

Montgomery County Planning Board

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-060
Preliminary Plan Amendment No. 12015001B
Evolution Labs North Bethesda
Date of Hearing: June 1, 2023

JUN 16 2023

RESOLUTION

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

WHEREAS, on April 30, 2015, the Planning Board, by Resolution MCPB No. 15-41, approved Preliminary Plan No. 120150010, creating one lot on 5.14 acres of land in the CR-3, C-1.5, R-2.5 H-70' and CR-4, C-2, R-3.5, H-250' zones, located along Old Georgetown Road (MD-187), south of the Banneker Avenue and west of realigned Executive Boulevard (now Grand Park Avenue) ("Subject Property"), in the White Flint Policy Area and 2010 White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on July 23, 2020, the Planning Board approved an amendment to Preliminary Plan No. 12015001A (MCPB No. 20-068) to extend the Plan Validity period by two years and Adequate Public Facilities Validity period by three years on the Subject Property; and

WHEREAS, on February 8, 2023, Stonebridge Acquisitions, LLC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to create two parcels to be developed with 709,396 square feet of Research and Development use on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12015001B, Evolution Labs North Bethesda ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 22, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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Approved as to
Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

WHEREAS, on June 1, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedoeem, seconded by Commissioner Bartley, with a vote of 5-0; Chair Zyontz, Commissioners Bartley, Hedrick, Pedoeem and Piñero voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12015001B to create two parcels to be developed with 709,396 square feet of Research and Development use by adding the following conditions that will supersede the previously approved conditions:¹

1. This Preliminary Plan is limited to two (2) parcels for up to a maximum of 709,396 total square feet of Research and Development uses.
2. The development must comply with the applicable binding elements and conditions of Sketch Plan No. 32013001A, as amended.
3. The Applicant must comply with the White Flint Urban District requirements.
4. **APF Validity**
 - a. The Adequate Public Facilities ("APF") review for Phase 1 of the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).
 - b. The APF review for Phase 2 of the Preliminary Plan will remain valid for seven (7) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).
 - c. The APF review for Phase 3 of the Preliminary Plan will remain valid for ten (10) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).
5. **Preliminary Plan Validity**
 - a. The Preliminary Plan will remain valid for Parcel A for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for Parcel A, as delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

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

- b. The Preliminary Plan will remain valid for Parcel B for six (6) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for Parcel B delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its revised Preliminary Plan letter dated May 30, 2023. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
 7. Before recording any plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
 8. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("MDOT SHA") in its letter dated April 19, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
 9. Before the issuance of Maryland State Highway access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
 10. 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 May 19, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations 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.
 11. 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 May 4, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which

MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

12. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of a 20-foot wide Breezeway along the property frontage on Old Georgetown Road.
13. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a 6.5-foot wide separated bikeway and 5-foot wide street buffer along the Property frontage on Grand Park Avenue.
14. Before the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).
15. There shall be no clearing or grading of the site before recordation of plat(s).
16. The record plat must show necessary easements.
17. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
18. Prior to recordation of any plat, the County Council must abandon portions of public rights-of-way subject to Right-of-Way Abandonment Case Number AB739, "Executive Boulevard".
19. **Forest Conservation**
The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan No. 12015001B approved as part of this Preliminary Plan:
 - a. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 9 caliper inches. Planting locations to be shown on the Final Forest Conservation Plan ("FFCP").
 - b. The Applicant must submit a Final Forest Conservation Plan ("FFCP") for review and approval before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property.

- c. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.
20. The certified Preliminary Plan must contain the following notes:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
21. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
- a) Show resolutions and approval letters on the certified set.
 - b) Modify data tables to reflect development standards approved by the Planning Board.
 - c) Ensure consistency of all details and layout between plans.
 - d) Fire and Rescue Access plan must be included in the Certified Preliminary Plan.

BE IT FURTHER RESOLVED that all previous preliminary plan conditions of approval for this project are fully superseded by the conditions of approval contained in this resolution.

