



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 2
3/11/10

March 5, 2010

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JAC*
Urban Design and Preservation Division

FROM: Karen Kumm Morris, Master Planner *KKM*
Urban Design and Preservation Division

SUBJECT: Worksession No. 1: Draft Germantown Urban Design Guidelines
Sector Plan for the Germantown Employment Area

STAFF RECOMMENDATION: Review the Draft Germantown Urban Design Guidelines and revise the recommendations as necessary.

INTRODUCTION

The Draft Germantown Urban Design Guidelines were presented to the Planning Board during a hearing on December 3, 2009. After the testimony, the Planning Board directed staff to summarize the testimony and provide recommendations to revise the Draft Germantown Urban Guidelines as necessary. A brief outline of the issues discussed at the hearing follows:

- Clarify the Sector Plan Requirements versus Design Guidelines
- Provide consistency for building heights between the Sector Plan and the Design Guidelines
- Clarify the responsibilities for planning and design of streets between the MCDOT and the Planning Department
- Respond to individual property owner concerns
- Improve community outreach

PURPOSE OF WORKSESSION

Worksession No. 1 provides the Planning Board an opportunity to review the public testimony, evaluate the staff recommendations, and revise the Draft Germantown Urban Design Guidelines, dated October 2009.

INTRODUCTION

The Urban Design Guidelines will inspire design excellence in community building in Montgomery County. The guidelines are part of a new and creative initiative by the Planning Department to assist in implementing the recommendations in approved and adopted master plans or sector plans. The structure of the planning process for the department follows:

- **Master Plans and Sector Plans** - Provide the vision for a specific area
- **Zoning Ordinance** - Establishes the regulations and implementation tools
- **Design Guidelines** - Provides the inspiration and a graphic picture of the vision

Goals of the Germantown Urban Design Guidelines

The Urban Design Guidelines implement the recommendations in the Approved and Adopted Sector Plan for the Germantown Employment Area. The Design Guidelines accomplish the following:

- **Foster Design Excellence** - Build an outstanding community in accordance with recommendations in the Sector Plan
- **Clarify the Master Plan Vision** - Establish Design Guidelines for each district, and for the streets, open spaces and buildings in accordance with the recommendations for physical form in the Sector Plan
- **Establish Flexibility** - Provide guidance in accordance with the Sector Plan that recognizes the need for flexibility and for creative design solutions in community building

The graphics and text included in the guidelines provide a visualization of the recommendations in the Sector Plan. The guidelines will assist the Planning Board, staff, property owners, County Council, and others during the review of Project Plans, Site Plans and Mandatory Referrals. For the Germantown area, the combination of a comprehensive Sector Plan with the Urban Design Guidelines will provide a unique planning tool for Montgomery County. This new planning and design tool is necessary in the Germantown area to plan for the Corridor Cities Transitway, provide for a compatible mix of land uses as density increases, and establish appropriate transitions to the existing neighborhoods.

How to Use the Urban Design Guidelines

The Germantown Urban Design Guidelines provide general design guidance and inspiration. Elements such as streets and designated open spaces recommended in the Approved and Adopted Sector Plan for the Germantown Employment Area will be required. Elements not specified in the Sector Plan such as building form and locations, non-designated open spaces, and local streets are considered illustrations of design principles and are not mandated. Applicants and public agencies are encouraged to be creative and work closely with the Planning Department in early conceptual stages to achieve the outstanding design of public and private development during the review process.

Review Process

The Planning Board held a hearing and received public testimony on the Draft Germantown Urban Design Guidelines on December 3, 2009. The progress of the planning process for the Germantown Urban Design Guidelines follows:

- Develop an early Draft of the Germantown Urban Design Guidelines to accompany the Planning Board Draft of the Sector Plan for the Germantown Employment Area, completed February 2009 and presented to the County Council on July 2009.
- Develop the Draft Urban Design Guidelines after the Sector Plan is approved by County Council, completed October 2009
- Hold a hearing on the Draft Urban Design Guidelines, completed December 3, 2009
- Schedule worksessions for review by the Planning Board, March 4, 2010
- Incorporate the Planning Board changes into a Final Draft
- Submit a final publication for approval for staff use of the Urban Design Guidelines

The Sectional Map Amendment for the Germantown Employment Corridor is estimated to be approved in the late spring of 2010, and the Urban Design Guidelines should also be approved by the Planning Board at this time.

ANALYSIS AND RECOMMENDATIONS

Staff has prepared a summary of comments from individuals, civic groups, and other agencies with the staff recommendations for review by the Planning Board. For review of the specific changes, the staff recommendations have been incorporated into a new Draft of the Germantown Urban Design Guidelines (Attachment A). The Community Outreach Activities (Attachment B) and individual written testimony are also included. The following text summarizes the testimony and the staff response.

Item No. 1: Montgomery County Department of Transportation (MCDOT)

The MCDOT requested that the Design Guidelines clarify and resolve any conflicts between the Guidelines and the Role of the Montgomery County Department of Transportation (Attachment C)

Summary of Testimony

The Germantown Design Guidelines define street design character and provide street sections that outline the vision for the streets as one of the primary building blocks for the Germantown community. The MCDOT provided a detailed description of the concerns about the potential conflicts between the Design Guidelines and the role of the MCDOT. The following summarizes the recommendations and concerns of MCDOT:

- Identify the Sector Plan requirements and clarify between a guideline and a sector plan requirement.
- Clarify what are decisions by the MCDOT such as final approval of streetscape design, street lighting and corner radii versus the responsibilities of the M-NCPPC.
- Street designations for boulevards, main streets are not found in the Road Code.
- Delete guidelines that relate to operational matters such as on-street parking and maintenance.
- Set intersection corner radii at 30 feet in accordance with the old Road Code and allow for context sensitive waivers to be approved by the MCDOT.
- Designate tree spacing as “approximate”.
- Follow the Design Guidelines with a revised streetscape plan that provides details such as paving, specific street lighting, and street tree types.
- Allow Public Utility Easements behind the right-of-way instead of orienting buildings to the street.

Staff Response

Since the hearing, the staff has met with the MCDOT to discuss the concerns.

- Summarize Sector Plan requirements for clarity.
- Add a Table listing all street requirements and areas of responsibilities. (March Draft, p. 86)
- Sector Plan designates street character and the Design Guidelines provide additional definition and detail. The Road Code does not specifically address street character. (March Draft, Streets, p. 18-24.)
- Delete references to operational matters such as on-street parking and maintenance.
- Revise the text for specific curb radii to state “provide minimum curb radii that accommodates emergency vehicles”. (March Draft, Intersections, p. 19)
- Designate tree spacing as “approximate”. (March Draft, p. 86.)
- Follow the approval of the Design Guidelines with a revision to the existing Germantown Streetscape Plan prepared with MCDOT that specifies construction details, materials and installation techniques for materials in the public right-of-way. (March Draft, p. 19)

The staff does not recommend revising the Design Guidelines to require additional space outside the public right-of-way for utilities. The Bethesda, Friendship Heights and Silver Spring CBDs locate buildings adjacent to the right-of-way to assist in defining the public realm and creating active streets. Utilities in the CBDs are located within the public right-of way and behind buildings. Urban areas can accommodate utilities within the right-of-way if the curbside space is sufficiently wide.

Item No. 2: Montgomery County Department of Environmental Protection (DEP)

In addition to the location of utilities, the DEP requested that the Design Guidelines address details such as stormwater management in the right-of-way (Attachment D)

Summary of Testimony

The DEP provided a detailed description of the concerns about the potential conflicts between the Design Guidelines and the role of the MCDOT. The following summarizes the concerns:

- Include use of low impact development/environmental site design (LID/ESD) as mandated by State regulations.
- Address stormwater management in the right-of-way.
- Tree planting detail as shown is not appropriate for all locations.
- Specify tree canopy goals.
- Eliminate the specifications for particular street lighting technology such as LED lighting.

Staff Recommendations

Staff will revise the document to incorporate the following:

- Incorporate into the Street Design Principles use of the Maryland State mandated stormwater management regulations. (March Draft, Stormwater management, p. 20)
- Incorporate new text concerning stormwater management in the right-of-way.
- Delete the current tree planting detail. A new detail is being developed in an interagency committee for all urban areas in Montgomery County.
- Tree canopy goals are given in the Appendix to the Sector Plan.
- Delete the reference to LED lighting, and revise the text to require that new energy efficient lighting be approved by MCDOT. (March Draft, Streetscape Design, p. 20)

Item No. 3 Montgomery County Fire and Rescue Service (FRS)

Concerned with providing adequate access for emergency vehicles (Attachment E)

Summary of Testimony

The FRS provided a detailed description of the following concerns:

- LEED certification needs to include fire protection measures.
- Accommodate fire rescue vehicles at intersections, minimum of 25 feet turning radii is needed.
- If alley service access is to accommodate emergency vehicles, then alleys must be wider.
- Closely spaced trees may need to be cut down to ensure aerial apparatus deployment.

