



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

Item #
MCPB 5.22.08

MEMORANDUM

DATE: May 9, 2008
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RdK*
Robert A. Kronenberg, *RAK*
Supervisor
Development Review Division
FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EH*
Development Review Division
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(301) 495-2115



REVIEW TYPE: **Site Plan Review**
CASE #: **820080110**
PROJECT NAME: North Bethesda Center, Parcels F, I, and J
APPLYING FOR: Approval of 327 multi-family dwelling units, including 41 MPDUs (12.5 percent), in a 19-story building on Parcel F, and approximately 63,100 square feet of public use space on Parcels F and J, on a total of 7.36 acres
REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
ZONE: TS-M
LOCATION: In the southwestern quadrant of the intersection of Old Georgetown Road and Nebel Street
MASTER PLAN: North Bethesda/Garrett Park
APPLICANT: LCOR North Bethesda Phase II, LLC
FILING DATE: October 24, 2007
HEARING DATE: May 22, 2008

STAFF RECOMMENDATION: Approval of 327 multi-family dwelling units, including 41 Moderately Priced Dwelling Units (MPDUs) (12.5 percent), in a 19-story building on Parcel F, and 63,100 square feet of public use space on Parcels F and J, on a total of 7.36 acres. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on May 6, 2008, shall be required except as modified by the following conditions:

1. Development Plan Conformance

The proposed development shall comply with the binding elements listed in the Zoning Map Amendment G-801 and associated Development Plan.

2. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 120040490 as listed in the Planning Board opinion dated March 22, 2005.
3. Site Design
 - a. The proposed building on Parcel F shall maintain a visual expression of a two-story base on the building façade along Wentworth Place and McGrath Boulevard.
 - b. The park at Parcel J shall include a public use easement, including exterior adjacent access areas abutting the public streets.
 - c. Revise the design for the Building F garage wall north and west elevations from Nebel Street along Wentworth Place to McGrath Boulevard, to provide a more attractive and pedestrian friendly experience. The revised design should address both architectural and landscape elements.
4. Landscaping
 - a. By Certified Site Plan, coordinate minor revisions to the landscaping for the McGrath Boulevard loop drive and the Parcel J park as required by Montgomery County Fire & Rescue. M-NCPPC Development Review staff shall have final approval of any changes.
5. Lighting
 - a. All private exterior on-site down-lighting fixtures shall be full cut-off fixtures.
 - b. Deflectors shall be installed on all up-lighting fixtures causing potential glare or excess illumination.
 - c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
 - d. The height of the light poles, including the mounting base, shall not exceed that shown in the Certified Site Plan.
6. LEED Certification
The Applicant commits to LEED (Leadership in Energy and Environmental Design) Rating Certification, as defined by the U.S. Green Building Council (USGBC) under the LEED Standard for New Construction & Major Renovation (LEED-NC) or other Standard approved by DPS.
7. Maintenance Responsibility
The Applicant shall be responsible for maintaining all public amenity features, including the park on Parcel J and all private sidewalks and roadways.
8. Moderately Priced Dwelling Units (MPDUs)
 - a. The proposed development shall provide 41 (or 12.5 percent) MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated May 7, 2008.
 - b. The Applicant shall finalize an Agreement to Build the MPDUs before building permit.F
9. Transportation
The Applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated May 7, 2008:
 - a. The Applicant must limit the site plan development no more than 327 high-rise multi-family dwellings.

- b. The Applicant must provide 2 inverted-U bike racks (accommodating 4 bicycles) within 50 feet of the main public entrance to the multi-family building and 16 single-bike lockers in the garage in a well-lit location within 100 feet of the elevator.
10. Forest Conservation
The proposed development shall comply with the conditions of the final forest conservation plan. The Applicant shall satisfy all conditions of approval prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
11. Stormwater Management
a. The proposed development is subject to Stormwater Management Concept approval conditions dated May 26, 2004, unless amended and approved by the Montgomery County Department of Permitting Services (DPS).
b. By Certified Site Plan, the Applicant shall obtain DPS approval for a revised Stormwater Management Concept that removes all stormwater quality and quantity management structures, excluding necessary conveyance infrastructure, from Parcel I.
c. The Applicant shall not further amend this approved revised Stormwater Management Concept without M-NCPPC approval.
12. Development Program
The Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:
a. Street tree planting shall progress as street construction is completed, but no later than the issuance of the Parcel F building final use and occupancy permit.
b. Pedestrian pathways, seating areas, and recreation facilities, including the park on Parcel J, shall be completed prior to issuance of the Parcel F final building use and occupancy permit.
c. Landscaping associated with Parcel F and Parcel J shall be completed as construction of each facility is completed.
d. The Pool screen along the McGrath Boulevard loop drive shall be completed as construction of the pool is completed.
e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
f. Provide each section of the development with necessary roads.
g. Clarify the phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
13. Clearing and Grading
No clearing or grading of Parcels F, I, or J prior to M-NCPPC approval of the certified site plan.
14. Certified Site Plan
Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:
a. Development program, inspection schedule, site plan index, and site plan resolution.
b. DPS-approved revised Stormwater Management concept described in Condition 11.

- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- g. Details of the pool screen.
- h. Update the site and landscape plans to reflect necessary minor incidental changes related to the DPS-approved revised Stormwater Management concept.
- i. Update the site and landscape plans to reflect design improvements to the Parcel F building garage wall.
- j. Provide a lighting distribution and photometric plan with summary report and tabulations.
- k. Provide schematic details of the colonnade along Wentworth Place for the building on Parcel F.
- l. Provide diagrammatic elevation drawings illustrating compliance with the visual expression of a two-story base on the building façade along Wentworth Place and McGrath Boulevard.
- m. Final locations of bike racks and/or lockers.
- n. Address, to Environmental Planning staff's satisfaction, the comments contained in the M-NCPPC-Environmental Planning memorandum dated May 5, 2008.

