

**EVOLUTION LABS NORTH BETHESDA
SKETCH PLAN AMENDMENT NO. 32013001A
PRELIMINARY PLAN AMENDMENT NO. 12015001B
SITE PLAN AMENDMENT NO. 82015001B**



Description


Request to establish massing, vehicular access points, and Public Benefit points for the proposed development of 709,396 square feet of Research and Development use to be developed in three buildings over three phases. At full buildout, the proposal includes a north-south through-block connection and the provision of 100 public parking spaces within a 999-space garage, which will serve users of the Kennedy Shriver Aquatic Center, Wall Park, and Josiah Henson Museum. Phase 1 will include development of 236,466 square feet of Research and Development use in Building A, as well as development of a 692-space parking garage including 100 spaces for public use.

Nos. 32013001A, 12015001B,
and 82015001B
Completed: 5-22-2023

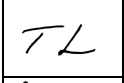
MCPB
Item No. 5
6-1-2023

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

Planning Staff



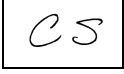
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LOCATION/ADDRESS

Southeast quadrant of the intersection of Old Georgetown Road and Banneker Avenue.

MASTER PLAN

2010 *White Flint Sector Plan*

ZONE

CR-3.0, C-1.5, R-2.5, H-70'

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

PROPERTY SIZE

5.11 acres

APPLICANT

Stonebridge Acquisitions, LLC

ACCEPTANCE DATE

2/8/2023

REVIEW BASIS

Chapters 22A, 50 and 59



Summary:

- Staff recommends approval with conditions of the Applications.
- The Subject Applications will supersede previous approvals for the Subject Property associated with the White Flint Gables project.
- The Sketch Plan Amendment and Preliminary Plan Amendment propose up to 709,396 square feet of Research and Development use and 999 structured parking spaces to be developed over three phases.
- The Phase 1 Site Plan includes up to 236,466 square feet of Research and Development use in 150-foot-tall Building A, as well as a stand-alone, 10-story structured parking garage with 692 parking spaces.
- As part of the proposed Phase 1 parking garage, approximately 24,000 square feet of parking area and a minimum of 100 parking spaces will be leased by the County for public use by users of the Kennedy Shriver Aquatic Center, Wall Local Park, and Josiah Henson Museum. An access point to the public portion of the parking garage will be provided via an access road from Wall Local Park to the south, which will be covered by a future Mandatory Referral. This will allow the Montgomery County Department of Parks to remove the existing surface parking from Wall Local Park and redevelop that area into usable park space.
- Staff has not received any correspondence about the Applications.

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SECTION 1: EXECUTIVE SUMMARY

Stonebridge Acquisitions, LLC (Applicant) requests approval of Sketch Plan Amendment 32013001A and Preliminary Plan Amendment 12015001B for approval of up to 709,396 square feet of Research and Development (R&D) use and 999 parking spaces in a ten-story structured parking garage. The Applicant also requests approval of Site Plan Amendment 82015001B for Phase 1 of the proposed project, including 236,466 square feet of Research and Development uses in Building A and a 692-space parking garage. This project will further the development of this part of White Flint with an important employment center near transit and other successfully redeveloped areas such as Pike & Rose. The Planning Board previously approved Sketch Plan 320130010, Preliminary Plan Amendment 12015001A, and Site Plan Amendment 82015001A, all of which will be superseded by the Subject Applications.

The entirety of the Subject Property contains 5.11 acres. The majority of the Property is zoned CR-3.0, C-1.5, R-2.5, H-70', with a smaller portion of the Property zoned CR-4.0, C-2.0, R-3.5, H-250'. The site is currently unimproved following the site work done on the White Flint West Workaround (CIP 501506) (the "West Workaround") road realignment project.

In accordance with the provisions of Section 59.4.5.4.B.5 of the Zoning Ordinance, the Subject Applications propose to use additional building height through height averaging to reach a maximum height of 150 feet. Also in accordance with Section 59.4.5.4.B.5, the Subject Applications will use density averaging and reallocation of mapped residential FAR to nonresidential FAR to achieve a maximum density of 709,396 square feet of R&D uses¹.

The Phase 1 Site Plan Amendment is a substantial step forward in implementing the overall vision of the Approved and Adopted 2010 *White Flint Sector Plan* ("Sector Plan"). Phase 1 of the proposed development, covered by the Site Plan Amendment 82015001B, will include the development of 236,466 square feet of R&D uses in Building A. Phase 1 also includes the development of a 692-space parking garage, including 100 parking spaces to be leased by the Montgomery County Department of General Services as public parking for users of the Kennedy Shriver Aquatic Center ("KSAC"), Wall Local Park and Josiah Henson Museum. Access to the parking garage will be via an internal east-west private driveway, as well as via a future access driveway connecting the KSAC drop-off area to the entrance at the southwest of the proposed garage. The details of this driveway will be covered by a future Mandatory Referral for the Wall Local Park property. The public parking spaces provided by agreement in the proposed parking garage will provide enough parking to accommodate users of KSAC, Wall Local Park, and Josiah Henson Museum, allowing for the future removal of the existing surface lot in Wall Local Park and the repurposing of that land into enhanced and usable park spaces.

Also, as part of Phase 1, the Applicant will provide the southern portion of a north-south, through-block connection. At full build-out as proposed in the Subject Sketch Plan Amendment Application, this connection will fully bisect the Subject Property and will serve as an attractive pedestrian connection between the Subject Property, developments to the north such as Pike and Rose, and Wall Local Park and the KSAC to the south via a new entrance to the park. Phase 1 will result in the construction of the segment of this connection between Wall Local Park to the south and the private internal east-west driveway to the north.

¹ Zoning Code Section 59.4.5.4.B.5.c: "For properties that satisfy the requirements of Section 4.5.4.B.5.a., residential FAR may be reallocated to nonresidential FAR if the total FAR does not exceed the maximum total mapped FAR for the property."

Phase 2 will include the development of Building B at the northeast of the site, as well as the completion of the through-block connection connecting Wall Local Park to the south with Banneker Avenue to the north. Phase 3 will include the development of Building C, as well as the completion of the parking garage, which at full buildout will be increased from 692 parking spaces to up to 999 parking spaces. Phases 2 and 3 will require future site plan amendments, which may be pursued in either a concurrent or phased approach.