Staff Recommendations

- LEED certification requirements are not part of the Design Guidelines.
- Revise the corner curb radii to “provide a minimum curb radii that accommodates emergency vehicles”. (March Draft, Intersections, p. 19)

- Add text that states emergency access should be from the front of buildings. (March Draft, Street Networks, p. 19)
- Add text that references Fire and Rescue Service guidelines. (March Draft, Street Tree Plantings, p. 20)

Item No. 4: Montgomery County Public Libraries

The Department of Libraries is concerned about future coordination
(Attachment F)

Summary of Testimony

The Department of Libraries provided a brief description of important coordination items as summarized in the following:

- Require bathroom facilities for urban parks when program events take place.
- Provide clarity on how movable tables and chairs will be managed.
- Continue to coordinate with the Germantown Public Library on future planning of the adjacent urban parks.

Staff Recommendation

Management of facilities in urban parks is not an issue to be included in the Design Guidelines. Parks Department staff will coordinate with Public Libraries on such matters.

Item No. 5: Montgomery College

Dr. Hercules Pinkney, Interim President (Attachment G)

Summary of Testimony

- Preserve the Germantown College campus as distinct from an urban center, separated from surrounding land uses.
- Describe the 50 acre woodland on the western side of the campus as “40+ acres of woodland”.

Staff Recommendations

- The Sector plan establishes the vision and land use characteristics of properties in the planning area. The guidelines implement the vision with the application of design principles for streets, open spaces, and buildings. The Sector Plan calls for a compact college campus that integrates and links the technology park with the campus. (March Draft, Vision, p. 75)
- The Sector Plan requires the preservation of 46 acres of high quality forest. (March Draft, Open Spaces, p. 78)

Item No. 6: Montgomery County Civic Federation

Jim Humphrey

Concerned with not including guidelines in master plans, amount of outreach, and building heights (Attachment H)

Summary of Testimony

The Montgomery County Civic Federation expressed concerns for the following three items:

- Design guidelines should be in master plans to be enforceable and establish certainty.
- Germantown residents need better outreach.
- Building heights are inconsistent and need to assure compatible transitions to existing residential communities.

Staff Recommendations

- Providing guidelines in addition to and not part of a master plan has already been completed for master plan areas such as CBDs. This approach allows additional detail to the provided that is not appropriate to a master plan such as tree spacing. Examples include streetscape plans for the Bethesda and Silver Spring CBDs, Germantown Town Center Design Guidelines, and Environmental Guidelines.
- Staff has had several meetings over the course of the past year with the Germantown CAC and continues to have discussions with CAC residential members (See Attachment B for a detailed accounting of outreach efforts).
- New language establishing compatible height transitions will be added to each district. Transitional building heights are stated as 35 feet adjacent to existing residential areas allowing up to a 50 feet maximum with a housing bonus unless the Sector Plan specifically states higher heights are allowed. The Sector Plan permits higher heights in several districts in response to specific site conditions. (See individual districts, building heights maps)

Item No. 7: Middlebrook Mobile Home Park

Clark Wagner, Buzzuto Development Company (Attachment I)

Summary of Testimony

- Allow the 50 feet of tree preservation along the eastern property line recommended in the guidelines to be achieved by combining the woodland on the adjacent R-200 zoned neighborhood with woodland on the mobile home park.

Staff Recommendation

- Maintain the 50 feet required for tree preservation on the mobile home park property. Existing trees are located approximately 30 feet from the property. To ensure survival of the trees, preservation practices require 15 to 20 feet from the base of a tree to be protected from compaction and grading. Compatibility is improved by the topographical change between the properties, but the existing trees along the property line should not be compromised by a reduced width of tree preservation. (March Draft, Open Spaces, p. 83)
- Encourage the pedestrian connection between adjacent properties through the proposed buffer area. (March Draft, p. 83)

Item No. 8: Rolling Hills Property

Robert Elliot, Clark Enterprises (Attachment J)

Summary of Testimony

- Eliminate the requirement for 50 percent of the units to be located north of the stream valley.
- Eliminate the references to tree preservation along the CSX and Great Seneca Highway, revise language to require only preservation of the existing, internal open spaces within the stream valley.
- Eliminate the references to specific recreation facilities. Revise language to provide a variety of passive and active onsite recreation facilities that will enhance the quality of life for residents. Any reference to the provision of a “community center” should be revised to a “community room”.
- Allow for more variation in the building setbacks. Revise text to achieve an average of 25 foot setbacks along Wisteria Drive and an average of 50 feet from Great Seneca Highway rather a given minimum setback.
- Delete references to number of building stories, and give building heights only in feet. Do not provide additional building height recommendations beyond the Sector Plan’s guidance of “a maximum building height of 90 feet” for the subject property.

Staff Recommendations

- Maintain the recommendation for 50 percent of the units to be located on the north side of the stream valley in order to have the majority of units within closer walking distance to the MARC station. The Sector Plan supports locating density close to transit. (March Draft, Block 1, Rolling Hills, p. 50)
- Maintain the recommendation to preserve existing trees along the CSX and Great Seneca Highway. Tree preservation in these areas improves compatibility with the highway and rail line and also will satisfy forest conservation requirements. Environmental regulations for noise and tree preservation will likely result in preservation of these woodlands. Building setbacks reflect the context and type of adjacent roadway. Residential buildings closer than 50 feet to Great Setbacks Highway are not compatible with the high speed character of this roadway. (March Draft, Open Spaces, p. 52)
- Agree that recreation facilities should be decided during the review of a Site Plan, and the guidelines should list desirable facilities. Revise text to state: “provide facilities such as....” instead of specifying. Agree that “community center” can be revised to “community meeting rooms”. (March Draft, Rolling Hills, p. 52)
- Maintain minimum building setbacks to establish a compatible relationship with the arterial and highway classified roadways. Variation of setback can be achieved with a minimum setback requirement . Building setbacks reflect the context and the type of adjacent roadway. Residential buildings closer than 50 feet to Great Seneca Highway are not compatible with the high-speed character of this roadway. Aerial photographs show even

greater setbacks for existing developments along this roadway. A setback of 25 feet along Wisteria Avenue is compatible with an aerial roadway and closer than existing setbacks. (March Draft, Building Lines, p. 53)

- Maintain building heights as shown on the building height map to ensure compatibility with the nearby Historic District and achieve a step down towards the edges of the property. (March Draft, Heights, p. 53)
- Given the lower elevations of the interior, tall buildings in the center can be achieved without impact on compatibility with surrounding properties.

Item No. 9: Holy Cross Hospital

Robert Dalrymple and Heather Dilhopolsky, Holy Cross Hospital (Attachment K)

Summary of Testimony

- Make clear that the illustrative urban design concept is flexible, allow parking and entrance drop off areas to be in front of the building with emergency and service areas in the rear. Delete a loop access road around the hospital.
- Allow for building setback flexibility for the hospital. Increased setbacks from the street are preferred.
- Exempt hospitals from building height, floor size and building setback requirements.

Staff Recommendations

- The Sector Plan exempts hospitals from the any requirements for building height and floor size.
- Revise the illustrative concept to provide additional convenience parking in front of the building. The majority of surface and future structured parking should be to the side or rear of the building. (March Draft, Area 3, p. 76)
- The illustrative concept is not mandated but shows the design intent to have buildings closer to the street than significantly setback behind large surface parking lots. Way finding can be clearly marked with signage.

Item No. 10: Minkoff Development Corporation

Paul Chod

Summary of Testimony

- Allow a large, single use retail project to have more flexible layout options than given in the guidelines.
- Reduce the two acre, public civic green requirement.

Staff Recommendations

- The Sector Plan requires a single use retail project to have multiple entrances and smaller retail stores in front to activate the street. The guidelines are restating the Sector Plan requirements. (March Draft, Retail, p. 74)

- A half acre, public civic green is required by the Sector Plan only if a public community recreation center is located in the district. (March Draft, Open Spaces, p. 73)

Item No. 11: Symmetry Development Company

Nicole Totah

Summary of Testimony

- Block sizes illustrated on the urban design concept are too small, need more flexibility.
- Building heights should allow 143 feet along I-270 and the entrance/exit ramps.
- Retail locations should be allowed to respond to the market and not be restricted to the transit station area.

Staff Recommendations

- The Sector Plan requires short walkable block lengths “such as 250 to 350 feet in length”. The illustrated block sizes are 350 to 400 feet in length. The illustrative concepts are not mandated. The Symmetry property is narrow, wedged between the I-270 ramps and Century Boulevard and will most likely result in only one block depth. (March Draft, Streets, p. 62)
- The Sector Plan allows building heights up to 72 feet along Century Boulevard with a 3 to 4 story base stepping up to higher floors. Revise the building heights map to limit building heights up to 72 feet (6 stories) between Century Boulevard and the I-270 exit ramps given the narrow width of the property and the close proximity to existing residences on Kinster Drive. (March Draft, Heights, p. 64)
- The guidelines do not mandate locations for retail but recommend highly visible and accessible locations such as transit stations and major crossroads. (March Draft, Retail, p. 64)

Item No. 12: Planning Board

Summary of Comments - The Planning Board asked the staff to incorporate the following:

- Provide additional information to clarify the relationship between the Design Guidelines and the Sector Plan.
- Identify the appropriate transition of building heights to the adjacent neighborhoods.
- Provide additional outreach to community members to expand the opportunity for comment.
- Increase connectivity for Fox Chapel between properties.