SITE PLAN REVIEW ISSUES

I. Stormwater Management Concept

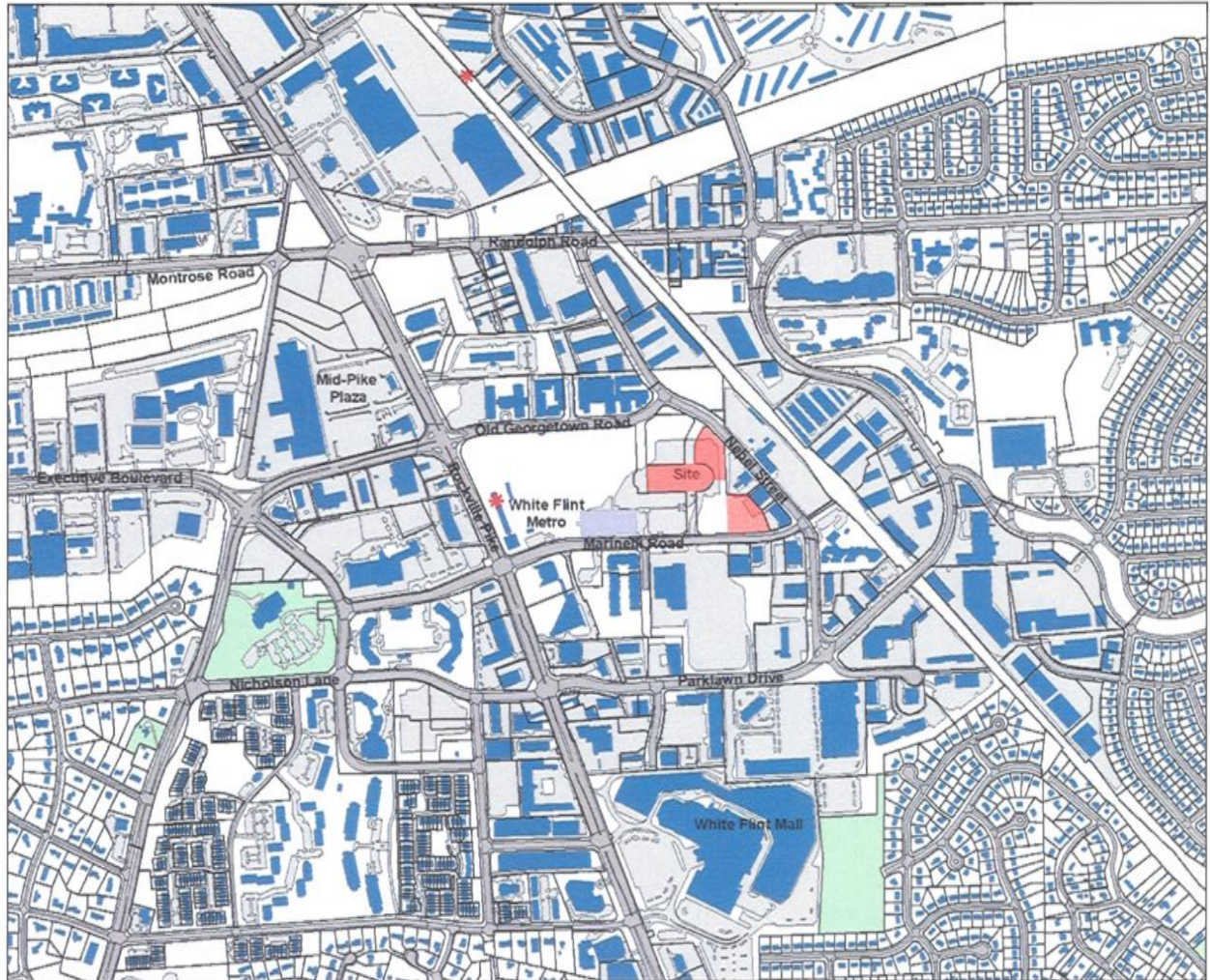
With the approval of Preliminary Plan 120040490, DPS approved a stormwater management concept on May 26, 2004. This concept included two surface sand filters, for quality management of the street runoff, and one subsurface vault, for quantity management for the entire site. Each of these facilities was to be placed on Parcel I, located directly on Marinelli Road.

Given the site's centrality within the redevelopment of the White Flint area, and the permanence of these stormwater management facilities, Staff raised concerns with the Applicant about whether a more "urban" solution could be found to achieve the same ends. M-NCPPC staff at all levels collaborated, through a series of meetings, with the Applicant and staff from DPS, DPWT, and DEP to identify and pursue an alternative solution that will integrate the stormwater management solution into the urban design in a more sustainable fashion, improving the overall design quality of the project.

While staff appreciates the irregularity of requesting an Applicant to revise an approved stormwater management concept, staff similarly appreciates the unique role of this development in setting the tone for the redevelopment of the rest of the area. The commitment, experience, and insights of the reviewing agencies' staffs, particularly the DPS Stormwater Division, and the Applicant's team have produced a superior outcome.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located in the southwest quadrant of the intersection of Old Georgetown Road and Nebel Street in North Bethesda. The larger North Bethesda Center property is bounded by Old Georgetown Road on the north, Marinelli Road on the south, Rockville Pike on the west, and Nebel Street on the east. There are train tracks one block to the east and a metro station, the White Flint stop, in the southwest corner of the site at Rockville Pike and Marinelli Road. Rockville Pike is a significant regional destination retail corridor, and the White Flint area is currently under study for sector plan revision.



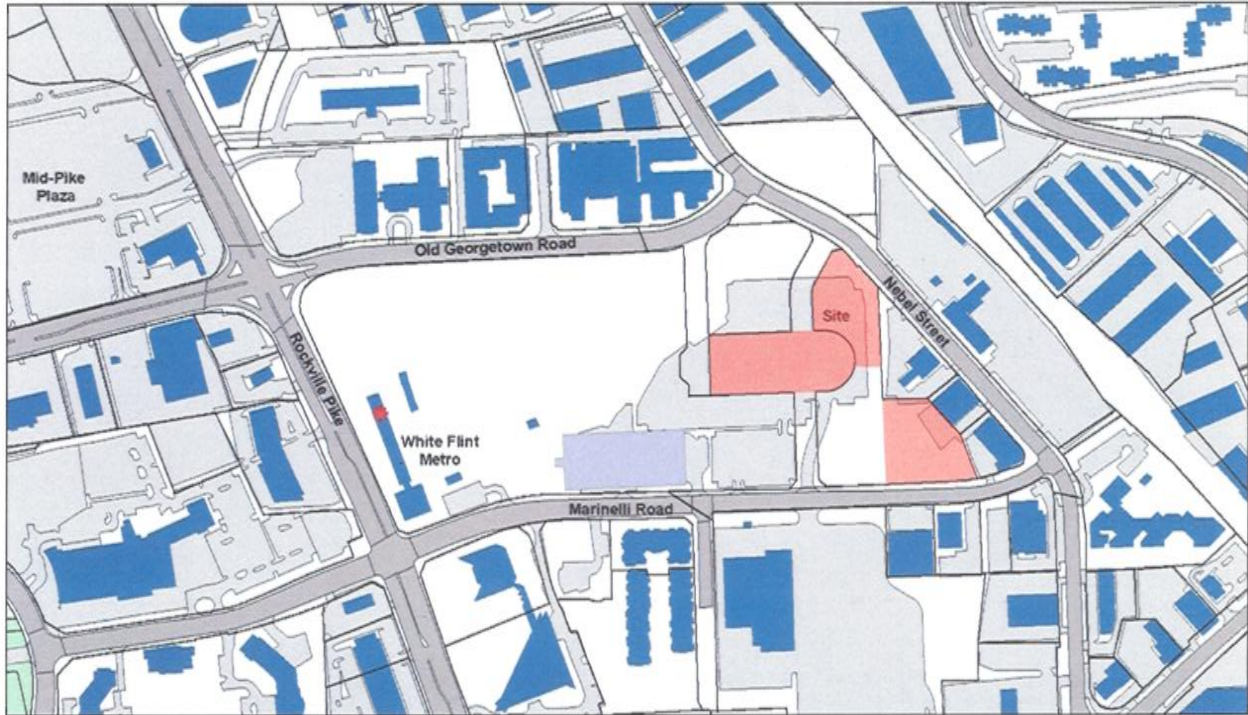
The Parcels included within this Site Plan are part of the larger North Bethesda Center development. This larger project, bound by Old Georgetown Road on the north, Marinelli Road to the south, Nebel Street on the east and Rockville Pike to the west, will be a center of the future redevelopment of the White Flint area. The site will include a mix of residential, office, retail, and civic uses within a new street-and-block system. Immediately north and east of Parcels F and J, Parcel E contains a 18-story multi-family building with 312 residential units and 61,246 square feet of supermarket retail, currently under construction.



