

**RE: Public Hearing Notice and Comment Solicitation - AB 782 (Public Alley off Bayard Blvd)**

Folden, Matthew &lt;matthew.folden@montgomeryplanning.org&gt;

Tue 10/25/2022 12:38 PM

To: Mencarini, Katherine &lt;katherine.mencarini@montgomeryplanning.org&gt;; Harris, David &lt;David.Harris@montgomerycountymd.gov&gt;

Cc: Salazar, Victor &lt;Victor.Salazar@montgomerycountymd.gov&gt;; Terry, Mark &lt;Mark.Terry@montgomerycountymd.gov&gt;; Torma, Rebecca &lt;Rebecca.Torma-Kim@montgomerycountymd.gov&gt;; LaBaw, Marie &lt;Marie.LaBaw@montgomerycountymd.gov&gt;; Panjshiri, Atiq &lt;Atiq.Panjshiri@montgomerycountymd.gov&gt;; Erme, Marc &lt;Marc.Erme@montgomerycountymd.gov&gt;

**[EXTERNAL EMAIL]**

David,

Thank you for sharing this notice with Planning. We support this abandonment, as discussed in the Staff Report for the Grand Park development application. That report is available at: [https://eplans.montgomeryplanning.org/UFS/32896/99635/32-SR\\_Part1-12019016A.pdf/32-SR\\_Part1-12019016A.pdf](https://eplans.montgomeryplanning.org/UFS/32896/99635/32-SR_Part1-12019016A.pdf/32-SR_Part1-12019016A.pdf)

Matt

**Matthew Folden, AICP****Regulatory Supervisor**

Montgomery County Planning Department  
2425 Reedie Drive, Floor 14, Wheaton, MD 20902  
matthew.folden@montgomeryplanning.org  
o: 301-495-4539  
c: 240-578-2584

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**From:** Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>**Sent:** Thursday, October 20, 2022 12:02 PM**To:** Harris, David <David.Harris@montgomerycountymd.gov>**Cc:** Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Terry, Mark <Mark.Terry@montgomerycountymd.gov>; Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>; LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>; Atiq Panjshiri <atiq.panjshiri@montgomerycountymd.gov>; Erme, Marc <Marc.Erme@montgomerycountymd.gov>; Folden, Matthew <matthew.folden@montgomeryplanning.org>**Subject:** RE: Public Hearing Notice and Comment Solicitation - AB 782 (Public Alley off Bayard Blvd)

David,

Montgomery Planning

## GRAND PARK

PRELIMINARY PLAN AMENDMENT NO. 12019016A

SITE PLAN NO. 820220040



### Description

The Grand Park Preliminary Plan Amendment No. 12019016A & Site Plan No. 820220040 is the first building of a three-building project, which included up to 1,051,012 square feet of total development. The proposal amends the preliminary plan, and proposes a site plan for a mixed-use building containing up to 301,000 square feet to include a residential care facility. The proposal modifies a portion of the previously approved use, from multi-family residential to residential care facility, and therefore the site plan will amend the conditions and binding elements of the approved sketch plan.

Nos. 12019016A & 820220040

Completed: 7-11-2022

MCPB

Item No. 10

07-21-2022

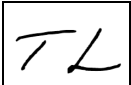
Montgomery County

Planning Board

2425 Reedie Drive, Floor 14

Wheaton, MD 20902

## Planning Staff



Troy Leftwich, Planner III, Midcounty Planning, [Troy.Leftwich@montgomeryplanning.org](mailto:Troy.Leftwich@montgomeryplanning.org), (301) 495-4553



Matthew Folden, Supervisor, Midcounty Planning, [Matthew.Folden@montgomeryplanning.org](mailto:Matthew.Folden@montgomeryplanning.org), (301) 495-4539



Carrie Sanders, Chief, Midcounty Planning, [Carrie.Sanders@montgomeryplanning.org](mailto:Carrie.Sanders@montgomeryplanning.org), (301) 495-4653

### LOCATION/ADDRESS

Southeast quadrant of the intersection of Old Georgetown Road and Executive Boulevard

### MASTER PLAN

2010 *White Flint Sector Plan*

### ZONE

CR-4.0 C-2.0, R-3.5, H-250

### PROPERTY SIZE

5.93 acres

### APPLICANT

Investment Partners, II LP as the contract purchaser of Phase 1 of the development, and Silverstone Bethesda Owner, LLC as the Applicant of the Site Plan

### ACCEPTANCE DATE

December 1, 2021

### REVIEW BASIS

Chapters 50, 59, and 22A



### Summary:

- Staff recommends approval of the Preliminary Plan Amendment and Site Plan, with conditions.
- In accordance with Section 59.7.3.3.I., the Site Plan will amend the conditions and binding elements of Sketch Plan No. 320190040 to allow residential care facility units within the density calculations.
- Project is dedicating 21,494 sq. ft. of land to the Parks Department.
- Applicant must provide proof of purchase and/or payment of 5.66 BLTs to the MCDPS and M-NCPPC staff.
- Project is correcting the density allocation for the 4% Bonus Density, which is a reduction of 984 sq. ft of residential use from the original approval.
- Staff has not received any community correspondence regarding the Subject Applications.
- The joint application review period was extended twice in accordance with Section 50.4.1.E of the Subdivision Regulations and Section 59.7.3.4.C of the Zoning Ordinance. The Application was accepted on December 1, 2021 with an original tentative Planning Board date of March 31, 2022. The Planning Director approved a one-month extension of the regulatory review period to April 28, 2022. The Planning Board approved a three-month extension to July 28, 2022.

## TABLE OF CONTENTS

SECTION 1: EXECUTIVE SUMMARY .....	3
SECTION 2: RECOMMENDATIONS AND CONDITIONS .....	5
SKETCH PLAN 320190040 .....	5
PRELIMINARY PLAN 12019016A.....	6
SITE PLAN 820220040 .....	10
SECTION 3: SITE DESCRIPTION.....	18
VICINITY.....	18
PROPERTY DESCRIPTION.....	19
SECTION 4: PROJECT DESCRIPTION.....	21
PREVIOUS APPROVALS.....	21
PROPOSAL .....	21
SECTION 5: SKETCH PLAN AMENDMENT FINDINGS AND ANALYSIS.....	38
SECTION 6: PRELIMINARY PLAN AMENDMENT 12019016A FINDINGS AND ANALYSIS .....	40
SECTION 7: SITE PLAN 820220040 FINDINGS AND ANALYSIS.....	43
SECTION 8: COMMUNITY OUTREACH .....	54
SECTION 9: CONCLUSION .....	54
ATTACHMENTS .....	54

## SECTION 1: EXECUTIVE SUMMARY

The Grand Park Preliminary Plan Amendment No. 12019016A & Site Plan No. 820220040 is the first building of a three-building development. The previously approved development was for 1,051,012 square feet, with up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses for up to 1,000 units. The amendment slightly reduces the overall density for the project, resulting in 1,050,028 square feet of total development.

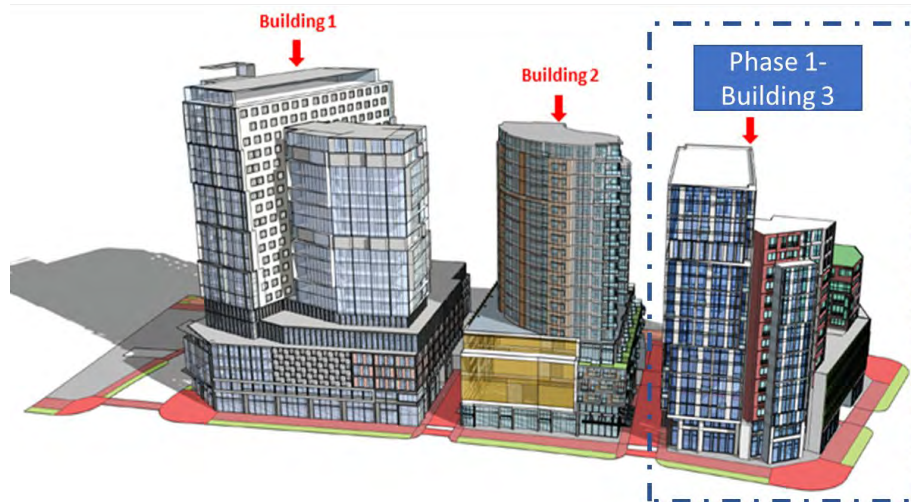


Figure 1: Illustrative Massing and Concept Perspectives (Facing South)

The Applicant proposes to develop Phase 1 (Building 3), located at the northwest corner of the Site, as a mixed-use building containing up to 301,000 square feet. The Proposal includes up to 285,000 square feet of Senior Residential Care Facility uses, with up to 210 Residential Care Facility units and up to 16,000 square feet of ground floor retail.

The Planning Board previously approved Sketch Plan 320190040, which established the Project's maximum height, density, public benefit schedule and conceptual design of the Project. In accordance with Section 59.7.3.3.I., the Site Plan will amend Condition 1 of Sketch Plan 320190040 to allow residential care facility units within the density calculations.

The Application includes an Alternative Compliance modification (Section 59.6.8.1) to Section 59.6.4.4.D, Excessive Illumination, of the Zoning Ordinance for the proposed open space lighting.



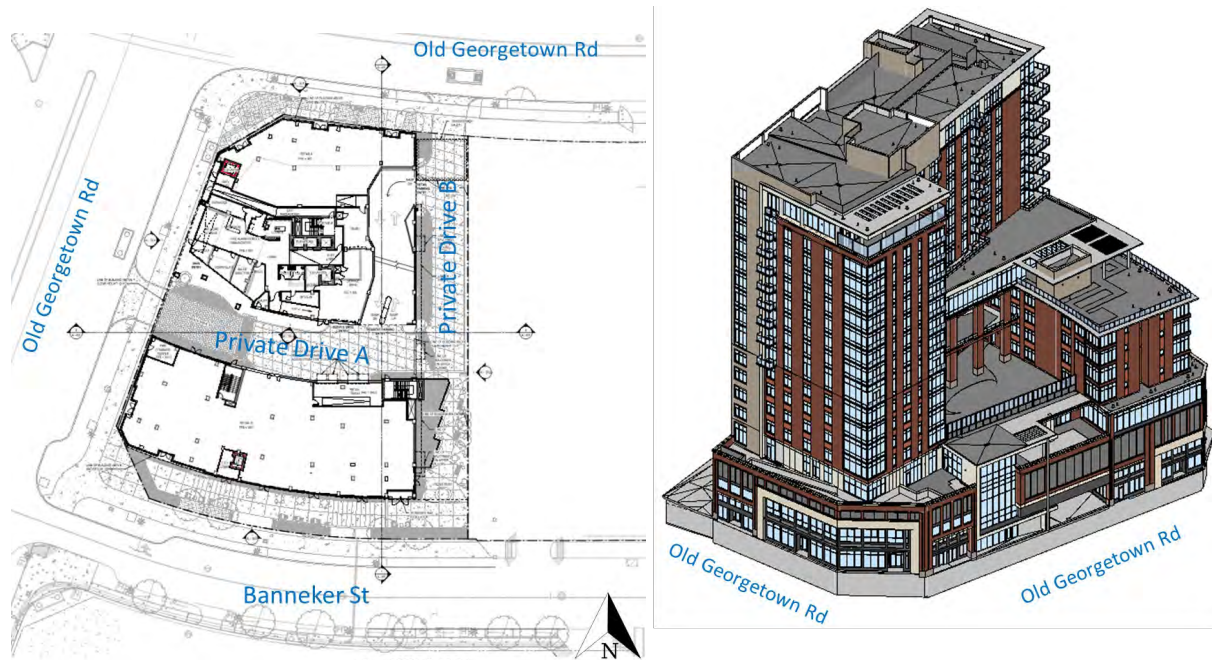


Figure 2: Site Plan and Rendering of Phase 1 Area

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### SKETCH PLAN NO. 320190040

Staff recommends approval of an amendment to conditions or binding elements of Sketch Plan No. 320190040 as part of Site Plan No. 820220040 pursuant to Section 59.7.3.3.I. Except as modified below, all previous conditions of approval and binding elements remain in full force and effect.

#### 1. Density

The Sketch Plan is limited to a maximum of ~~1,051,012~~ 1,050,028 square feet of total development on the Subject Property, which may include up to a maximum ~~940,843~~ 939,859 square feet of residential uses (to include up to 285,000 square feet of residential care facility units) and 110,169 square feet of non-residential uses. This includes a 4% Bonus Density on the residential uses for providing the 13% MPDUs. The maximum number and distribution of residential dwelling units and non-residential uses will be determined at Site Plan.

## PRELIMINARY PLAN AMENDMENT NO. 12019016A

Staff recommends approval with conditions of the Preliminary Plan Amendment to modify conditions, including: a change of use from the overall multi-family residential use to 210 residential care facility units for portion of the overall residential use, modify park dedication requirements, and modify the Adequate Public Facilities validity period. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment as of the date of this Staff Report, submitted via ePlans to the M-NCPPC are required except as modified by the following conditions. The following Conditions modify and supersede the previous Condition Nos. 1, 2, 3, 7, 8, 9 and 26, and Condition Nos. 29 -31 are new conditions; all other conditions remain in full force and effect:

### Modified Conditions

#### GENERAL APPROVAL

1. This Preliminary Plan is limited to two (2) lots; Lot No. 1 (approximately 145,712 square feet) and Lot No. 2 (approximately ~~21,490~~ 21,494 square feet), with a proposed development maximum of ~~1,051,012~~ 1,050,028 square feet on the Subject Property, which includes up to ~~940,843~~ 939,859 square feet of residential uses (up to ~~1,000~~ 790 multi-family residential and 210 residential care facility units), and up to 110,169 square feet of non-residential uses.

#### ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for ~~eighty four (84) months~~ one hundred and twenty (120) months from the date of mailing of ~~this~~ the original Planning Board Resolution MCPB No. 19-062. ~~and is subject to the following phasing schedule:~~  
~~Phase 1—the Applicant must obtain building permits for a minimum of 279 of the 1,000 dwelling units and 30,000 square feet of non-residential uses within five (5) years of the resolution mailing date, and a minimum of 13% of the units must be MPDUs or units approved by DHCA; the Applicant must dedicate the 21,490 square foot park; provide on-street parking on Grand Park Avenue; and build the applicable area for the Promenade.~~  
~~Phase 2—Applicant must obtain the remaining 721 building permits of the 1,000 dwelling units and 80,169 square feet of non-residential uses within seven (7) years of the resolution mailing date; a minimum of 13% of the units must be MPDUs or units approved by the Department of Housing and Community Affairs (“DHCA”); and build the applicable area for the Promenade.~~

#### OUTSIDE AGENCIES

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 25, 2019, ~~and as modified by the letter dated May 13, 2022,~~ and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as



set forth in the letters, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated June 22, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated March 4, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated May 12, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

## Parks

~~26. Prior to issuance of the final residential use and occupancy permit for the first residential building, the Applicant must dedicate to the Maryland National Capital Park & Planning Commission (“M-NCPPC”) the 21,490 square foot portion of the Subject Property identified as Lot No. 2 on the approved Preliminary Plan for use as a public park. The land must be dedicated to the M-NCPPC through notation on the plat and by conveyance at the time of record plat in a form of deed approved by the M-NCPPC's Office of General Counsel. At the time of the first Site Plan and prior to conveyance, the following must be determined:~~

- ~~a. Design of the park;~~
- ~~b. Size of the retail building;~~
- ~~c. Details of leaseback of retail space;~~
- ~~d. Timing for construction of the park and retail;~~
- ~~e. Maintenance responsibilities; and~~
- ~~f. Programming opportunities.~~

~~In the event the Applicant is to complete improvements on the land to be dedicated, the Applicant must enter into a Recreational Facilities Agreement (“RFA”) or a Park Permit with~~

~~the Montgomery County Department of Parks. Both the deed and the RFA/Park Permit must be in a form approved by the Department of Parks and the Office of General Counsel.~~

26. The Applicant shall dedicate to the Maryland-National Capital Park & Planning Commission (“Commission”) approximately 21,494 square feet of parkland (“Future Parkland”) as identified on the Grand Park Development Phase 1 Site Plan No. 820220040 Interim Park exhibit.
  - a) Prior to Record Plat that includes the Future Parkland, the Applicant must provide to Parks staff, an executed deed for the Future Parkland to be dedicated to the Commission, in a form approved by the Commission’s Office of General Counsel. The Commission will hold the deed in escrow until all construction on the Future Parkland is complete and all conditions of the Park Construction Permit(s) have been completed and accepted by the Commission, at which time the deed will be recorded in the Land Records to transfer title of the Future Parkland to the Commission.
  - b) The Record Plat that includes the Future Parkland must be recorded prior to issuance of the first residential use and occupancy permit for the first residential building.
  - c) The Applicant must provide Interim Park Improvements on the Future Parkland.
    - i. The scope and Applicant obligations for the Interim Park Improvements will be determined during review of the Phase 1 Site Plan.
  - d) During the Phase 2 Site Plan or major Phase 1 Site Plan Amendment, whichever comes first, for the second phase of the overall development, the scope of the Permanent Park Improvements and the Applicant’s obligation for the Permanent Park Improvements will be determined in conjunction with the Department of Parks and will require a Park permit for construction.
  - e) The Applicant shall provide an Interim Park Improvements on the Future Parkland. The scope and Applicant obligations for the Interim Park Improvements will be determined during review of the Phase 1 Site Plan.

**New Condition**

29. Phase 1- no later than 5 years from the initiation date of June 28, 2019, the Applicant must obtain building permits for Building 3 (Site Plan 820220040 ) and up to 16,000 square feet of non-residential uses and a minimum of 13% of the units must be MPDUs or equivalent square footage approved by the Department of Housing and Community Affairs ("DHCA"); the Applicant must dedicate the 21,490 square foot park; provide on-street parking on Grand Park Avenue; and build the applicable area for the Promenade.
30. Phase 2- no later than ten years from the initiation date of June 28, 2019, the Applicant must obtain building permits for the remainder of the 1,000 dwelling units and 94,169 square feet of non-residential uses, and a minimum of 13% of the units must be MPDUs or equivalent square footage approved by DHCA; and build the applicable area for the Promenade.

## ABANDONMENT

31. Prior to First Use and Occupancy Certificate, the Applicant must obtain the County's approval for the abandonment of approximately 170 square feet of the Old Georgetown Road right-of-way to accommodate the steps at the northwest corner of the building.

## SITE PLAN 820220040

Staff recommends approval of Site Plan No. 820220040 Phase 1 for the construction of a Residential Care Facility for up to 210 units (285,000 square feet), including a minimum of 13% MPDUs, and up to 16,000 square feet of retail uses for a total project density of up to 301,000 square feet; providing 35% open space, including a park dedication. The development must comply with the conditions of approval for Sketch Plan No. 320190040 as listed in the MCPB Resolution No. 19-061, dated May 30, 2019, Preliminary Plan No. 120190160 as listed in the MCPB Resolution No. 19-062, dated May 30, 2019, and as amended, including Preliminary Plan Amendment No. 12019016A. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report, submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

### DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 301,000 square feet of total development on the Subject Property, including 285,000 square feet of residential uses, for up to 210 residential care facility units, and 16,000 square feet of non-residential uses.

2. Height

The development is limited to a maximum height of 210 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Occupancy Provisions (Senior Housing)

- a) All residential units must be Age-Restricted (restricted to persons who are fifty-five (55) years of age or older), as defined by Section 59.1.4.2. of the Zoning Ordinance.
- b) Prior to Certified Site Plan:
  - i. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
  - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
  - iii. The Book/Page reference must be included on the Certified Site Plan and Record Plat.

### OPEN SPACE, FACILITIES AND AMENITIES

4. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 6,973 square feet of public open space (10% of Site area) on-site.
- b) Prior to issuance of the first residential Use and Occupancy Certificate, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontages, consistent with the *2010 White Flint Sector Plan* and Western Workaround CIP Streetscape Standards.

- c) Before the issuance of the First Use and Occupancy Certificate for the residential development, all public open space areas on the Subject Property must be completed.

5. Public Benefits

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

- a) Major Public Facility, achieved through dedication of 21,494 square feet of future Parkland.
- b) Transit Proximity, achieved through Property's location within ½ mile of the White Flint Metro Station (level 1).
- c) Connectivity between Uses, Activities, and Mobility Options
  - i. Advanced Dedication - achieved through dedication of land for the right-of-way related to the Western Workaround CIP.
  - ii. Minimum Parking – achieved through providing fewer than the maximum allowed number of parking spaces. The Applicant must not provide/construct more than 200 parking spaces for Phase 1.
  - iii. Through-Block Connection - The Applicant must provide the pedestrian connection between Banneker Street north to Old Georgetown Road for Phase 1. The pedestrian connection must be shown on the CSP.
- d) Diversity of Uses and Activities
  - i. Affordable Housing/MPDUs
    - a) The development must provide 13 percent of the independent living units as MPDUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
    - b) Before issuance of any building permit for any residential unit, the MPDU Agreement to Build between the Applicant and the DHCA must be executed.
    - c) The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated May 12, 2022, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- e) Quality Building and Site Design
  - Structured Parking – The Applicant must provide a minimum of 193 parking spaces within an above-grade and a below-grade structure.
- f) Protection and Enhancement of the Natural Environment
  - Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 5.66 BLTs to the MCDPS and M-NCPPC staff.

## M-NCPPC Department of Parks

6. The Applicant shall dedicate the Future Parkland as described and conditioned in Preliminary Plan No. 12019016A Condition 26.
7. Prior to any activity on the Future Parkland, the Applicant shall apply for and receive a Park Permit for Construction from the Department of Parks. All facilities and site amenities of the Interim Park Design as shown on the Phase 1 Certified Site Plan must be acceptable to M-NCPPC Montgomery County Department of Parks staff and must meet or exceed the Department's design standards and specifications. Minor changes to the park design may be directed by Department of Parks staff during the park permit process without requiring a revision to the approved Certified Site Plan.
8. Prior to issuance of the First Use and Occupancy Certificate for the improvements associated with this Phase 1 Site Plan, the Applicant shall satisfactorily complete construction of the Interim Park Improvements per the Park Permit for Construction. The Park construction shall be accepted and deemed as substantially complete by the Department of Parks, although plantings may be deferred to the next planting season. Improvements shall include, but are not limited to:
  - a. A large, level lawn for Parks programming.
  - b. A continuous six-foot wide, ADA compliant loop trail around the site. The loop may include portions of the public sidewalks along Old Georgetown Road, Grand Park Avenue and Banneker Street.
  - c. Approximately 15'x20' hard surface space ("Picnic area") with a minimum of three picnic tables (round table per Montgomery Parks specification) and an outdoor recreational ping pong table.
  - d. Outdoor furnishings including a minimum of six, six-foot long benches with concrete footings and three concrete pads for trash and recycling receptacles.
  - e. Electric utilities for site lighting and outlets for special events.
  - f. Site Lighting.
  - g. Landscape Plantings.
  - h. Stormwater management facilities that treat stormwater generated by parkland only. Facilities shall be designed as integral site amenities with gentle side slopes and extensive landscape planting.
9. All facilities to be constructed and all associated site amenities (benches, seating and stage) provided by the Applicant must be acceptable to M-NCPPC Montgomery County Department of Parks staff and must meet or exceed the Department's design standards and specifications.
10. Landscape design and vegetative plantings shall meet M-NCPPC Montgomery County Department of Parks standards, specifications, and native species requirements.
11. Prior to Commission acceptance of the Future Parkland and recordation of the deed and release of the Park Construction Permit, the Interim Park Improvements must be completed and be approved by M-NCPPC Montgomery County Department of Parks staff.
12. Recreation Facilities
  - a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for the independent dwelling units 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 the minimum required recreation facilities as shown on the Certified Site Plan.

## ENVIRONMENT

### Forest Conservation & Tree Save

13. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
14. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
15. Prior to any above-ground building permit, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Cabin John Creek watershed to satisfy the reforestation requirement for a total of 0.46 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Cabin John Creek watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.
16. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

### Noise Attenuation

17. Prior to the issuance of the first residential building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that:
  - a) The building shell for residential dwelling units affected by exterior noise levels projected at or above 65 dBA Ldn, as indicated in the Phase 1 Noise Analysis dated October 20, 2021, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
18. Before the final inspection for any residential unit, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
19. If any changes occur to the Site Plan which affect the validity of the noise analysis dated October 20, 2021, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
20. Before issuance of any Use and Occupancy Certificate or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units, as indicated in the Phase 1 Noise Analysis dated October 20, 2021, have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

21. For all noise impacted residential dwelling units, as indicated in the Phase 1 Noise Analysis dated October 20, 2021, the Applicant/developer/builder must disclose in writing to all prospective purchasers or renters that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

22. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated June 22, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

## ABANDONMENT

23. Prior to First Use and Occupancy Certificate, the Applicant must obtain the County's approval for the abandonment of approximately 170 square feet of the Old Georgetown Road right-of-way to accommodate the steps at the northwest corner of the building.

## TRANSPORTATION & CIRCULATION

24. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated April 20, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Prior to the issuance of any above-grade building permit (excluding retaining walls), the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).

25. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 46 long-term and 2 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor in a parking garage and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's retail frontage/in a location convenient to the main entrance. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station within the parking garage.

## 26. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated March 4, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

## 27. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A301 – A303 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) Prior to the issuance of the first Use and Occupancy Certificate, the Applicant must provide details for Staff approval and install all "Artistic Treatments" as identified in the drawings submitted as a part of the Certified Plan Set.

## 28. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way and the open space lighting approved through the Alternative Compliance provisions of Section 59.6.8.1 of the Zoning Ordinance.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

## 29. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance in effect prior to October 31, 2014, 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 (excluding future parkland Lot 2), including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, railings, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit 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 a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

### 30. Development Program

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

### 31. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b) Add the following notes:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
  - iii. "The Applicant must schedule a preconstruction meeting ("pre-con"), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan (CSP) conformance and compliance, upon approval of the Certified Site Plan. The pre-con must occur prior to any site work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the preconstruction meeting with DPS CSP staff. A copy of the approved Certified Site Plan is required to be on-site at all times."
- c) Fire and Rescue Access plan should be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) The Applicant must update all elevation drawings to clearly identify and separately label all areas for "Enhancement Screening Treatments" and "Artistic Treatments," provide

- information regarding the materials and colors for "Enhanced Screening Treatments," and include photographic examples for "Artistic Treatments," with Staff approval.
- g) Prior to Certified Site Plan, the Applicant must revise the worksheet on the Final Forest Conservation Plan to remove the 0.18-acre deduction for land dedication of roads and adjust the afforestation total to reflect the removal of the deduction.
  - h) Applicant must provide a Recreation Facilities plan.

## SECTION 3: SITE DESCRIPTION

### VICINITY

The Subject Property (“Subject Property” or “Property”- outlined in red in Figure 3 below) is described as Lots 5, 9, and 10, and Parcels 613 and 614, and the right-of-way referred to as S-21 and SHA-32. The Subject Property is part of the Metro West district of the 2010 *White Flint Sector Plan* area and is located less than a half-mile from the White Flint Metro Station.

The Subject Property is surrounded by commercial, high-density residential, and mixed-use development. Diagonally across the intersection of Executive Boulevard and Old Georgetown Road (to the northwest) is the Willco Companies property, currently developed with three office buildings and recently approved as the “Rose Village” (Sketch Plan No. 320210120). To the north is the mixed-use Pike & Rose development, which has a variety of building types and uses, including multi-family residential, office, restaurant, retail and a hotel. To the south is the Gables White Flint project is approved for a multi-family building with 476 dwelling units and an adjacent parking garage that will also serve the Kennedy Shriver Aquatic Center (Preliminary Plan Amendment No. 12015001A & Site Plan Amendment 82015001A). Rockville Pike (MD 355) is to the east of the Property and immediately adjacent to the Property on the east is the existing commercial building Steinway Piano Gallery. To the west, is 6000 Executive Boulevard, an existing office building that has Sketch Plan approval for up to 927,420 square feet of total development (Sketch Plan No. 320180140).