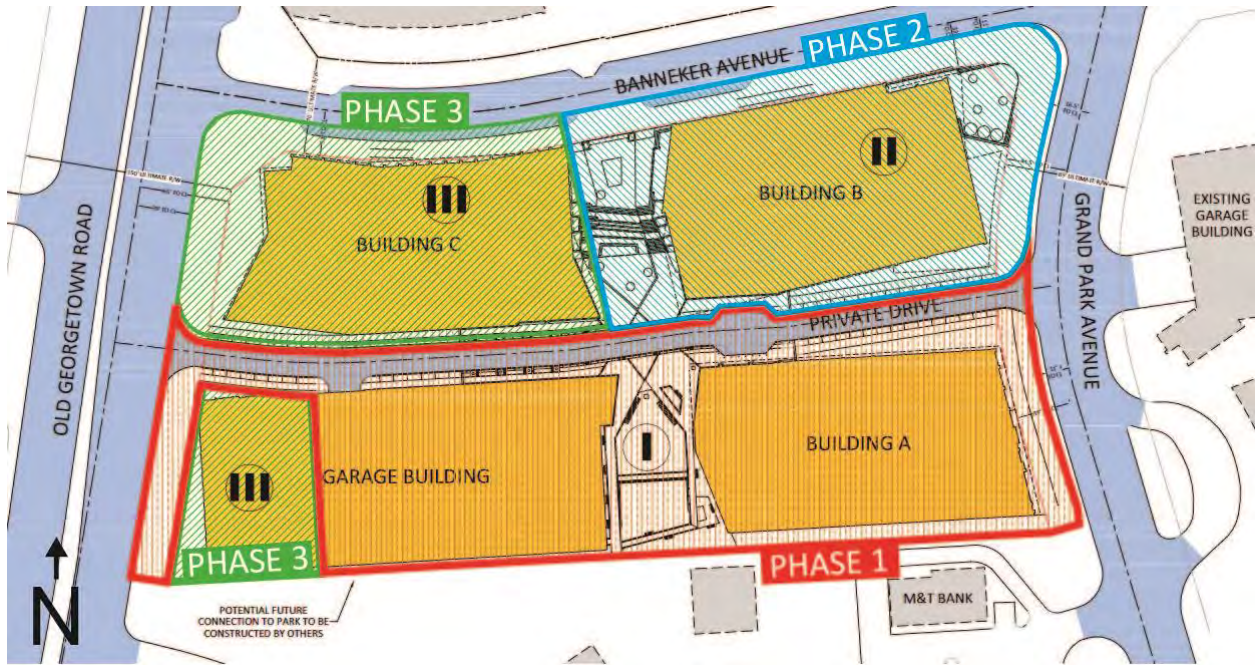


Figure 1 - Phasing Plan

SECTION 2: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN AMENDMENT 32013001A

Staff recommends approval of Evolution Labs North Bethesda, Sketch Plan Amendment No. 32013001A, for up to 709,396 square feet of density on 5.11 acres, zoned CR-3.0, C-1.5, R-2.5, H-70 and CR-4.0, C-2.0, R-3.5, H-250, in the 2010 *White Flint Sector Plan* area. The following site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are binding under Section 59.7.3.3.F:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan. This approval is subject to the following conditions, which supersede all previous conditions:

1. Density

The proposed development is limited to a maximum total of 709,396 square feet of Research and Development (R&D) uses, to be built in three buildings over three phases. The proposed development is also limited to one structured parking garage with a maximum of 999 parking spaces².

2. Height

The proposed development is limited to a maximum building height of 150 feet, pursuant to Section 59.4.5.4.5 for Research and Development uses.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7.1 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points and phasing will be established at Site Plan approval.

- a) Major Public Facility achieved through the provision of public parking spaces serving users of Wall Local Park, the Kennedy Shriver Aquatic Center, and Josiah Henson Museum. Parking spaces to be provided within the shared parking structure and accessed via both an internal private driveway that serves the Subject Property and an access road to be constructed on adjacent Wall Local Park to be provided by the Applicant through an Agreement with Montgomery County;

² Parking garage is not counted towards density

- b) Transit Proximity, the Property is partially within ¼ mile, and partially between a ¼ mile and a ½ mile from North Bethesda Metrorail Station;
- c) Connectivity and Mobility achieved through minimum parking and through-block connection;
- d) Diversity of Uses and Activities achieved through adaptive buildings;
- e) Quality Building and Site Design achieved through exceptional design, public open space, and structured parking; and
- f) Protection and Enhancement of the Natural Environment achieved through building lot termination (BLT) easements and cool roof.

4. Public Open Space

The Applicant must provide a minimum of 10.9% of the Site Area (20,000 square feet) as Public Open Space.

5. Building Lot Terminations

The Applicant must provide proof of purchase and/or payment for the required 1.4239 BLTs prior to issuance of the final building permit.

PRELIMINARY PLAN AMENDMENT 12015001B

Staff recommends approval with conditions of the Preliminary Plan Amendment No. 12015001B to subdivide the Subject Property into two parcels, establish circulation patterns, and develop 709,396 square feet of Research and Development use. All site development elements shown on the latest electronic version of the Preliminary Plan No. 12015001B as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions which supersede all previous Preliminary Plan conditions:

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.
 - 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 18, 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.

SITE PLAN AMENDMENT 82015001B

Staff recommends approval of Site Plan No. 82015001B, for the construction of 236,466 square feet of Research and Development uses in Building A and a structured parking garage containing 692 parking spaces. The development must comply with the conditions of approval for Sketch Plan No. 32013001A and Preliminary Plan No. 12015001B. 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, which supersede all previous Site Plan conditions:³

Density & Height

1. Density

The Site Plan is limited to 236,466 square feet of Research and Development use in Building A.

2. The development is limited to a maximum height of 150 feet, as measured from the building height measuring point(s), as illustrated on the Certified Site Plan, pursuant to Section 59.4.5.4.5 for R&D uses.

3. The development must comply with the applicable binding elements and conditions of Sketch Plan No. 32013001A and Preliminary Plan No. 12015001B, as may be amended.

4. Public Open Space, Facilities, and Amenities

Before issuance of Final Use and Occupancy certificate for Building A, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage on Old Georgetown Road and Grand Park Avenue, consistent with the 2010 *White Flint Sector Plan Streetscape Standards*.

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 Facilities

Before issuance of first Use and Occupancy permit for Building A, the Applicant must construct and lease a minimum of 100 parking spaces within the proposed structured parking garage to Montgomery County, to be used by visitors of the Kennedy Shriver Aquatic Center, Wall Local Park, and the Josiah Henson Museum according to the terms of the Parking Agreement between the Applicant and Montgomery County.

b) Transit Proximity - the Property is partially within ¼ mile, and partially between a ¼ mile and a ½ mile from North Bethesda Metrorail Station;

³ For the purposes 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.

c) Connectivity between Uses, Activities, and Mobility Options

i. Minimum Parking

The Applicant must not provide/construct more than 692 parking spaces within the Phase 1 parking garage.

ii. Through-Block Connection

The Applicant must provide the north-south pedestrian connection between Wall Local Park to the south and the proposed private driveway to the north as part of this Phase 1 Site Plan. The pedestrian connection must be shown on the Certified Site Plan.

d) Diversity of Uses and Activities

i. Adaptive Buildings

The Applicant must provide, at a minimum, floor-to-floor heights of at least 15 feet on any floor that meets grade and at least 12 feet on all other floors.

e) Quality Building and Site Design

i. Exceptional Design

The Applicant must continue to work with Planning Staff to ensure the design quality of the project. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff at time of Certified Site Plan.

ii. Public Open Space

The Applicant must provide a minimum of 12,000 square feet of public open space (11.96 percent of net lot area). Before the issuance of the final Use and Occupancy Certificate for Building A, all Phase 1 public open space areas on the Subject Property must be completed.

iii. Structured Parking

The Applicant must provide no more than 692 parking spaces within the structured parking garage.