Overall site plan

PROJECT DESCRIPTION: Site Description

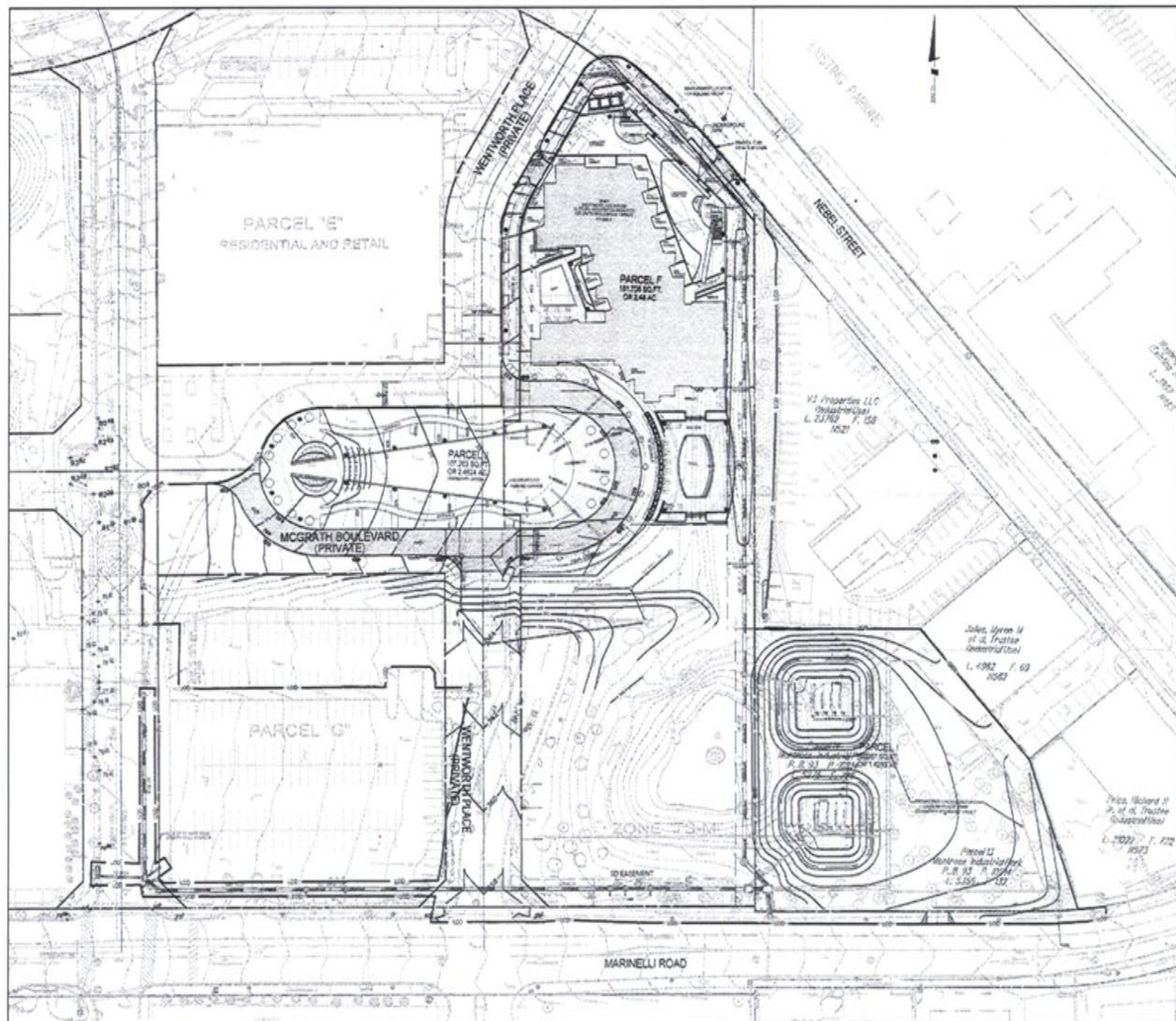
The subject site is located on the eastern side of the development. There is a significant grade change away from Rockville Pike toward Nebel Street. The site used to contain a large surface parking lot, but since has been cleared and is now largely vacant. The portion of this subject site along Marinelli Road, Parcel I, contains an existing surface stormwater facility.



Aerial View

PROJECT DESCRIPTION: Proposal

This site plan proposes 327 multi-family dwelling units, including 41 Moderately Priced Dwelling Units (MPDUs) (12.5 percent), in a 19-story building on Parcel F, and 63,100 square feet of public use space on Parcels F and J, on a total of 7.36 acres. The original submission also included stormwater management facilities on Parcel I, on Marinelli Road, but the Applicant is in the process of revising their stormwater management concept to relocate those facilities elsewhere within the site. The Applicant is providing parking for Parcel F under the building in a structured garage that is exposed along Wentworth Place and Nebel Street.



Site plan

The residential green on Parcel J will provide passive recreation opportunities primarily for the surrounding residential buildings. The pinching of McGrath Boulevard at Citadel Avenue (immediately west of parcels E and G) sequesters – though not completely – the green from the primarily commercial and retail traffic of the adjoining blocks, potentially providing both a measure of repose and an opportunity for connection with the retail activity.



Landscape plan

At the McGrath Boulevard terminus, the multi-family building defines the street edge, building out to the sidewalk by means of a two-story pavilion extending from the building entry to the intersection of McGrath Boulevard and Wentworth Place. As the sidewalk turns the corner onto Wentworth Place, the architecture maintains the streetwall reading through a double-height colonnade, articulated so as to create a cloistered interior private courtyard for building residents.

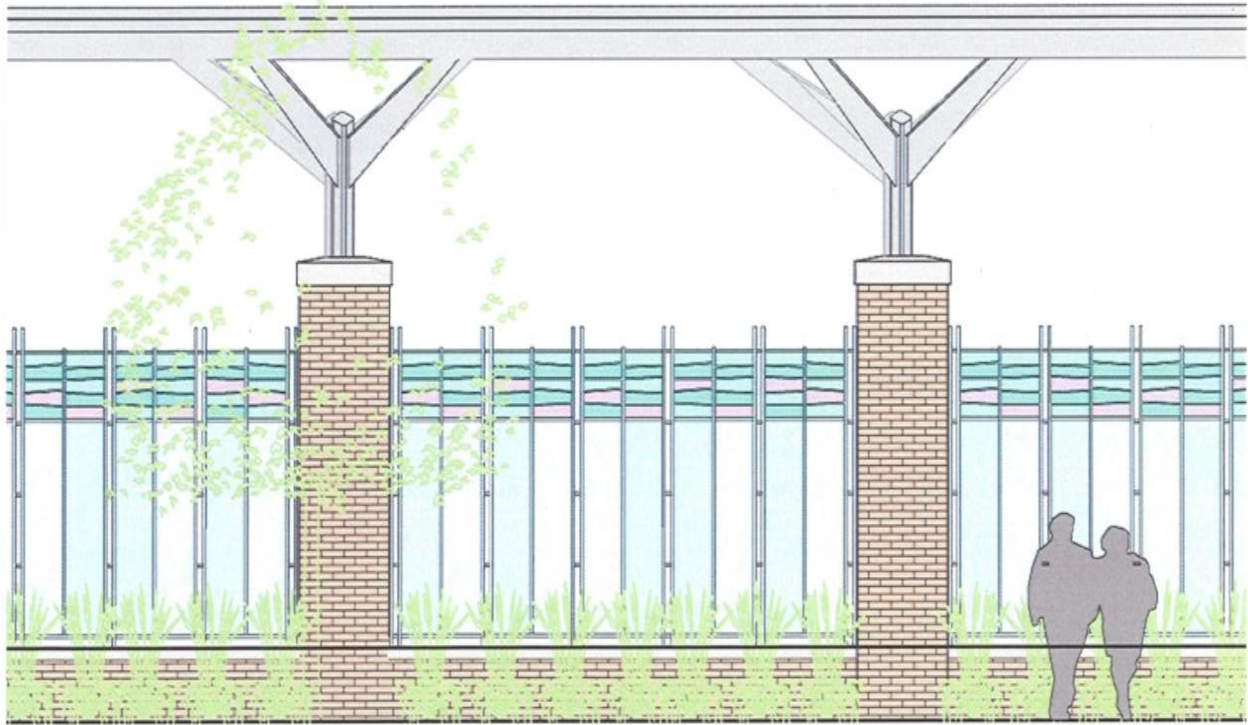


Perspective of the corner pavilions from the park

The visual axis of McGrath Boulevard, through the residential landscaped park, is completed by a decorative screen of attractive colored translucent panels. This screen will itself be landscaped and lit, providing an attractive built edge to the space throughout the day.