Figure 3: Vicinity Map



## PROPERTY DESCRIPTION

The Subject Property includes the following seven properties: (i) 11565 Old Georgetown Road (the former VOB Saab dealership) containing 44,508 square feet; (ii) 11575 Old Georgetown Road (the former Capital One Bank) containing 39,989 square feet; (iii) 11605 Old Georgetown Road (the former VOB dealership) containing 82,243 square feet; (iv) 5995 Executive Boulevard (P613) containing 6,618 square feet; (v) Parcel 614 containing 9,763 square feet; (vi) S-21 containing 14,787 square feet; and (vii) SHA 32 containing 22,430 square feet. The Property contains a total of 258,203 square feet of tract area, zoned CR-4.0, C-2.0, R-3.5, H-250.



Figure 4: Subject Property and Phase 1 area within Lot 1

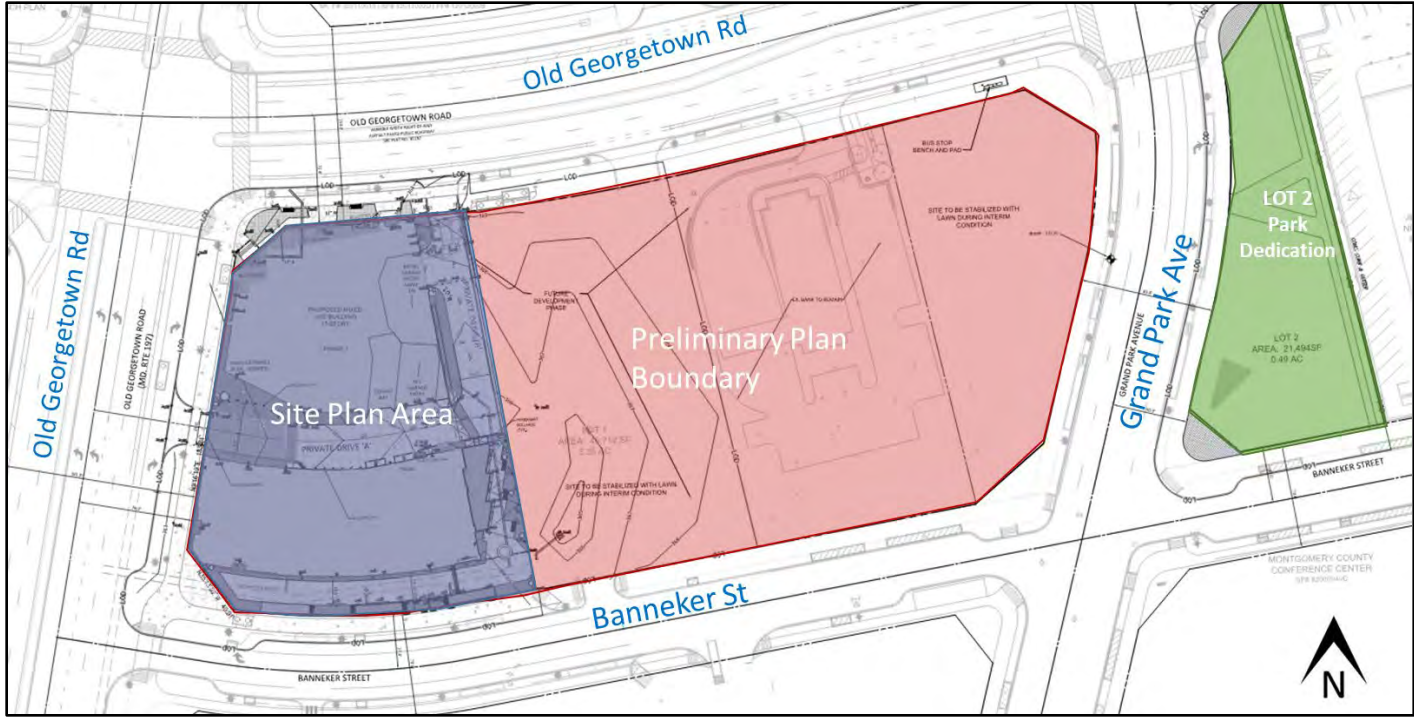


Figure 5: Subject Property

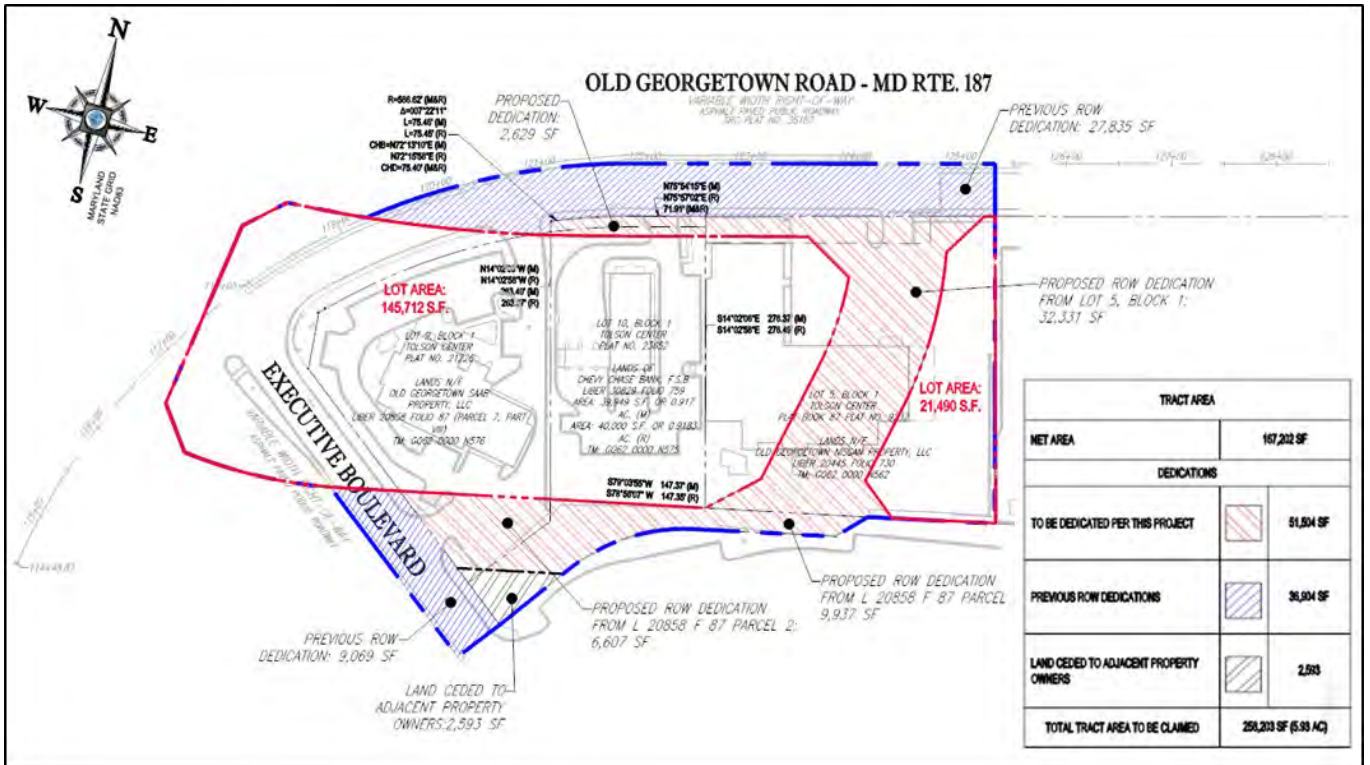


Figure 6: Lotting Plan



## SECTION 4: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

Sketch Plan No. 320190040 (MCPB No. 19-061, dated 5/30/2019), approved the request to transform the existing car dealership, bank, retail building and associated surface parking lots into mixed-use development. The total development was 1,051,012 square feet, including up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses. It also provided a minimum 13% MPDUs which included up to 4% bonus density. (See Figure 7)

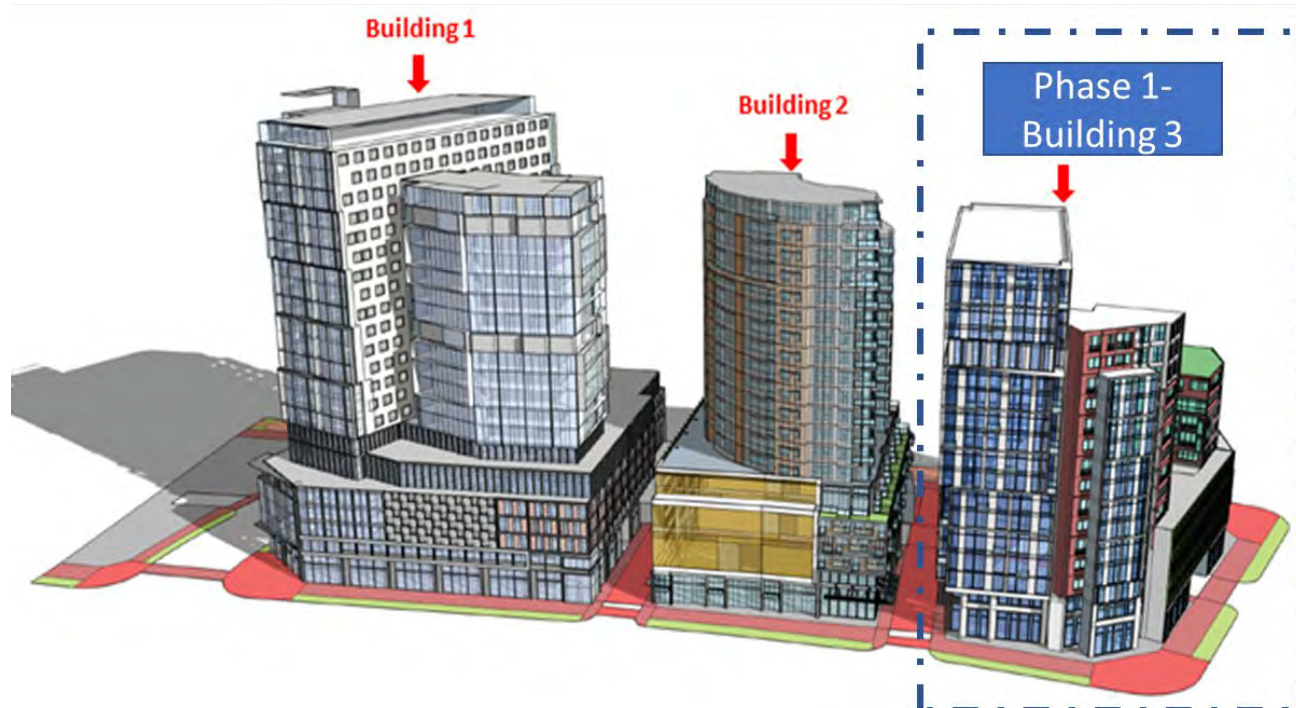


Figure 7: Illustrative Massing and Concept Perspectives (Facing South)

Preliminary Plan No. 120190160 (MCPB No. 19-062 dated 5/30/2019), approved the request to consolidate Lots 5, 9, and 10, and Parcels 613 and 614, and the ROW referred to as S-21 and SHA-32 into two (2) lots. Lot 1 was approximately 145,712 square feet in size and Lot No. 2 was approximately 21,490 square feet. Lot 2 was proposed to be dedicated to the Parks Department. The total development was for 1,051,012 square feet, with up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses for up to 1,000 units. It also provided a minimum 13% MPDUs and included up to 4% bonus density.

### PROPOSAL

The Applicant proposes to develop Phase 1 (Building 3), located at the northwest corner of the Site, as a mixed-use building containing up to 301,000 square feet. The Proposal includes up to 285,000 square feet of Senior Residential Care Facility uses, comprised of: up to 210 Residential Care Facility

units (up to 122 independent dwelling units, with 13 percent MPDUs); 38 assisted living units; 24 mild cognitive impairment units; 26 memory care units; and corresponding amenity and common spaces. The development will also include up to 16,000 square feet of ground floor retail.

Phase 1 is bounded on the west and north by Old Georgetown Road, on the south by Banneker (formerly Market) Street and on the east by one of the two master-planned, north-south mid-block connections. An internal east-west service drive, extending eastward to Grand Park Avenue in future phases, will bisect the ground floor of Phase 1. Approximately 4,400 square feet of the Project's retail will be in the northern portion of Phase 1 with primary frontage along the east-west stretch of Old Georgetown Road. The remaining 11,600 square feet of retail will occupy the footprint of the building located south of the service drive. The Residential Care Facility will be oriented toward the west, with the lobby and main entrance facing the north-south stretch of Old Georgetown Road, just north of the internal east-west service drive.