f) Protection and Enhancement of the Natural Environment

i. Building Lot Terminations (BLTs)

Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.3025 BLTs to the MCDPS and M-NCPPC staff.

ii. Cool Roof

The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

6. Parks

- a. Any activity on M-NCPPC Parkland requires an approved M-NCPPC Montgomery County Department of Parks (Montgomery Parks) Park Construction Permit and is subject to the full Park Construction Permit process as directed by Montgomery Parks staff.
- b. All facilities to be constructed and work performed by the Applicant must be acceptable to Montgomery Parks staff and must meet or exceed Montgomery Parks' design standards and specifications.
- c. Tree impacts on Parkland are subject to Montgomery Parks tree mitigation requirements as directed by Montgomery Parks staff and required under relevant Park Construction Permit(s).
- d. Prior to the issuance of the building permit for the parking garage M-NCPPC will provide a Free and Clear Fire Access Easement in a form and substance approved by the Commission's Office of General Counsel, as required by the MCFD.
- e. The Applicant in conjunction with Montgomery County Department of General Services must submit a Mandatory Referral application for the Kennedy Shriver Aquatic Center access driveway and associated improvements at Wall Local Park (and obtain comments thereto from the Planning Board) before issuance of the first above-grade building permit for Building A of the site plan.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property.

8. Transportation

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 6, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

9. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 40 long-term and 7 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room in a parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan within 90-feet of the main entrance of the building per Zoning Ordinance Section 59.6.2.6.C.
- c) The Applicant must provide one bicycle repair station. The specific location(s) of the repair stand must be identified on the Certified Site Plan.
- d) The Applicant must provide showers and changing facilities in accordance with Section 59.6.2.6.B.3 of the Zoning Ordinance.

10. Parking Garage

- a. Before the issuance of any above-grade building permit associated with the Parking Garage, the Applicant must enter into an agreement with Montgomery County for a minimum of 100 spaces reserved for public use (Parking Agreement).
- b. The Parking Agreement must provide:
 - i. A minimum of 100 parking spaces fully reserved for public use by visitors to KSAC, Wall Local Park, and Josiah Henson Museum.
 - ii. A minimum of 150 additional spaces which will be made available on request for use during events at KSAC, Wall Local Park, and Josiah Henson Museum; subject to agreed upon payment.
 - iii. That visitors to KSAC, Wall Local Park, and Josiah Henson Museum can use the private visitor parking spaces if the 100 fully reserved parking spaces are all occupied and there is not a special event providing any additional spaces, subject to agreed upon payment.
- c. No substantive changes, termination, or other cessation of the Parking Agreement without a site plan amendment approved by the Planning Board.
- d. Maintenance of the garage is the responsibility of the Applicant, as outlined in the terms and conditions of the Parking Agreement.

11. Forest Conservation

The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan No. 82015001B approved as part of this Site Plan:

- a) The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan.
- b) 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.
- c) Before certification of the FFCP, the Applicant must make minor technical corrections to the worksheet to show a gross tract area of 4.2 acres and off-site disturbance of 0.69 acres.
- d) Before certification of the FFCP, the Applicant must show the planting locations and species of the trees being planted in mitigation for the removal of the variance tree on the FFCP.
- e) Before certification of the FFCP, the Applicant must show appropriate tree protection measures along the LOD along the southern portion of the Property. 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 and the arborist for the Department of Parks.
- f) 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.

- g) The Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all mitigation tree plantings, including variance tree mitigation plantings credited toward meeting the requirements of the FCP.
- h) The Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the planting and maintenance of the mitigation trees credited toward meeting the requirements of the FCP.
- i) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 9 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

12. Lighting

- a) Before 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 proposed 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 street-lights within the right-of-way.
- 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 or parking garage, the light pole height must not exceed the height illustrated on the Certified Site Plan.

13. Site Plan Surety and Maintenance Agreement

Before 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 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

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

- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, railings, and sidewalks, private utilities, 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.

14. Development Program

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

15. Interim Lawn

Within 12 months after the issuance of the final use and occupancy permit for Building A, the Applicant must clear and seed the land bay reserved for future phases along Banneker Avenue into a temporary lawn without any fences for community gathering uses, or submit a building permit application for Building B.

16. Staging Allocation Request

Building permits may only be issued after a staging allocation is granted under the Staging Allocation Request Regulations (COMCOR 50.35.02.01.A) in the *White Flint Sector Plan Implementation Guidelines* approved by the Planning Board.

17. 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 Sketch Plan, Preliminary Plan, and Site Plan 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.”
 - i. “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.”
 - ii. “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 conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement.

The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”

- c) Fire and Rescue Access plan must be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Modify the parking data table to reflect the provided bicycle parking that will be constructed instead of the bicycle parking provided at full build-out.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Reduce the curb radius of the Private Driveway at Old Georgetown Road and Grand Park Avenue to a maximum of 15 feet.
- h) Pursuant to the *Complete Streets Design Guide*, all access driveways, including the garage access and loading access driveways, the sidewalk should be clearly delineated across the driveway and maintain the grade, slope, and material of the adjacent sidewalk through the driveway.
- i) Show the long-term bike room dimensions and bike rack details that are consistent with Zoning Ordinance Section 59.6.2.6.
- j) Identify parking stalls in the floor plans, including the total quantity of stalls by type including accessible stalls, EV ready stalls, motorcycle/scooter parking, and car share stalls. This should include parking stall dimensions, drive aisle dimensions, differentiated public, flex, and private parking areas, and proposed signage differentiating public parking spaces from flex and private parking spaces.
- k) Correct the notes on the site plan illustrative ground floor plan sheet to remove note 1 and adjust language of note 4 on Sheet A100.
- l) Applicant shall work with Staff to provide an acceptable interim condition, including temporary landscaping, along the north side of the private driveway, to be confirmed by Staff at time of Certified Site Plan.
- m) Update all drawings to show existing and proposed large street trees along Old Georgetown Road and Grand Park Avenue, planted at a maximum of 30 feet on center.
- n) Update all elevation drawings for the parking structure to clearly identify and separately label all areas for screening treatments, provide information regarding the materials and colors for screening treatments, and include photographic examples, with Staff approval.
- o) Prior to certified site plan, the Applicant must correct the FFCP to remove markings indicating removal of trees on Montgomery County Park property beyond the Limits of Disturbance south of the property line. Trees on Park property may only be removed if allowed under the conditions of the Park construction permit issued by the Montgomery County Department of Parks.
- p) At the time of Certified Site Plan, Applicant must show the through-block pedestrian connection to Wall Local Park, the final design and alignment of which is subject to approval by Montgomery Parks staff.