Street elevation of the pool screen, from the residential green



Pool screen detail

The facades of the buildings combine masonry and vertical glass piers to accent the building massing. While the proposal is for a single-use building, the Applicant has endeavored to provide a pedestrian-scale street experience for this 19-story building. Further, given the pronounced sloping of the topography, the building's underground parking garage becomes exposed along the north, east, and west facades. The Applicant is undertaking to break up the monotony of these great expanses of masonry through both alternating material color and a sensitive but aggressive landscaping plan.



Wentworth Place elevation



McGrath Boulevard elevation



Old Georgetown Road elevation

PROJECT DESCRIPTION: Prior Approvals

Zoning/Development Plan

The subject property was rezoned from the R-90 to the TS-M zone by Local Map Amendment G-801. As part of the Development Plan, the District Council set limits for the residential and commercial development on the entire North Bethesda Center site, parsing the total amount of buildable area between the blocks. The limits imposed by this plan largely segregate commercial/retail and residential uses, eliminating some opportunities for more street-activating mixed-use buildings. Parcel I remains zoned I-1.

Preliminary Plan

On September 30, 2004, the Planning Board approved the Preliminary Plan for the entire North Bethesda Center site (120040490), creating nine lots and two parcels on 32.42 acres. The March 22, 2005, resolution limits development to 1,350 multi-family residential units, including 169 MPDUs, 1.148 million square feet of commercial office, 202,037 square feet of general retail and supermarket, and an 80,000 square-foot theatre.

Related Site Plan

On July 21, 2005, the Planning Board approved a site plan for the adjacent Parcel E (820050340), including a 18-story multi-family building with 312 residential units and 61,246 square feet of supermarket retail.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (TS-M, as amended by the approved Development Plan)

Development Standard	Permitted/ Required by the Development Plan	Proposed for Approval
Min. Tract Area, entire site (ac.):	32.42	
Min. Tract area, site plan	not specified	7.36 (Parcels F, I, J)
Max. Density of Development (d.u.)*	500	327
Studio	not specified	38
One-bedroom (with & without den)	not specified	204
Two-bedroom	not specified	85
* Residential density in the Development Plan was limited only by dwelling units, not FAR		
MPDUs (%)	12.5	12.5
MPDUs (d.u.)		41
Min. Building Setbacks (ft.)		
Nebel Street	not specified	0
East lot line	not specified	15
All other	not specified	0
Min. Public Use Space (%)	29.8 (over the entire site)	19.5 (Parcels F, J)
Min. Public Use Space (sf.)		63,100 (Parcels F, J)
Min. Active/Passive Recreation (%)	25 (over the entire site)	19.5 (Parcels F, J)
Min. Active/Passive Recreation (sf.)		63,100 (Parcels F, J)

Max. Building Height (stories): 20 19
 Max. Building Height (ft.): 232**
 ** The Development Plan specifies that the maximum building height must include "height of parking structures". Since the building on Parcel F has an exposed parking structure, the building height shall be measured from the level of approved street grade on Nebel Street opposite the parking garage to the highest point of roof surface of the flat roof.

Parking Spaces

Studio, market rate (33 units)	1/unit	33
Studio, MPDU (5 units)	0.5/unit	2.5
One-bedroom, market rate (179 units)	1.25/unit	223.75
One-bedroom, MPDU (25 units)	0.625/unit	15.625
Two-bedroom, market rate (74 units)	1.5/unit	111
Two-bedroom, MPDU (11 units)	0.75/unit	8.25
Subtotal (327 units)		394.125
Discount for transit station development area	-10 percent	-39.4125
Discount for entrance w/in 1,600' of metro	-5 percent	-19.70625
Total discount	-15 percent	-59.11875
Total spaces required	335	
Total spaces provided		392

RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
Demand Points					
Multi-family Units	11.6	11.6	11.6	223.8	133.7
Supply Points					
Community Tot Lot	3.15	0.7	0	1.4	0.35
Picnic/Sitting Area	6	6	9	30	12
Pedestrian System	1.16	2.33	2.33	100.73	60.17
Swimming Pool	0.63	2.38	2.38	55.96	20.06
Indoor Community Space	1.16	1.74	3.49	67.15	53.49
Indoor Fitness Facility	0	1.16	1.16	44.77	20.06
Total Supply	12.11	14.32	18.36	300.01	166.13
Demand met on-site (%)	104	123	158	134	124

ANALYSIS:

Conformance to Master Plan

While development in the area has outpaced the recommendations for this site contained in the 1992 North Bethesda Garret Park Master Plan, the approved Development Plan and the proposed Site Plan meet the objectives of the White Flint Sector Plan Area, including developing White Flint as the main urban center of North Bethesda, capitalizing on the public investment in the Metro system and encouraging its use, promoting mixed-use development near Metro, providing transit-oriented residential development, and developing lively pedestrian environments.

Local Area Transportation Review

The APF test was approved at the Planning Board hearing for Pre-Preliminary Plan No. 72004001 on October 16, 2003, under the *FY 2004 Annual Growth Policy's* Alternative Review Procedures for Metro Station Policy Areas.

Forest Conservation

Forest conservation issues are being addressed on a site-wide basis and do not directly impact the substance of this Site Plan.

FINDINGS: For Site Plan Review

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

If amended in accordance with recommended conditions, the proposed development is consistent with the approved Development Plan for Local Map Amendment G-801 in land use, density, and general layout. The proposed development also is in conformance with the binding elements as demonstrated in the Project Data Table above.

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

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the TS-M zone as modified by the approved Development Plan, as demonstrated in the Project Data Table above.

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

- a. *Locations of buildings and structures*

The proposed multi-family residential building well defines the urban pedestrian experience, maintaining the street wall and contributing to the urban character of the larger development. Along with the building on adjacent Parcel E, an 18-story mixed-use building with a ground-floor supermarket and residential units above, it provides and maintains a decisive street edge for Wentworth Place. The location of the building and associated structures is adequate, safe, and efficient.

- b. *Open Spaces*

The plan proposes 63,100 square feet of open space. The landscaped residential green will provide ample opportunity for active and passive recreational opportunities for residents and visitors and is attractively landscaped, further encouraging its use. All sidewalks are generously dimensioned and feature standard streetscape elements, including pavers and street trees. The open spaces are adequate, safe, and efficient.

- c. *Landscaping and Lighting*

The proposed landscaping for the residential park includes trees as well as low plantings to provide shade while allowing broad visibility, encouraging its use

through improved security. The proposed landscaping for the private residential areas within the private site will also provide many opportunities for enjoyment and respite. The landscaping is adequate, safe, and efficient.

The lighting plan provides illumination sufficient for the safe enjoyment of the public spaces throughout the day, while limiting the amount of light trespass into adjacent residential developments and the skies above. The lighting is adequate, safe, and efficient.

d. Recreation Facilities

Recreation demand is satisfied through a combination of on- and off-site amenities. The TS-M zone allows a portion of the active/passive recreation facilities to be provided interior to the building, so the proposal includes both exterior and interior amenities including the residential park, private fitness facilities, a private pool, a multitude of seating areas, and a porous pedestrian network linking this development with the surrounding communities. Off-site amenities include a County Recreation Center on Marinelli Drive. The recreation facilities are adequate, safe, and efficient.

e. Pedestrian and Vehicular Circulation Systems

This site is served by Metro rail and bus service directly on-site at the intersection of Rockville Pike and Marinelli Road. Pedestrian circulation through a development-wide sidewalk system connects residents directly to the surrounding residential, commercial, and retail uses, and through transit to the rest of the region.

Vehicular circulation to the site will be provided from both public and private roads, with a grid of streets offering a variety of routes in and out of the site. Garage access for Parcel F will be provided off Wentworth Place. A loop drive around the residential green will provide drop-off and visitor access to the building. The pedestrian and vehicular circulation systems are adequate, safe, and efficient.