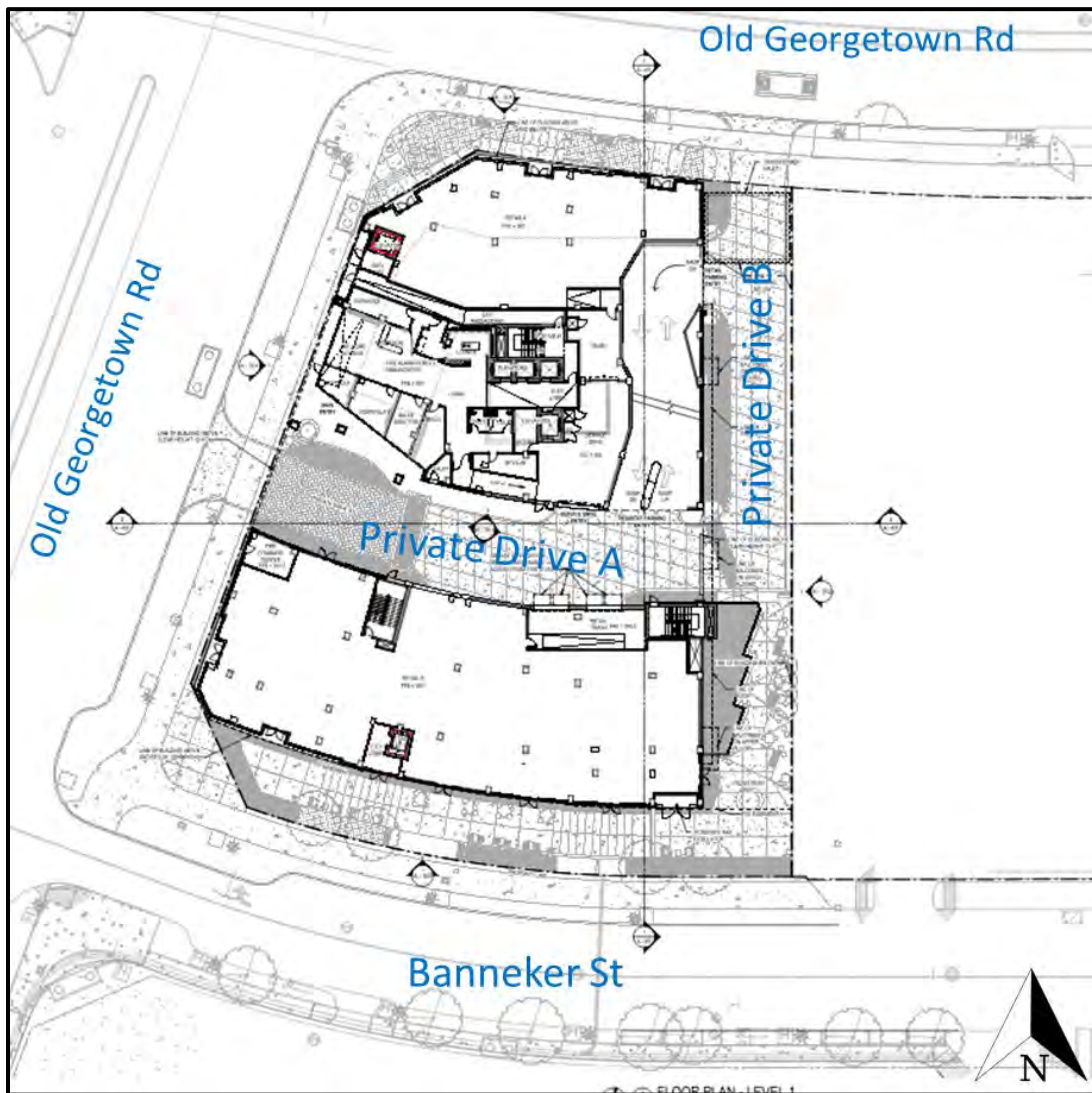


Figure 8: Site Plan of Phase 1 Area

## BUILDING/ARCHITECTURE

The proposed building is comprised of eighteen-stories for a total height of up to 208 feet. The building has a four-story building base comprised of street lining retail, a main lobby for the residential care facility, and two-and-a-half levels of above-grade residential parking. In addition to the above-grade parking, the Project also includes one level of below-grade parking for the proposed retail uses. Access to the main lobby of the residential care facility fronts the Site's western Old Georgetown Road facade and provides a pedestrian drop-off under the building along the internal, east-west service drive. The residential care facility lobby entrance is expressed along the building's façade as a four-story glass volume, providing a prominent focal point at the base of the building.

The building façade is made up of a variety of materials including brick, stone, metal panels, and glass, as well as perforated metal louvers for screening the above-grade parking. In addition, building art is incorporated into the design, creating visual interest and screening some of the above-grade parking.



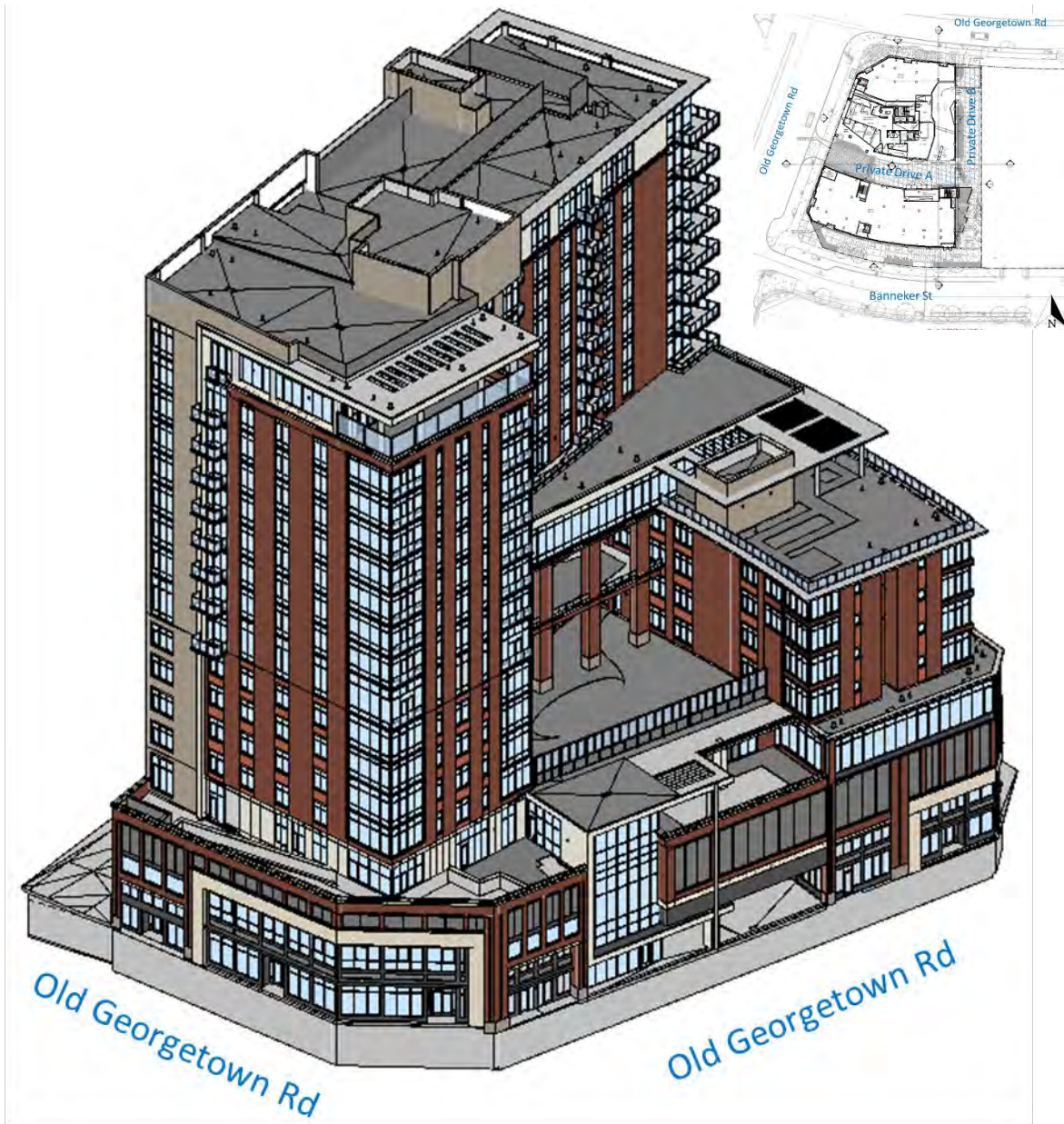


Figure 9: 3D Rendering of Northwest View



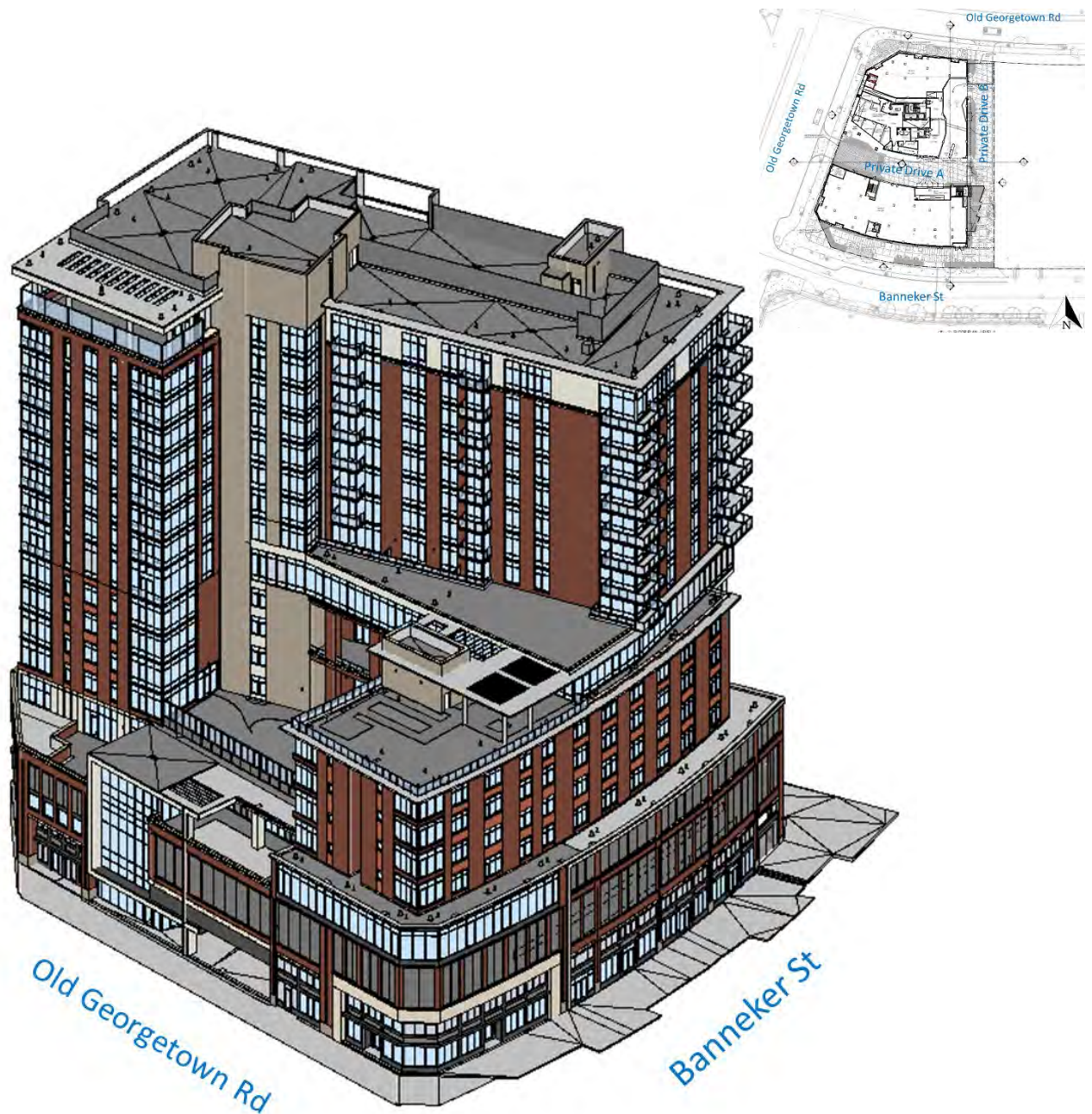


Figure 10: 3D Rendering of Southwest View

#### STREETSCAPE AND RIGHT-OF-WAY ABANDONMENT

Based on site topography constraints, the Applicant requests that the Planning Board find a lesser corner truncation than the standard 25-foot set forth in the Subdivision Regulations<sup>1</sup>. Additionally, the Applicant will submit Abandonment Petition to the Montgomery County Council to abandon a small

<sup>1</sup> Section 50.4.3.E.2.F.iii of the Subdivision Regulations requires that corner lots be truncated 25 feet to provide clearance for sight distance, pedestrian circulation, and traffic control devices. The Planning Board may specify a greater or lesser truncation, depending on specific site conditions.

portion of previously dedicated right-of-way necessary to accommodate stairs into the proposed building (Figure 11).

Staff evaluated the Applicant's requested modification to corner truncation and abandonment petition and determined that there is adequate sight distance, pedestrian circulation, and room to accommodate existing traffic control equipment if both the modified truncation and abandonment petition were granted. Staff supports the Applicant's request for modified truncation and right-of-way abandonment.

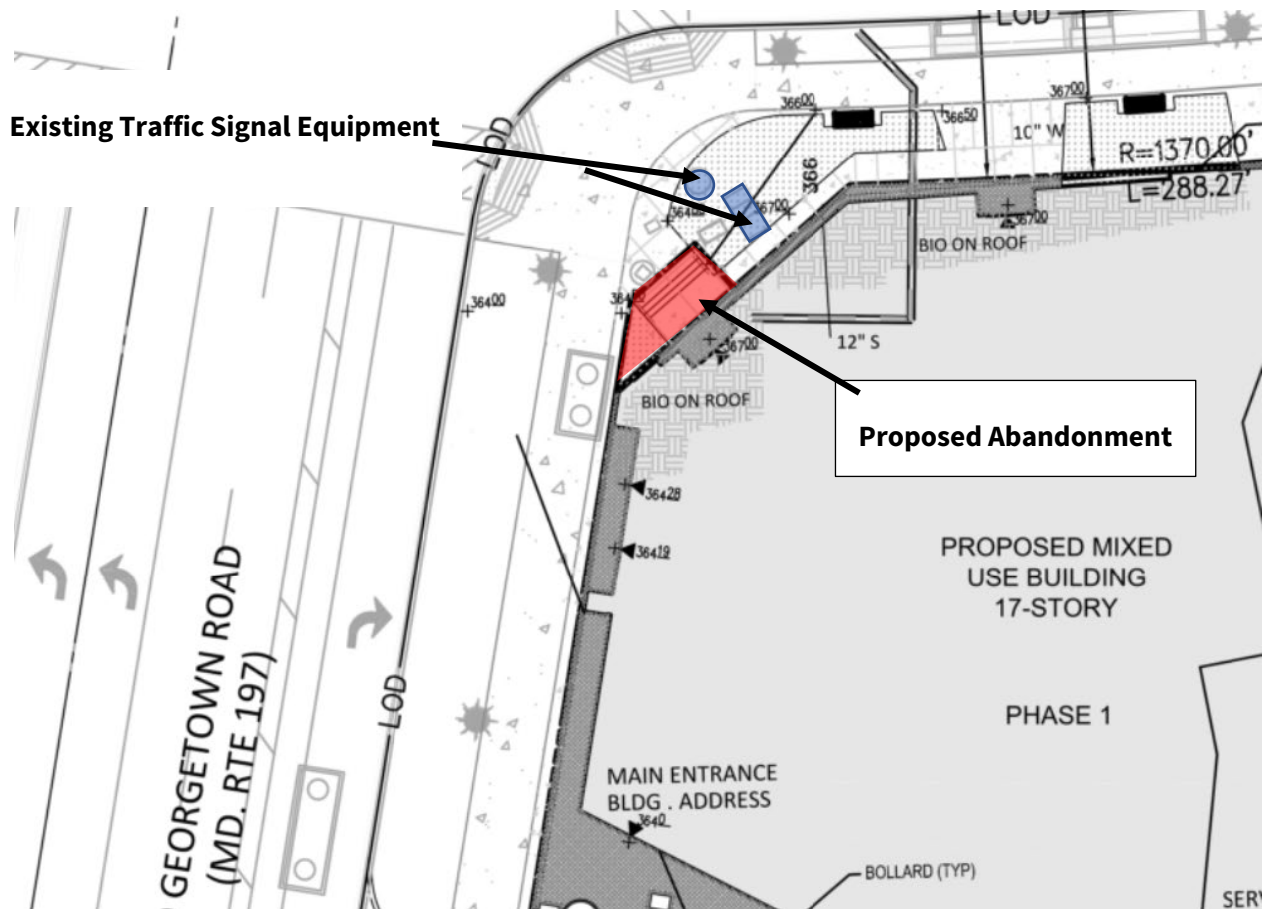


Figure 11: Proposed Amendment to Right-of-Way Abandonment

As proposed, the modified truncation and right-of-way abandonment allow the Applicant to place stairs within the area formerly dedicated as public right-of-way and provide a more attractive and efficient leasable space to prospective ground-floor retail tenants.