Staff Recommendations

- The Sector Plan’s vision and design related requirements will be incorporated into the guidelines to distinguish between a Sector Plan requirement and a design guideline.
- Additional building height guidance will be identified to ensure that compatible transitions will be achieved.

- Staff continues to have discussions with Montgomery County Civic Federation representatives, property owners and members of the CAC since the public hearing to work on solutions to issues.
- Fox Chapel properties on the east side have a significant grade change between the shopping center and the mobile home property that makes street connections difficult.

Organization of the Design Guidelines – In response to the request from the Planning Board, the staff has revised the organization of the document. Each chapter of the Germantown Urban Design Guidelines begins with a “side bar” that identifies the relationship and continuity between the Sector Plan for the Germantown Employment Corridor and the Urban Design Guidelines. In all cases, the Design Guidelines provide guidance in accordance with the recommendations in the Approved and Adopted Sector Plan.

Item No. 13: Additional Staff Recommendations

The Urban Design Guidelines for the Germantown Area represent one of four Design Guidelines for sector plan areas in the I-270 Technology Corridor (Germantown, Twinbrook, White Flint and Gaithersburg). The recommended structure of the Design Guidelines for each of these sector plans follows:

- **Principles** - Identifies the overarching urban design principles in accordance with the vision established in the approved and adopted sector plan
- **Conceptual Framework** - Establishes additional detail for each area in accordance with the design framework established in the sector plan
- **Building Blocks of the Community:**
 - **Districts:** Identifies in text and graphic form the design characteristics of each district to implement the vision of the sector plan
 - **Elements:** Provides design guidance for the public realm including the streets, open spaces, and buildings

The design guidelines will help strengthen Germantown’s sense of place and identity as different from the other areas in Montgomery County by clearly stating the Sector Plan’s vision and land use character for each district. Staff also recommends adding a section on design themes envisioned by the Sector Plan to give more design emphasis on the type of place Germantown should become. (March Draft, p. 13) The design themes are:

- Germantown as the Up-County Cultural Center
- I-270 Mixed-Use Technology Corridor
- Compact College in the Suburbs
- Diversity of Housing

Since the Germantown Design Guidelines will be a part of a set of Design Guidelines for the sector plans in the I-270 Corridor, the format, amount of detail and attention to design excellence will be consistent.

CONCLUSIONS

The staff report provides the opportunity for the Planning Board to make revisions as necessary, and approve a Final Draft of the Design Guidelines. After the worksessions are completed, the Final Draft will be edited and formatted as a final publication and submitted to the Planning Board for approval at a later date.

NEXT STEPS

- Hold another worksession if required, and revise the Germantown Urban Design Guidelines as directed by the Planning Board.
- Adopt the Germantown Urban Design Guidelines by the Planning Board.
- The final products will include: a printed document, and a useful “interactive, web design resource” to be located on the M-NCPPC web site.

Attachments:

- A. Revised Draft Germantown Urban Design Guidelines, March 2010
- B. Community Outreach Activities
- C. MCDOT Comments, October 2009
- D. DEP Comments, October 2009
- E. FRS Comments, October 2009
- F. Department of Public Libraries Comments, October 2009
- G. Montgomery College, Dr. Hercules Pinkney, Interim President
- H. Montgomery County Civic Federation, Jim Humphrey
- I. Middlebrook Mobile Home Park, Clark Wagner Comments, December 2, 2009
- J. Rolling Hills Property, Robert Elliot Comments, November 30, 2009
- K. Holy Cross Hospital, Robert Dalrymple, Heather Dilhopolsky, January 13, 2010

ATTACHMENT B

Community Outreach Activities

Staff has held numerous meetings with property owners, the Germantown Advisory Committee, interest groups and County Agencies over the course of the past year. The level of outreach has been comparable to a master plan process. In addition to meetings, staff continues to call affected property owners, citizens and agency representatives to coordinate and respond to concerns.

Outreach efforts began in Spring 2009 as follows:

March 16, 2009	Draft to MCDOT
March 17, 2009	Draft to Executive Department (all divisions)
April 21, 2009	Draft to Germantown CAC
May, 2009	Draft to G. Chamber of Commerce
October, 2009	October Draft on website noticed Master Plan's outreach list.
Nov. 30, 2009	CAC meeting
Dec. 3, 2009	Planning Board Public hearing
January 5, 2010	MC Civic Federation mtg.
January 7, 2010	Executive Mtg. with MCDOT, MCFRS, Public Libraries
Feb. 22, 2010	Executive Mtg. with MCDOT

ATTACHMENT C

Germantown Urban Design Guidelines October 2009 DRAFT

DOT Review Comments

- Page 4, the “Streets” paragraph - indicates the document has been prepared in accordance with the Road Code. However, that statement is not accurate – since a number of the proposed street designations (boulevards, main streets, promenades, and greenways) are not consistent with the legally established roadway classifications and definitions in the County Code or the actual Master Plan. Furthermore, many of those designations contradict the roadway classifications in the approved Master Plan. The document should reflect the Council’s approved Master Plan without any deviation.

That paragraph also indicates the street standards are mandatory “. . . unless a waiver is granted by the Planning Board to achieve context sensitive design . . .” is misleading, since the 1st paragraph on that page indicates these guidelines are intended to apply to private developments and Capital Improvements Program projects. That phrase should be deleted.

Either page 4 or page 5 (Introduction) should mention the desire to design new (or modify existing) roads in accordance with the Context Sensitive Road Design Standards Executive Regulation.

Either page 4 or page 5 (Introduction) should explain how these guidelines fit into implementing the Master Plan goals - to be followed in more detail by the future streetscaping guidelines document.

- The document contains numerous general statements for which specific decisions are under the operational purview of DOT (and/or MSHA) – e.g., curb radii, placement and configuration of on-street parking, crosswalks and crosswalk markings, LED lighting fixtures, etc. These references/items should be removed from the document.
- Pages 15-16: modify the parking notes to indicate “to be determined on a site specific basis.” Note that the CSRDS ER does have a standard for a divided urban (or suburban) arterial with a 120’ R/W. The 112’ R/W appears to relate to standard 2005.04 (divided business district street – 4 lanes with parking). Need to verify 134’ is the approved width for Century Boulevard. See comment for page 23 (re Greenway R/W width).

It would be helpful to color-code these sections to be consistent with the “Area Guidelines” (page 33 and after) to better understand on which roads (and where) these six concept sections would apply. P&P needs to demonstrate that the concept sections for specific roads are consistent with the road classifications in the approved Master Plan.

Germantown Urban Design Guidelines
October 2009 DRAFT

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ATTACHMENT D

DEP Comments on Draft Urban Design Guidelines for Germantown Employment Area Sector Plan, October 2009

Unless otherwise noted, these comments apply to both of the subject plans.

1. Street design guidelines call for placing all utilities underground beneath sidewalks. In discussions concerning the development authorization process, WSSC and PEPCO have raised concerns about the lack of space within the narrow confines of sidewalk areas to maintain adequate separation between utility alignments (water, sewer, electric, gas, cable, telephone, etc.).
2. The design guidelines for stormwater management should acknowledge that the use of low impact development/environmental site design (LID/ESD) is not just a recommended design practice but a regulatory mandate under the state's new stormwater management regulations.
3. The document does not specifically address management of stormwater from streets.
4. Both documents contain a tree planting detail, which is not appropriate. While the detail may be useful for many locations within these planning areas, it is not appropriate for all locations and should not limit the consideration of new technology. Therefore, it should not be included.
5. When discussing tree canopy goals, the document should specify canopy goals that meet or exceed the American Forests recommendations for canopy coverage (which are found at www.americanforests.org/resources/urbanforests/treedeficit.php).
6. Page 17, Germantown Guidelines, 5th bullet – States “Reduce energy costs by using LED lighting fixtures with color ranges that achieve natural lighting.” Lighting technology is advancing rapidly, and specific lighting technology may be developed that is more appropriate than LED lighting. The guidelines should not specify a particular technology.

ATTACHMENT E

MEMORANDUM

November 19, 2009

TO: Gary Stith
Deputy Director, DGS
Planning and Special Projects

FROM: Richard R. Bowers
Fire Chief

SUBJECT: Urban Design Guidelines for the Germantown Sector Plan

Thank you for the opportunity to comment on the Urban Design Guidelines for the Germantown Sector Plan. Specific comments from the fire-rescue perspective are found in the attachment.

Thank you for considering these comments. Please contact me (7-2486) if you have questions or need further information.

RRB/sag

Attachment

cc: Diane Jones, ACAO
Catherine Matthews, Director, Up-county Regional Services Center
D/C Michael Love, CRRS Division, MCFRS
A/C Michael Donahue, Fire Marshal's Office, MCFRS
Scott Gutschick, Planning Section Manager, MCFRS

MCFRS' SPECIFIC COMMENTS ON URBAN DESIGN SUIDELINES FOR GERMANTOWN

Page 9 – Sustainability: Achieve LEED Rating

The LEED rating currently does not provide any credits for fire protection and life safety systems in buildings that reduce, and often times prevent, greenhouse gas emissions resulting from structure fires and polluted runoff resulting from fire department operations. The only documented credit related to fire protection is automatic shutoff valves on sprinkler systems which can create a dangerous situation where a sprinkler system can shut off before the fire is controlled. LEED certification should be supplemented or reexamined to account for the environmental benefits fire protection systems can offer.

