



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

MCPB
Item #
7/21/11

July 8, 2011

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief, Area 2 Planning Division *GK*
Shahriar Etemadi, Planning Supervisor, I-270 Corridor Team
Area 2 Division

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SUBJECT: Parklawn North: Preliminary Plan 120110300 and Site Plan 820110090

**APPLICATION
DESCRIPTION:**

Request to assemble 2 recorded lots and 1 parcel into 3 lots and 1 outlot for an additional 520,000 square feet of office development with 60,132 square feet of existing development to remain on approximately 12.96 acres in the TMX-2 Zone; located on the north side of Fishers Lane approximately 1,000 feet east of Twinbrook Parkway in the Twinbrook Sector Plan Area.

APPLICANT: Parklawn North Lot, LLC

FILING DATE: April 14, 2011

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY: The proposed development would create 3 new lots and 1 outlot by consolidating 2 existing lots and 1 existing parcel; a new master-planned road (Wilkins Avenue) would be dedicated and built within the subject site boundaries. 60,132 square feet of existing commercial uses would remain on one of the new lots; 520,000 square feet of office uses and a structured parking facility would be developed on another of the new lots; the third proposed lot would be occupied by an existing surface parking lot with potential for redevelopment in the future; and an undevelopable outlot would be created between a master-planned right-of-way, Wilkins Avenue extended (B-16), and an adjacent property. Public use space is proposed at the corner of Fishers Lane and Wilkins Avenue and a significant hiker/biker trail would be provided from the subject properties to the Rock Spring Park Trail to the northeast.

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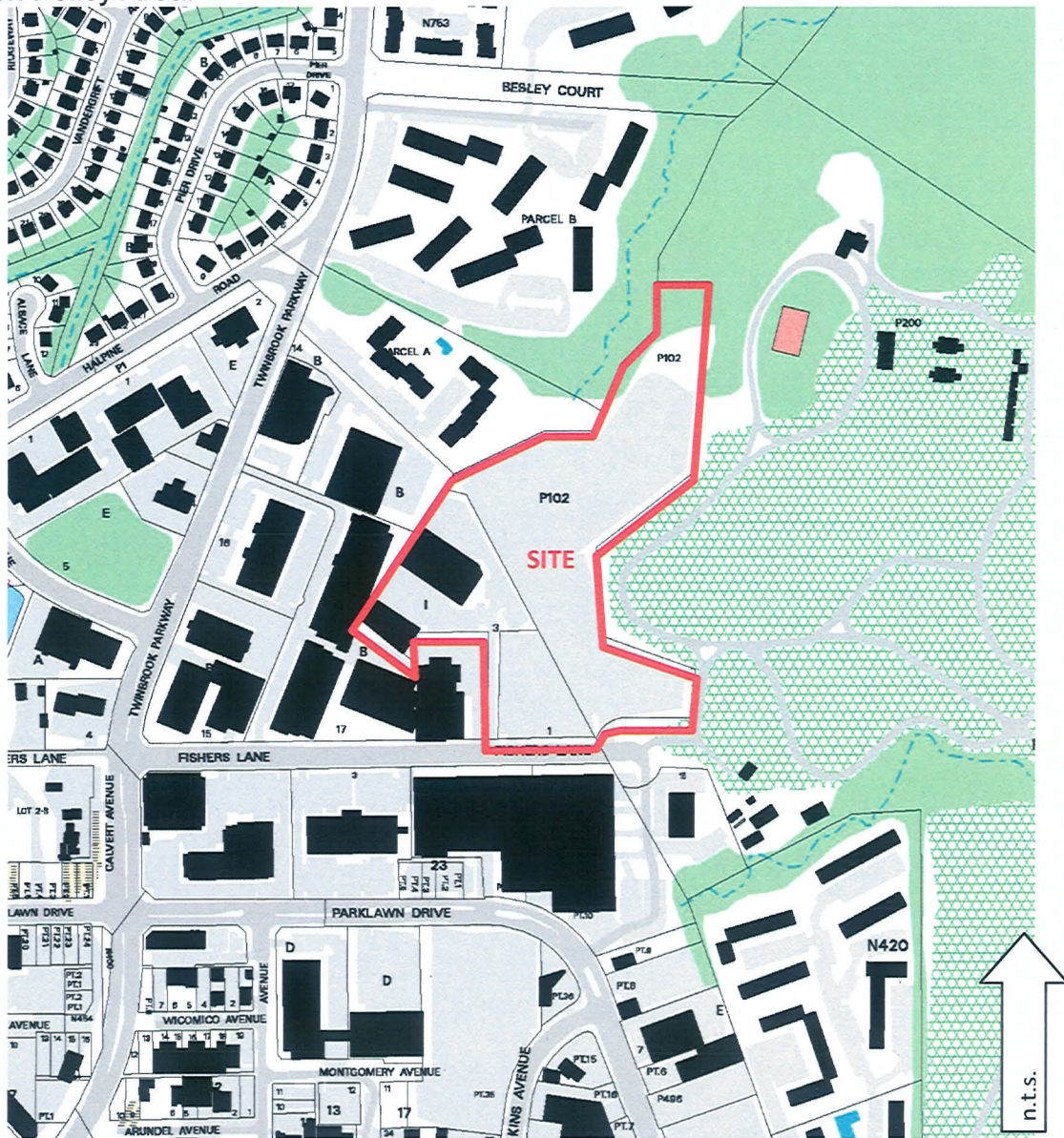
SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Site Vicinity