#### OPEN SPACE

The Project is exceeding the 10% open space requirement set forth in Section 59.4.5.4.B.1 of the Zoning Ordinance, by providing a minimum of 30,000 square feet of public open space. This open

space will be provided in the form of a new dedicated urban park, comprised of approximately 21,494 square feet (30.8%), and a portion of the Banneker Street Promenade, comprised of approximately 3,576 square feet (5.1%). Also, the Applicant proposes to maintain the undeveloped portions of the Property as a green lawn once the construction is complete for Phase 1. This is intended to provide an amenity to the community while the Project is between development phases.

### Park Dedication

In accordance with Amended Preliminary Plan Condition No. 26, the Applicant will dedicate Lot 2 (located at the NW corner of Old Georgetown Road and Grand Park Avenue) to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) prior to the issuance of the final residential use and occupancy certificate for Phase 1. The dedication of Lot 2, which comprises 21,494 square feet of land area, will provide the interim layout as a condition for the urban park. The interim design includes the following elements:

- a. A large, level lawn for Parks programming.
- b. A continuous six-foot wide, ADA compliant loop trail around the site. The loop may include portions of the public sidewalks along Old Georgetown Road, Grand Park Avenue and Banneker Street.
- c. Approximately 15’x20’ hard surface space (“Picnic area”) with a minimum of three picnic tables (round table per Montgomery Parks specification) and an outdoor recreational ping pong table.
- d. Outdoor furnishings including a minimum of six, six-foot long benches with concrete footings and three concrete pads for trash and recycling receptacles.
- e. Electric utilities for site lighting and outlets for special events.
- f. Site Lighting.
- g. Landscape Plantings.
- h. Stormwater management facilities that treat stormwater generated by parkland only. Facilities shall be designed as integral site amenities with gentle side slopes and extensive landscape planting.

These improvements will provide valuable, useable open space to the surrounding community while not impeding development of future phases on the Subject Property. Final details and expansion limits of the Park will be determined through subsequent site plans for future phases. (See Figure 12)

### Banneker Street Promenade

In addition to the Park, Phase 1 will provide the western portion of the Banneker Street promenade and a mid-block connection as public open space. The promenade will be extended eastward to Grand Park Avenue with future phases of development. The promenade will measure approximately 25 feet in width and when added to the approximately 18-foot wide streetscape, will provide a generous linear open space. The promenade will be improved with planters, streetscape furniture and private dining space. The Applicant will also provide pedestrian space along the southern portion of the mid-block connection. This area will be improved with planters, special paving and streetscape furniture. (See Figure 12)





Figure 12: Open Space and Park Dedication Area

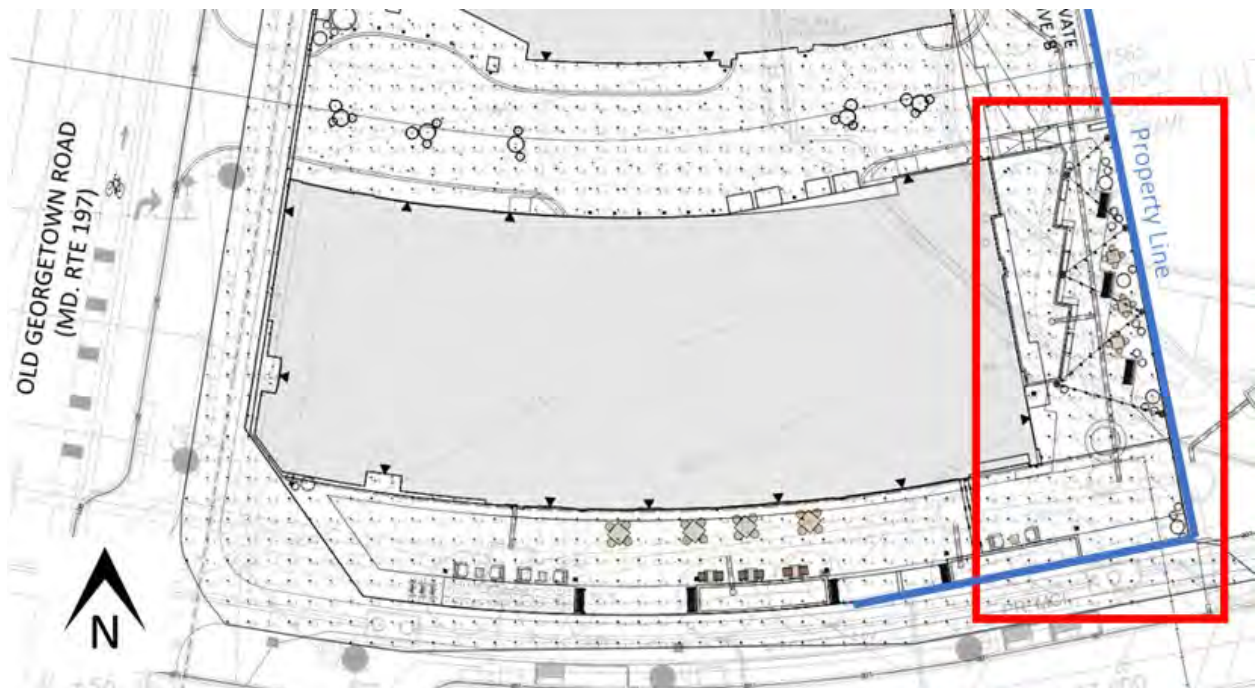


Figure 13: Alternative Compliance – Open Space Illumination

## TRANSPORTATION

### Circulation and Access

Consistent with the approved Preliminary Plan, vehicular access to the Site is proposed to be provided from two previously identified access points: a mid-block ingress and egress point for the proposed “Private Drive A” from the north-south segment of Old Georgetown Road (MD 187) to the west, and a right-in/right-out access point for “Private Drive B” from the east-west segment of Old Georgetown Road to the north. The Applicant proposes the vehicular site access for each internal driveway to lead to an interior circulation network that links to a garage entrance, service bays, and Private Drive A that will function as a main service corridor that is proposed to be extended eastwards to Grand Park as part of subsequent construction phases. Private Drive A bisects the site lengthwise, roughly paralleling Banneker Street (formerly Market Street) and the east-west segment of Old Georgetown Road.

Formerly illustrated as a three-lane, 32-foot-wide internal driveway, the Applicant proposes to alter Private Drive A’s configuration for two-way vehicular movement measuring 24-feet in width, with a westbound layby area for the drop-off and pick-up of residents adjacent to the main entrance. Vehicular access to the above-grade resident garage parking area is provided from Private Drive A. Consistent with the approved circulation pattern outlined in the approved Preliminary Plan, Private Drive B is proposed as a 20-foot-wide, north-south segment from the east-west segment of Old Georgetown Road to Private Drive A, providing vehicular access to the below-grade retail parking garage area.

Sidewalks are proposed alongside each internal driveway, that will connect with a pedestrian-only open space area that in-turn, link southwards through to the Banneker Street (formerly Market Street) promenade. Neither Private Drive A or B will be lotted as private streets as they function as internal driveways and do not provide significant network throughput for vehicles. Pedestrian access to Phase 1 of the overall development will be provided from the sidewalk network currently under construction as a part of the White Flint West Workaround (WFWW) Capital Improvement Project (CIP #P501116). A ten-foot sidepath will be provided along the north-south segment of Old Georgetown Road as part of the CIP project, while a seven-foot sidewalk is in the process of being built along the east-west segment. Sidewalks will be provided along both sides of Private Drive A and along the western side of Private Drive B. A sidewalk will be constructed along the eastern side of Private Drive B as part of a future phase to the east of the Subject Site. Furthermore, the proposed mixed-use structure will support the promenade along Banneker Street (formerly Market Street) by locating storefronts, outdoor seating, and generous street tree plantings along the Property’s southern frontage, in accordance with guidance established by the 2010 *White Flint Urban Design Guidelines*.

Contrary to the location of the previously approved loading dock, the Applicant proposes to locate a loading dock adjacent to the vehicular access point, which provides ingress and egress into the residential parking garage area from Private Drive A. The proposed loading dock meets the location

and design requirements set forth in Section 59.6.2.8.B of the Zoning Ordinance. The internal private street network will provide circulation for the storage of private vehicles, pick-up/drop-off, deliveries, as well as other short-term parking needs. As illustrated on the submitted circulation plan sheets, vehicular access into the mixed-use structure is proposed to occur via Private Drives A and B, preventing multimodal conflicts within the public rights-of-way.

### Parking

The total number of parking spaces in the on-site parking garage meets Section 59.6.2.4, by providing a maximum of 193 vehicle spaces, 46 long-term bike spaces, and 2 short-term bike racks. Long-term bicycle parking spaces are provided within a secure bicycle room on level 2 of the proposed structure and short-term spaces are proposed adjacent to the future promenade along Banneker Street (formerly Market Street), to the south of the retail uses. All private vehicular parking within the garage structure will be accessed from the internal private driveways.



## Master-Planned Roadways

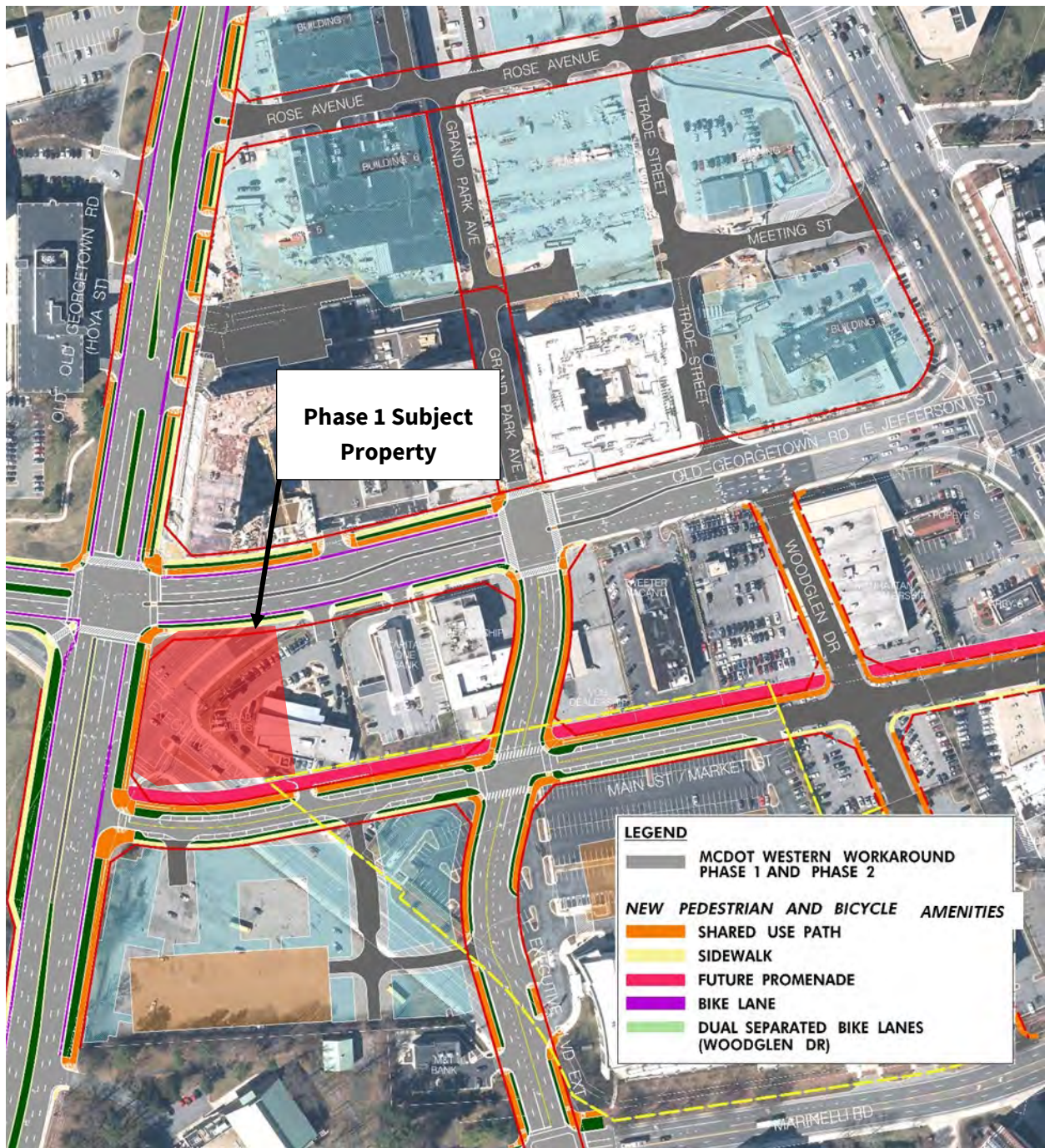


Figure 14: White Flint Western Workaround

While the development of the overall Project is circumscribed by both east-west and north-south segments of Old Georgetown Road, Banneker Street (formerly Market Street), and Grand Park Avenue, solely the two segments along Old Georgetown Road as well as along Banneker Street (formerly Market Street) will be affected by this Preliminary Plan Amendment and Site Plan request. As

illustrated in Figure 14, the WFWW CIP project, when complete, will build out the street grid network identified for the Metro West District within the Sector Plan, in addition to frontage improvements for both segments of Old Georgetown Road. The Applicant proposes to implement the active zone streetscape along Banneker Street (formerly Market Street) by constructing the planned promenade.