Page 11 – Sector Plan Goals: Tight Intersection Corners

Design of intersections must accommodate fire-rescue apparatus without creating pedestrian/vehicular shared space. When there is shared space between pedestrians and vehicles at intersections, the opportunity for pedestrians being struck by large fire-rescue vehicles is greater.

Page 12 – Street Network: “Integrate alleys to development to provide service access”

The intent is not clear. If this implies that emergency services should access buildings from the rear, then alleys could potentially be required to be as wide as the street in front of the building to accommodate fire department vehicles and operations.

Page 17 – Spacing of Trees

In an urban environment, tree placement should not only be evaluated for line-of-sight issues but also for aerial operations by the fire department. Trees spaced too closely might have to be cut down during a fire incident before aerial apparatus deployment can occur, thus causing significant delays in providing rescue and suppression services to upper floors. Size, height, and spacing of street trees must allow for aerial apparatus access to building windows.

ATTACHMENT F

Public Libraries Comments on Draft Urban Design Guidelines for Germantown Employment Area Sector Plan, October 2009

A) Open Space, page 18 – the plan mentions implementation based on resources available for a maintenance district and staff of the Parks Department to perform the maintenance that will be required for the urban parks. The Library supports the importance of having funding for maintenance of the open spaces, but notes that the sector plan makes no mention of bathroom facilities for those using the parks. In the case of the Civic Green, the expectation is that programs held on the green will require either Blackrock or the Germantown Library to accommodate those needing restroom facilities. Our thought is that businesses along Century Blvd are not likely to open their bathroom facilities unless the person asking is eating at the restaurant or purchasing something in the store. We made note of our concern about the lack of bathroom facilities attached to the Germantown Urban Park because of anticipated impact on the library. With the budget cutbacks, Facilities is no longer able to pay for a day porter to clean restrooms and resupply paper towels and toilet paper in that library. There needs to be provision in the allocation of green spaces for what restroom facilities will be provided and how those facilities will be maintained, if provided by Departments other than Parks.

B) Urban Parks – page 19 – one of the considerations is that seating areas be provided including moveable tables and chairs. Potential theft of the tables and chairs as well as who will replace the chairs in their standard locations needs to be considered if this recommendation is seriously considered. We are not sure how moveable the tables and chairs can be if the furniture also needs to be secured.

See above comments for concerns about programmed activities on the civic green on the BlackRock Center Town Commons. Based on the experience at Rockville Town Center, a splash fountain will require a restroom facility within 100 feet at all hours the fountain is operated as well as a “trained lifeguard”. The Department would like to be involved in any discussion of provision of this type of facility in an Urban Park next to one of our libraries. In the City of Rockville, the City pays for maintenance and security when the fountain is operated.

C) Town Center, page 34, Block 6: The plan recommends that improvements to the library, BlackRock and the park encourage public use, provide safety, and strengthen the sense of place. Are the seating, interactive elements, musical chimes, and splash fountain the improvements MNCPP is thinking may occur? Libraries would be interested in knowing what improvements MNCPP envisions, if there are any at this time.

Page 35 – The design concept map color chart has no indication for civic use buildings. Currently the library is depicted as “pink” which the grid says is hotel uses. That can not be right. Need to add a color to all charts for civic/county use buildings.

ATTACHMENT G



Office of the President

January 7, 2010

Mr. Royce Hanson, Chairman,
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring MD 20910

Re: Germantown Employment Area Plan
Urban Design Guidelines

Dear Mr. Hanson:

On behalf of the Board, faculty and staff of Montgomery College, I want to commend the Maryland-National Capital Park and Planning Commission (M-NCPPC) staff for its efforts in developing the Design Guidelines for the Germantown Employment Area. The College appreciates the intent of the proposed guidelines as a tool to guide regulatory review and help implement the vision of the Germantown Sector Plan. As you know, however, Montgomery College is a state instrumentality and is subject to the provisions for Mandatory Referral set forth in Maryland Annotated Code, Article 28, § 7-112. Montgomery College has worked with M-NCPPC staff in the past to consider similar design guidelines and comments offered through the Mandatory Referral process. We have worked collaboratively, most recently, with development projects at our Takoma Park/Silver Spring Campus, and anticipate continuing the positive working relationship with Park and Planning staff during the upcoming review of both the Germantown Bioscience Education Center and the new Child Care Center projects as well as any future development activities for our Germantown Campus.

It is appropriate to point out, however, that the development of public spaces on the Campus, as well as how the private road network will function as a circulation plan and serve to orient campus development, is a function of both the specific project development plans of the College approved under State processes. In the context of the mandatory referral review of projects proposed for our Germantown Campus, we will consider comments offered by Park and Planning staff and the final version of the Design Guidelines bearing on these issues.

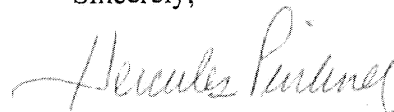
Likewise, while the College and the State anticipate an increase in the density of campus development, the vision for the Germantown Campus continues to follow a development plan that allows the College to preserve a campus environment as distinct from creating an urban center. The College's desire is to complement adjacent development, including a new business

Mr. Royce Hanson
January 7, 2010
Page 2

park on the Campus, and maintain an academic focus that is separate from surrounding business, retail, and residential functions. Additionally, I would offer that the "50 acre woodland" on the western side of the Campus should be more appropriately described as a "40+ acre woodland."

We hope you will take these comments into consideration in crafting the provisions of the Design Guidelines for the Germantown Employment Area taking into account that, as with prior College development activities, final design determinations for the development of specific projects at the Germantown Campus will be accomplished through the Mandatory Referral review process within the context of the College's obligations to its educational mission, as required by State law. The College looks forward to continuing its positive relationship with the Planning Board through that process.

Sincerely,

A handwritten signature in cursive script that reads "Hercules Pinkney".

Hercules Pinkney, Ed. D.
Interim President

cc: Dr. Sanjay Rai, Interim Vice President & Provost, Germantown Campus
Mr. David Capp, Associate Vice President for College Facilities

ATTACHMENT H



December 3, 2009

5104 Elm St., Bethesda MD 20814 (301)652-6359 email--theelms518@earthlink.net

MCCF Testimony to Planning Board on Germantown Sector Plan Design Guidelines

I am Jim Humphrey, testifying on behalf of the Montgomery County Civic Federation. At their November 18 meeting, the Federation's Executive Committee voted unanimously to share with the Planning Board our reservations about this new process of splitting apart the creation of design guidelines from a master or sector plan revision, and our concerns about the way in which this first attempt at the new process has been handled with regard to public input.

With regard to the new process, our Executive Committee members do not see the benefit in separating the creation and approval of design guidelines from the master or sector plan revision process. Traditionally, one focus of the design guidelines section of master plans has been on recommendations to insure the compatibility of future building projects with existing and planned adjacent development. Guidelines routinely recommend lower building height or less mass on properties, or portions of them, than the maximum allowed by the zoning, in order to insure compatibility. Design guidelines are a critical element of master plans that can greatly impact the future development of communities. We believe the County Council should consider and approve them; they should not be separated from the master plan process and adopted by the Planning Board alone.

We see no time saving or cost saving benefit in splitting design guidelines apart from master plans, since Planning staff and this Board must still draft and consider them. There is no advantage in reducing the size of the master plan document. A great deal of the text in these draft guidelines is a repetition of information in the Germantown Sector Plan, so their inclusion in the plan may have added 8 to 10 pages to its length. The idea that this new process will allow flexibility to make future changes in the guidelines, without reopening a master plan and taking it to Council for approval, is not needed. Since zoning is the only legally enforceable element of master plans, the Board has not considered itself bound by such guidelines when approving development plans, so the Board already has the authority to waive any design recommendation, based on a change in conditions in the area or any other reason, without the need to approve an amendment to the guidelines or plan.

Next, with regard to this trial run for the new split process which was used for the Germantown Employment Area Sector Plan, the Federation believes that public input was

shortchanged in this instance. Planning Department staff informed me that they had met with stakeholders (property owners and developers) and with the Citizens Advisory Committee, although two members of the CAC told me they had not received any notice of a meeting on creation of the design guidelines. And the single public meeting with area residents, to explain the draft guidelines and answer their questions, was scheduled for this past Monday, November 30--just three days before this hearing. If you are sincere in your desire for citizen participation in the process, then you will need to increase your public awareness and education efforts and set timetables for those efforts which are sensitive to the relatively slow speed at which homeowner associations and neighborhood citizen groups consider, and adopt positions on, issues of importance to them.

Finally, with regard to the Germantown Design Guidelines themselves, members of the Federation's Planning and Land Use Committee, which I chair, received hard copy of the guidelines just before Thanksgiving break and have taken only a cursory look at them. One issue that stood out for us was the inconsistent text regarding transition height of buildings planned adjacent to existing residential areas, since the Federation represents the interests of area residents with regard to compatibility of development that could take place near their homes.