The TMX-2-zoned subject properties are located on the north side of Fishers Lane, approximately 1,000 feet east of the intersection with Twinbrook Parkway and comprise a total area of 12.96 gross acres. The site is surrounded by TMX-2-zoned commercial uses to the west and south; an R-200-zoned cemetery to the east, and R-30-zoned multi-family housing to the north.

Rock Creek Park is less than ¼ mile to the northeast and the Twinbrook Metro Station is approximately ½ mile to the west. Numerous commercial and residential uses are within close proximity and the entire Sector Plan area is within the Twinbrook Metro Station Policy Area.



Vicinity Map

Site Analysis

The site is currently improved primarily with surface parking for the office uses in the Parklawn Building. Existing buildings and structures include two small commercial buildings that will remain on proposed Lot 6 in the western portion of the site. The current plan does not propose redevelopment of these buildings. The lots are being reconfigured in this plan, with the northern portion of the site (“Lot 5” on the plans) remaining basically unchanged; this lot is slated for additional development in a subsequent phase of development. This future phase would require both Preliminary Plan and Site Plan Amendments. There are no known historical or cultural resources on this property. The site is served by public water and sewer.



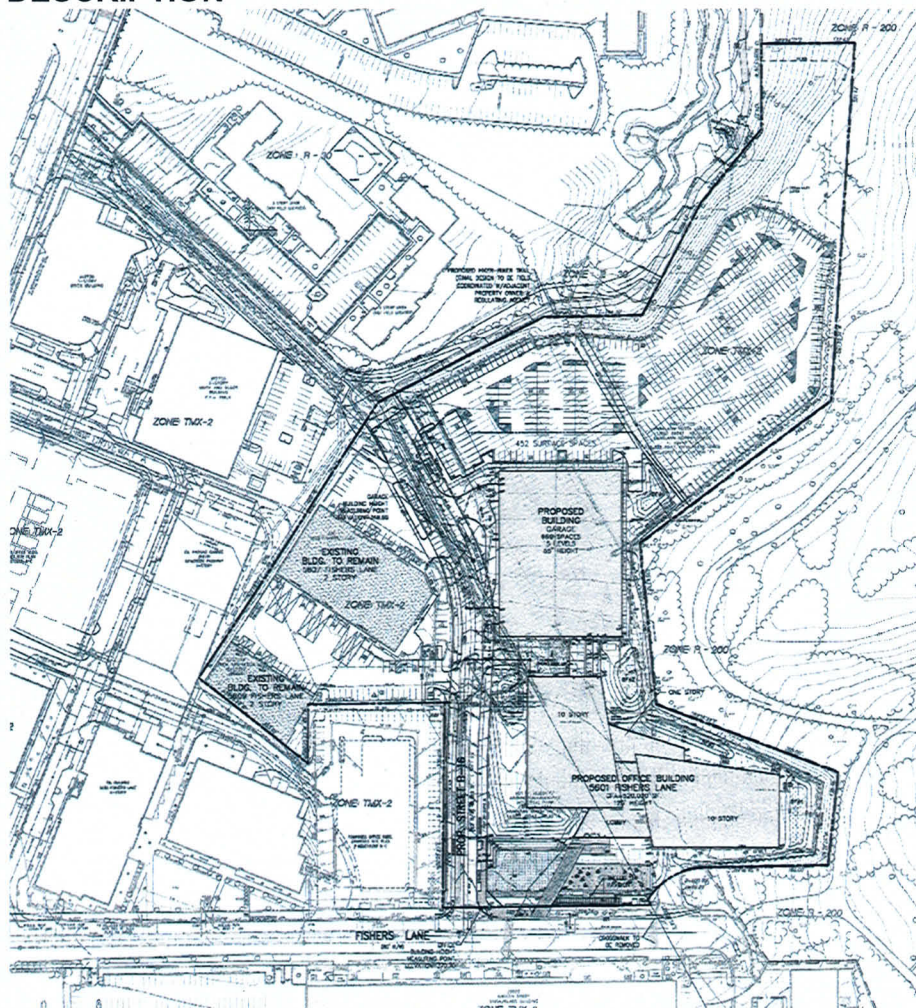
Site Aerial View

The site slopes gently from south to north across the existing surface parking lot. At the northern end of the site, the topography slopes steeply toward the west, where an intermittent tributary of Rock Creek begins. Most of the property drains to this stream. A portion of the existing parking lot is constructed within the stream buffer. For many

years, the stream has received uncontrolled stormflows from this site and from adjacent development. Because of this, the stream is badly eroded, with sewer infrastructure exposed in several areas, as noted on the Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) submitted for the Halpine View apartment complex that borders this site to the northwest. This portion of Rock Creek is a State Use Class I stream. The streams in this portion of Rock Creek are assessed to be in "poor" condition based on the most recent Countywide Stream Protection Strategy (CSPS) survey. This site is not in a Special Protection Area.