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

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

- 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.**
 - a. The block design is appropriate for the development or use contemplated**

- b. The lot design is appropriate for the development or use contemplated***
- c. The Preliminary Plan provides for required public sites and adequate open areas***
 - i. Master Planned Sites***
 - ii. Local Recreation***
 - iii. Transportation and Utilities***
- d. The Lot(s) and Use comply with the basic requirements of Chapter 59***

The Preliminary Plan Amendment will allow for consolidation of the various parcels comprising the development site to allow for two reconfigured parcels as envisioned by the Sector Plan. The size, width, shape, orientation, and density of the proposed parcels are all appropriate given the Property's location in the Metro West District of the Sector Plan. The proposed reconfigured parcels will be bounded by Old Georgetown Road to the west, Banneker Avenue to the north, and Grand Park Avenue to the east. The proposed subdivision also contains a private internal driveway that will bisect the Subject Property running east-west, which will allow for safe and efficient multi-modal transportation options. As stated in the required findings for approval of the Sketch Plan and Site Plan, the Preliminary Plan complies with all requirements in the Zoning Ordinance.

2. The Preliminary Plan substantially conforms to the Master Plan.

As described in detail above in Sketch Plan Finding 1.a, the Subject Application complies with the Sector Plan's recommendations for the Subject Property and Metro West District.

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

As described in the finding below, all public facilities will be adequate to support and service the Subject Applications.

a) Roads and other Transportation Facilities

i. Existing Facilities

Old Georgetown Road is a Downtown Boulevard with varied right-of-way width and a master-planned width of 150 feet total. It currently has six travel lanes and a 10-foot-wide side path on the west side of the street.

Banneker Avenue is a Downtown Business Street with right-of-way width of 70 feet total. It currently has two travel lanes and a 6-foot-wide sidewalk on the south side of the street and a 10-foot-wide sidewalk on the north side of the street.

Grand Park Avenue is a Downtown Boulevard with an existing right-of-way width of 89 feet. It currently has two-travel lanes and a 10-foot-wide side path on the west side of the street and a 7-foot-wide sidewalk on the east side of the street.

The immediate area is well served by transit that includes the Red Line North Bethesda Metrorail Station located a block to the east. The Station is served by regional rail as well as several Montgomery County Ride On bus routes as well as WMATA bus route C8 which provides service between the North Bethesda Metrorail Station and College Park. While there are no bus stops located along the project frontage, there are stops nearby including to the north on Old Georgetown Road and to the southeast on Marinelli Road. The bus stop on Old Georgetown Road is served by Montgomery County Ride On routes 5, 26, and 81. The bus stop on Marinelli Road is served by Ride On route 26.

- Route 5 provides Monday through Sunday service between the Twinbrook Metro Station and Silver Spring Metro Station.
- Route 26 provides Monday through Sunday service between the Glenmont Metro Station and the Montgomery Mall Transit Center.
- Route 81 provides Monday through Friday service between the Rockville Metro Station and the North Bethesda Metro Station.

Transportation Demand Management

As a project proposing a total square footage that is larger than 40,000 square feet within the North Bethesda Transportation Management District (TMD), a Red Policy Area as designated by the 2020-2024 Growth and Infrastructure Policy, the development is required to develop a Level 3 Results Transportation Demand Management (TDM) Plan with the Planning Board and MCDOT. The Applicant will also be required to participate in the North Bethesda Transportation Management District (TMD). The 2010 *White Flint Sector Plan* identifies a 50% non-auto-driver mode share (NADMS) for employees.

ii. Proposed public transportation infrastructure

Pedestrian and bicycle improvements are proposed roadway frontages to be consistent with the 2010 *White Flint Sector Plan*, 2018 *Bicycle Master Plan*, and 2021 *Complete Streets Design Guide*. This includes constructing a 20-foot Breezeway that consists of an 8-foot bike path, a 4-foot pedestrian-bike buffer and an 8-foot sidepath on Old Georgetown Road. This will be buffered from the adjacent vehicular traffic with a 6-foot-wide street buffer.