- q) At the time of Certified Site Plan, Applicant must show the parking garage entrance from Wall Local Park, to include an ADA-accessible entrance to the garage in addition to vehicular access. The final design and alignment of the garage entrance is subject to approval by Montgomery Parks staff.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property is bounded by Banneker Avenue to the north, Grand Park Avenue to the east, Old Georgetown Road to the west, and Wall Local Park which contains the Kennedy Shriver Aquatic Center (KSAC) to the south. The surrounding area is primarily commercial and mixed-use, with a variety of commercial uses along Rockville Pike to the east, office parks along Executive Boulevard and East Jefferson Street to the northwest, and a mix of uses at Pike & Rose and the Grand Park Development to the north. To the south and southwest are a variety of residential uses, with single-family neighborhoods west of Old Georgetown Road south of the Subject Property, and a mix of townhouses and multifamily apartments south of the Subject Property between Old Georgetown Road and Rockville Pike. The Washington Metropolitan Area Transit Authority ("WMATA") North Bethesda (formerly White Flint) Metro Station is located about 0.3 miles east of the Subject Property. Luxmanor Elementary School is located about a half-mile west of the Subject Property, and Woodward High School is located about 0.65 miles south of the Subject Property along Old Georgetown Road.

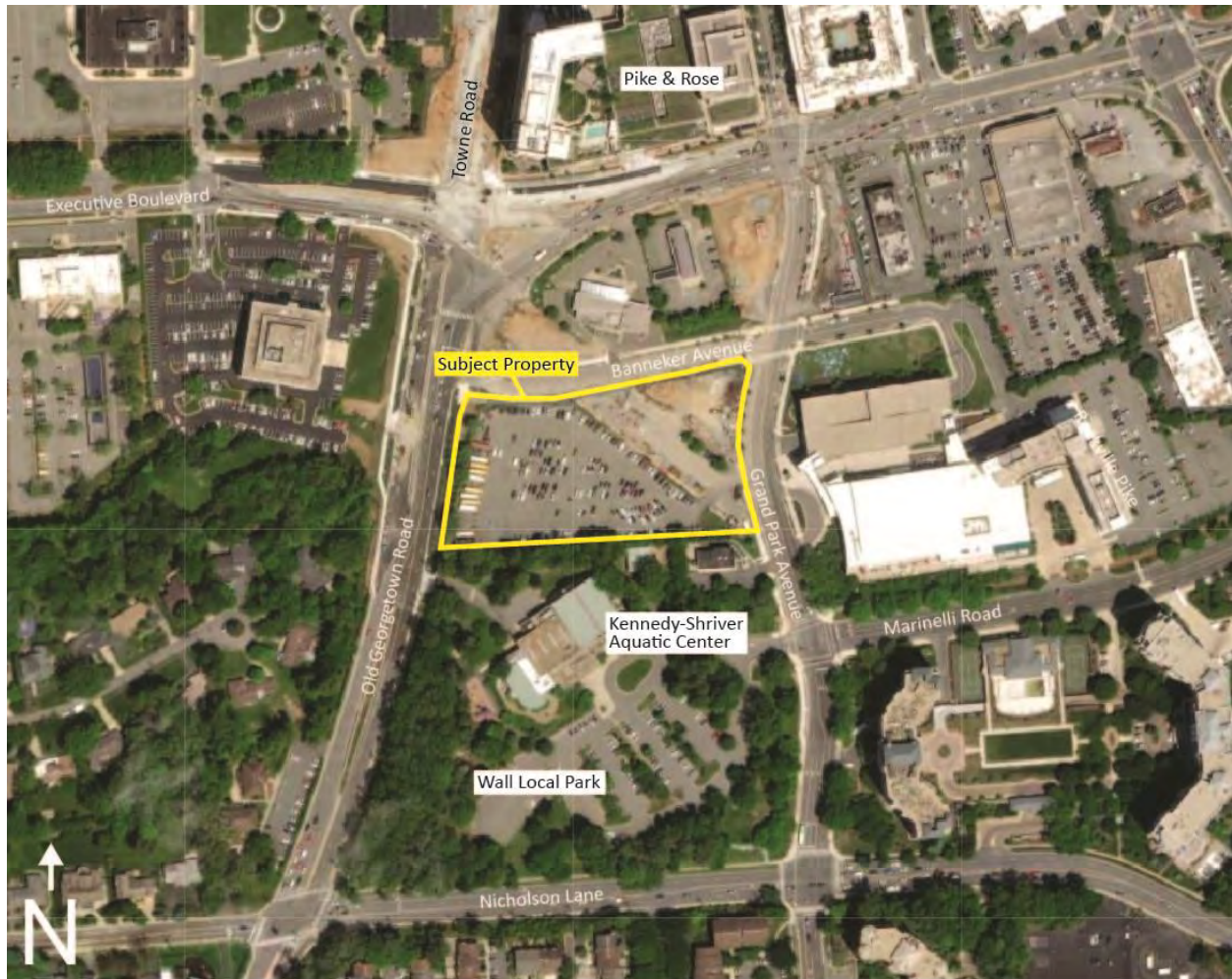


Figure 2 – Neighborhood Vicinity Map with Subject Property outlined in yellow

PROPERTY DESCRIPTION

The Subject Property consists of parcels and rights-of-way that have been affected by a Montgomery County road realignment project, known as the West Workaround. As a result of the road realignment, the Subject Property is currently made up of a variety of parcels that will be consolidated into two parcels as part of the Subject Preliminary Plan Amendment Application. The Subject Property currently contains the underlying parcel at the southwest of the site, measuring 2.85 acres (reference 1 in Figure 3 and Table 1 below), 0.79 acres of land from the former Executive Boulevard right-of-way that will be conveyed to the Applicant through the abandonment and disposition process⁴ (2 and 3 below), 0.06 acres of land transferred from the former VOB dealership property to the west of Grand Park Avenue (4 below), 0.51 acres that is part of the Montgomery County Conference Center (5 below), 0.29 acres of land provided through a reservation for Banneker Avenue right-of-way (6 below) and prior dedications of right-of-way for Old Georgetown Road totaling approximately 0.62 acres (7 below).