The northernmost end of the property contains a mature upland hardwood forest stand of approximately one acre (FS-1). The forest canopy layer is dominated by tulip poplars (*Liriodendron tulipifera*), cottonwoods (*Populus deltoids*), and red oaks (*Quercus rubra*). This forest has been identified as a high priority for retention based on criteria in the Forest Conservation Law. A number of significant and specimen trees exist along the eastern property boundary with the Parklawn Cemetery, as well as in FS-1.

PROJECT DESCRIPTION



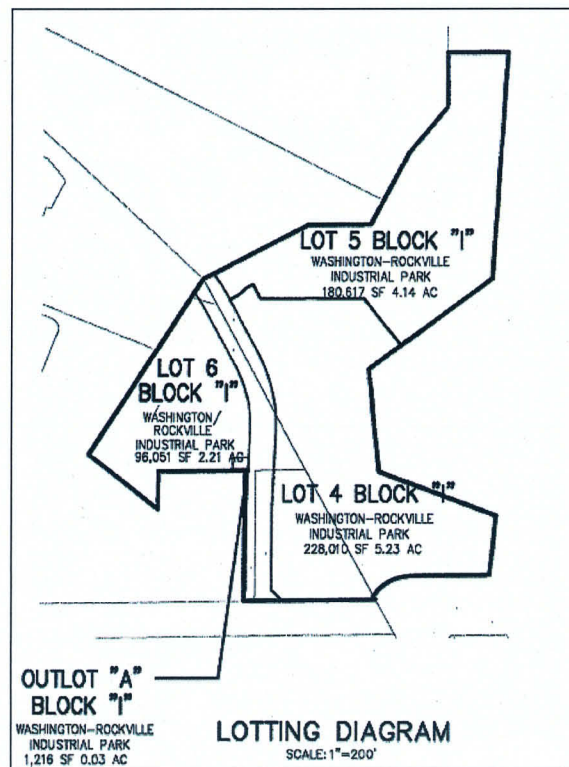
Proposed Preliminary/Site Plan

Previous Approvals

Before the subject site was rezoned to the TMX-zone as recommended by the 2009 Twinbrook Sector Plan, it was split zoned I-1 and R-200, the parking was allowed on the R-200 for the commercial uses by special exception. The lots and parcels were created in the 1960s, and there are no preliminary or site plans encumbering the properties.

