 2015 Staff memorandum.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Sketch Plan Amendment No. 32011003A, North Bethesda Market II, for construction of a maximum of 740,528 square feet of development, comprising up to 492,000 square feet of residential uses and up to of 268,000 square feet of non-residential uses on the Subject Property, including as binding elements under Section 59-15.42(b)(4)(B) the maximum density and heights, general location and extent of public use space, public benefits, and phasing program as shown on the Sketch Plan, and subject to the following conditions, which supersede the conditions approved with Sketch Plan No. 320110030:¹

1. Density

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

2. Height

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

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d). Total points must equal at least 100 and must be chosen from at least 4 categories as required by

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

Section 59-C-15.82(a). The requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit.

- a. Transit proximity to Level 1 transit, Metrorail station;
 - b. Connectivity and Mobility achieved through public amenities in the sub-categories of Neighborhood Services, Minimum Parking, Through Block Connection, and Way-finding.
 - c. Quality Building and Site Design achieved through public amenities in the sub-categories of Structured Parking, Tower Step-back, Public Art, Public Open Space, and Exceptional Design.
 - d. Protection and Enhancement of the Natural Environment achieved through public amenities in the sub-categories of Building Lot Terminations (BLTs), Tree Canopy, and Vegetated Roofs.
4. Moderately Priced Dwelling Units (MPDUs)
The Applicant must provide MPDUs in accordance with Chapter 25A of the County Code.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.43(c), the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. *meets the objectives, general requirements, and standards of Division 59-C-15;*
 - a. The Amendment meets the requirements of Section 59-C-15.122, Density Averaging, as follows:

The Subject Property will contain five lots, all of which are subject to the same Sketch Plan; all the lots will be created by the same preliminary plan; the overall total non-residential and residential densities of the Sketch Plan will not exceed the total maximum allowed by the CR 3.0 and CR 4.0 Zones for the entire Subject Property; no building will exceed the maximum height set by the zone; approved uses are allowed by the Subject Property's zone classifications; the Subject Property is not adjacent to, nor does it confront, a lot or parcel in a one-family residential zone or an

agricultural zone that is not improved with a commercial, industrial or utility use; and approved public benefits are accounted separately for each phase of the Sketch Plan.

b. 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 applicable master and sector plans.”*

The Sector Plan establishes policies for transforming an auto-oriented suburban development pattern into an urban center of residences and businesses. The Sketch Plan will replace auto-oriented, office buildings and retail uses surrounded by surface parking lots into an urban, mixed-use community with emphases on the pedestrian experience in an improved public realm;

ii. *“Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses.”*

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

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.”*

The Sketch Plan will provide a range of residential unit types and commercial services with public facilities and amenities in an area with sidewalks, bike paths, and transit facilities, including the White Flint Metro Station, which is only ¼ of a mile from the Subject Property;

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

The Sketch Plan’s mix of uses, densities and height are compatible with existing and approved developments on adjoining properties and are consistent with the recommendations of the Sector Plan;

- v. *“Allow an appropriate balance of employment and housing opportunities.”*

The Sketch Plan will offer a variety of housing options, including market-rate units and MPDUs. The Sketch Plan also includes office and retail spaces, which provides opportunities for employment; and

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

The Sketch Plan provides the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit.

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

- i. Section 15-C-15.61 – Master Plan and Design Guidelines Conformance

The Sketch Plan conforms to the Sector Plan and Design Guidelines, as outlined in Finding #2 below.

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

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

- iii. Section 59-6.2.4 – Parking

Under Section 7.7.1.B.3.b of the current Zoning Ordinance, “[a]n applicant may apply for a minor site plan amendment to amend the parking requirements of a previously approved application in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4.” As part of the site plan amendment approved alongside this Sketch Plan, the Applicant requested that on-site parking be allowed to

meet the applicable requirements of Section 59-6.2.4 of the current Zoning Ordinance.

The approved number of parking spaces satisfies the minimums and maximums as outlined in Section 59-6.2.4 of the current Zoning Ordinance. The final number of parking spaces will be determined at site plan based on the number of residential dwelling units, retail and office square footage.

iv. Section 59-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:

Project Data Table-Development Standards

Section 59-C	Development Standards	Permitted/Required	Proposed for this Sketch Plan Amendment (Phases 1, 2, and 3)
	Total Gross Tract Area (sf)		191,925
	CR4.0, C3.5, R3.5, H300'		164,753
	CR3.0, C1.5, R2.5, H150'		27,172
	Total Net Lot Area		158,900
15.71	Maximum Density (sf)		
	<i>CR 4.0 portion (164,753 x 4.0)</i>	659,012	Up to 659,012
	<i>CR3.0 portion (27,172 x 3.0)</i>	81,516	Up to 81,516
	Total maximum density	740,528	Up to 740,528
	<i>Maximum Non-residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	Up to 183,732
	<i>Maximum Non-residential CR3.0 portion (27,172 x 1.5)</i>	40,758	Up to 84,268*
	Total maximum non-residential	698,662	Up to 268,000
	<i>Maximum Residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	Up to 492,000
	<i>Maximum Residential CR3.0 portion (27,172 x 2.5)</i>	67,930	0.0
	Total maximum residential	644,565.5	Up to 492,000
15.71	Maximum Building Height (ft.)		
	<i>CR4.0 Portion</i>	300	Up to 300

Section 59-C	Development Standards	Permitted/Required	Proposed for this Sketch Plan Amendment (Phases 1, 2, and 3)
	CR3.0 Portion	150	Up to 150
15.72	Minimum Setback	n/a	
15.73	Minimum Public Use Space	10%	10%
15.74	Residential Amenity Space		
	Minimum indoor	5,000	7,700 if Option 1 chosen for Building B 6,300 if Option 2 chosen for Building B
	Minimum outdoor @ 411 market rate units	8,220**	10,400
59-6.2.4	Parking		
	Minimum/Maximum	422/1198	422/632
15.62	Bicycle Parking		
	Total Required Public Spaces	45 (28 Phase 1, 17 phase 2, 0 in Phase 3)	70, (32 in Phase 1, 38 in Phase 2, 0 in Phase 3)
	Total Required Private Spaces	146 (42 in Phase 1, 104 in Phase 2, 0 in Phase 3)	150 (50 in Phase 1, 100 in Phase 2, 0 in Phase 3)

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

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

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

The Sketch Plan conforms to the Sector Plan and the *White Flint Urban Design Guidelines*. The vision of the Sector Plan includes establishing “policies for transforming an auto-oriented suburban development pattern into an urban

center of residences and business.” The Sketch Plan implements this vision by replacing auto-oriented office and retail buildings surrounded by surface parking lots into an urban, mixed-use community with emphasis on the pedestrian experience in an improved public realm. The Sketch Plan supports the goals and objectives of the Sector Plan by:

- Creating compact building footprints and a mix of uses in a walkable environment;
- Providing residential units in a place where no units currently exist; and
- Providing retail space for local retail and commercial services for existing and new residents within walking distance and close to Metro.

The Subject Property is within the NoBe District (Block 2) in the Sector Plan. The Sector Plan notes the “significant redevelopment opportunity north of Executive Boulevard that could include retail, residential, and offices uses,” which the Application facilitates through the inclusion of residential and non-residential uses. The approved maximum building heights of 150 and 300 feet are consistent with the Sector Plan’s building height recommendations.

The Sketch Plan’s street network is also consistent with the Sector Plan recommendations. The Sketch Plan accommodates the improved pedestrian sidewalks, on-road bicycle accommodations, and bus priority lanes recommended by the Sector Plan and 2013 Countywide Transit Corridors Functional Master Plan for Rockville Pike. Internal vehicular circulation will be provided by internal local streets consistent with the Sector Plan’s recommendation for local streets that “provide access into the interior of the blocks and can have special features to distinguish the different enclaves of development from each other, such as distinctive paving materials.” Additionally, the internal streets will serve as an extension to the recreation loop recommended by the Sector Plan.

The Sketch Plan is also consistent with the *White Flint Urban Design Guidelines*. In addition to the features described above, the approved structures provide pedestrian-oriented blocks, appropriate massing with street walls along sidewalks, and density near transit facilities. The Sketch Plan provides a network of sidewalks complemented by a variety of pedestrian-scaled open spaces and more centralized, adaptable, larger open spaces that will provide passive and active areas for a number of activities.

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

The buildings and open spaces are compatible with existing nearby buildings, open spaces and uses. The Sketch Plan achieves compatibility through:

- Building heights similar to those of the existing North Bethesda Market I to the south (approx. 289 feet), approved but unbuilt North Bethesda Gateway to the east (approx. 250 feet), and approved but unbuilt Saul Centers White Flint to the north (approx. 300 feet);
 - Creation of blocks that transform the existing auto-oriented development with surface parking lots into a mixed-use walkable environment;
 - Creation of defined streetscapes and open spaces;
 - Replacement of surface parking with structured parking creating a stronger relationship between buildings, sidewalks, and streets; and
 - Continuation of the existing public space and local system established by North Bethesda Market I across Executive Boulevard to the south.
4. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Sketch Plan enhances circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists. Specifically, it provides:

- An internal street system for cars, pedestrians, and bicyclists to increase mobility options;
 - Structured parking and loading that is adequately designed to integrate vehicular access with the general on-site circulation.
 - Sidewalks, shared use paths and bike lanes to facilitate the safe movement of pedestrians and bicyclists throughout the Subject Property;
 - Increased parking for bicycles and sufficient vehicular parking, mostly below-grade, for residents and visitors; and
5. *includes public benefits that support the approved incentive density;*

The Application includes public benefits that address the general incentive and density considerations required by Section 59-C-15.83. The public benefits:

- a. Take into consideration “the recommendations, objectives, and priorities of the applicable master or sector plan” by providing quality building and site design, general sustainability measures, and connectivity improvements;
- b. Meet “the CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area” by providing the criteria for each public benefit and proposing public open space, structured parking, and public art as recommended in the Design Guidelines;

- c. Are appropriate for “the size and configuration of the tract” by improving the configuration of surface parking lots being replaced by structured parking to allow for public use and public open spaces in proximity to Metro;
- d. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for their surroundings with heights and a layout that contributes to the framework for this emerging, urban area;
- e. Consider “the presence or lack of similar public benefits nearby” through the provision of environmental benefits, central public plaza for sitting, and dining, and public art; and
- f. Provide “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.

To achieve the incentive density for this development, The Applicant must provide public benefits from at least four of the seven categories to total at least 100 points. The public benefit categories are approved as follows:

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max. Allowed	Requested	Approved
59-C-15.852 Transit Proximity			
	50	36.88	36.88
59-C-15.853 Connectivity and Mobility			
Neighborhood Services	10	7.5	7.5
Minimum Parking	10	8.83	8.61
Through-Block Connection	20	15	15
Way-Finding	10	5	5
59-C-15.855 Quality and Building Site Design			
Structured Parking	20	17.31	17.31
Tower Step-Back	10	5	5
Public Art	10	10	10
Public Open Space	20	4.28	4.28
Exceptional Design	10	10	10

59-C-15.853 Protection & Enhancement of the Natural Environment			
Building Lot Terminations	5	5	5
Tree Canopy	15	10	10
Vegetated Roof	15	10	10
TOTAL	205	144.8	144.58

Transit Proximity

Under Section 59-C-15.852, the Planning Board may approve up to 50 incentive density points for the development that confronts a service level one transit stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop. A level one transit station or stop is defined in the zoning ordinance as a Metrorail station. The Subject Property is located within a split-proximity range from the White Flint Metro Station (Level 1 Transit Service), which allows the development to be eligible for a weighted average of the percentage of area in each range as defined in the Zoning Ordinance. The Applicant requested 36.88 incentive density points, because 69% of the Subject Property is located within ¼ mile of a level one transit stop. The Planning Board grants 36.88 requested points for this public benefit as suggested in the 2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (“CR Guidelines”).

Connectivity and Mobility

Neighborhood Services

Under Section 59-C-15.853(a), the Planning Board may approve up to 10 incentive density points for a development providing safe and direct pedestrian access to at least 10 different retail services on-site or within ¼ mile, of which at least 4 have a retail bay floor area of no greater than 5,000 square feet. The Subject Property is within ¼ mile of over 10 retail establishments and other services along Rockville Pike. The Planning Board grants 7.5 points for the Neighborhood Services public benefit, as suggested in the 2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (“CR Guidelines”).

Minimum Parking

Under Section 59-C-15.853(b), the Planning Board may approve up to 10 incentive density points for providing fewer than the maximum allowed number of parking spaces. Per the CR Guidelines, these incentive points are calculated on a sliding scale. The Applicant will provide a maximum of 632 parking spaces, fewer than the maximum allowed 1,455 spaces. The calculation yields a total of

8.61 points, with final parking counts to be determined at site plan. The Planning Board grants all requested points for this public benefit.

Through-Block Connection

Under Section 59-C-15.853(c) and the CR Guidelines, the Planning Board may approve up to 20 points for safe and attractive pedestrian connections. The Applicant requested 15 points for providing a safe and attractive connection between Rockville Pike and Woodglen Drive, as well as connecting the site to North Bethesda Marketplace One and the White Flint Recreation Loop Extension. Final design and layout will be approved by applicable agencies prior to permits. The Planning Board grants all requested points for this public benefit.

Way-finding

Under Section 59-C-15.853(i), the Planning Board may approve up to 10 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities, and transit opportunities. Per the CR Guidelines, up to five points are appropriate for installing way-finding signage in public spaces. The Applicant requested 5 points for identifying potential locations and providing a conceptual design for way-finding devices to destinations such as the Wall Park, White Flint Recreation Loop, and the Metro Station. Final design and layout will be approved by applicable agencies and the Staff prior to Certified Site Plan. The Planning Board grants all requested points for this public benefit.