On page 26, the guidelines contain a recommendation to "step down building heights adjacent to residential communities to a maximum of 50 feet, including bonus density to achieve compatible transitions." And, on page 31, there is a graphic showing three types of buildings, with the section on Base 1 Transition Buildings noting the following standards: "Residential buildings preferred; 3 stories; and 35 feet high (50 feet maximum with housing bonus)." We believe this is misleading, since the text in 4 of the 8 district breakout sections recommends transition building heights adjacent to residential areas of 65 feet or 5 stories (Gateway District, pg. 44), 60 feet or 5 or 6 stories (Cloverleaf District, pg. 49), 72 feet or 4 and 6 stories (North End District-West Side, pg. 53), and 4 stories (North End-Milestone, pg. 57). This inconsistency should be reconciled. Thank you.

ATTACHMENT I



December 2, 2009

VIA REGULAR AND ELECTRONIC MAIL

Dr. Royce Hanson, Chairman
Montgomery County Planning Board
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Middlebrook Mobile Home Park, Germantown, MD

Dear Chairman Hanson and Board Members:

This letter is in reference to the draft Urban Design Guidelines for Germantown Sector Plan, dated October 2009.

Our discussions with your staff have focused on the following text found on page 68 of the document:

- **For the mobile home property, preserve a minimum of 50 feet of woodland edge along the eastern property line with the existing R-200 zoned neighborhood.**

Exhibit A (attached) illustrates the existing buffer and topography between the mobile home park and the adjacent single family neighborhood. It demonstrates that this buffer is not only adequate in its current width and location, but also points out the sizeable difference in elevation between the two properties which reduces the need for a buffer. In addition, the woodland buffer that is on the single family neighborhood side exists on land that is in common ownership and under the control of the Home Owners Association, as shown on attached Exhibit B (attached). Given these facts, we request that the text of the document on page 68 be changed as follows:

“For the mobile home property, provide a minimum of 50 feet of woodland edge along the eastern property line by combining the woodland area that exists on the adjacent R-200 zoned neighborhood with both existing and proposed woodland buffer on the mobile home park property.”



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Thank you very much for your consideration of our request.

Sincerely yours,
The Bozzuto Group

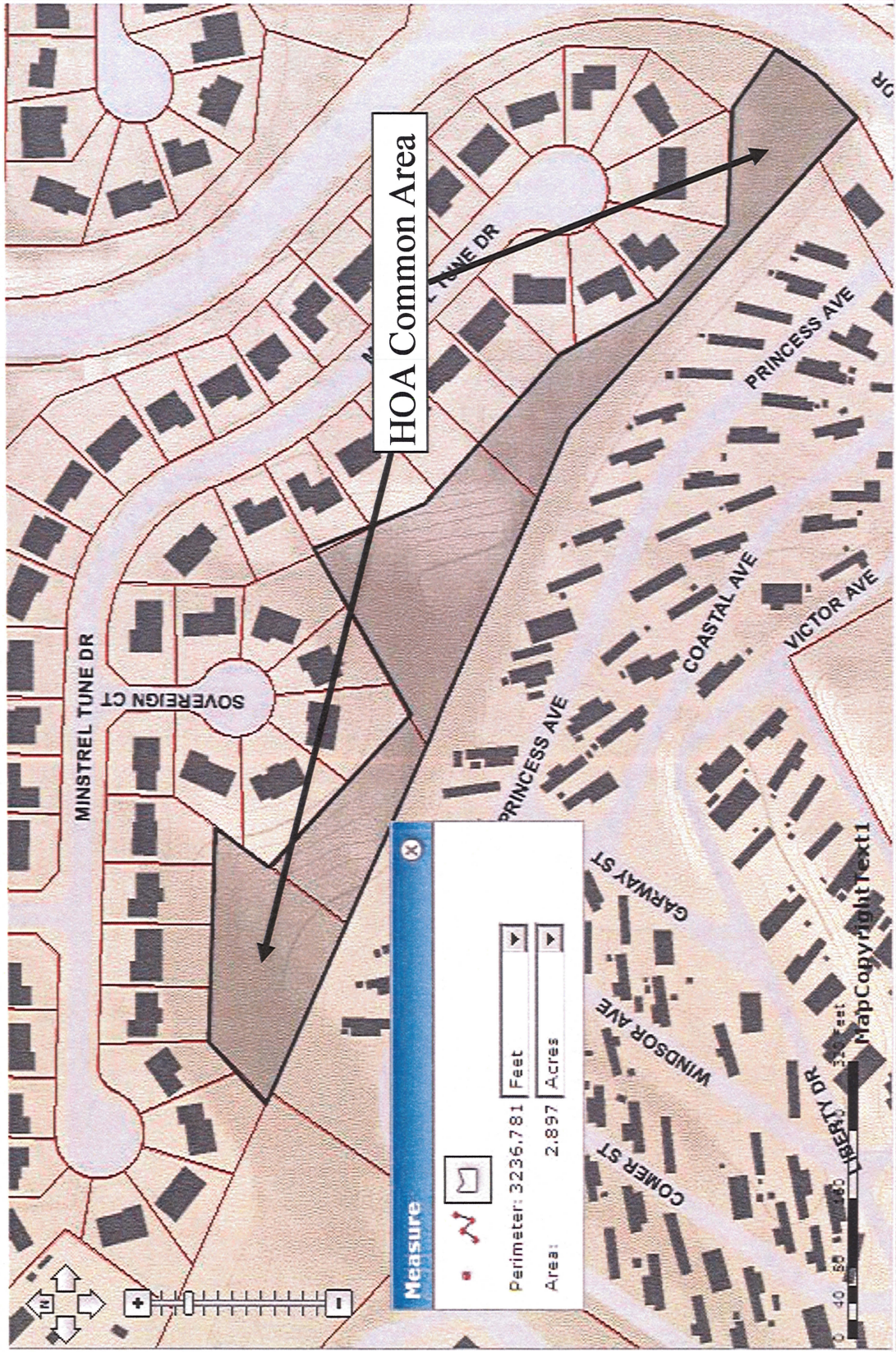
Clark M. Wagner

Vice President

CC: John Slidell
Robert Brewer
Jennifer Russel



Exhibit B



LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

November 30, 2009

Barbara A. Sears
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bsears@linowes-law.com
Yum Yu Cheng
301.961.5219
ycheng@linowes-law.com

VIA HAND DELIVERY

Dr. Royce Hanson, Chairman, and
Members of the Planning Board
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: October 2009 Draft Urban Design Guidelines for the Germantown Employment Area
Sector Plan; Rolling Hills Property in Germantown, Maryland (the "Property")

Dear Chairman Hanson and Members of the Planning Board:

On behalf of Clark Enterprises, Inc., owner of the Rolling Hills Property ("Clark"), we are providing our comments and suggested changes to the October 2009 Draft Urban Design Guidelines (the "Draft Guidelines") for the Property. The Property consists of approximately 40.50 acres of land located adjacent to the Germantown MARC Station and is bounded to the west by the CSX railroad, to the south by Great Seneca Highway, to the east by Wisteria Drive, and to the north by the U.S. Post Office. The recently adopted Germantown Employment Area Sector Plan (the "Sector Plan") recommends comprehensively rezoning the Property to the RMX-1 (Residential Mixed-Use, Community Center) Zone.

Below is a list of excerpts from the Draft Guidelines for the Property that Clark is concerned with, followed by our comments and suggested changes:

1. "Block 1 Rolling Hills Property

If redeveloped, locate single-family attached units along Wisteria Drive and multifamily units within the property's interior. Provide over 50 percent of the units north of the existing stream valley within walking distance of the MARC transit station." (p.41)

Comment/Suggested Change: Clark is concerned that this language is very limiting and does not provide the flexibility and promote the creativity the Draft Guidelines intend to achieve. East of the Property and Wisteria Drive is Seneca Valley High School. There is no logical reason why only single-family attached units should be located along Wisteria Drive and only multifamily units should be located within the Property's interior. Depending on the ultimate layout of the site, other residential unit types may be more

Dr. Royce Hanson, Chairman, and
Members of the Planning Board
November 30, 2009
Page 2

appropriate along Wisteria Drive and within the Property's interior. In addition, it is not necessary to provide more than 50% of the units located north of the existing stream valley in order to encourage walking to the MARC station as the entire Property is within a 10-minute walk to the MARC Station. We suggest the following language to allow flexibility and promote creativity while achieving the intended goals of "walkability" and compatibility:

"If redeveloped, appropriately locate a variety of residential unit types throughout the site to encourage walking to the MARC transit station and enhance compatibility with the surrounding neighborhood, including the Historic District."

2. "Open Spaces

The existing stream valleys, ... and the local park just outside the Plan boundary along Great Seneca Highway provide the district with a variety of open spaces. ...