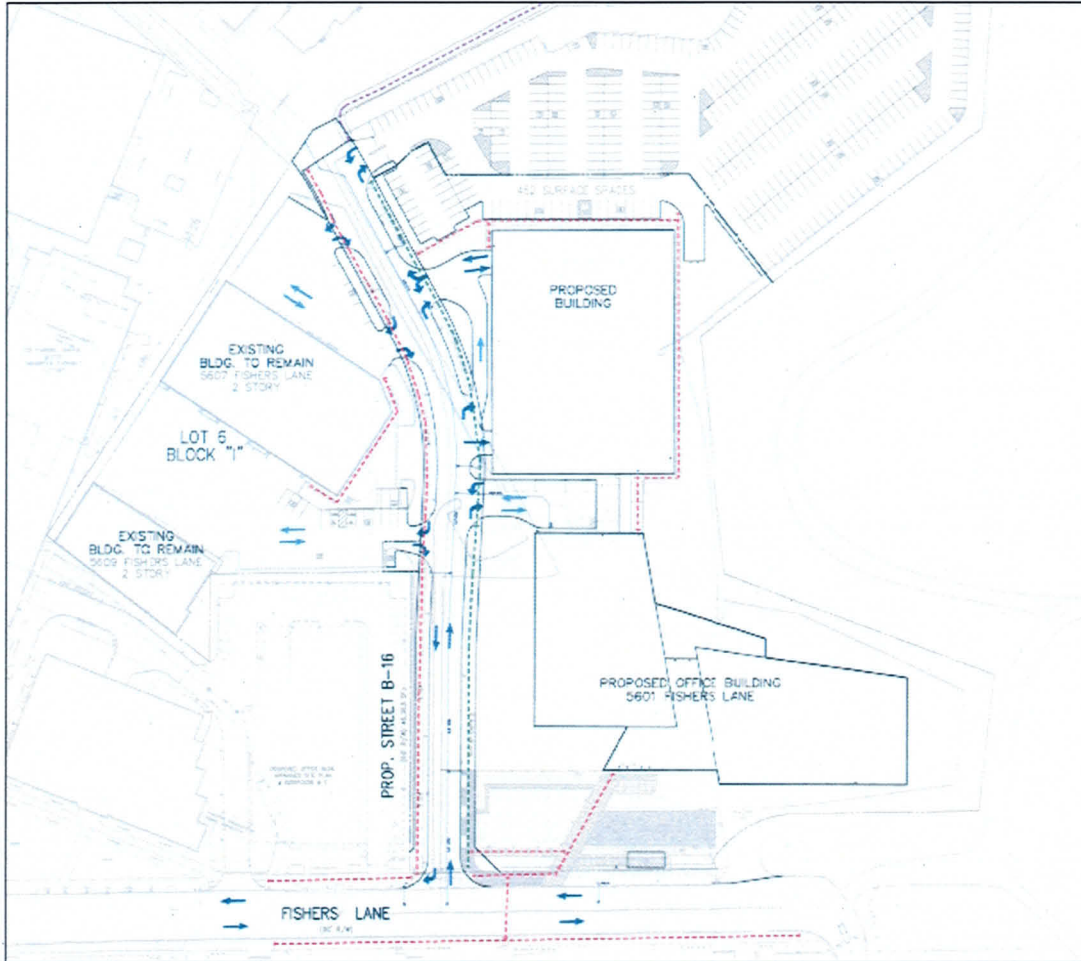
Proposal

The proposed development combines two existing recorded lots and one existing recorded parcel into three lots and an outlot totaling 564,872 gross square feet; prior dedications of 12,614 square feet and the proposed dedication of 46,363 square feet for Wilkins Avenue result in net lot areas totaling 505,894 square feet.



Proposed Lot Exhibit

The two existing buildings with 60,132 square feet of commercial uses will remain on proposed Lot 6 and the existing surface parking lot will remain on proposed Lot 5. Capacity for redevelopment per the TMX-2 zone and the recommendation of the Sector Plan remains on these two lots. Proposed Lot 4 will be redeveloped with 520,000 square feet of office and ancillary retail uses, a multi-level, above-grade parking structure, and open space on the corner of Fishers Lane and the proposed extension of Wilkins Avenue. Wilkins Avenue will be dedicated and constructed within the boundaries of the subject properties and an off-site hiker/biker trail is proposed from the subject properties to Rock Creek Park to the northeast.



Proposed Layout of Retained and Proposed Buildings

The buildings on Lot 6 and surface parking lot on Lot 5 to be retained will continue to be accessed from Wilkins Avenue, although these street frontages are significantly improved. Public use space required by the TMX-2 zone will be provided when these sites redevelop under a detailed site plan review of each individual lot.

The proposed office building will be built up to 125 feet (approximately 10-stories) with a footprint comprising two wings of a roughly L-shaped building centered on a smaller wedge-shaped glass atrium that will provide a focal entry point. Leading down from the main entry point is a large forecourt, lawn, and plaza area. Within these diverse open spaces, numerous seating elements, plantings, a water feature, and a pavilion for small retail or amenity space are proposed. This area runs seamlessly into the sidewalks along Fishers Lane and Wilkins Avenue. Moving north along Wilkins Avenue, a stand of shade and ornamental trees will leaf out over a ground cover of various ornamental grasses. This stand of trees, shrubs, and ornamental shrubs also provides the setback between the street and building facade required for security.



Architectural Illustration

To the north of the proposed office building is a loading area, but before vehicles may enter the loading area, they will be inspected at a driveway running between Wilkins Avenue and the proposed parking garage. The garage itself is accessed at two points along Wilkins Avenue and is envisioned as a five-story structure providing parking for 669 vehicles; 535 surface parking spaces will remain on proposed Lots 5 and 6. A minimum of 30 percent of the first two levels of the western façade of the parking garage will be covered by a vegetated screen with flowering vines.

Wilkins Avenue will be dedicated as a 60-foot right-of-way and improved to standards accommodating two vehicular travel lanes, a parking lane along the eastern side, a six-foot sidewalk along the eastern side, and an eight-foot shared-use path along the western side. Street trees and street lamps will be provided in lawn panels or tree pits on both sides. At the terminus of Wilkins Avenue at the property boundary a hiker/biker trail is proposed to allow pedestrian and bike travelers to continue northeast to the existing hiker/biker trail in Rock Creek Park.

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any citizens or community groups as of the date of this report.