Both frontages of Old Georgetown Road are classified as major highways with planned Bus Rapid Transit (M-4), and are planned to be accommodated within 150-foot and 120-foot wide rights-of-way for the respective north-south and east-west segments. As identified in the *Master Plan of Highways and Transitways*, the north-south segment is planned to feature six travel lanes, one dedicated bus lane, in addition to a central raised median. The east-west segment is planned as a four-lane roadway with a central raised median. The future North Bethesda Transitway Bus Rapid Transit (BRT) service is planned to run within the dedicated lane along the north-south segment of Old Georgetown Road and will shift into mixed traffic along the east-west segment. Both segments are classified as Downtown Boulevards per the Planning Board's *Complete Streets Design Guide*.

Formerly designed as a curvilinear highway that provided direct connectivity from Tilden Lane to Rockville Pike, the existing north-south segment is currently undergoing reconstruction and will be rebuilt to tie into a four-legged signalized intersection with Executive Boulevard, transitioning into Towne Road to the north. When complete as part of the WFWW CIP project, it will feature two (2) northbound travel lanes, two (2) northbound left turn lanes onto Executive Boulevard, a northbound right turn lane onto the east-west segment of Old Georgetown Road, a six-foot raised median, and two (2) southbound travel lanes. As indicated in the submitted circulation plan shown in Figure 15, one-way six-foot-wide bicycle lanes with three-foot-wide buffers are being installed along both flanks of the roadway. The Applicant proposes to retain the rights-of-way already established and dedicated in conjunction with the WFWW CIP project, with the implementation of previously approved frontage improvements illustrated in the capital project engineering plans as part of future construction outside of the public right-of-way.



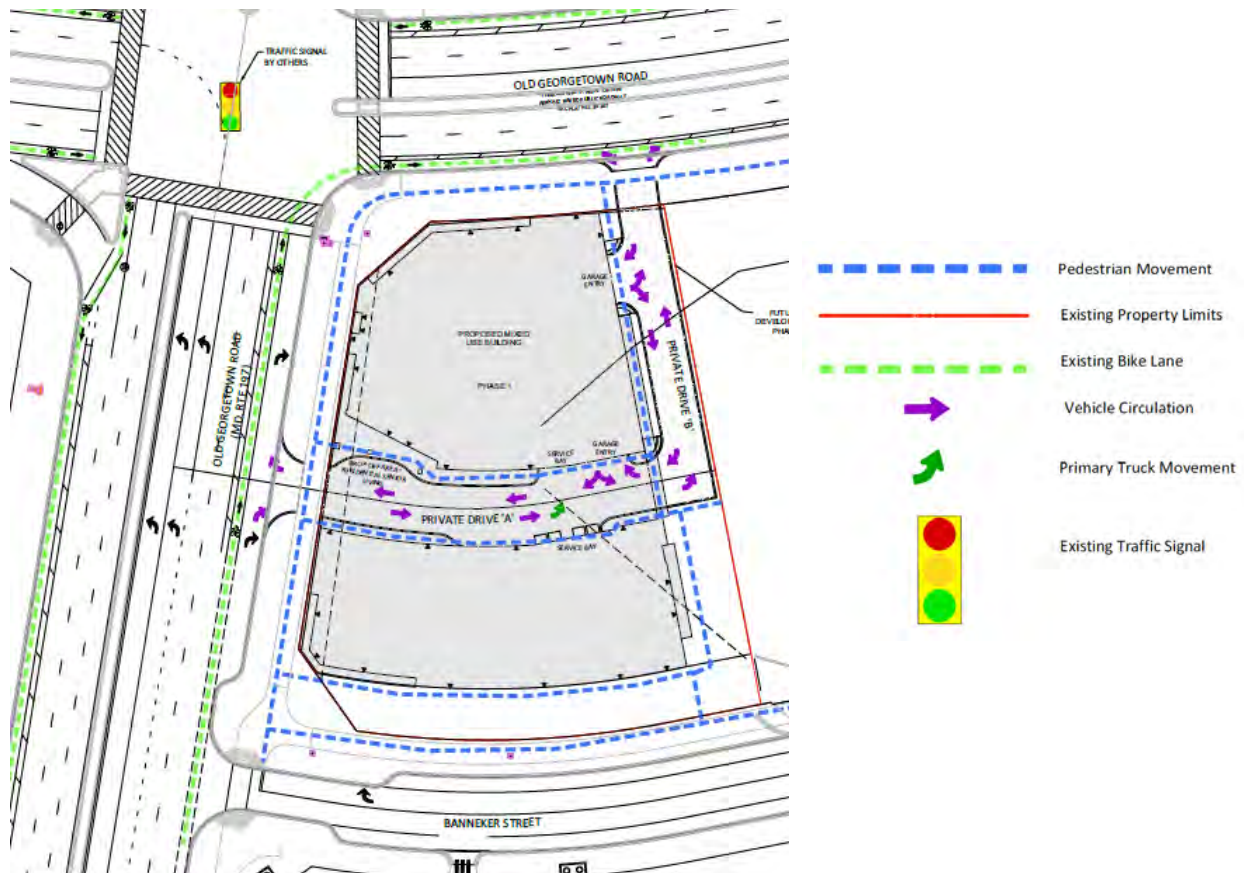


Figure 15: Proposed Circulation Plan

Likewise, the east-west Old Georgetown segment along the Property Frontage is being rebuilt to serve as the eastern leg of the new signalized intersection. Once complete, the roadway will include two (2) eastbound travel lanes, an eastbound left turn lane, a raised seven-foot median, a westbound left turn lane onto the north-south segment of Old Georgetown Road, and two (2) westbound travel lanes. One-way six-foot bicycle lanes with three-foot buffers are also included on both sides of the road.

Future Sector Plan recommended streets, Banneker Street (formerly Market Street) and Grand Park Avenue, bound the Site along the south and east frontages respectively. Banneker Street (formerly Market Street), classified as B-10, is planned to be 70-feet-wide with two (2) travel lanes while Grand Park Avenue, classified B-15, is planned to be 80-feet-wide with four (4) travel lanes.

The WFWW CIP project impacts both the northern and western property frontages of Old Georgetown Road, as well as along Banneker Street (formerly Market Street) and Grand Park Avenue. The Western Workaround is actively under construction with an anticipated completion by the end of 2022, before the Subject Application is expected to commence construction.

All portions of the private drives will be fully accessible to the public. The proposed private connections will promote safe and efficient internal circulation with additional care towards the promotion of pedestrian circulation to and from the Banneker Street (formerly Market Street)

promenade. The private drives will provide vehicular connectivity to accommodate local traffic circulation for the lobby of the residential care facility located adjacent to it and loading and service entrances will be minimized.

### Pedestrian and Bicycle Facilities

As envisioned by the *White Flint Urban Design Guidelines* and the *Bicycle Master Plan*, separated bicycle lanes are planned for the east-west segment of Old Georgetown Road, which are consistent with Downtown Boulevard standards within the *Complete Streets Design Guide*. The Applicant coordinated with the MCDOT WFWW CIP project team to show road sections that are consistent with the CIP design. Because the County's 2018 *Bicycle Master Plan* was adopted following the design of the WFWW CIP project, the facilities recommended in the *Bicycle Master Plan* are not consistent with the facilities provided by the WFWW's design. To address these inconsistencies, the Applicant developed illustrative section alternatives that balance MCDOT's existing plans with the recommendations of the *Bicycle Master Plan*. These sections are consistent with the CIP design, but also demonstrate how the *Bicycle Master Plan's* recommended facilities could be implemented in the future if funding for a bicycle capital improvement project were to become available. These potential future capital projects would be developed following the implementation of the Subject Application's project and are not assumed to be the responsibility of the Applicant at this time. The Subject Property is located in the White Flint Taxing District and will continue to make contributions that fund future transportation projects in White Flint.

The *Bicycle Master Plan* recommends two-way separated bike lanes on the south side of the east-west portion of Old Georgetown Road. Typically, separated bicycle lanes require at least two to three feet of raised separation from traffic and are located at an intermediary level between the curb and the street. The WFWW CIP project plans include a six-foot bicycle lane with a two- to three-foot-wide striped buffer at the elevation of the vehicular travel lanes. The Applicant proposes to maintain the WFWW's east-west Old Georgetown section as designed and proposes a 15-foot-wide sidewalk adjacent to the site, which is separated from the vehicular travel lanes by a 10-foot-wide tree panel. In coordination with Staff, the Applicant has modified the proposed streetscape to relocate the street trees from the center of the proposed tree panel south, approximately two and a half feet from the sidewalk, to accommodate the *Bicycle Master Plan's* recommended facilities in the event a future capital improvement project is pursued. If such a project were pursued, five feet of the landscaped area would be converted to hardscaping to accommodate bicycle traffic, and the existing bicycle lane and associated buffer would be raised to the level of the curb. Figure 16 shows the project's proposed treatment.

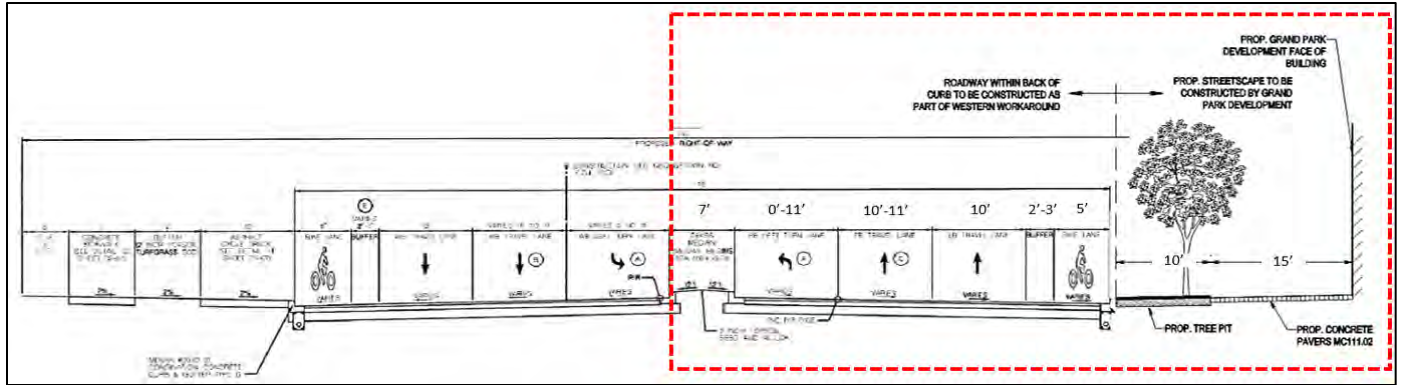


Figure 16: Proposed Old Georgetown Road East-West Section (Subject Property Frontage Identified within Red Dashed Outline)

The *Bicycle Master Plan* recommends a sidepath facility along the north-south segment of Old Georgetown Road, fronting the site. This segment is a component of the Plan’s recommended breezeway network. The WFWW CIP project design provides a five to six-foot-wide on-street bicycle lane, which is separated from traffic by a three-foot-wide striped buffer. The Applicant proposes a seven-foot-wide tree panel and 18-foot-wide paved sidewalk between the vehicular travel lanes and the structure. The Applicant proposes to off-set trees to allow for future flexibility; however, an adjacent right-turn lane separates the WFWW’s bicycle facilities from the curb at this location. If a future capital project were to implement the breezeway recommendation, 11 feet of the 18-foot-wide sidewalk could be repurposed for bicycle use, or by converting the right turn lane and a portion of the landscaped area into a bikeway. Figure 17 shows the Applicant’s current proposal for the north-south segment of Old Georgetown Road.

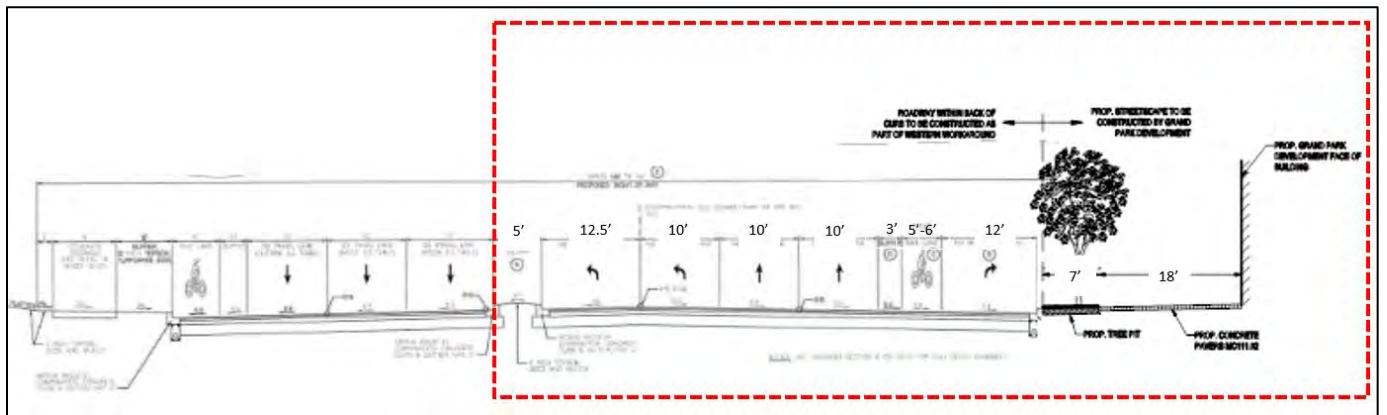


Figure 17: Proposed Old Georgetown Road North-South Section (Subject Property Frontage Identified within Red Dashed Outline)

Along the Banneker Street property frontage, the Applicant proposes to construct a wide frontage zone for the provision of café seating and a 12-foot-wide sidewalk, both with shaded buffering from

the street, consistent with guidance within the *White Flint Sector Plan Design Guidelines* and the *Complete Streets Design Guide*. Combined, the streetscape is intended to implement a portion of the Banneker Street (formerly Market Street) Promenade, identified in the Sector Plan, to enhance the walking experience in support of the White Flint Metro Station. With the intent of attracting future restaurant and retail tenants, the Applicant proposes to utilize portions of the 18-foot frontage zone along the streetscape for café seating. Additional street trees will be placed to the rear of the proposed sidewalk to provide visual distinction between active and passive spaces, and in order to provide shade and comfort from vehicles. The provision of additional seating accessible to the public realm and use of plants and trees to soften the urban setting meet the vision of the Sector Plan Design Guidelines.