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

The larger North Bethesda Center project will set the standard for the redevelopment of the White Flint area through good street-making, attractive design, and a street-activating mix of uses. The building height, massing, and configuration go beyond compatibility to improve upon the overall urban design quality of the area.

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

The Forest Conservation Plan for the over-all North Bethesda Center site, which includes a substantial tree-save area on the main retail street, is in compliance with Chapter 22A.

The approved stormwater management concept consists of quality management for the buildings through on-site underground filters and for the streets and pervious areas through two surface sand filters. Stormwater quantity management for the whole site was to be addressed through an underground vault located on Parcel I. The Applicant is in the process of revising their stormwater management concept to relocate the facilities within the site, freeing Parcel I for future development.

APPENDIX

- A. Planning Board opinion for Preliminary Plan 120040490.
- B. Agency Approval Letters

APPENDIX A: Planning Board opinion for Preliminary Plan 120040490.

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org**Date Mailed:** MAR 22 2005**Action:** Approved Staff
Recommendation**Motion** of Commissioner Bryant,
seconded by Commissioner Perdue,
with a vote of 5-0;
Chairman Berlage and Commissioners.
Perdue, Bryant, Wellington, and
Robinson voting in favor.**MONTGOMERY COUNTY PLANNING BOARD****OPINION**

Preliminary Plan 1-04049

NAME OF PLAN: North Bethesda Town Center (LCOR White Flint)

The date of this written opinion is MAR 22 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

INTRODUCTION

On January 13, 2004, LCOR White Flint, LLC submitted an application for the approval of a preliminary plan of subdivision of property in the TS-M and I-1 zones. The application proposed to create 9 lots on 32.42 acres of land located at on the east side of Rockville Pike (MD 355) between Marinelli Road and Old Georgetown Road (MD 187), in the North Bethesda/Garrett Park master plan area. The application was designated Preliminary Plan 1-04049. On September 30, 2004, Preliminary Plan 1-04049 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application;

all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The subject property consists of approximately 32 acres and is located on the east side of Rockville Pike (MD 355) approximately 2,000 feet south of its intersection with Montrose Road. The property is bounded on four sides by roads: Rockville Pike on the west, Old Georgetown Road on the north, Nebel Street on the east and Marinelli Road on the south. The site is currently developed with the White Flint Metro Rail Station, a surface parking lot for Metro patrons, a golf driving range and miniature golf course, and stormwater management facilities. The majority of the property is zoned Transit Station Mixed with a small area of I-1 Light Industrial.

PRIOR PLAN APPROVALS

The TS-M zoned portion of the property was rezoned from the R-90 zone in April 2003 per County Council Resolution No. 15-151. The specifications and requirements of this rezoning have been incorporated into the approval of the Preliminary Plan per proposed condition #2.

A Pre-application Submission Application, including a Concept Plan, was submitted for Planning Board approval, pursuant to the provisions of Section 50-33A of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) in September, 2003 (Pre-Preliminary Plan No. 7-04001). The application requested a decision by the Planning Board on the adequacy of school facilities for the proposed subdivision under the Ceiling Element for the FY 2004 Annual Growth Policy (July 2003), and the adequacy of road and public transportation facilities of the proposed subdivision under the Alternative Review Procedures for Metro Station Policy Areas in the FY 2002 Annual Growth Policy – Policy Element (November 2001). The Pre-Preliminary Plan was approved by the Planning Board, with conditions on October 16, 2003. The approval conditions have been incorporated into the approval of the Preliminary Plan per proposed condition #13.

In July 2004 the Planning Board reviewed a Mandatory Referral for the Washington Metropolitan Area Transit Authority's (WMATA) Metro parking garage at White Flint, which is located on proposed Lot "D" of the subject Preliminary Plan. The Board approved the mandatory referral and transmitted comments to WMATA.

PROJECT DESCRIPTION

The preliminary plan consists of nine lots and 2 parcels. Each lot may contain up to a 20-story building with structured parking. The two parcels contain community open space and stormwater management facilities. The proposed development will contain mixed uses including: approximately 1,350 apartment units, twelve and one-half percent of these units, or 169 units will be Moderately Priced Dwelling Units; 1,148,000 square feet of Commercial Office; 202,037 square feet of General Retail; and up to an 80,000 square foot Theater. The plan preserves approximately one acre of trees, which are part of the original 4.7-acre forest and rock outcroppings of the "White Flint" in the Urban Amenity Open Space area. Site plan review pursuant to §59-D-3 is required for this project.

STAFF RECOMMENDATION

Staff recommended approval of this preliminary plan with conditions in its memorandum dated September 23, 2004 ("Staff Report"). Staff's review indicated that the preliminary plan complies with the requirements of Chapter 50, the Subdivision Regulations. Staff found that the preliminary plan will provide safe and adequate access for vehicles and pedestrians, and satisfies the APF requirements.

During Staff's review, a letter was received from the Garrett Park Estates – White Flint Park Citizens' Association ("Citizens' Association"), which expressed concern with the traffic impact from the Bethesda Town Center, in particular on Rockville Pike, and noted that the Preliminary Plan did not show the on-site daycare facility or the on-site indoor community activity space. Staff also received a letter from V3 Properties, LLC ("V3 Properties"), the owner of an adjacent property on Nebel Street. V3 Properties noted that it and its neighbors should be provided access to and through the proposed development, at a minimum pedestrian access.

PUBLIC HEARING

At the public hearing, Staff presented revised conditions of approval to the Board. Staff explained that one of these revisions included the requirement that the Planning Board grant a waiver of a section of the Subdivision Regulations requiring business district streets have an 80' right-of-way to permit rights-of way of 70 feet, which is the width required in the Road Code, Montgomery County Code Chapter 49. Staff also noted that Condition 13 restates the binding conditions of approval of the pre-preliminary plan and that the preliminary plan proposed condition reflected the correction of a mistake in the pre-preliminary plan conditions by referencing the correct fiscal year Annual Growth Policy. Other revised conditions concerned the roadways, including obtaining certain approvals from SHA and WMATA at site plan review.

Transportation Planning Staff advised the Planning Board that adequate public facilities had been addressed at the pre-preliminary plan stage and has been approved by the Board. As such, Staff testified, the primary transportation issue for the Board's consideration at the preliminary plan hearing involved the road network. Staff advised the Board that, through negotiations, the applicant, DPWT and M-NCPPC Staff had arrived at a consensus position that the streets serving the commercial area will all be public. Streets serving the residential area of the project, however, will be private. Staff noted that DPWT has agreed to maintain Bridge Street as a public street, and that traffic control at the intersection of Bridge and Station streets is being given careful consideration to ensure that there will be no backup of traffic on Rockville Pike. Staff noted the importance of that access point to the site because nearly all of the retail will be located along Main Street and that M-NCPPC, DPWT, and the applicant feel strongly that the proposed connection to Rockville Pike at Bridge Road be provided.

The applicant, through its counsel, testified that applicant agrees with Staff's recommendation and conditions of approval, including the revisions. Responding to the comments in the Citizens' Association letter, applicant's counsel advised the Board that issues related to the daycare center and recreational amenities are not properly addressed at the preliminary plan stage and will be addressed at the site plan stage. Applicant also responded to the letter submitted by V3 Properties, which requested pedestrian and/or vehicular access directly into the site at the middle of the block. Noting that the neighboring property is in an I-1 Zone, Applicant pointed out that pedestrian access exists along Nebel Street into the site. Applicant commented that it did not desire to have I-1 traffic coming through the residential component of the proposed development and, furthermore, that a significant change in grade existed between those neighboring properties and the site, which would make such a connection impractical. Moreover, the applicant argued, the proposed road/ sidewalk grid network provides adequate vehicular and pedestrian connections from virtually any direction.