DEVELOPMENT ISSUES

Parking Waiver

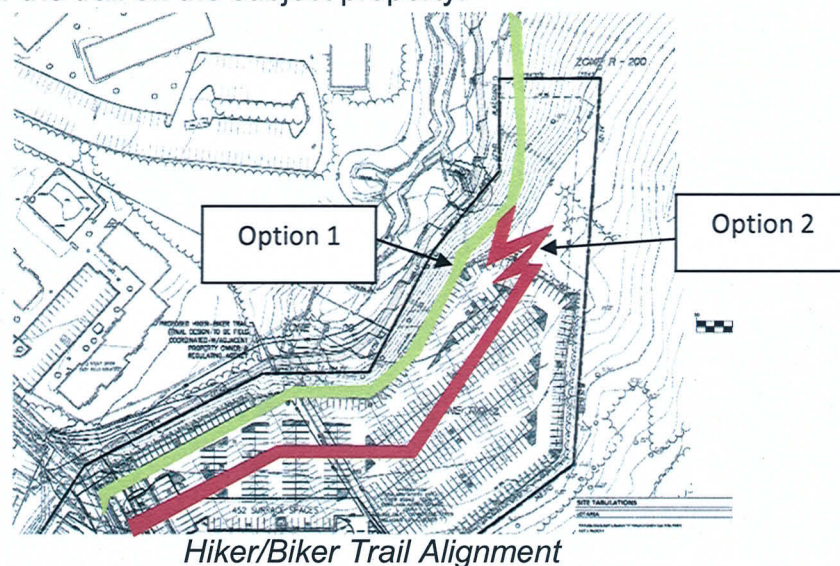
Staff supports the Applicant's proposed parking reduction from 2.4 spaces per 1,000 square feet to a minimum of 2.1 spaces per 1,000 square feet (and potentially to the Federal Government standard of 1.5 spaces per 1,000 square feet). This parking reduction is the underlying reason for the 18 percent trip reduction proposed under the Local Area Transportation Review discussed below. This waiver is further supported by the proximity to transit, existing and proposed bicycle trails, and numerous services and amenities nearby for visitors and employees.

Off-Site Hiker/Biker Trail

The proposed off-site hiker/biker trail is an excellent amenity for the community; it supports the optional method density offered in the TMX-2 zone and helps meet PAMR mitigation requirements. The final alignment, however, is dependent on a number of factors.

Discussions with adjacent property owners have resulted in an agreement that will ensure the trail can be built from the subject site to Rock Creek Park (option 2, below). But the alignment that can be built under this agreement would require a number of switchbacks to negotiate a steep slope prior to moving to flatter land within the neighbor's property and then onto Park land. A better solution would be to build the trail from Wilkins Avenue through the closer neighbor's property and then proceed along rest of option 1's route (option 1, below). The remaining question is whether the optimal alignment can be realized and negotiations are ongoing with one of the property owners.

Final agreements, field location, and details must be completed before a certified site plan can be approved. The Planning Board will have a chance to review this alignment because a separate forest conservation plan will be required to implement the trail. Staff feels, therefore, that the subject preliminary and site plans can be approved conditionally with confidence that the trail alignment will be adequately analyzed and properly approved prior to construction. If agreements from adjoining property owners cannot be obtained, the Applicant will be required to amend their Preliminary Plan and Site Plan to provide for the trail on the subject property.



SECTION 2: PRELIMINARY PLAN REVIEW

MASTER PLAN

Twinbrook Sector Plan

The Approved and Adopted (2009) Twinbrook Sector Plan identified the subject property as primarily in Area 5 of the Technology Employment Area; a small segment is in Area 4. The Sector Plan notes that these areas include a mix of office and laboratory uses, including a National Institutes of Health (NIH) facility and other federal agencies.

Property Recommendations

Most of the submitted plans are within Area 5 of the Technology Employment Area. The Sector Plan recommends the following for this site:

- Route the proposed extension of Wilkins Avenue away from the stream valley buffer.
- Provide stream restoration or off-site mitigation to minimize the impact of redevelopment.
- Create a public use space at the eastern end of Fishers Lane to mirror the public open space proposed at the western end in Twinbrook Station.
- Create pedestrian connections through this site that connect with the proposed shared use path connection to the north (on Viers Mill Road).
- Development and building heights should be compatible with adjacent garden apartments (p.39).

Most of Plan's recommendations are incorporated into the Applicant's plans, including the provision of a public use space at the end of Fishers Lane; pedestrian connections are made through the site; and the extension of Wilkins Avenue is away from the stream valley buffer.