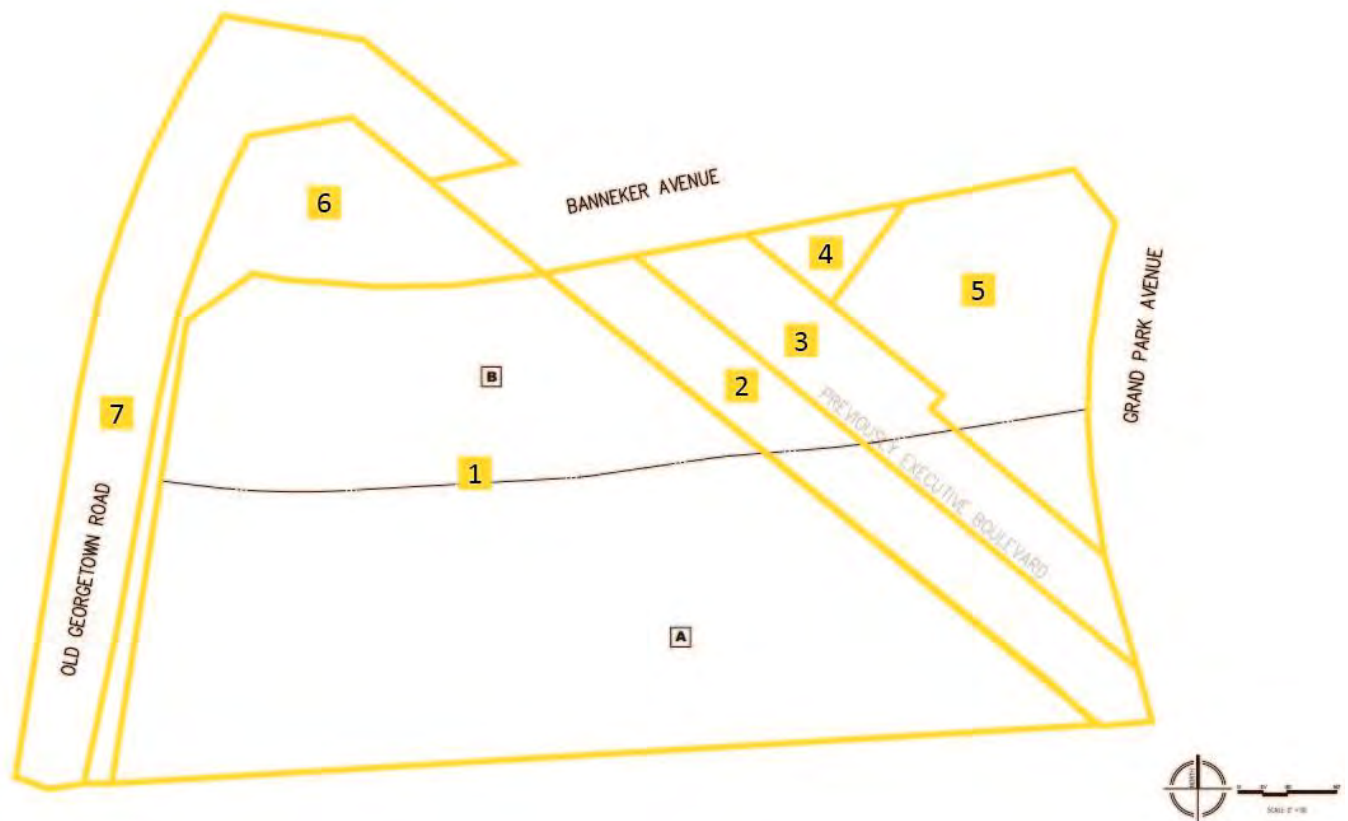


Figure 3 – Existing Lotting Diagram

⁴ The Montgomery County Council approved abandonment by Council Resolution 18-21 (Abandonment Case AB 739) in January 2015. Resolution 20-100 adopted March 28, 2023 approved the following action: “The time for Council action on the Declaration of No Further Need contained in Executive Order 211-22, Disposition via Transfer of certain properties in the White Flint area in North Bethesda, Maryland, to Stonebridge, is extended to June 27, 2023.”

Table 1: Subject Parcels

Map Reference and Parcel	Square Footage	Acres	FAR
1 - CR-3 Portion of Parcel A	124,130	2.85	3
2 - CR-3 Exec Boulevard	17,812	0.41	3
3 - CR-4 Exec Boulevard	16,438	0.38	4
4 - CR-4 VOB Land Swap	2,607	0.06	4
5 - CR-4 County Revenue Land Swap	22,119	0.51	4
6 - CR-3 Reservation Area Banneker	12,485	0.29	3
7 - CR-3 Previous Old Georgetown	27,153	0.62	3
Gross tract area	222,744	5.11	
Weighted FAR			3.18
Allowable Development	709,396		

As part of the Subject Preliminary Plan Amendment, these parcels and rights-of-way will be subdivided to create two parcels, Parcels A and B. Parcel A will be bounded by Old Georgetown Road to the west, Grand Park Avenue to the east, Wall Local Park to the south and the Project's east-west private driveway to the north. Parcel A includes the private driveway, but does not include the streetscape immediately to the north of the private driveway, which is included as part of Parcel B. Parcel B is bounded by but does not include the private driveway to the south, Old Georgetown Road to the west, Grand Park Avenue to the east, and Banneker Avenue to the north. The majority of the Property is zoned CR-3.0, C-1.5, R-2.5, H-70', with a smaller portion of the Property zoned CR-4.0, C-2.0, R-3.5, H-250'. The Subject Applications are proposing density and height averaging as allowed for Research and Development projects by Section 59.4.5.4.5 of the Zoning Code, which results in an FAR of 3.18 site-wide, a maximum height of 150 feet site-wide and 709,396 square feet of allowable development.

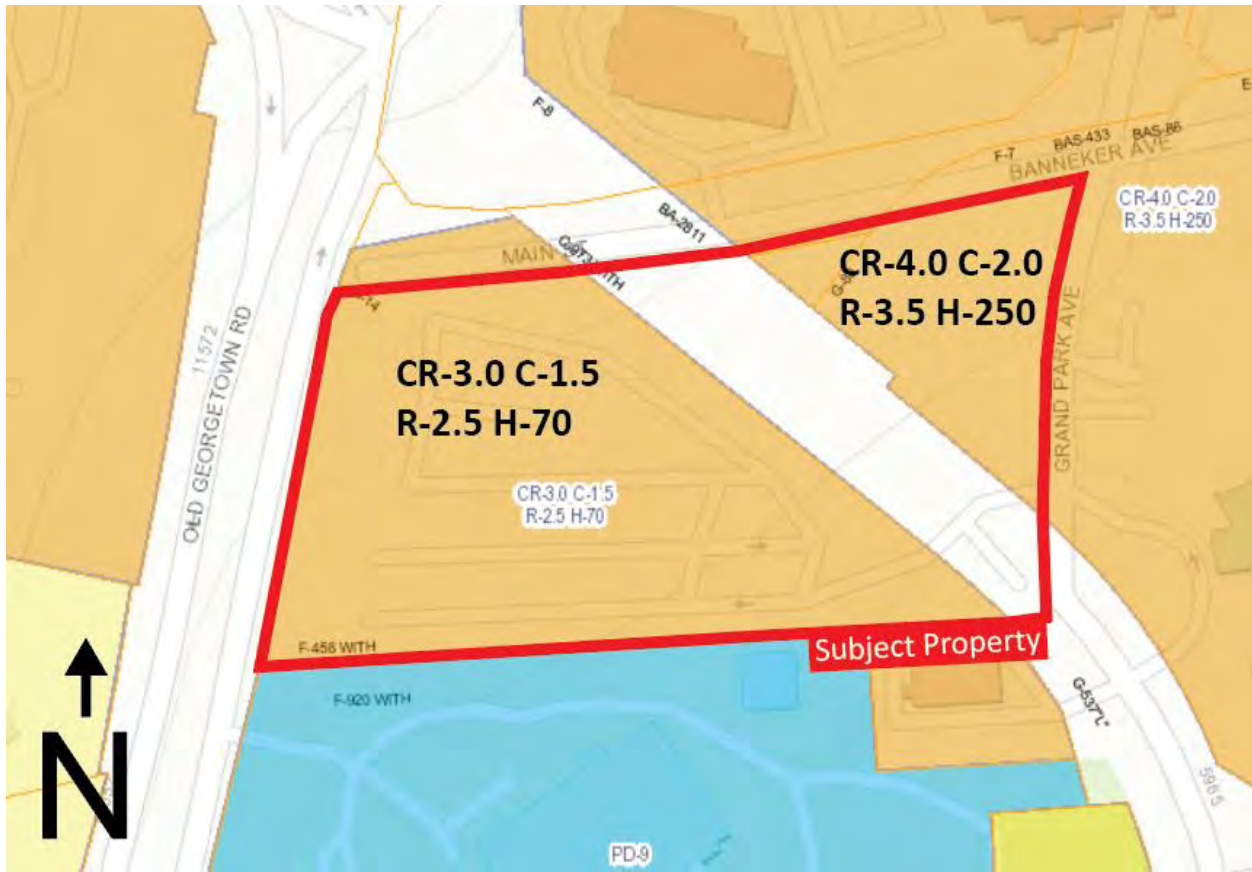


Figure 4 – Zoning Map

Due to the West Workaround street realignment and associated construction, the Subject Property is currently unimproved. The Subject Property is approximately 0.3 miles from the North Bethesda WMATA Metrorail Station.