A representative of the Citizens' Association read and submitted into the record a written statement. The representative pointed out what she believed was an error in excluding from the list of intersections that exceed the CLV congestion standard and requested that the information be updated. She stated that it is in the interest of the community to discourage use of Rockville Pike in favor of alternate routes such as Nebel Street. The representative advised the Board that the Citizens' Association took issue with two aspect of the Preliminary Plan: the construction of new vehicular access from Rockville Pike and the proposal to provide only private road access to Nebel Street.

In its rebuttal time, the applicant clarified that the classification of certain roads as being "private," simply relates to the party who will be charged with maintaining the road. He noted that the private roads would be built to public road standards and the public would have access to those roads. Concerning Bridge Street, the applicant noted that

Transportation Planning Staff had determined during the zoning case that the access to Rockville Pike would relieve some of the traffic congestion at the intersection with Old Georgetown Road. He also advised the Board that deceleration and acceleration lanes would be provided on Rockville Pike at the new access point.

There was considerable discussion by the Board on the amenities and open spaces to be provided and whether they would really serve the community in the manner intended. Board members told the applicant that they want assurance that the proposed amenities would be useful and appear welcoming to the public. Staff and applicant explained to the Board how, conceptually, the amenities would work. They advised the Board that the amenities and open space design will be addressed in some detail at the time of site plan review. The applicant assured the Board that it is aware of the Board's desires with respect to the amenities and open space. The Board also expressed concurrence that the intersection of Nebel and Nicholson requires improvement and asked Staff to look into the matter in order that the Board may forward a recommendation to the County to address any issues there. The Applicant noted that it was required under the alternative review procedure to perform a comprehensive intersection analysis and that such analysis had been conveyed to Staff.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-04049 substantially conforms to the North Bethesda/Garrett Park Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision. As noted above, the adequate public facilities finding was made at the pre-preliminary plan stage.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application contains only the following contested issues:
- Pedestrian and/or vehicular access from adjoining properties in the southeast corner of the property directly into the proposed development: The Board finds, based on evidence of record and testimony at the hearing that providing such direct access is not feasible because of problematic grade changes and the location of proposed stormwater management facilities. The Board notes that adequate access is provided in the northeast corner of the proposed site and that additional "direct" access points are not necessary. The Board further finds that the proposed road/sidewalk grid network provides adequate vehicular and pedestrian connections from virtually any direction, including the adjoining properties.
 - Access to the proposed development directly onto Rockville Pike via Bridge Street: Based on evidence of record and testimony at the hearing, the Planning Board finds that the access point at the proposed Bridge Street and Rockville Pike is critical because nearly all of the retail will be located along Main Street, which is on axis with Bridge Street; and, therefore, it is important for optimal circulation and safety that vehicles entering from and exiting to Rockville Pike have such a convenient access point. Additionally, the Board finds that the proposed access point will facilitate efficient and safe circulation of public transit vehicles on the site. The Board further finds that the proposed connection to Rockville Pike at Bridge Street will not negatively impact traffic on Rockville Pike, because, among other things, it will relieve some of the traffic congestion at the intersection of Rockville Pike and Old Georgetown Road to the north, and deceleration and acceleration lanes will be provided on Rockville Pike to the north and south of the access point. The Board is of the opinion that, in approving a development plan that included access to Rockville Pike via proposed Bridge Street—which access point was not delineated for in the master plan—and delegating final approval of the bridge to the Planning Board as a part of the Board's regulatory review of the proposed development, the District Council, the master plan approving authority, has endorsed access onto Rockville Pike via proposed Bridge Street; and, therefore, the Board's finding of

substantial conformance with the master plan can be made notwithstanding the absence of such an access point from the master plan.

- Private Road access to Nebel Street: The Board finds, based on evidence of record and testimony at the hearing, that providing access to Nebel Street via "private roads" will not discourage drivers from using those roads to access Nebel Street because those roads, when constructed, will be indistinguishable from public roads and will be open to the public.

The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04049 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04049, including a waiver of Section 50-26(a)(4) pursuant to Section 50-38, to permit business district streets with a right of way of 70 feet, and subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 9 lots, 2 parcels with 1,350 Multi-Family Residential Units including 169 MPDUs, 1,148,000 square feet of Commercial Office, 202,037 square feet of General Retail with a possible supermarket, and an 80,000 square foot Theater with matinees and a 3,500-seating capacity.
- 2) Compliance with the specifications and requirements of the approved development plan for Zoning Application No. G-801, County Resolution No. 15-151.
- 3) No clearing, grading or recording of plats prior to site plan signature set.
- 4) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 5) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 6) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.

- 7) Record plat to reflect a Category II easement over the tree save area which is part of the Urban Amenity Open Space.
- 8) Record plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated May 26, 2004.
- 10) Final access and improvements, as required to be approved by MDSHA prior to issuance of building permit.
- 11) All road right-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the North Bethesda/Garrett Park Master Plan, unless otherwise designated on the Preliminary Plan.
- 12) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Bethesda/Garrett Park Master Plan, and to the design standards imposed by all applicable road codes, unless otherwise amended. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 13) Compliance with the following transportation-related conditions:

Per the Planning Board's approval of Pre-Preliminary Plan No. 7-04001:

- A. The Applicant to enter into an agreement with the Planning Board and the County Department of Public Works and Transportation to:
 1. meet trip reduction goals established by the Planning Board as a conditions of approving the LCOR Subdivision, which require the Applicant to reduce 50% of the number of weekly peak hour trips attributable to the LCOR Subdivision, either by reducing trips from the subdivision itself or from other occupants of the White Flint Metro Policy Area;
 2. participate in programs operated by, and take actions specified by the North Bethesda Transportation Management District ("TMD") established by County law fro the White Flint Metro Policy Area (or a group of policy areas including that policy area) in order to meet the TMD's mode share goals;
 3. pay an ongoing annual contribution or tax to fund the TMD's operation expenses, including minor capital items such as buses, as established by County law; and

4. pay the applicable transportation development impact tax without claiming any credits for transportation improvements.
 5. Conduct a Local Area Transportation Review ("LATR") traffic study and specify for inclusion in the County's Capital Improvements Program ("CIP") any transportation improvements needed to support the subdivision.
- B. Preliminary plan application shall conform to all other requirements set forth in Chapter 59, Zoning Ordinance, Chapter 50, Subdivision Regulations and other applicable codes.
- C. Planning Board approval of the Pre-Preliminary Plan including the alternative review procedures under Section TA1 of the FY02 Annual Growth Policy does not preclude further consideration by the Board of other trip reduction measures associated with preliminary plan or site plan review, as appropriate, e.g. location of transit stops, provision/location of Kiss-and-Ride and bus circulation areas; on-site and off-site pedestrian and vehicular circulation; on-site parking requirements; phase-in of day care facilities, and other trip reduction measures as appropriate.

Per Transportation Planning review of the Preliminary Plan:

- D. Designate the following internal streets as public commercial/industrial roads with modified cross-sections:
1. The entire length of the north-south streets between Marinelli Road and Old Georgetown Road:
 - a) Station Street
 - i) To be the main bus loading/unloading area, in lieu on Rockville Pike (MD 355) and the current on-site location.
 - ii) To possibly be one-way southward between Main Street/Bridge Street to Marinelli Road that would be determined at site plan.
 - b) LCOR's (not the master-planned business district street) Chapman Avenue
 - c) Citadel Avenue
 2. Bridge Street that is an east-west street between Rockville Pike and Station Street.
 3. Main Street that is an east-west street between Station Street and Citadel Avenue.

The remaining internal streets east of Citadel Avenue within the residential area of the proposed development would be designated as private streets – Main Street Circle and Park Avenue.