On Banneker Avenue, the cross-section will largely remain the same as existing conditions. However, a mid-block crossing with bulb-outs will be added to connect to the proposed through-block connection that bisects the site. Additionally, the curb on the south side of the roadway will be expanded further to the west, removing some of the existing on-street parking. The existing curb-cut will be removed, and a new loading dock driveway access will be added further to the east. Per the MCDOT letter dated May 18, 2023 a bus stop is recommended to be installed on the corner of Old Georgetown Road and Banneker Avenue.

On Grand Park Avenue, the existing 10-foot wide sidepath and 6.5-foot-wide street buffer will be maintained. The on-street parking and shoulder area will be removed, and a 6.5-foot-wide separated bikeway and 5-foot-wide street buffer will be added.

iii. Proposed private transportation infrastructure

The Applicant proposal includes constructing a private driveway that runs east-west across the site, connecting Old Georgetown Road and Grand Park Avenue. The private driveway is designed as a two-lane roadway with 10-foot-wide travel lanes in each direction. At the center of the site where the road intersects with a proposed through block connection, it will function as a pedestrian focused street with a flush curb design and a plaza on each side. Through the topography of the site and the design of the road, the vehicular access will be at the same height as the pedestrian streetscape. In the areas of the roadway that are not flush, the 10-foot-wide travel lanes are buffered by a 5-foot-wide street buffer and a 5-foot-wide sidewalk on both sides. Just to the east of the intersection of the private driveway and the through-block connection there is a proposed layby zone that provides a 13-foot-wide area for pick-up and drop-off activity adjacent to Building A and Building B.

The parking garage for the site will be accessed off this private driveway as will one loading access driveway for Building C. The proposed development also includes a pedestrian through-block connection that connects Banneker Avenue to the north with Wall Local Park to the south.

b) Local Area Transportation Review (LATR)

Pursuant to the 2020-2024 Growth and Infrastructure Policy, the project is exempt from the LATR because of its location in the White Flint Special Taxing District. Any proposed development located in the White Flint Metro Station Policy Area is exempt from LATR if the development will be required to provide substantial funds to the Special Tax District created to finance master planned public improvements in the Policy Area. As a result, the transportation adequate facilities test is satisfied without further analysis.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

Natural Resource Inventory/Forest Stand Delineation

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

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. A Preliminary Forest Conservation Plan (PFCP No. 120150010) was approved with the first Preliminary Plan on the site. A variance request for impacts to specimen trees was reviewed and approved with the PFCP. The PFCP was amended with Preliminary Plan amendment 12015001A. The amended PFCP included an increase in the net tract area and forest mitigation requirements. The current Application includes an amendment to the PFCP that reflects changes to the lot lines for the project. The Preliminary Plan amendment complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance

must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The original PFCP approval included approval of a variance request to remove one 35-inch diameter tulip poplar tree (tree #2), and to disturb the Critical Root Zone of one pin oak tree (12% CRZ impact approved for tree #7). The adjusted LOD does not result in any new impacts to specimen trees, so no new variance is required with this Amendment. The variance approval required that three native canopy trees of at least 3 inches caliper must be planted on site to replace the functions lost from removal of the 35-inch DBH tulip-poplar tree. The species and planting locations of these trees must be shown on the Certified FFCP.

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

The Preliminary 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 division on May 19, 2023. The Application will meet stormwater management goals through a variety of techniques including Micro bio-retention and a Structural Vault.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.*

Not applicable to this Property.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 16 2023 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Commissioner Piñero, with a vote of 4-0; Chair Zyontz, Vice Chair Piñero, and Commissioners Hedrick, and Pedoeem, voting in favor of the motion, Commissioner Bartley was necessarily absent, at its regular meeting held on Thursday, June 8, 2023, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
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Evolution Labs North Bethesda: Sketch Plan Amendment No.
32013001A, Preliminary Plan No. 12015001B, and Site Plan
No. 82015001B