The following guidelines apply:

- **Rolling Hills Property**
 - **Preserve the existing, internal open spaces created by the stream valley buffer. Existing mature trees within the stream buffer, along the CSX rail line, and along Great Seneca Highway should be preserved.**
 - **On site recreation facilities within the Rolling Hills Property should include children's multi-age play areas, a swimming pool, a community center and a loop, paved pathway around the central open space with seating areas.**
 - **Provide a paved pedestrian walk to the MARC station.**
 - **Preserve existing trees along the I-270 right-of-way (not illustrated) and screen parking structures.**
 - **Improve the street character of Middlebrook Road by planting a double row of street trees on both sides and replanting the south hillside with native trees. Improve the street character of Great Seneca Highway by planting an informal arrangement of native trees and shrubs." (p.43)**

Comment/Suggested Change: We believe there is a formatting error in the Open Spaces section of the Gateway District in the October 2009 Draft Guidelines where the last two bullet points were incorrectly moved under the heading of Rolling Hills Property, making them appear applicable to the Rolling Hills Property (see Exhibit A). The last two bullet points reference streets which are not adjacent to our property and therefore, do not apply to the Rolling Hills Property. These bullet points were previously shown in the April 2009

Dr. Royce Hanson, Chairman, and
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Page 3

Draft Guidelines as independent bullet points that were not applicable to the Property (see Exhibit B and compare it to Exhibit A). We suggest that the last two bullet points be moved to align with the Rolling Hills Property heading as was previously done in the April 2009 Draft Guidelines.

In regard to the first bullet point on preserving mature trees within the stream valley buffer, along the CSX rail line and along Great Seneca Highway, we believe this recommendation is unnecessary as there are existing forest conservation laws and regulations that deal with tree preservation in these areas. Furthermore, there is no tree inventory (on size, age, and health of the trees) to evaluate whether these trees should be preserved. At the appropriate time, a tree inventory will be conducted and which trees should be preserved will be determined. Accordingly, we suggest deleting the second sentence in the first bullet point so that it now reads as follows:

- **Preserve the existing, internal open spaces created by the stream valley buffer.**

In regard to the second bullet point on the onsite recreation facilities, we believe the recommendation is too specific on the types of facilities that should be provided and may be inappropriate depending on the redevelopment proposal. For example, should the Property be redeveloped for senior housing, “children’s multi-age play areas” would not be appropriate. In addition, we are concerned that the language is not clear that these facilities are intended for the residents of the Property. Accordingly, the appropriate recreation facilities should be determined as part of the site plan process. We suggest changing the second bullet point to state the following:

- **Provide a variety of passive and active onsite recreation facilities that will enhance the quality of life for the residents of Rolling Hills.**

Should the Planning Board decide to keep the language on the specific facilities, we request the words “community center” be changed to “community room”, but would again reiterate our desire to include language that states that these amenities are intended for residents of Rolling Hills.

Dr. Royce Hanson, Chairman, and
Members of the Planning Board
November 30, 2009
Page 4

3. "Building Lines

Existing building lines within the district are varied and setback considerably from the streets. Rolling Hills's building should setback 25 feet from the curb of Wisteria Drive and a minimum of 50 feet from Great Seneca Highway's right-of-way." (p. 44)

Comment/Suggested Change: We are concerned that uniform setback requirements of 25 feet and 50 feet will not create the variety that best achieves quality urban design along these public streets. An average setback would embrace the spirit of the intent without requiring every building to be setback at the same distance. We suggest that the word "average" be inserted before the recommended setback so that the recommendation reads as follows:

"Existing building lines within the district are varied and setback considerably from the streets. Rolling Hills's building should setback an average of 25 feet from the curb of Wisteria Drive and an average of 50 feet from Great Seneca Highway's right-of-way."

4. "Heights

.... On Rolling Hills, allow up to 90 feet (eight residential stories) in the property's interior to locate density close to the MARC station." (p.44) This text is adjacent to a graphic showing a maximum building height of 90 feet (6 - 8 stories) on either side of the stream valley buffer area, a maximum building height of 60 feet (4 - 5 stories) adjacent to the 90-foot height area facing the Historic District, U.S. Post Office, and Great Seneca Highway, and a maximum building height of 40 feet (1 - 3 stories) along Wisteria Drive (see Exhibit C).

Comment/Suggested Change: We have previously spoken with Staff regarding potential conflicts between height and story references throughout this document and understand that Staff will remove all references to stories in the Draft Guidelines. We support the deletion of stories from the Draft Guidelines, and specifically the references to stories for the Rolling Hills Property. In addition, we are concerned that the limitation of building height below 90 feet in specific areas as shown in the graphic prohibits flexibility and creativity as well as contradicts the Sector Plan recommendation of a maximum building height of 90 feet for this site. We believe the Sector Plan recommendation that "[b]uilding heights ... should step down towards the perimeter of the site" provides sufficient guidance, and that specific building heights should be determined during the site plan process. Accordingly,

Dr. Royce Hanson, Chairman, and
Members of the Planning Board
November 30, 2009
Page 5

we recommend deleting the building height graphic and changing the language to read as follows:

“Heights

.... On Rolling Hills, allow creative placement of a variety of building heights with the maximum height not to exceed 90 feet.”

We hope that the Board will agree with our suggested changes, which are consistent with the goals of the Sector Plan and will provide the flexibility and promote the creativity the Draft Guidelines intend to achieve.

Thank you for your attention to this matter. Should you have any questions or need additional information, please let us know.

Very truly yours,

LINOWES AND BLOCHER LLP

Barbara A. Sears 1-yr

Barbara A. Sears

yum yu cheng

Yum Yu Cheng

Enclosures

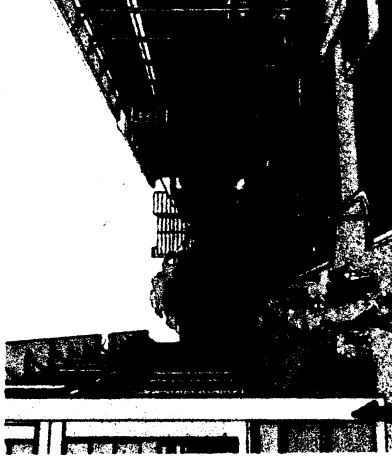
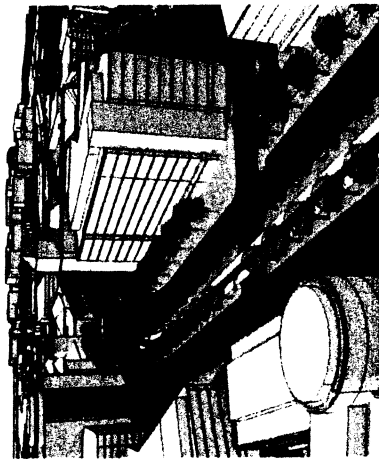
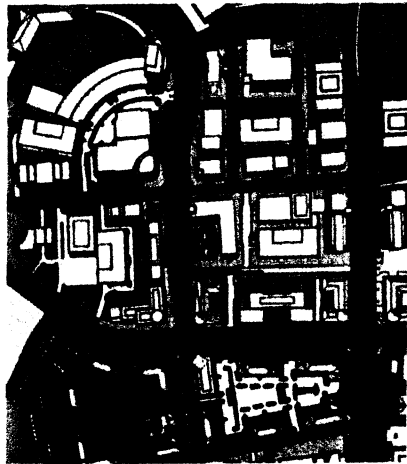
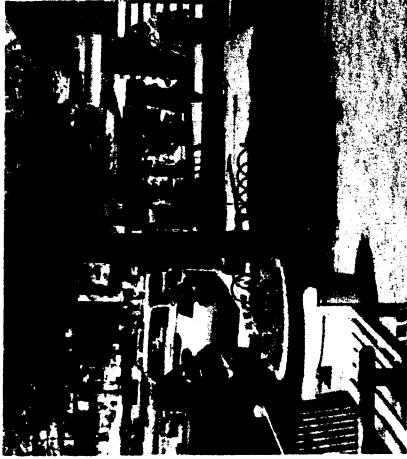
cc: Mr. Bob Elliott
Mr. Rollin Stanley
Mr. John Carter
Ms. Sue Edwards
Ms. Karen Kumm-Morris
Mr. Doug Wrenn