Quality of Building and Site Design

Structured Parking

Under Section 59-C-15.855(b), the Planning Board may approve up to 20 points for placing parking in above- or below-grade structures. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade. The Sketch Plan's 128 spaces above-grade and 483 spaces below-grade yield 17.31 points, which were requested by the Applicant. The Planning Board grants all requested points for this public benefit. Final parking counts will be determined at Site Plan.

Tower Step-Back

Under Section 59-C-15.855(c), the Planning Board may approve up to 10 points for stepping back a buildings' upper floors by a minimum of 6 feet behind the first floor façade. The step-back must begin at a height no greater than 72 feet. Per the CR Guidelines, 5 points are appropriate for buildings that meet this requirement of the Zoning Ordinance. In multiple-building projects, such as the Sketch Plan, incentive points are pro-rated per building.

The Applicant requested 5 points for providing this public benefit. The Application incorporates a step-back along part of Woodglen Drive and Nicholson Lane. Accordingly, the Planning Board grants all requested points for this public benefit.

Public Art

Under Section 59-C-15.855(d), the Planning Board may approve up to 15 points for the installation of public art reviewed by the Arts and Humanities Council. Per the CR Guidelines, 10 points are appropriate for public art that is found to fulfill at least five of eight stated criteria.

The Amendment's public art includes a series of tree-like sculpted glass columns along the grand staircase and an illuminated art piece located on the ceiling of the elevated arcade, which were reviewed by the Arts and Humanities Council. The Planning Board grants the requested 10 points for this public benefit, but encourages the Applicant to incorporate the recommendations of the Art Review Panel as described in its letter dated November 26, 2014.

Public Open Space

Under Section 59-C-15.855(e), the Planning Board may approve up to 20 points for open space in addition to the minimum 10% public use space required. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The Applicant requested 4.28 points for providing 6,800 square feet of additional open space above the required public use space minimum. The Planning Board grants all requested points for this public benefit.

Exceptional Design

Under Section 59-C-15.855(f), the Planning Board may approve up to 10 points for building or site design that enhance the character of a setting. The Application will enhance the character of the local area in a number of ways, including by creating a sense of place and serving as a landmark, introducing unique materials, enhancing the public realm in a distinct and original manner, and creating a pleasurable working and shopping environment. The Planning Board grants 10 points for this public benefit.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT)

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. Under this Sketch Plan, the Applicant must purchase of a total of 1.61 BLT easements as follows: Phase One: 0.49 BLTs; Phase Two: 0.94 BLTs; and Phase Three: 0.18 BLTs. The Planning Board grants 5 points for this public benefit.

Tree Canopy

Under Section 59-C-15.856(d), the Planning Board may approve up to 15 points for tree canopy coverage at 15 years of growth of at least 25% of the on-site open space. For meeting the requirements, the Planning Board grants 10 points.

Vegetated Roofs

Under Section 59-C-15.856(f), the Planning Board may approve up to 15 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on four buildings. For meeting these requirements, the Planning Board grants 10 points.

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 will be built in three phases. All the public benefits and amenities for the development will be provided in Phases One and Two.

Building square footage and phases with Option 1 for Building B

BUILDING	Phase One				Phase Two	Phase Three	Total
	A	B-Option 1	C	E (existing)	D	E (new)	
Non-Residential(sf)	41,000	7,000	23,750	67,260	25,250	84,268	248,528
Residential (sf)/units		85,000 /80			407,000/390		492,000 /470
TOTAL (sf)/units	41,000	92,000/80	23,750	67,260	432,250/390	84,268	740,528 /470

Building square footage and phases with Option 2 for Building B

BUILDING	Phase One				Phase Two	Phase Three	Total
	A	B-Option 2	C	E (existing)	D	E (new)	
Non-Residential (sf)	41,000	18,000	23,750	67,260	25,250	92,740	268,000
Residential (sf)/units					407,000/390		407,000 /390
TOTAL (sf)/units	41,000	18,000	23,750	67,260	432,250/390	92,740	675,000 /390

Phasing of roads, parking and public benefits are proportionally appropriate to the scale and characteristics of the relevant phase of development. The table below shows the public benefits approved with this Sketch Plan by each phase of development:

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

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 modification to a Staff-proposed 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 Planning 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 Planning 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 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 it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

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

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

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan Amendment No. 32011003A, North Bethesda Market II, shown on the latest electronic version of Sketch Plan drawings, submitted via ePlans to M-NCPPC as of January 5, 2015, 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 FEB 12 2015 (which is the date that this Resolution is mailed to all parties of record); and

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

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-Gonzalez, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-Gonzalez voting in favor of the motion, and Commissioners Dreyfuss and Presley temporarily absent at its regular meeting held on Thursday, February 5, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board