By implementing the envisioned redevelopment of Banneker Street (formerly Market Street) into a Downtown Street as identified in the Planning Board Draft Complete Street Design Guide and the planned promenade, the improvement will help foster a more comfortable space for people walking and an active public realm.

### Public Transit Service

The Site is located less than a ½ mile of the White Flint Metrorail Station and is served by Metrorail's Red Line. The following Ride On bus routes serve the station or operate along the Site's adjacent roadways:

- Ride On Route 5 operates along Old Georgetown Road, providing service between the Silver Spring CBD, Rockville, the Pike District, Wheaton, Potomac, and the Twinbrook, White Flint, Grosvenor-Strathmore, and Silver Spring Metrorail stations.
- Ride On Route 26 operates along Old Georgetown Road and MD 187, providing service between the Montgomery Mall Transit Center, Rockville, the Pike District, Aspen Hill, Glenmont, and the Twinbrook, White Flint, and Glenmont Metrorail stations.
- Ride On Route 81 operates along Old Georgetown Road, providing service between Rockville, the Pike District, Tower Oaks Boulevard, and the Rockville and White Flint Metrorail stations.

The *2013 Countywide Transit Corridors Functional Master Plan* identifies the White Flint Metrorail Station and the MD 355-Montrose Parkway intersection as future station locations for the MD 355 South Corridor Bus Rapid Transit line. The MD 187-Executive Boulevard intersection is also identified as a potential station location for the North Bethesda Transitway.

### Local Area Transportation Review

Pursuant to County Council Resolution 16-1324, adopted April 27, 2010, the Site is exempt from Local Area Transportation Review (LATR) analysis. As a result of the Applicant opting to agree to participate in the White Flint Special Taxing District by reducing its trip generation and financially contributing to transportation infrastructure improvements, the Project is not required to submit a Transportation Impact Study with the Site Plan to satisfy the LATR.

### Transportation Demand Management (TDM)

The Subject Property is within the boundary of the White Flint Policy Area and the North Bethesda Transportation Management District. The Applicant was required to enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT as part of the original Preliminary Plan approval to assist in achieving and maintaining the staging provisions for the Non-Auto Driver Mode Share (NADMS) goals in the White Flint Policy Area and participating in the North Bethesda Transportation Management District.



## SECTION 5: SKETCH PLAN AMENDMENT FINDINGS AND ANALYSIS

Section 59-7.3.3.I. allows an amendment to a binding element or condition of an approved sketch plan during site plan review if the changes are recommended by Planning Board Staff and agreed to by the Applicant. Notice of the site plan hearing must include any proposed amendment to a binding element or condition of approval, and the Planning Board must also make applicable sketch plan findings in addition to the findings necessary to approve the site plan. Staff recommends the amendments included in this staff report, and the Applicant has agreed to the changes. The Sketch Plan Amendment does not substantially modify the development approved through Sketch Plan No. 320190040. Proposed changes do not alter the substance or intent of prior findings and all prior findings of approval remain in full force and effect except as modified below.

*1. The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 5.9 acres zoned CR-4.0, C-2.0, R-3.5, H-250. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

**Table 1- Sketch Plan Data Table**

Section 59	Development Standard	Permitted/ Required	Proposed
	CR-4.0, C-2.0, R 3.5, H 250	n/a	
	Gross Tract Area (sf)	n/a	258,203 sf
	Previous Dedications		36,904 sf
	Land ceded to Gables White Flint		2,593 sf
	Dedications	n/a	51,504 sf
	<b>Total Net Area</b>	n/a	<u>167,202 sf</u>
	<i>total net area includes Park dedication</i>		<u>21,560sf</u>
<b>4.5.4.B.2.b</b>	<b>Density</b>		
	Combined FAR	<b>4.0 FAR</b>	<del>1,051,012</del> <b>1,050,028 sf</b>
	Non-Residential	2.0 FAR	110,169 sf
	Residential ( <i>including up to 285,000 square feet of residential care facility units</i> )	3.5 FAR	<b>940,843-939,859 sf</b>
	4% MPDU Bonus Density	12.50%	13.00%
<b>4.5.4.B.2.b</b>	<b>Building Height (feet)</b>	250 ft	262 ft
<b>4.5.4.B.1</b>	<b>Minimum Public Open Space (%)</b>	10%	21.8 %(36,529 SF)
	Park dedication		Park dedication 21,560sf
<b>6.2.4.B</b>	<b>Minimum Parking</b>		TBD Site Plan
	<b>Units</b> – Final number will be determined at Site Plan		1,000

The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in the Table 1 above.

## SECTION 6: PRELIMINARY PLAN AMENDMENT 12019016A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 120190160, MCPB No. 19-062, to create two lots for a maximum of 1,051,012 square feet of development, including up to 110,169 square feet of non-residential uses and up to 940,843 square feet of residential uses, with a minimum 13% MPDUs (the application is grandfathered from the minimum 15% MPDU requirement based on the Application's acceptance date), including up to 4% bonus density on the Subject Property with conditions.

Preliminary Plan Amendment No. 12019016A proposes changing the bonus density allocation, changing the use from multi-family residential to a residential care facility, modifying park dedication requirements, and modifying the Adequate Public Facilities validity period. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below:

*1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The two lots' size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the *White Flint Sector Plan* and the type of development and use contemplated. The lots are appropriately sized and located considering the amount of density and height and the urban development envisioned by the Sector Plan. The lots comply with all applicable dimensional requirements of the CR zone as specified in the Zoning Ordinance.

<b>Table 2- Preliminary Plan Data Table</b>			
Section 59	Development Standard CR-4.0, C-2.0, R-3.5, H-250	Permitted/ Required	
	Gross Tract Area (sf)	n/a	258,203 sf
	Previous Dedications		36,904 sf
	Land ceded to Gables White Flint Dedications		2,593 sf
		n/a	51,504 sf
	<b>Total Net Area</b>	n/a	<u>167,202 sf</u>
	<i>total net area includes Park dedication</i>		<u>21,494 sf</u>
<b>4.5.4.B.2.b</b>	<b>Density</b>		
	Combined FAR	<b>4.0 FAR</b>	<del>1,051,012</del> <b>1,050,028 sf</b>
	Non-Residential	2.0 FAR	110,169 sf
	Residential	3.5 FAR	<b>940,843-939,859 sf</b>
	4% MPDU Bonus Density	12.50%	13.00%
<b>4.5.4.B.1</b>	<b>Minimum Public Open Space (%)</b>	10%	21.8 %(36,529 SF)
	Park dedication		Park dedication 21,494 sf
<b>6.2.4.B</b>	<b>Minimum Parking</b>		TBD Site Plan
	<b>Units – Final number will be determined at Site Plan</b>		1,000

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

**Adequate Public Facilities (APF) and Plan Validity**

The Planning Board approved a seven (7)-year (84-month) APF Validity Period. The Planning Board (i) approved a development schedule or phasing plan for completion of the project that shows the minimum percentage of the Project that the Applicant expects to complete in the first five years; and (ii) finds that given the size and complexity of the proposal, and the potential to provide 1,000 dwelling units between three (3) buildings on two lots, the extended validity period is warranted and will not be adverse to the public interest.

Planning Staff supports the request to modify the prior approval of the seven (7)-year (84-month) APF Validity Period subject to the following phasing schedule (see redline). This is due to the smaller building 3 being developed first and has less units than the original planned phasing sequence. Furthermore, the overall timing remains the same as the original approval:

- a) Phase 1- no later than 5 years from the initiation date of June 28, 2019, the Applicant must obtain building permits for **Building 3 (Site Plan 820220040)** ~~a minimum of 279~~ of the 1,000 dwelling units and 30,000 square feet of non-residential uses ~~within five (5) years of the resolution mailing date~~, and a minimum of 13% of the units must be MPDUs or equivalent square footage approved by the Department of Housing and Community Affairs ("DHCA"); the Applicant must dedicate the 21,490-square foot park; provide on-street parking on Grand Park Avenue; and build the applicable area for the Promenade.
  
- b) Phase 2- no later than seven years from the initiation date of June 28, 2019, Applicant must obtain the remaining ~~721~~ building permits of the 1,000 dwelling units and 80,169 square feet of non-residential uses ~~within seven (7) years of the resolution mailing date~~, and a minimum of 13% of the units must be MPDUs or equivalent square footage approved by DHCA; and build the applicable area for the Promenade.

*5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards. The Applicant received a stormwater concept approval from MCDPS-Water Resources Section on April 5, 2019, and as modified with a letter dated June 22, 2022. The Application meets stormwater management goals through a variety of techniques including environmental site design (ESD) to the maximum extent practicable (MEP) with the use of green roof and micro-bioretenion planter boxes.

## SECTION 7: SITE PLAN 820220040 FINDINGS AND ANALYSIS

Site Plan No. 820220040 to construct a Residential Care Facility for up to 210 units (285,000 square feet), including a minimum of 13% MPDUs and up to 16,000 square feet of retail uses for a total project density of up to 301,000 square feet; and providing 35.9% open space which includes a park dedication.

Section 59.4.5.4.A.1 requires that Optional Method projects in the CR and CRT zone receive an approved Site Plan under Section 59.7.3.4 for any development on a property with an approved Sketch Plan.

- 1. When reviewing an application, the approval findings apply only to the site covered by the application.**

The findings herein apply only to the Subject Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:**
  - a) satisfies any previous approval that applies to the site;**

The Project satisfies prior approvals, including Sketch Plan No. 320190040 and Preliminary Plan No. 120190160, and as amended.

- b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;**

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;**

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;**

- i. Division 4.5.4.A.2 Zone**

<b>Table 3- Site Plan Data Table</b>				
<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Overall Project</b>	<b>Phase 1</b>	<b>Future Phase(s)</b>
Tract Area		258,203 sf	93,043 sf	165,160 sf
Previous ROW Dedications		(36,904 sf)	--	--
Prior Land Transfer(s) <sup>2</sup>		(2,593 sf)	--	--
Dedications	n/a	(51,504 sf)	23,280 sf	28,224
Abandonment Area		TBD (estimated 170 sq ft)	TBD (estimated 170 sq ft)	--
<b>Total Site Area<sup>3</sup></b>		<b>167,202 sf</b>	<b>69,763 sf</b>	<b>97,439 sf<sup>4</sup></b>
Park Dedication		21,494 sf (12.8 %)	21,494 sf (30.8 %)	--
Open Space	10%	15,035 sf (8.9%)	3,576 sf (5.1%)	11,459 sf (11.7 %)
<b>Total Public Open Space</b>		<b>36,529 sf (21.8%)</b>	<b>25,070 sf (35.9 %)</b>	<b>11,459 sf (11.7 %)</b>
Commercial Density (SF)	516,406 sf (2.0 FAR)	110,169 sf (0.43 FAR)	16,000 sf (0.17 FAR)	94,169 sf (0.57 FAR)
Residential Density <sup>5</sup> (SF)	939,859 sf (3.64 FAR)	903,711 sf (3.5 FAR)	285,000 sf (3.06 FAR)	654,859 sf (3.96 FAR)
4% Bonus Density (SF)		36,148 (0.14 FAR)		
Residential Density <sup>6</sup> (Units)	n/a	1,000 sf	210 units	<i>TBD at Site Plan</i>
MPDUs	12.5%	13%	13% <sup>7</sup>	13%
<b>Total Project Density</b>	<b>1,032,812 sf (4.0 FAR)</b>	<b>1,050,028 sf (4.07 FAR)</b>	<b>301,000 sf (3.23 FAR)</b>	<b>749,028 sf (4.54 FAR)</b>
<b>Building Height (feet)</b>	<b>250 ft</b>	<b>262 ft</b>	<b>210 ft</b>	<b><i>TBD at Site Plan</i></b>
<b>Vehicle Parking</b>				
Commercial			64 (min) 192 (max) <b>72 provided</b>	
Residential	<i>TBD at Site Plan</i>	<i>TBD at Site Plan</i>	115 (min)144 (max) <b>121 provided</b>	<i>TBD at Site Plan</i>
<b>Bicycle Parking</b>				
Long Term spaces			46	
Short Term spaces			2	
<b>Loading</b>			1	

ii. **Division 4.7 Optional Method Public Benefits**

In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes the following public benefits to satisfy the requirements:

<sup>2</sup> Land conveyed to Gables White Flint (this land was provided through the realignment of the road from the WFWW CIP project).

<sup>3</sup> Total Site Area includes Park Dedication (21,494 square feet).

<sup>4</sup> Future Phase(s) Site Area to be determined with subsequent development applications.

<sup>5</sup> Including 4% MPDU Bonus density in accordance with Section 59.4.7.3.D of the Zoning Ordinance.

<sup>6</sup> Including 4% MPDU Bonus density in accordance with Section 59.4.7.3.D of the Zoning Ordinance.

<sup>7</sup> 13% of the independent dwelling units for a total of 16 units out of the 122 approximate units.