Urban Design for Technology Employment Area

Several design guidelines are established for the subject area, including:

- Step buildings down from a maximum of 143 feet along Fishers Lane and Parklawn Drive to approximately 60 feet along the northern edge of the planning area to establish compatibility with the existing garden apartments.
- Buildings should be of varied height and character.
- Streetscapes should be provided along all streets, particularly along Parklawn Drive and Fishers Lane.
- Orient buildings to the street and parking to the rear or side.
- Provide a major public open space along Parklawn Drive, and at the eastern end of Fishers Lane, to mirror the public open space proposed at the western end in Twinbrook Commons located adjacent to the Twinbrook Metro Station. The public use spaces should include pervious surfaces.
- Create an extension of Washington Avenue across Parklawn Drive to Fishers Lane, lined with street oriented buildings and streetscaping.
- Build the extension of Wilkins Lane with streetscaping and sidewalks (p.34-35).

The submitted plans will implement many of the design principles in the Sector Plan. Buildings are oriented towards Fishers Lane and Wilkins Avenue Extended; a new public open space is at the terminus of Fishers Lane; and a new extension of Wilkins Avenue has sidewalks and new streetscape.

Building Heights

The proposed building height at 110 feet is consistent with the Sector Plan's recommendations for the Technology Employment Area. The Plan recommends the "tallest buildings along Parklawn Drive and Fishers Lane with a maximum building height of 10 to 12 stories or 143 feet" (p.34).

Density

As proposed, the total development at 1.14 FAR is consistent with the Plan's development limit of 1.5 FAR for the subject area. Individual lots, however, may exceed this average within the limits of the TMX-2 zone.

Street Network

The submitted plans illustrate Wilkins Avenue extended from Fishers Lane to Halpine Hamlet, the adjacent multi-family development, with a 60-foot right-of-way. This is consistent with the Sector Plan. The Plan recommends that 'all segments of the road should include bicycle and pedestrian facilities and be built using green design elements, such as bio-swales and other techniques to address stormwater management' (p.38).

The Plan also states that Wilkins Avenue Extension (B-16) will occur in segments and is dependent on several properties redeveloping, including the subject site. It states that "the middle link, from Fishers Lane through the Plan area's northeast corner, should meet any security needs and minimize environmental impacts. It provides access to redevelopment on that site and continues a through connection" (p.38).

Pedestrian Network

The pedestrian environment in Twinbrook will improve with the proposed development since Wilkins Avenue will be extended; a new trail connection to Upper Rock Creek and Veirs Mill Road will be created, and additional streetscape improvements will take place on public streets. The Sector Plan makes several recommendations for the pedestrian network, including:

- A local network of sidewalks lining Twinbrook streets, but also makes regional connections with paths and sidewalks to Metro and to regional park trails.
- Construct streetscaped sidewalks throughout the Plan area. They should be eight to 10 feet wide, set off the curb, and buffered with street trees.
- Redevelopment projects should devise a streetscape plan that includes bicycle facilities, and coordinates all aspects of the street and building relationship to create pedestrian safety, comfort, and convenience (p.15).

Bikeway Network

A new Class I Shared Use Path (B-2) is recommended for Area 5 connecting to Rock Creek Regional Park. This connection is recommended as a public amenity as well as bikeway connection. The bikeway network on page 17 of the Plan illustrates a shared use path through Lot 5, which is very steep on the north side of the property. The Plan notes to “provide a connection north through the Plan area into parkland, Rock Creek Park, and to Viers Mill Road” and to “establish a network of bikeways within the Plan area that connect to the regional bike route system, including access via the proposed shared use path from the north end of the Plan area connecting to Rock Creek Park and Veirs Mill Road” (p.15). The applicant has agreed to build and construct this shared use path as an off-site amenity since the topography of the northern portion of Lot 5 is steep, and the connection illustrated in the Sector Plan through Lot 5 would be difficult to achieve.

Environment

The Plan’s environmental goal is “to move beyond the benefits of location through green building and site design” (p.28). Specifically, the Plan recommends:

- Increase the amount of pervious surface to improve the quality and reduce the quantity of stormwater run-off, mitigate heat island effects, and contribute to a green and pedestrian-friendly environment.
- A significant portion of paved area should be shaded through trees within five years of occupant or paved with reflective materials.
- Street trees should be spaced and sized to create 30 percent canopy coverage on redeveloped areas, and open space should be planted and substantially pervious (p.28).

As submitted, the environmental recommendations of the Sector Plan for this development phase are not yet fully achieved. The surface lot on Lot 5 with 465 surface parking spaces should remove all stream-valley impacts and should include additional shade trees to improve canopy coverage, planting strips, and permeable pavers that reduce stormwater runoff. These considerations must be addressed when Lot 5 is redeveloped.

Therefore, staff finds the proposed development is in substantial conformance with the Sector Plan.

TRANSPORTATION

Site Location and Vehicular Site Access Points

The site is located on the north side of Fishers Lane approximately 1,000 feet east of Twinbrook Parkway with vehicular access points to the proposed parking areas from the future Wilkins Avenue Extended.