The Subject Property is located within the Cabin John Creek watershed, which is classified as a Use Class I-P by the State of Maryland. The Subject Property contains no forest but does have one on-site tree with a diameter at breast height (“DBH”) of 30 inches or more. The Property contains no streams, wetlands or other sensitive environmental features. There are no documented streams or stream valley buffers on or immediately adjacent to the Subject Property, and no wetlands or rare or endangered species. No historic resources or cemeteries are known to exist on the Property.



Figure 5 – Subject Property (outlined in yellow)

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

SKETCH PLAN 320130010

On October 24, 2013, the Planning Board approved Sketch Plan No. 320130010 for a maximum density of 521,000 square feet of development, including up to 490,000 square feet of residential uses and up to 67,000 square feet of non-residential uses; with a maximum height of 70 feet; approximate location of lots and public dedications; general location and extent of public use space; and general location of vehicular access points.

PRELIMINARY PLAN 120150010 & SITE PLAN 820150010

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

SITE PLAN 82015001A

On March 9, 2017, the Planning Board approved Site Plan Amendment 82015001A to increase the height of the western building; change the limits of disturbance to accommodate stormwater management facilities; remove the pedestrian bridges between two wings of the proposed building; remove the private dog park; modify the design of the green roof areas; relocate the bikeshare station into the public right-of-way, and redesign and relocate the public art elements.

PRELIMINARY PLAN 12015001A

On July 23, 2020 the Planning Board approved Preliminary Plan 12015001A to extend the Plan Validity period by two years and Adequate Public Facilities Validity period by three (3) years, for 490,000 square feet of unbuilt residential development and 31,000 square feet of unbuilt commercial development.

All previous approvals are superseded by the conditions and findings contained in this Staff Report.

PROPOSAL

SKETCH PLAN AMENDMENT 32013001A

The Applicant proposes to develop the Subject Property with 709,396 square feet of Research and Development use, to be built as three different buildings over three phases. At full buildout, the Project will include a structured parking garage at the southwest of the Subject Property that will contain 999 parking spaces, a minimum of 100 of which will be leased by the Montgomery County Department of General Services. The leased parking spaces will replace the surface parking that currently exists on the site of Wall Local Park, allowing Wall Local Park to be fully realized as an exceptional public park and gathering space free of surface parking. Also included in the Project is a through-block landscaped pedestrian connection, which at full buildout will connect Wall Local Park to the south with Banneker Avenue to the north. Phase 1 of the Project will include the development of 692 parking spaces in the structured parking garage, including all 100 of the spaces to be leased by the County, as well the development of 236,466 square feet of Research and Development uses in Building A. Phase 2 will include the development of Building B and the completion of the thru-block connection, and Phase 3 will achieve the full buildout of 999 parking spaces in the structured parking garage as well as the development of Building C. The proposed Sketch Plan Amendment also establishes which Public Benefit categories will be pursued. The Applicant's proposal includes Public Benefit points for Major Public Facility (through the parking spaces being provided for lease by the County), Transit Proximity, Minimum Parking, Through-Block Connection, Adaptive Buildings, Exceptional Design, Public Open Space, Structured Parking, Building Lot Terminations and Cool Roof. These Public Benefits span six categories and will total 121.55 points.

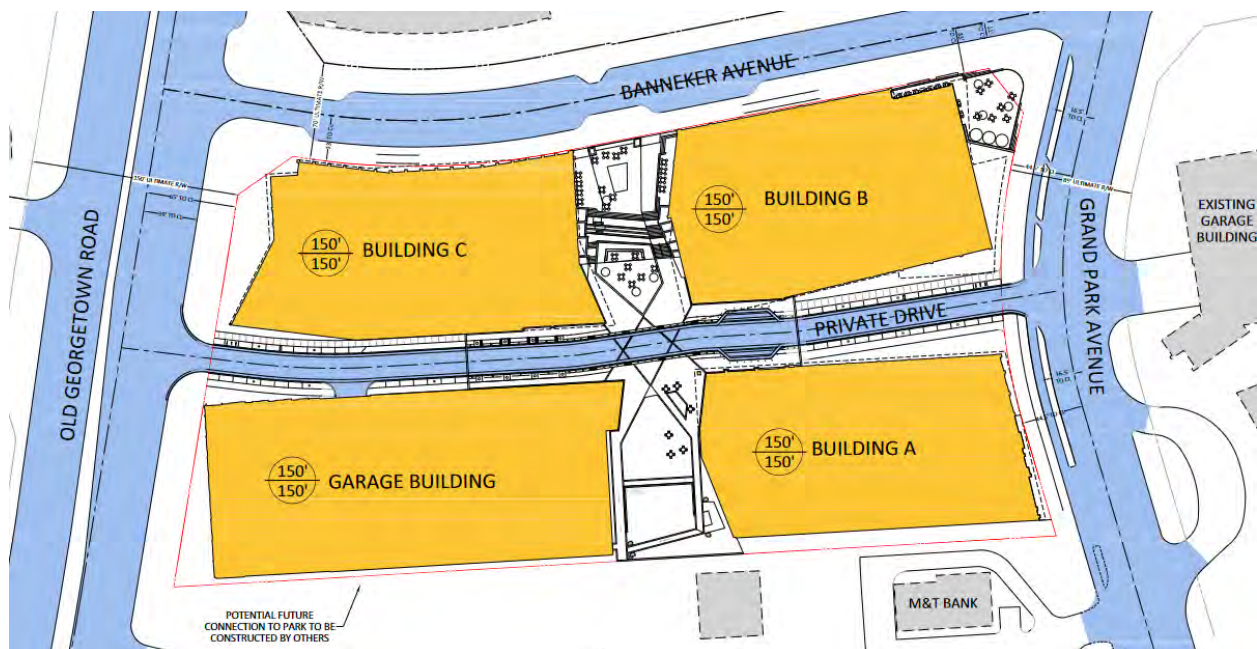


Figure 6 – Sketch Plan Drawing

PRELIMINARY PLAN AMENDMENT 12015001B

The Applicant proposes to subdivide the Subject Property into two parcels that will be developed with 709,396 square feet of Research and Development uses. As currently constituted, the Subject Property contains the subdivided remnants of the West Workaround road realignment project as described in the Property Description section of this Staff Report on pages 19 and 20. The Subject Preliminary Plan Amendment will consolidate these parcels into two rectangular parcels that are framed by the newly realigned Banneker Avenue to the north and Grand Park Avenue to the east. The newly created Parcel A, consisting of 105,698 square feet, will include all Phase 1 improvements including Building A, the structured parking garage and the portions of the through-block connection included in Phase 1. It also includes the internal access and circulation for the Subject Property, in the form of a private driveway that runs east-west and connects Old Georgetown Road to the west with Grand Park Avenue to the east. Parcel B, consisting of 74,165 square feet, will include Phase 2 and Phase 3, including Building B, Building C, and the remainder of the through-block connection.