- E. Dedicate 70 feet of right-of-way for the five public business district streets with modified cross-sections. Locate PUEs outside the public right-of-way, unless DPWT agrees to relocation of PUEs at Site Plan.
- F. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) regarding the unique cross-section design details of the five public streets and the other private streets (i.e., Main Street Circle and Park Avenue) to optimize the vehicular circulation while providing for pedestrians, bicycles, and environmental considerations.
- G. At the site plan review for safe and efficient traffic circulation to, on, and from Bridge Street between Rockville Pike (MD 355) and Station Street and as an alternative access point via the intersections with Marinelli Road and Old Georgetown Road, coordinate the design and resolve the following:
 - 1. Obtain Maryland State Highway Administration (SHA) approval of the proposed access point from Rockville Pike to Bridge Street, including right-turn-in and right-turn-out traffic control measures and associated deceleration/acceleration lanes;
 - 2. Obtain WMATA approval for deceleration/bus activity lane between Marinelli Road and proposed Bridge Street;
 - 3. Prohibit lefts-in and lefts-out at the intersections of Station Street with Marinelli Road and with Old Georgetown Road and only permit rights-in and rights-out; and
 - 4. Coordinate with DPWT regarding the installation of adequate traffic control at the intersection of Bridge Street/Main Street and Station Street to prevent excessive queuing along Bridge Street between Rockville Pike and Station Street.
- H. Coordinate with DPWT regarding their Capital Improvements Program (CIP) project for the extension of Citadel Avenue south of Marinelli Road and their Facility Planning Study for Chapman Avenue north of Old Georgetown Road.
- I. Prior to Site Plan review, coordinate with WMATA and DPWT to relocate the surface kiss & ride, handicapped parking, bus bays, taxi stands, and other parking facilities for the White Flint Metrorail Station on the subject site.
- J. At site plan review, provide the specific details regarding pedestrian and bicycle connections to all residential and non-residential development including the following amenities:

1. Provide 160 bicycle spaces based on 20 spaces per garage for 8 garages with a mixture of bike lockers and bike racks. Coordinate with Transportation Planning staff on appropriate locations and types of bike parking facilities throughout the site.
 2. Provide an 8-foot bikeway along Rockville Pike (MD 355).
- 14) Compliance with the conditions of the MCDPWT letter dated July 15, 2004 as amended September 21, 2004, and as may be further amended.
- 15) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to that date a final record plat must be recorded for all the property delineated on the approved preliminary plan, or a request for an extension must be filed.
- 16) Other necessary easements.

W:\TAB\opinions\PreliminaryPlan\1-04049.NorthBethesdaTownCenter final.3-11-05.doc

APPROVED AS TO LEGAL SUFFICIENCY

TAB
M-NCPPC LEGAL DEPARTMENT

DATE

3/11/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINON

At its regular meeting, held on **Thursday March 17, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of **Commissioner Bryant, seconded by Commissioner Robinson, with Chairman Berlage, and Commissioners Perdue, Bryant and Robinson** voting in favor of the motion, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan 1-04049, North Bethesda Town Center**.

A handwritten signature in blue ink, appearing to read "M. Clara Moise", is written over a horizontal line.

Certification As To Vote of Adoption
M. Clara Moise, Technical Writer

GARRETT PARK ESTATES-WHITE FLINT PARK CITIZENS' ASSOCIATION

March 15, 2004



Mr. Malcolm Shaneman
Development Review Division
Montgomery County Department of Park & Planning
8787 Georgia Avenue
Silver Spring Maryland 20910-3760

Re: Preliminary Plan, North Bethesda Town Center, 1-04049

Dear Mr. Shaneman:

Garrett Park Estates-White Flint Park Citizens' Association is extremely concerned with the traffic impact from the North Bethesda Town Center, especially on Rockville Pike, and especially during mid-week and weekend non-rush hours.

At the time the Pre-Preliminary Plan was being considered, we expressed our concerns. It is our understanding that those concerned need to be retransmitted in order to be considered as part of the Preliminary Plan issues. We are, therefore, attaching our letter dated August 22, 2003 and ask that our concerns be considered.

Additionally, we note that the Preliminary Plan does not show either the on-site day care facility or the on-site indoor community activity space specified in the binding elements of the development plan. We hope these amenities are being included.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Natalie Goldberg'.

Natalie Goldberg, Vice-President
Garrett Park Estates-White Flint Park Citizens' Association
11111 Jolly Way, Kensington, Maryland 20895

Attachment: Ltr. dated 8/22/2003 Pre-Preliminary Plan



APPENDIX B: Agency Approval Letters



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

May 7, 2008

MEMORANDUM

TO: Elza Hisel-McCoy, Site Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator
Transportation Planning

SUBJECT: Site Plan No. 820080180
North Bethesda Center, Parcels "F", "I", and "J"
White Flint Policy Area

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review and approval of the subject site plan application to construct up to 327 residential apartment units on Parcel "F".

RECOMMENDATIONS

We recommend approval of the subject site plan with the following transportation-related conditions:

1. The applicant must limit the site plan development up to 327 high-rise apartments..
2. The applicant must provide 2 inverted-U bike racks (accommodating 4 bicycles) within 50 feet of the main public entrance to the apartment building and 16 single-bike lockers in the garage in a well-lit location within 100 feet of the elevator.

The APF test was approved at the Planning Board hearing for Pre-Preliminary Plan No. 7-04001 on October 16, 2003, under the *FY 2004 Annual Growth Policy's* Alternative Review Procedures for Metro Station Policy Areas.

DISCUSSION

Site Location and Access

The Parcels "F", "I", and "J" are located in the west side of Nebel Street between Marinelli Road and Old Georgetown Road. The vehicular access to the proposed apartment building is from Nebel Street and the internal private street, Wenworth Place. Pedestrian access is from the existing sidewalks along Nebel Street and the proposed sidewalks along Wenworth Place.

Local Area Transportation Review (LATR)

The proposed 327 high-rise apartments would generate 106 peak-hour trips within the weekday morning peak hours (7:30 to 9:30 a.m.) and 123 peak-hour trips within the weekday evening peak hours (4:00 to 7:00 p.m.). At the time of the APF test for the overall subdivision under the *FY 2004 Annual Growth Policy*, a traffic study was required and submitted to satisfy LATR because the overall mixed use development generates 50 or more peak-hour trips within the weekday morning and evening peak hours.

APF-Required Traffic Mitigation

As an APF approval under the *FY 2004 Annual Growth Policy's* Alternative Review Procedures for Metro Station Policy Areas, a traffic mitigation agreement was executed to satisfy the trip reduction goal of reducing at least 50% of the number of vehicular trips attributable to the subdivision.

Policy Area Mobility Review (PAMR)

Under the *FY 2007-2009 Growth Policy*, the applicant is not required to satisfy the PAMR requirements because the APF test was approved prior to January 1, 2007. The APF test was approved at the Planning Board's hearing for Pre-Preliminary Plan No. 7-04001 on October 16, 2003.

Master Plan Roadways and Bikeways

In accordance with the *North Bethesda/Garrett Park Master Plan*, the master-planned roadways and bikeways are as follows:

1. Marinelli Road is designated as a business district street, B-6, with a recommended right-of-way of 80 feet and a Class 2 bikeway.
2. Old Georgetown Road is designated as a business district street, B-2, with a recommended right-of-way of 80 feet and a Class 2 bikeway.
3. Nebel Street is designated as a business district street, B-5, with a recommended right-of-way of 80 feet and a Class 3 bikeway.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

May 7, 2008

Elza Hisel-McCoy
Development Review Division
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

**Re: Site Plan No. 820080110, North Bethesda Center, Parcel F
(Westmoreland House)**

Dear Mr. Hisel-McCoy:

The Department of Housing and Community Affairs (DHCA) has reviewed the architectural drawings and MPDU locations for the above project. According to the information provided by the applicant, the MPDUs are distributed among 7 of the building's 18 floors.