October, 2009

Urban Design Guidelines

Draft

Germantown Employment Area Sector Plan



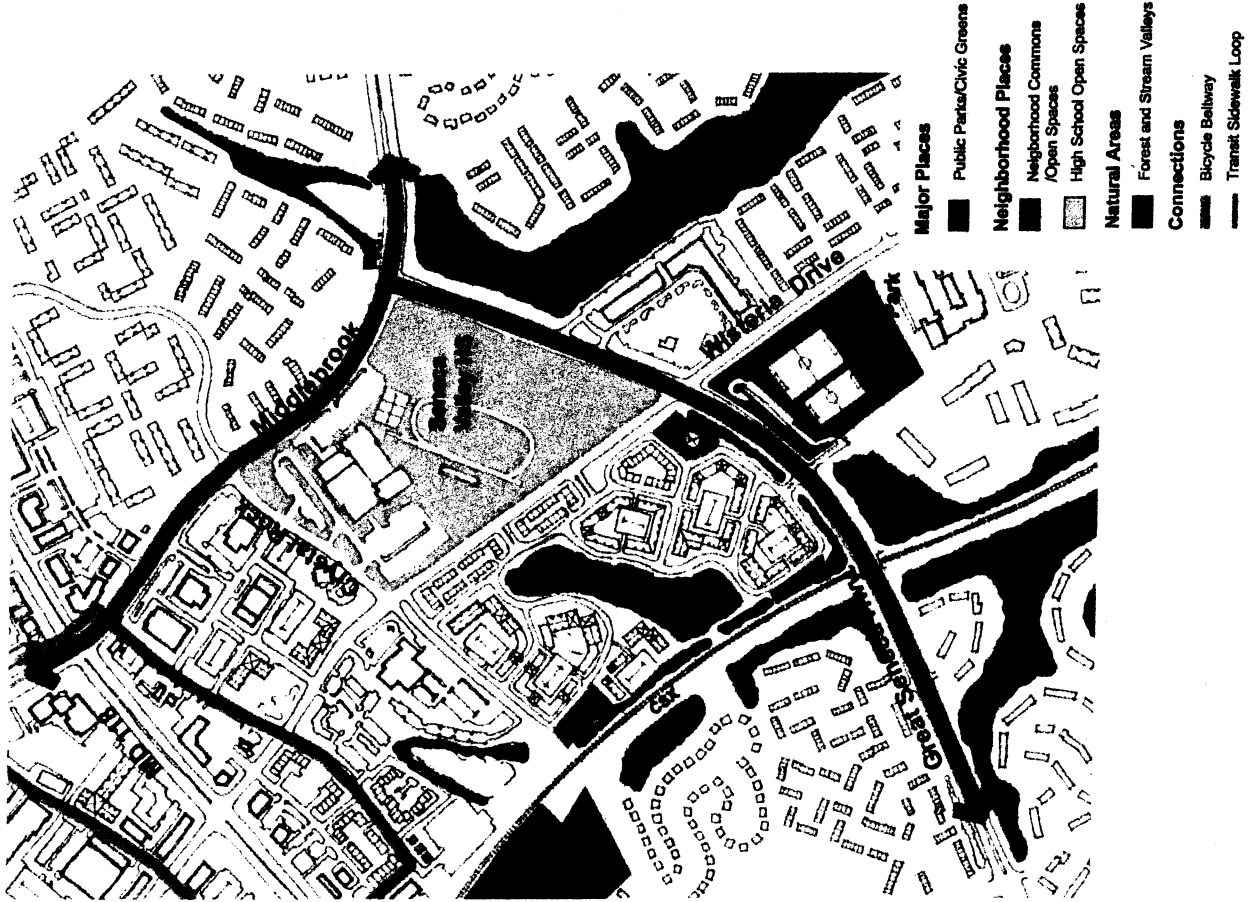
Montgomery County Planning Department
The Maryland-National Capital Park and Planning Commission
MontgomeryPlanning.org

Open Spaces

The existing stream valleys, the high school playing fields, and the local park just outside the Plan boundary along Great Seneca Highway provide the district with a variety of open spaces. Though not useable for recreation, the existing open spaces along I-270 should be filled with trees, creating an informal, natural landscape along the I-270 highway.

The following guidelines apply:

- **Rolling Hills Property**
 - Preserve the existing, internal open spaces created by the stream valley buffer. Existing mature trees within the stream buffer, along the CSX rail line, and along Great Seneca Highway should be preserved.
- On site recreation facilities within the Rolling Hills Property should include children's multi-age play areas, a swimming pool, a community center and a loop, paved pathway around the central open space with seating areas.
- Provide a paved pedestrian walk to the MARC station.
- Preserve existing trees along the I-270 right-of-way (not illustrated) and screen parking structures.
- Improve the street character of Middlebrook Road by planting a double row of street trees on both sides and replanting the south hillside with native trees. Improve the street character of Great Seneca Highway by planting an informal arrangement of native trees and shrubs.



DRAFT

April 2009

URBAN DESIGN GUIDELINES

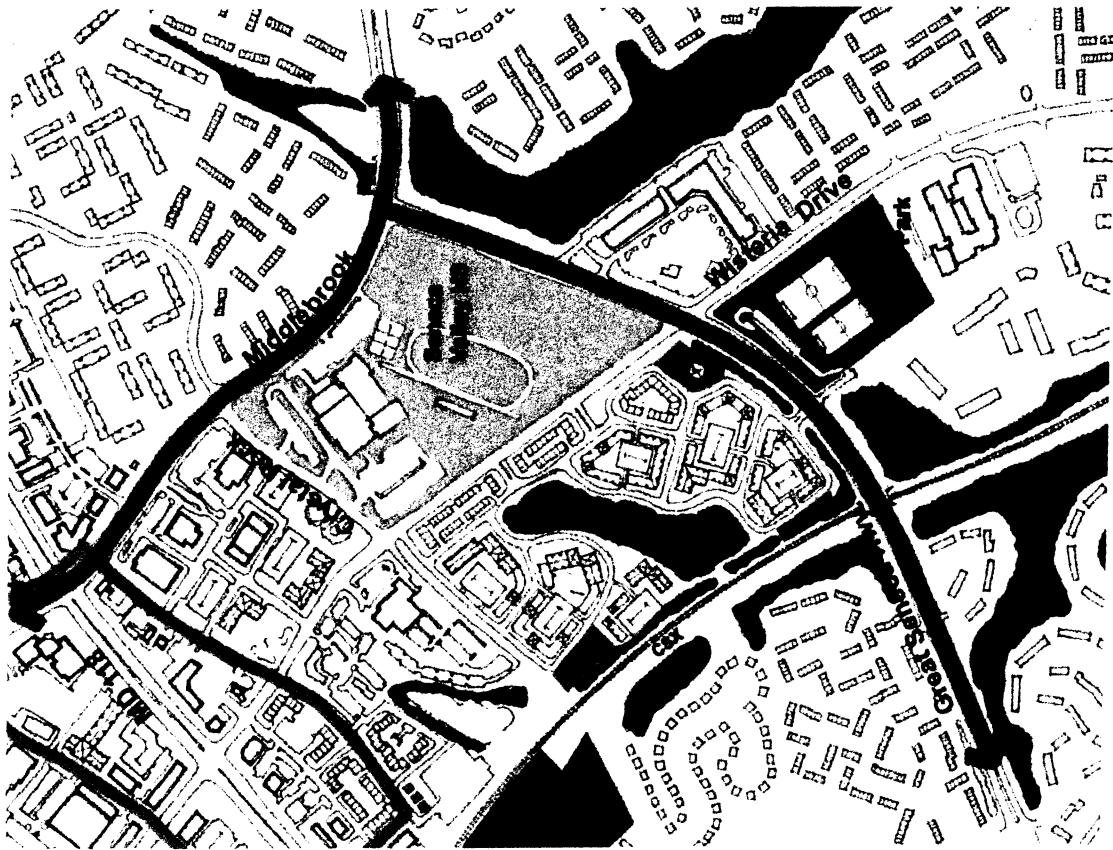
For the Germantown Employment Area Sector Plan



Montgomery County Planning Department
The Maryland-National Capital Park and Planning Commission

Exhibit B

Gateway Open Space Concept



Open Spaces

The existing stream valleys, the high school play fields and the local park located just outside the planning boundary along Great Seneca Highway provide the district with a variety of open spaces. Along I-270, the existing open spaces are filled with trees creating a native landscape along the I-270 highway. The following guidelines apply:

- **Rolling Hills Property**
 - Preserve the existing, internal open spaces created by the stream valley buffer. Existing mature trees within the stream buffer, along the CSX rail line and along Great Seneca Highway should be preserved.
 - On site recreation facilities within the Rolling Hills Property should include children's multiage play areas, a swimming pool, a community center and a loop, paved pathway around the central open space with seating areas.
 - Provide a paved pedestrian walk to the MARC station.
- Preserve existing trees along the I-270 right-of-way (not illustrated) and screen parking structures. See I-270 Landscape Concept.
- Improve the street character of Middlebrook Road by planting a double row of street trees on both sides and replanting the south hillside with native trees.
- Improve the street character of Great Seneca Highway by planting an informal arrangement of native trees and shrubs.