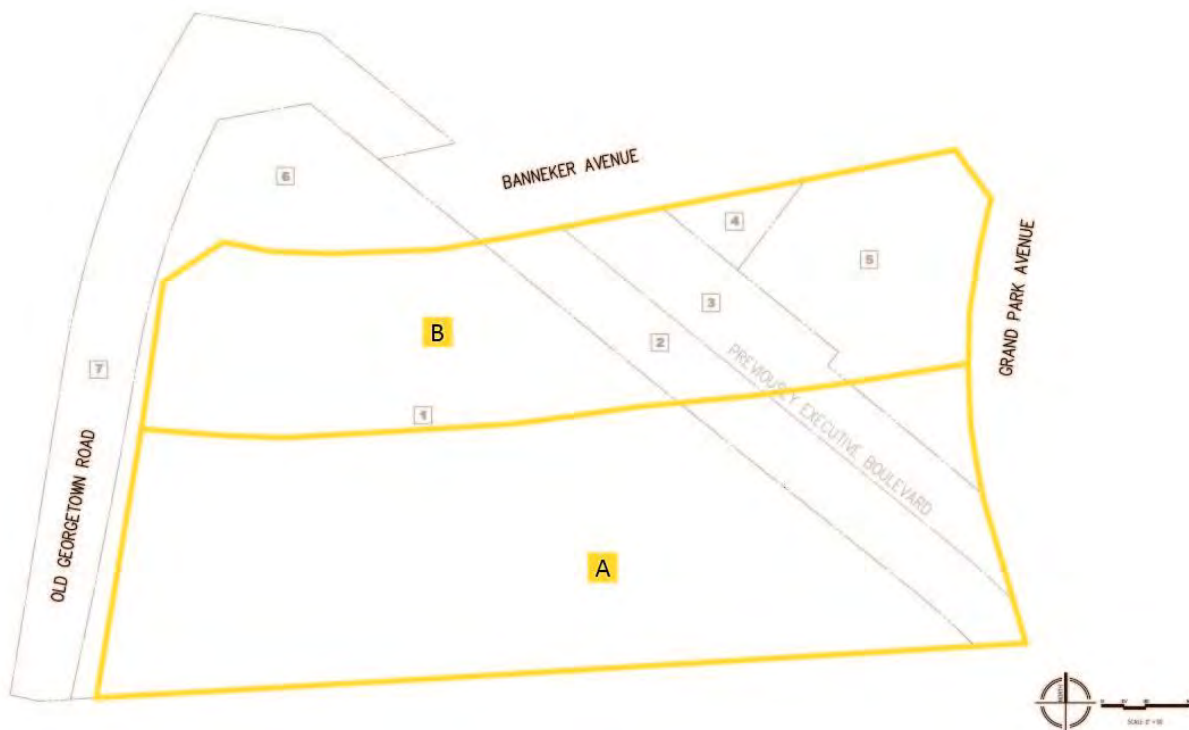


Figure 7 – Proposed Lotting Configuration

SITE PLAN AMENDMENT 82015001B

Phase 1, covered by the Subject Site Plan Amendment, will include the development of 236,466 square feet of Research and Development use in Building A at the southeast of the Subject Property, as well as the first phase of the structured parking garage containing 692 parking spaces at the southwest of the Subject Property. As part of Phase 1, the Applicant will be leasing 100 parking spaces to the Department of General Services to be used by patrons of the Kennedy Shriver Aquatic Center, Wall Local Park, and Josiah Henson Museum. The structured parking garage will be accessed via the Project's east-west private driveway and a garage entrance at the northwest of the garage.

Additionally, a future Mandatory Referral Application will include an access driveway connecting the drop-off loop at Wall Local Park to an entrance at the southwest of the structured parking garage. The details of this access driveway will be reviewed as part of this future Mandatory Referral for the Wall Local Park site. This access drive is not necessary for access or circulation of the Subject Site.

Between the structured parking garage to the west and Building A to the east, the Applicant will also construct Phase 1 of the through-block connection. At full buildout, this through-block connection will connect Wall Local Park to the south with Banneker Avenue to the north, but at Phase 1 will connect Wall Local Park to the Project's east-west private driveway. As part of the Project's Phase 1 interim condition, the Applicant will plant and maintain a seeded lawn on the northern portion of the Property. This northern portion of the Property will be developed with Buildings B and C as part of future Phases 2 and 3. The development of Buildings B and C will require site plan amendments, which may be pursued in either a concurrent or phased approach.