DHCA generally prefers to have no more than 50 percent MPDUs on any given floor of a building. Two of the floors (Floors 2 and 3) exceed that percentage – Floor 2 has 66 percent MPDUs, and Floor 3 has 55 percent MPDUs. However, DHCA has noted in the proposed floor plans that the MPDUs are identical in size, will have identical finishes and features to the market-rate units, and will all be in desirable locations in terms of views and access to building amenities. Given these factors, we feel that the proposed distribution of the MPDUs is acceptable.

If you need further information, please contact Lisa Schwartz at 240-777-3786.

Sincerely,

Christopher J. Anderson
Manager, Single Family Programs

cc: Keely D. Lauretti, LSA
Michael J. Smith, LCOR
Douglas Lohmeyer, HOC Consultant
Richard Y. Nelson, Jr., Director, DHCA
Joseph T. Giloley, Chief, DHCA
Division of Housing and Code Enforcement

Code Enforcement
FAX 240-777-3701

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
and Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691



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

TO: Keely Lauretti, RLA
LSA, Inc.

FROM: Doug Johnsen, RLA
301-495-4712

SUBJECT: Final Forest Conservation Plan #: 820080110
Plan Name: North Bethesda Center
Date Plan Received: May 2, 2008

DATE: May 5, 2008

SENT VIA FAX TO: Klauretti@lsassocciates.net

The subject Forest Conservation Plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The final forest conservation plan submitted on May 2, 2008 cannot be approved and is rejected for the following reasons:

1. Please seal and sign each sheet of the plan set for each submittal. This is necessary to legally verify that each submittal is an official set.
2. Please remove references to any Category II Forest Conservation Easement being placed over trees that are within public rights-of-way.
3. Please verify that the trees being taken for landscape credit on the FFCP are also clearly delineated on the site Landscape Plan and that the Landscape Plan references the FFCP.

COMMUNITY-BASED PLANNING DIVISION FINAL REFFERAL

Project Name North Bethesda Town Center, Parcels F, I, J

Plan Type and Number(s) Site Plan #820080110

CBP Recommended Due Date May 5, 2008

Planning Board Date May 15, 2008

Date on the Plan Being Reviewed March 08 Site Location White Flint Metro

Zone TS-M Master/Sector Plan Area: North Bethesda/Garrett Park -White Flint

Name/Date of Review by CBP Staff Margaret Rifkin, May 2, 2008

Is plan consistent with Master Plan recommendations? (highlight one) **YES** NO PARTIALLY

List any other concerns that the Planning Board should know of (e.g., concerns regarding outreach by the applicant; community compatibility; relevant policies, guidelines or studies; status of adjoining properties; conformance with prior approvals/bindings elements; etc.)

The 1992 Plan emphasizes the pedestrian realm and says (page 109):

"Greatly improve the pedestrian friendliness of new and existing streets, particularly within walking distance of transit nodes, and increases the number of pedestrian and bicycle routes to transit."

Strategies to achieve this include providing active uses such as residential and retail along the street with many doors and windows on the street. They also include encouraging natural surveillance of the street by the location of active uses overlooking the streets.

In addition, work is currently underway on a Sector Plan for White Flint to update the 1992 Plan. It is scheduled to go to the County Council at the end of the year. The site plan with the recommended modifications is generally in keeping with the direction of the work on the Sector Plan. As part of the work on the Sector Plan, we are looking at the following:

1. Designating an east-west pedestrian/bike route that could follow Main Street, the new street in this site plan, Old Georgetown Road and then cross the tracks.
2. Extending Old Georgetown Road across the tracks near this site.
3. Changing land use along Nebel Street from industrial to mixed use, most notably adjacent to this site.

4. Increasing the density on the LCOR/WMATA property to achieve higher intensity at the Metro Station and produce more amenities for the community at large.
5. Providing incentives to either add or shift residential uses closer to Metro Station on the LCOR/WMATA property, to increase activity and natural surveillance.

Recommendation (highlight one): APPROVAL DENIAL

APPROVAL WITH THE FOLLOWING CONDITIONS:

The Community-Based Planning staff supports the current site plan with the proposed modifications that advance the intent of the 1992 Plan.

Page 62 - The Plan recommends creating a *"system of pedestrian friendly local streets to subdivide the [LCOR/WMATA property]"*

1. Bring the first floor of the building up to the street edge and include active uses inside with windows and doors oriented to the street.
2. Provide for an activated street and compact future development by reworking the storm water management concept to eliminate the large surface facility sized to serve the entire property.
3. Create an attractive focal point at the end of Main Street by enhancing the design of the wall that screens the private pool between the proposed buildings. Activate the area by providing seating and design details that invite people to linger.
4. Improve the natural surveillance along the pedestrian route connecting Main Street to Old Georgetown Road and Nebel Street.

**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION**

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: November 28, 2007

MEMO TO: Robert Kronenberg, Acting Supervisor
Development Review Committee, MNCPPC

FROM: William Campbell
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # 820080110, N. Bethesda Center Parcels F,I,J
Project Plan # _____
Preliminary Plan # _____, DPS File # 203203
Subdivision Review Meeting of December 3, 2007

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- ☒ **On-site:** ☐ CPv ☐ WQv ☒ Both
☐ **CPv** < 2cfs, not required
☐ On-site/Joint Use ☐ Central (Regional): waived to
☐ Existing ☒ Concept Approved MAY 26, 2004
☐ **Waiver:** ☐ CPv ☐ WQv ☐ Both
☐ Approved on _____
☐ **Other**

Type Proposed:

- ☐ Infiltration ☐ Retention ☐ Surface Detention ☐ Wetland ☒ Sand Filter
☒ Separator Sand Filter ☐ Non Structural Practices ☒ Other

FLOODPLAIN STATUS: 100 Year Floodplain On-Site ☐ Yes ☒ No ☐ Possibly

- ☐ Provide source of the 100Year Floodplain Delineation for DPS approval:
☐ Source of the 100-Year Floodplain is acceptable.
☐ Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
☐ Dam Breach Analysis: ☐ Approved ☐ Under Review:
☐ 100-Year Floodplain study: ☐ Approved ☐ Under Review:

SUBMISSION ADEQUACY COMMENTS:

- ☐ Provide verification of Downstream notification.

RECOMMENDATIONS:

- ☒ Approve ☐ as submitted ☒ with conditions (see approval letter)
☐ Incomplete; recommend not scheduling for Planning Board at this time.
☐ Hold for additional information. See below
☒ Comments/Recommendations: Provide a copy of the Landscape Plan to ensure no conflicts with Storm waeter Management.

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll DRC site plan.03/01



Isiah Leggett
County Executive

DEPARTMENT OF PERMITTING SERVICES

Carla Reid
Director

Project Name: North Bethesda Center, Parcels F, I, J

Pre-Preliminary Plan #:

Preliminary Plan #:

Site Plan #: 820080110

Applicant: LCOR North Bethesda Phase II, LLC

Engineer: Lioederman Soltesz Associates, Inc.

Zone: TS-M & I-1

Number of Lots (Acres): 1 Lot (7.37 acres)

Zoning Reviewer: Mark Beall

Development Standards on Submitted Plan(s):

Standard	Required	Proposed
Front:	0'	14'
Rear:	0'	0'
Sides:	0'	15' & 0'
Height:	0'	232'
Building Coverage:	N/A	N/A
FAR	N/A	N/A

☐ Plan(s) meets zoning requirements.

☒ Plan(s) meets zoning requirements, but see comments below.

☐ Plan(s) do not meet zoning requirements. See comments below.

Comments:

All onsite paving, sidewalk, curb & gutter, storm drain, and amenities will be inspected by the DPS Site Plan Enforcement Section. Please be sure all sections are shown for paving, sidewalks, and curb & gutter. Show pipe schedule and profiles and well as a manhole schedule.

****Note-**When applying for a building permit please identify both the BRL approved on the certified site plan and the dimensions from the structure to the property lines on all four sides.

Mark Beall: (240) 777-6298 or Laura Bradshaw: (240)777-6296

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4166.