Sector-Planned Transportation Demand Management

The subject commercial site is located within the boundary of the North Bethesda Transportation Management District (TMD). As recommended on page 32 of the Twinbrook Sector Plan, the Applicant must support the established North Bethesda TMD as specified in the 1992 approved and adopted North Bethesda/Garrett Park Master Plan. Further, the Applicant is required to participate in the North Bethesda Transportation Management Organization to assist the County in achieving and maintaining its non-auto driver mode share goals.

Available Transit Service

The Twinbrook Metrorail Station is a walking distance of approximately 2,200 feet from the subject site. Ride-On route 93 operates on Fishers Lane; Ride-On routes 26, 44, and 45 operate on nearby Twinbrook Parkway. All of these Ride-On routes connect to the Twinbrook Metrorail Station.

Sector-Planned Roadways and Bikeways

In accordance with the 2009 approved and adopted Twinbrook Sector Plan, the classified roadways and bikeways are as follows:

1. Fishers Lane is designated as an arterial, B-1, with a recommended 80-foot right-of-way, a shared use path, LSP-1, and a sector-planned "major pedestrian connection" between Twinbrook Parkway and business district street, B-16. The Applicant's plan shows the shared use path along their property frontage of Fishers Lane.
2. The shared use path, B-2, between Wilkins Avenue Extended, B-16, and Veirs Mill Road. The Applicant is proposing to construct part of this shared use path off-site as a PAMR improvement.
3. Wilkins Avenue Extended is a business district street, B-16, with a recommended 60-foot right-of-way, "bike lane or a shared use path", B-1, and a sector-planned "major pedestrian connection" between Fishers Lane and the shared use path, B-2. The Applicant is proposing to construct a shared use path along Wilkins Avenue Extended, instead of the bike lanes, to provide a Sector-Planned "major pedestrian connection."

Pedestrian and Bicycle Facilities

Pedestrian facilities would not be adversely impacted by the proposed office building. The Applicant's plan shows proposed pedestrian and bicycle facilities that include a shared use path along business district street, B-16, as discussed in the Sector-Planned Roadways and Bikeways section above.

The Applicant will provide the required bicycle racks in front of the building's main entrance and bicycle storage in the garage on their certified site plan.

Adequate Public Facilities

Local Area Transportation Review

Table 1 below shows the number of peak-hour trips generated by the proposed land use during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Table 1: Proposed Site-Generated Peak-Hour Trips

Proposed 520,000 square feet of General Office Use	Site-Generated Peak-Hour Trips	
	Morning	Evening
No. of Trips using LATR & PAMR Guidelines formulas	876	769
Proposed 18% Reduction of Traffic Impact	158	138
Net Site-Generated Peak-Hour Trips	718	631

A traffic study was submitted to satisfy the Local Area Transportation Review (LATR) test because the proposed land use generates 30 or more peak-hour trips within the weekday morning and evening peak periods. Table 2 below shows the calculated Critical Lane Volume (CLV) values from the traffic study for the analyzed intersections where the CLV increased is more than 5 CLVs when adding the site-generated trips. Table 2 includes the CLV values for all the traffic conditions:

1. Existing.
2. Background (trips generated from approved but un-built developments).
3. Total (traffic generated by the previously-approved land uses) without the 18% trip reduction.
4. Total with the 18% trip reduction.

Table 2: Calculated Critical Lane Volumes at the Analyzed Intersections

Analyzed Intersection	Peak Hour	Traffic Condition			
		Existing	Background	Total	Total Reduced 18%
Twinbrook Parkway & Ardennes Avenue	Morning	824	903	1,002	984
	Evening	975	1,136	1,254	1,233
Twinbrook Parkway & Fishers Lane	Morning	633	709	922	884
	Evening	892	1,031	1,324	1,271
Twinbrook Parkway & Parklawn Lane	Morning	867	1,129	1,288	1,259
	Evening	1,210	1,503	1,624	1,602
Parklawn Lane & Wilkins Avenue	Morning	279	350	359	357
	Evening	381	448	499	490
Twinbrook Parkway & Chapman Avenue	Morning	740	1,012	1,224	1,186
	Evening	975	1,309	1,429	1,407
Fishers Lane & Site Driveway	Morning	-----	-----	876	718
	Evening	-----	-----	770	631

All of the CLV values for all the analyzed intersections were less than the 1,800 congestion standard for the Twinbrook Policy Area in all traffic conditions and, thus, the LATR test is satisfied. In order to qualify for the 18% trip reduction, the Applicant is conditioned to sign a trip mitigation agreement that caps the trip generation rates at 18% below the calculated trip generation for the site. The TMAg will have a monitoring system of ensuring the trips will be maintained at 18% below typical trips generated from this office building.