Major Places

Public Parks/Civic Greens

Neighborhood Places

Neighborhood Commons /Open Spaces

High School Open Spaces

Natural Areas

Forest and Stream Valleys

Connections

Bicycle Beltway

Transit Sidewalk Loop

Building Lines

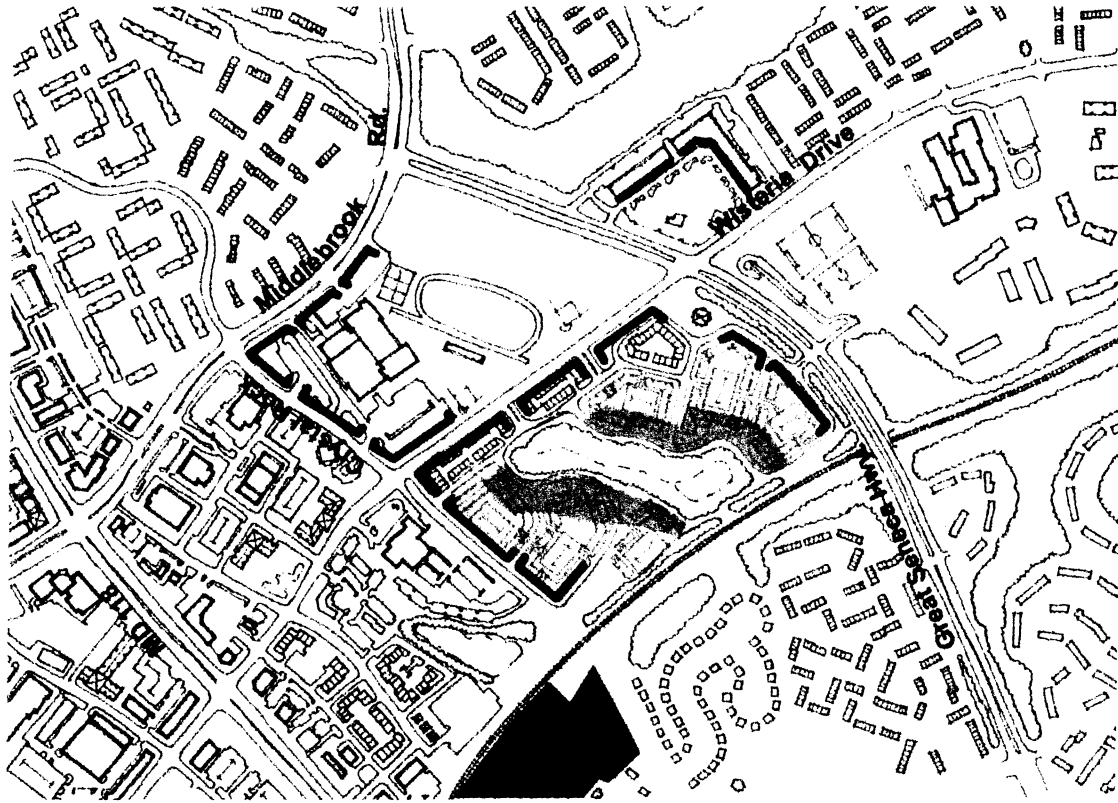
Existing building lines within the district are varied and setback considerably from the streets. Rolling Hill's buildings should setback 25 feet from the curb of Wisteria Drive and a minimum of 50 feet from Great Seneca Highway's right-of-way. Along Middlebrook Road, buildings should be setback a minimum of 30 feet from the right-of-way and parking and service areas should be located behind the buildings. Building setbacks from I-270 should be 200 feet from the existing right-of-way. Maintain existing building line along I-270 if the right-of-way widens.

Heights

The Gateway District is a low-rise area characterized by one to three story buildings. Along Middlebrook Road, achieve compatibility with the surrounding residential communities with a building height limit of 65 feet (five stories). On Rolling Hills, allow up to 90 feet (eight residential stories) in the property's interior to locate density close to the MARC station. Along I-270 frontage, allow 100 feet (eight stories) to accommodate signature office and technology development.

Retail

The existing shopping center along Great Seneca Highway should remain the district's retail focus. A very limited amount of retail is permitted on the Rolling Hills Property along Wisteria Drive near the Town Center.



- Building Lines**
 - Building lines along streets
- Building Heights**
 - 90 FT (6 - 8 stories)
 - 60 FT (4 - 5 stories)
 - 40 FT (1 - 3 stories)
- Retail**
 - Retail Locations

ATTACHMENT K

LINOWES |
AND | BLOCHER LLP
ATTORNEYS AT LAW

January 13, 2010

C. Robert Dalrymple
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Heather Dlhopsky
301.961.5270
hdlhopsky@linowes-law.com

VIA HAND DELIVERY

Dr. Royce Hanson, Chairman
and Members of the Planning Board
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Draft Germantown Employment Area Sector Plan Urban Design Guidelines (the "Draft Design Guidelines")

Dear Chairman Hanson and Members of the Planning Board:

On behalf of Holy Cross Hospital (the "Hospital"), we would like to take this opportunity to submit our comments on the Draft Design Guidelines under consideration by the Montgomery County Planning Board (the "Planning Board") in the aftermath of the approved September 2009 Sector Plan for the Germantown Employment Area (the "Sector Plan"). The Hospital is the ground lessee of approximately 24.5 acres of property located in the southeast corner of the Montgomery College - Germantown campus in the northeast quadrant of the intersection of Middlebrook Road and Observation Drive Extended (the "Hospital Site"). The Hospital was actively involved in the Planning Board's and the Montgomery County Council's review and approval of the Sector Plan, and the Hospital has been monitoring discussions on the Draft Design Guidelines before the Planning Board. We also recently met with your staff to review hospital design requirements for the Hospital Site, and it was thought to be prudent to submit this letter to further define design criteria for the Hospital.

While the Hospital generally understands the Sector Plan's and Draft Design Guidelines' vision for the Germantown Employment Area as a more urban place with mixed-use development, tall buildings, and urban open spaces, the Hospital is concerned that several aspects of the Draft Design Guidelines do not recognize the unique needs of a hospital, where functionality plays a determining role in ultimate form and design. While we recognize that the Draft Design Guidelines are intended to provide design guidance rather than mandates, we are nevertheless concerned that the Draft Design Guidelines must reflect the reality of hospital design. Therefore, we submit the following comments on the Draft Design Guidelines for your consideration and discussion at the upcoming Planning Board worksession(s):

- Draft Design Guidelines specific to the Montgomery College district:

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Dr. Royce Hanson, Chairman
and Members of the Planning Board
January 13, 2010
Page 2

- o Page 62: The text explains that medical and hospital uses should be located in Area 3, but the map contains two labels for Area 2 and no label for Area 3. The southernmost Area 2 should be re-labeled Area 3. Also, the colors used in the “Urban Design Concept” map legend do not appear to correspond with the uses shown on the map.
- o Page 63: Streets – The text suggests the concept of a loop road wrapping completely around the Hospital Site and that the location of the Hospital itself be situated close to Observation Drive Extended. The proposed loop road, in addition to consuming valuable land, opens up the rear of the site to public traffic. The Draft Design Guidelines then appear to face the approach, access, and parking for the Hospital to the rear of the Hospital Site away from Observation Drive. This concept does not allow for the separation of different kinds of Hospital traffic (emergency, patient, visitor, and service); does not provide for the location of service, central plant, and utility functions; and reduces wayfinding clarity. The Hospital has instead proposed to locate the facility toward the rear of the site with approach, access, and parking near the front so that Hospital traffic and uses can easily be directed to appropriate locations, and patients and visitors – who are often under duress – can easily locate appropriate parking and entrance access. Thus, while Observation Drive Extended is identified as a main street running along the west side of the Hospital Site and Page 15 of the Draft Design Guidelines indicates that building setbacks along such a main street should be 20-25 feet, as noted above and below we suggest that language be added in this section to allow for flexibility in building setbacks to accommodate the unique needs of the Hospital use.
- o Page 65: Building Lines – The text states that buildings should front all streets and that buildings should be oriented toward streets with parking located behind buildings and developed into garages over time. Language should be added in this section to allow for flexibility in building setbacks from streets. For example, while it makes sense for buildings with retail uses on the first floor to be located closer to the street edge, due to the nature of the Hospital use, requisite privacy issues, and the need to separate different types of traffic and provide clear wayfinding (as explained above), increased front setbacks should be permitted for the Hospital use.
- o Page 65: Heights – The text states that private office, technology, or medical buildings should be a minimum of three stories where feasible, and the accompanying diagram shows building heights in the vicinity of the hospital to be 60 feet (4-5 stories). We note, however, that the Sector Plan explicitly states: “Buildings must have a minimum of three stories where feasible with floorplates no greater than

Dr. Royce Hanson, Chairman
and Members of the Planning Board
January 13, 2010
Page 3

25,000 square feet for non-residential uses. Medical facilities such as hospitals are exempt from this guideline.” (Sector Plan, p. 53.) The Sector Plan recognizes that programmatic aspects will ultimately dictate the height and design of the hospital, and thus we request that similar language be added to the Draft Design Guidelines explicitly exempting hospitals from the building height and floorplate (and building setback) guidelines.

- Draft Design Guidelines of a general nature:
 - o Pages 4 and 71: The text on these pages currently contains a statement indicating that the guidelines are not regulations but rather are just recommendations and a flexible guide for developers and property owners to illustrate how the Sector Plan principles might be met. At the Planning Board session on December 3rd, there was testimony and discussion suggesting that this disclaimer be printed more prominently on the front of the Draft Design Guidelines. We support this suggestion in order to reinforce the notion explained above that flexibility will ultimately be required to accommodate the unique needs of the Hospital.
 - o Pages 24-32: Buildings – These pages contain guidelines for building form, street-oriented development, parking, massing and height, facades, street-level retail, building rooftops, and green buildings. While these are general recommendations designed to apply broadly across the Sector Plan area, we again reiterate that function and programmatic requirements will ultimately dictate the design of the Hospital and thus flexibility must be allowed to meet the needs of the Hospital.

Thank you for the opportunity to submit these comments in advance of the Planning Board’s worksession(s) on the Draft Design Guidelines. We look forward to working with Planning Staff and the Planning Board on the Draft Design Guidelines and subsequently with site plan review for the Hospital. Please contact us should you have any questions or require any additional information.

Sincerely,

LINOWES AND BLOCHER LLP

C. Robert Dalrymple, HO

C. Robert Dalrymple

Heather Dlhopsky

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Dr. Royce Hanson, Chairman
and Members of the Planning Board
January 13, 2010
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cc: Ms. Karen Kumm, M-NCPPC
Mr. Kevin Sexton
Ms. Eileen Cahill
Ms. Annice Cody
Mr. Phil Tobey
Mr. Toby Wilson