<b>Table 4 – Proposed Public Benefits</b>				
<b>Public Benefit</b>	<b>Incentive Density Points</b>			
	<b>Max Allowed</b>	<b>Total Requested</b>	<b>Total Points Requested (Phase 1)</b>	<b>Future Phase(s)</b>
<b>59.4.7.3.A: Major Public Facility</b>				
Civic Green	70	25.7	25.71	0
<b>59.4.7.3.B: Transit Proximity</b>				
Full Site within ½ mile of Level 1 Transit Station	50	16.85	4.83	12.02
<b>59.4.7.3.C.1 and 5: Connectivity and Mobility Section</b>				
Advanced Dedication	30	30	30	0
Minimum Parking	10	5	1.93	3.06
Through Block Connection	20	10	2.86	7.14
<b>59.4.7.3.D: Diversity of Uses and Activities</b>				
Affordable housing-13% MPDUs	n/a	6	2.17	3.83
<b>59.4.7.3.E: Quality of Building and Site Design</b>				
Structured Parking	20	15	4.07	10.93
<b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b>				
Building Lot Termination	30	19.75	5.66	14.09
<b>Total</b>		<b>128.3</b>	<b><u>77.23</u></b>	<b>51.07</b>

### ***Major Public Facility***

#### Civic Green

The Applicant seeks to dedicate 21,494 square feet of land to the Parks Department. Staff supports the category based on the following calculation:

Formula:  $\{[(L+F)/N]*2\} + [(C/N)*4]*100$  Example

N (Site area)

L (land area conveyed)

F (floor area conveyed)

C (constructed area of facility)

$\{[(21,494 \text{ (land area conveyed)} + 0 \text{ (floor area conveyed)})/167,202 \text{ (Site area)}] * 2\} + [(0 \text{ (constructed area of facility)})/167,202 \text{ (Site area)}] * 4\} * 100 = \mathbf{25.71 \text{ points}}$

### ***Transit Proximity***

The entire Property is located between one-quarter and one-half mile from the White Flint Metrorail (level 1) Station. Staff supports the category based on the following calculation:

Formula:  $[(t1/T)*P1] + [(t2/T)*P2]$  Example

T (total tract area)

t1 (tract area within proximity range 1)

t2 (tract area within proximity range 2)

P1 (points for range 1) 20 points

P2 (points for range 2)

$[(62,187 \text{ (tract area within } \frac{1}{4} \text{ mile)})/167,202 \text{ (net tract area)}] * 20 \text{ (points for range 1)} + [(105,015 \text{ (tract area } \frac{1}{4} - \frac{1}{2} \text{ mile)})/167,202] * 15 \text{ (points for range 2)}] = \mathbf{16.85 \text{ points.}}$

### ***Connectivity and Mobility Section***

#### Advanced Dedication:

The Applicant is dedicating land for the right-of-way associated with the White Flint Western Workaround CIP 50116. Staff supports the category based on the following calculation:

Formula:  $(D/N)*100$  Example

D (dedicated land area)

N (Site after dedication)

(51,504 (dedicated land area)/167,202 (Site area)) \* 100 = **30.8 points**; only 30 maximum points allowed.

#### Minimum Parking

The Project is planning to provide fewer than the maximum allowed number of parking spaces. Staff supports the category based on the following calculation:

Formula:  $[(A-P)/(A-R)] * 10$

A (maximum allowed spaces)

R (minimum required spaces)

P (proposed spaces)

$[(1,500 \text{ (max allowed spaces)} - 1,000 \text{ (proposed spaces)}) / (1,500 \text{ (max allowed spaces)} - 500 \text{ (minimum required spaces)})] * 10 = 5 \text{ points}$

Phase 1 accounts for 193 spaces which is 38.6 percent of the total parking and can obtain **1.93 points**.

#### Through-Block Connection

The Project provides permanent and temporary pedestrian-only lanes within the development. The access areas connect directly to the Banneker Street (formerly Market Street) “Promenade” and limit interaction with vehicular movements. Staff supports the category and the request for **10 points**.

Phase 1 accounts for 28.64 percent of the Project’s through block connections in later phases and therefore Staff supports **2.86 points for this phase**.

#### ***Diversity of Uses and Activities***

##### Moderately Priced Dwelling Units

The Applicant is requesting points for providing 13 percent MPDU's, one of the highest White Flint 2 Sector Plan goals. The project will provide 13 percent MPDUs, .5 percent above the minimum required. Twelve (12) points are allowed for every percentage point over the required 12.5 percent MPDUs. Staff supports the category based on the following calculation:

Formula:  $(P-R)*12 + W*2+T*5$

P (percentage MPDUs provided)

R (percentage MPDUs required)

W (percentage 2 bedroom MPDUs provided, not otherwise required)

T (percentage 3 bedroom MPDUs provided)

(13 (percentage of MPDUs provided) – 12.5 (percentage required)) \* 12 + 0 (percentage of 2 bedroom MPDUs not required) \* 2 + 0 (percentage of 3 bedroom MPDUs) \* 5 = **6 points**

### ***Quality of Building and Site Design***

#### Structured Parking

The Applicant seeks 15 points out of a possible twenty for providing structured parking across the development. Staff supports the request based on the following calculation:

Formula:  $[(A/T)*10]+[(B/T)*20]$

A (above-grade spaces)

B (below-grade spaces)

T (total spaces)

Structured Parking  $[(500 \text{ (above grade spaces)}/1,000 \text{ (total spaces)}) * 10] + [(500 \text{ below grade spaces}/1,000 \text{ (total spaces)}) * 20] = \mathbf{15 \text{ points}}$

### ***Protection and Enhancement of the Natural Environment***

#### Building Lot Termination (BLT)

The Applicant requests points permitted for the purchase of approximately 5.66 BLTs. Staff supports the category based on the following calculation:

$(7.5\% \text{ of } 921,910 \text{ (incentive density gross floor area)})/31,500 * 9 = 19.75 \text{ points}$

Phase 1 accounts for 28.64 percent of the total Project's density and recommends \*\* points for the **purchase of 5.66 BLTs**

#### iii. ***Division 6 General Development Standards***

##### ***(1) Division 6.1 Site Access***

The Project for Phase 1 will provide two access points: a mid-block ingress and egress point for the proposed "Private Drive A" from the north-south segment of Old Georgetown Road (MD 187) to the west, and a right-in/right-out access point for "Private Drive B" from the east-west segment of Old Georgetown Road to the north.

##### ***(2) Division 6.2 Parking, Queuing and Loading***

As discussed in the transportation section of this Staff Report, the Project meets the on-site parking requirements by providing structured parking and loading requirements through an internal drive aisle. No queuing is being proposed for this project.

**(3) Division 6.3 Open Space and Recreation**

As discussed in the Staff report, the Project will meet the Open Space and Recreation requirement by providing onsite open space for Phase 1 and dedication of an urban park.

**(4) Division 6.4 General Landscaping and Outdoor lighting**

There are no particular screening and landscaping requirements per Chapter 59 for this project. However, the project will provide landscaping to enhance the streetscape along the promenade. The project will be meeting the lighting requirement as conditioned, except as modified through the Alternative Compliance provisions of Section 59.6.8.1 of the Zoning Ordinance. Specifically, the alternative compliance will exceed 0.5 foot candles (fc) at the property line within the public open space area. This increased illumination is adjacent to public right-of-way, which is also illuminated by public street lights, and is necessary to ensure the safety and security of the proposed public open space. Although the increased lighting levels will exceed the standard and will be along the main façade of the building, within the public open space, and adjacent to the public right-of-way, the modification will not have adverse impacts on the surrounding community. Furthermore, lighting in these areas will satisfy the intent of 59.6.4.4 and will blend with proposed street lighting along Banneker Street.

**e) Satisfies the applicable requirements of:**

**i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and**

The Site Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on June 22, 2022 (Attachment C). The Application will meet stormwater management goals via micro-biorientation and green roof. The application of these approaches will provide for environmental site design (ESD) to the maximum extent practicable (MEP).

**ii. Chapter 22A, Forest Conservation.**

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Site Plan complies with the Montgomery County Forest Conservation Law, as conditioned in the Staff Report and described below.

Natural Resource Inventory/Forest Stand Delineation

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for this Property was approved by Montgomery County Planning staff on November 20, 2018 (NRI/FSD No. 420190630). The Property

contains no forests, 100-year floodplains, wetlands or their buffers, streams or stream buffers, hydraulically adjacent steep slopes, or known occurrences of rare, threatened and endangered species. The Property drains to the Cabin John Creek, which is a Maryland Use Class I-P watershed. The Property is not in a Special Protection Area. The Project, as submitted, is in conformance with the Montgomery County Planning Department's *Environmental Guidelines*.

### Forest Conservation Plan

A Preliminary Forest Conservation Plan (No. 120190160) was submitted with the Preliminary Plan application. No forest exists on the Property; therefore, only the afforestation requirement applies. The net tract area is 5.93 acres; therefore, based on the net tract area and zoning, the afforestation requirement is 0.89 acres of forest planting or 1.78 acres of forest preservation. There were no specimen trees on the site, so a Variance approval is not required.

The Applicant has submitted a Final Forest Conservation Plan ("FFCP") with the current development plan application for Site Plan No. 820220040. The submitted FFCP proposes to phase implementation of the forest conservation mitigation requirements proportionate to the amount of net tract area being disturbed. The site area and offsite disturbance for this Phase 1 Site Plan and FFCP results in a Net Tract Area of 3.08 acres. The worksheet for the Phase 1 Site Plan includes a deduction of 0.18 acres for "Land dedication for roads (construction not required by this plan)." The area indicated for deduction, however, is within the Limits of Disturbance for construction of this phase, and therefore cannot be deducted. Removing this deduction results in an afforestation requirement of 0.46 acres for the Phase 1 development area covered by this Site Plan. A condition requiring the removal of the 0.18 acres of deduction for land dedication of roads from the worksheet and correction of the afforestation requirement prior to Certified Site Plan is included in the conditions of approval for the Site Plan. Any Final Forest Conservation Plan submitted for subsequent phases of development on this site must document the areas being claimed for deduction and demonstrate that the areas being deducted are being constructed by others.

### Noise Analysis

Preliminary Plan Resolution MCPB No. 19-062 for this development required that "The Applicant must provide a noise analysis as part of the Site Plan submittal that includes the baseline noise levels and the 20-year projected noise levels for the property. The Applicant must attenuate any noise impacted units to comply with requirements to keep interior noise levels at or below 45 dBA Ldn, with details to be determined at subsequent Site Plans."

In fulfillment of this condition, this Site Plan application included a Phase 1 Noise Analysis prepared by Phoenix Noise and Vibration and dated October 20, 2021. The results of the analysis for this Property indicate that "the residential units located on the north elevations, most units on the west and south elevations, and a small portion of the units located on the east elevation will be exposed to



future transportation noise levels above 65 dBA Ldn... “Units with impact above 65 dBA Ldn require further analysis and may require modifications to proposed standard building construction. Depending upon the noise level specific to each impacted unit, modifications may include increased window/door STC ratings. Further analysis is required to determine the exact mitigation designs necessary, which will be established once architectural plans (building elevations, floor plans, window/door schedule, unit plans) are further developed.”

The conditions of approval include conditions to ensure that the interior noise levels in the constructed units comply with the *Staff Guidelines for Consideration of Transportation Noise Impacts in Land Use Planning and Development* (June 1983).

***f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;***

As discussed in the transportation section of this Staff Report, the Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading for the phase of the development. This stage of the development will set the stage for the future phases of the project.

***g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;***

The proposed Grand Park (Phase 1) development is consistent with the *2010 White Flint Sector Plan* recommendations. The 2010 Sector Plan notes that residential units for “seniors and special populations be included in residential development, particularly in locations nearest local services and transit” (p.25). This senior housing development is located within ½ mile to the White Flint Metro Station entrance and will be adjacent to the future North Bethesda BRT, if service to White Flint is determined by MCDOT.

Public Use

The Sector Plan recommends a one-to-two acre Civic Green for the Conference Center block. The proposed development will dedicate approximately 21,494 square feet of land to the Parks Department, which will serve as the first step towards implementing the Civic Green recommendation. The Parks Department is currently exploring options to enlarge this dedicated space.

Pedestrian Promenade

The Sector Plan recommends a 22-foot-wide pedestrian promenade along the northern side of Banneker Street (formerly Market Street) . The proposed development will implement a 25-foot promenade along the Banneker Street frontage to achieve the Sector Plan recommendation.

### Transportation Network

The roadways surrounding the property including, Old Georgetown Road and Banneker Street, are included in the MCDOT's Western Workaround CIP project. The proposed development adheres to the provisions of the CIP project.

### White Flint Design Guidelines

The Planning Board approved White Flint Urban Design Guidelines provides specific recommendations for properties in the Metro West district where the proposed development is located. As proposed, the development implements several Design Guidelines recommendations, including a multi-tiered building and a consistent building wall.

The building's L-shaped design has a four-level podium, a middle section and a slender tower. The Design Guidelines state that "podium heights that define the pedestrian level space. The podium is the lower massing component of a mixed-use structure, located closest to the street" (p.16). Likewise, the proposed building design adheres to the Guidelines, which recommend "stepbacks or podium setbacks that distance the taller component of a building into the property to separate it from the podium, reducing the impact of its scale on the pedestrian space below" (p.16).

The ground level of the building will have commercial uses that contribute to creating an active ground level. The Design Guidelines state that "facade organization should allow for active ground floor uses to be visible from the street. Retail frontages should be as transparent as feasible. Avoid long stretches of blank walls; if required, provide articulation to minimize their impact on the pedestrian realm" (p.24). The proposed development follows these Design Guidelines recommendations.

***h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;***

The proposed development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations and health care will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available. Due to the proposed use being an age-restricted

building with ground floor commercial, the Project does not generate students. Thus, an analysis of school capacity is not applicable.

Pursuant to County Council Resolution 16-1324, adopted April 27, 2010, the Site is exempt from Local Area Transportation Review (LATR) analysis. As a result of the Applicant opting to agree to participate in the White Flint Special Taxing District by reducing its trip generation and financially contributing to transportation infrastructure improvements, the Project will not be required to submit a Transportation Impact Study with the Site Plan to satisfy the LATR.

The Project will be served by adequate public services and facilities.

## SECTION 8: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on August 11, 2021, related to The Grand Park Preliminary Plan Amendment No. 12019016A & Site Plan No. 820220040. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittals and noticing requirements. Planning Staff has not received any correspondence as of date of this Staff Report.

## SECTION 9: CONCLUSION

As conditioned, the Preliminary Plan Amendment No. 12019016A and Site Plan No. 820220040 applications each satisfy the findings under Sections 59.7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2010 *White Flint Sector Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Grand Park Preliminary Plan Amendment No. 12019016A and Site Plan No. 820220040 with the conditions specified at the beginning of this Staff Report.

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### ATTACHMENTS

*Attachment A: Preliminary/Site Plan*

*Attachment B: Prior Approvals*

*Attachment C: Agency Letters*

*Attachment D: NRI/FSD*