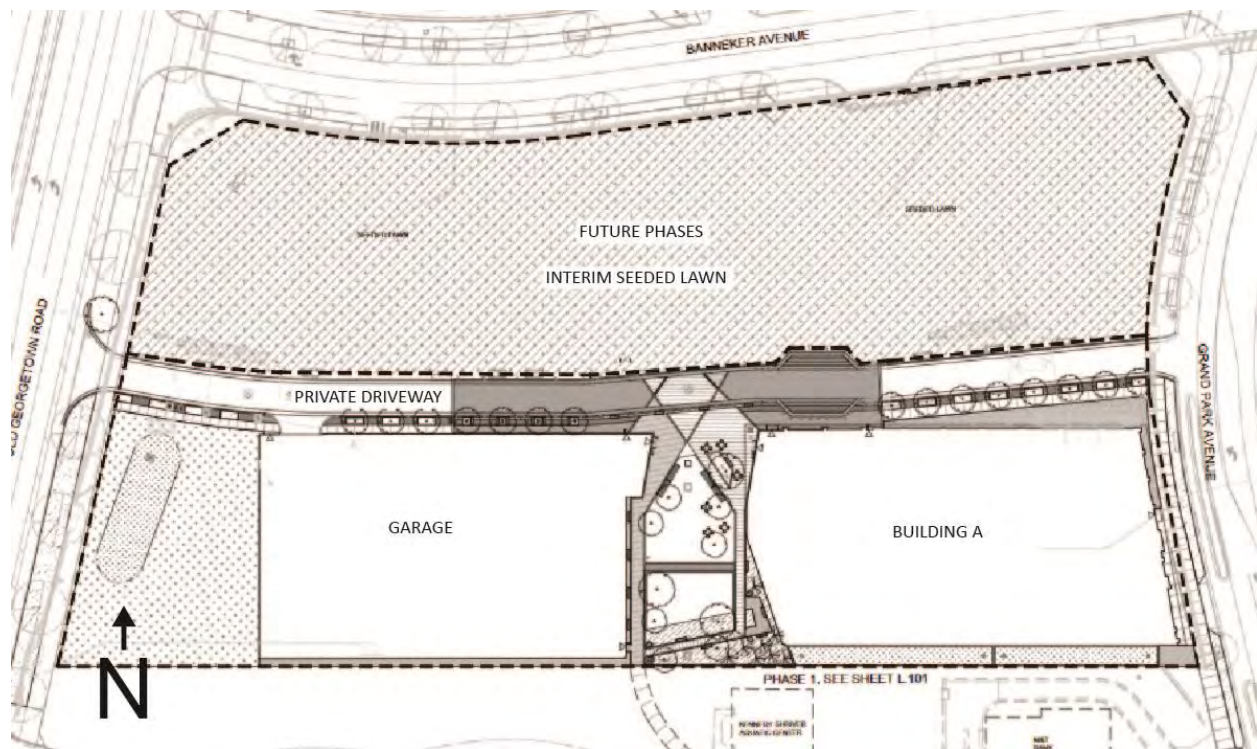


Figure 8 – Phase 1 Site Plan

Density and Height Averaging

The Subject Property as it exists today is split-zoned, with portions of the Property zoned CR-3.0, C-1.5, R-2.5, H-70 and CR-4.0, C-2.0, R-3.5, H-250. Thus, as existing the allowable heights on the Subject Property are 70 feet in some areas and 250 feet in other areas. The Applicant proposes to use height averaging in accordance with Section 59.4.5.4.B.5 of the Zoning Ordinance to achieve a maximum height of 150 feet across the entire site, which is 80 feet taller than the zoning at the west of the Subject Property, but 100 feet shorter than the zoning at the east of the Property.

Additionally, the Subject Applications use the weighted average of Subject Properties to achieve an allowable sitewide FAR of 3.18, which results in 709,396 square feet of allowable development. The

Applicant is proposing to re-allocate a portion of the Property's mapped residential FAR to nonresidential FAR pursuant to Section 59.4.5.4.B.5.c such that a total of 709,396 square feet of R&D uses can be developed.

Further discussion of the density and height averaging proposed as part of the Subject Applications can be found in Sketch Plan Finding 1 on pages 35 and 36 of this Staff Report.

Buildings/Architecture

Given the Subject Property's proximity to the North Bethesda Metrorail Station, KSAC, Wall Local Park, and the Marriott Conference Center, this development will create biotech facilities in a highly amenitized area within the 2010 *White Flint Sector Plan*. This development will bring biotech users together with other recent developments that will add vitality to the greater neighborhood. This development will complement the County's investment in the West Workaround and set the stage for future improvements in Wall Local Park.

The three lab buildings and the shared parking garage have been shaped to enhance the pedestrian experience moving both north-south from Banneker Avenue to Wall Local Park along the through-block connection and east-west along the internal driveway connecting Grand Park Avenue to Old Georgetown Road, which provides both vehicular and pedestrian access to the Property.

Where the through-block pedestrian connection and the internal east-west driveway intersect, there is a curbside private driveway with a welcoming plaza where all three biotech building lobbies meet. This raised vehicle area is designed to slow through-traffic and prioritize pedestrian movements in these special zones where three lobbies are located. Lighted bollards, planters, special pavers, and pole lights separate pedestrians and vehicular traffic.

The through-block connection provides a convenient pedestrian connection from Banneker Avenue to Wall Local Park through the site. This heavily landscaped and activated pathway connects the active residential and retail uses of Grand Park and Pike and Rose to the north with Wall Local Park to the south.

The articulated podium of Building A creates a pedestrian scale in height and cadence of vertical elements along its length. A horizontal cornice is created with an aluminum element above the second floor of the building that remains at a constant height. This cornice appears to be supported by an expression of the building columns, and the podium is further composed of alternating vertical rain-screen and glazed panels.

The Building A façade is composed of horizontally oriented rain-screen panels alternating at each floor with glazing that extends from the height of the lab benches to the ceiling, hiding both the services above the ceiling and the lab equipment at the base of the casework. The pattern of the rain screen creates a gradient from light gray to light blue to bold dark blues, wrapping the corners and continuing along the building length. These horizontal stripes are dramatically sliced at the southeast corner, creating a moment of expanded glazing where the building can announce the arrival of increased density in the urban core of North Bethesda.



Figure 9 – North Elevation of Building A

The top of the building comprises another use of horizontal aluminum elements with louvers obscuring the view of the lab equipment on the roof, acting as a veil, revealing some of the mechanics that support the lab function of research and development uses.

The northwest corner of the lab Building A is composed of an expanse of glass, denoting the location of the lobby entry and positioned directly across from the glass corner of the garage, where a prominent stair is visible through a glazed wall through the height of the building. These two elements create a moment of connective activity along the through-block connection to Wall Local Park and a moment of arrival for visitors to the Project.

The pedestrian-scaled elements continue across the base of the precast concrete parking garage, with vertical elements concealing the vehicles while maintaining the airflow required of a naturally ventilated garage.

Open Space

While the public open space required for the Applications at full build-out is 18,311 square feet, the Applicant is proposing to exceed the requirement with a total of 20,000 square feet of public open space. As part of Phase 1, the Applicant will be providing 12,000 square feet of public open space, which exceeds the 10% requirement of 10,570 square feet. The Applicant anticipates that the public spaces on the Property will be activated by the Project’s future users and the adjacent mix of residential, employment and retail users that will circulate through the Property. The combination of

these uses creates a dynamic and active streetscape along the Old Georgetown Road, Banneker Avenue and Grand Park Avenue frontages.

The Sketch Plan Amendment proposes a pocket park at the northeast of the Subject Property, which will be more fully reviewed at the time of Site Plan Amendment for proposed Phase 2. The majority of public open space is provided as part of a through-block pedestrian connection running north-south through the property. The through-block connection will provide a convenient pedestrian connection through the site, from the Grand Park Development on the north side of Banneker Avenue to Wall Local Park to the south of the Subject Property. A mid-block crossing is being proposed to enforce the connectivity between the Project and the Grand Park Development. This heavily landscaped and activated pathway connects the active residential and retail uses of Grand Park and Pike and Rose to the north with Wall Local Park to the south.



Figure 10 – Illustrative Through-block Connection Looking North from Wall Local Park⁵

The southern portion of the through-block connection included as part of Phase 1 will run between the proposed parking garage to the west and Building A to the east and provides a connection from Wall Local Park to the center of the Property. It has a large open lawn with sculptural seating and potential for artwork on the north side. The lawn will serve as a flexible open space for picnics, games, and other small events. There is a pollinator garden on the south side of the development, which will serve as an educational garden for children and grownups alike. Various seating opportunities are scattered throughout the lawn and gardens and provide a direct ADA connection from Wall Local Park to the parking garage. It is intended that this area is experienced as an extension of Wall Local Park, pulling the Park amenities into the site to further enhance the space.

The central portion of the through-block connection, where it intersects with the Project’s east-west driveway, is at the heart of the development with all the building entrances at this intersection. The design goal is to provide a welcoming plaza that is open and pedestrian friendly. The east-west

⁵ Figure 10 depicts the ultimate condition of the Subject Property, existing dry dive building on Wall Local Park is not shown.