Policy Area Mobility Review (PAMR)

Under the current Growth Policy, the PAMR test requires the applicant to mitigate 30% of the 718 new peak-hour trips generated by the proposed office building within the weekday morning peak period, which equals mitigation of 215 trips. The Applicant proposes to satisfy PAMR as given in Table 3 below:

Table 3: Proposed PAMR Mitigation

Proposed 520,000 square feet of General Office Use	New PAMR Trips
Net Site-Generated Peak-Hour Trips from Table 1	718
PAMR Mitigation Requirement of 30%	215
Proposed 18% Reduction of Traffic Impact	158
5,500 linear feet of 8-foot wide bike path	55
Minimum 200 linear feet of five-foot wide sidewalk	2
Sum of Mitigated PAMR Trips	215

Based on the 18% trip reduction, and the construction of the 5,500 linear feet of bike path and minimum 200 feet of sidewalk, the proposed Application satisfies the PAMR requirements of the APF review.

Intersection Operation Analysis and Necessary Improvements

MCDOT identified the following queuing problems at two nearby intersections, Twinbrook Parkway and Fishers Lane and Twinbrook Parkway and Parklawn Lane, based on the results of the submitted traffic study.

1. Twinbrook Parkway and Fishers Lane, southbound (Twinbrook Parkway) left-turn lane:
 - This left-turn lane is 125 feet long, but the projected demand is 455 vehicles per hour in the weekday morning total traffic condition.
 - The lane length may need to be increased to prevent the projected left turn volume from spilling into the through lanes of Twinbrook Parkway.

2. Twinbrook Parkway and Fishers Lane, northbound (Twinbrook Parkway) combined through/right-turn lane:
 - The storage capacity of this lane is 340 feet long between this intersection with Fishers Lane and the next intersection with Parklawn Drive. The projected demand, however, is 831 vehicles per hour in the weekday morning total traffic condition.
 - The queue of projected demand may extend past the next intersection with Parklawn Drive.

3. Twinbrook Parkway and Fishers Lane, westbound (Fishers Lane) approach lanes:
 - For the combined through and left-turn movements, the projected demand is 803 vehicles per hour in the weekday evening total traffic condition.
 - For the exclusive right-turn lane, this lane is 375 feet long, but the projected demand is 466 vehicles per hour in the weekday evening total traffic condition, The projected demand is considered to be large when combined with the adjacent through and left-turn volumes.
 - The right-turn lane may have to be extended so that the motorists turning right would not be blocked from reaching the exclusive right-turn lane by the queue of through vehicles on Fishers Lane.
4. Twinbrook Parkway and Parklawn Drive, southbound (Twinbrook Parkway) left-turn lane:
 - This lane is 125 feet long, but the projected demand is 468 vehicles per hour in the weekday morning total traffic condition and 499 vehicles per hour in the weekday evening total traffic condition.
 - The lane length may need to be increased to prevent the projected left turn volume from spilling into the adjacent through lane of Twinbrook Parkway.

The Montgomery County Department of Transportation (MCDOT) recommended a queuing analysis that may result in necessitating operational intersection improvement(s). In the Twinbrook Metro Station Policy Area (MSPA), a queuing analysis can be required as specified in Section IV.F, "Finding for Inadequate Facilities", "Queuing Analysis" on page 26 of the July 2010 Local Area Transportation Review and Policy Area Mobility Review Guidelines:

"In addition to CLV analysis, staff may require queuing analysis. The general acceptable practice for evaluating queue length in CBD's and MSPA's..."

However, in the submitted traffic study, the traffic volumes projected on the intersection approaches above are based on the following:

1. The background and total traffic conditions that represent the worse-case full build-out of background developments including the large mixed-use development on the adjoining Twinbrook Metrorail Station site. However, not all background developments typically are fully built-out in the future.
2. The existing street network without the recommended build-out of the sector-planned street network that includes Wilkins Avenue Extended, B-16. As discussed in Preliminary Plan Condition No. 3 and shown on the submitted plans, the Applicant will be constructing a segment of Wilkins Avenue Extended that ultimately connects between Fishers Lane and Twinbrook Parkway. This connection could result in diverting existing and future motorists from the two intersections of Twinbrook Parkway with Fishers Lane and Parklawn Drive. Thus, the possible queuing problems could be relieved along Twinbrook Parkway.

As conditioned, the Applicant's transportation engineer must prepare and submit queuing analyses prior to submission of the certified site plan for the following traffic conditions:

1. The existing traffic condition.
2. The projected total traffic condition with the worse-case build-out of background developments in addition to the proposed development on the existing street network.
3. The projected total traffic condition with the worse-case build-out of background developments in addition to the proposed development on the build-out of the sector-planned street network.

If the queuing results in an adverse intersection operation, any improvement should consider the following:

1. Whether an operational intersection improvement to relieve a future queuing problem may be detrimental to the existing intersection operation.
2. Whether the operational intersection improvement would encourage auto-driver trips within the Twinbrook Sector Plan area and therefore be counter to the 2009 approved & adopted Twinbrook Sector Plan's transportation goal under "Area Wide Recommendations: Connections" (on the top of page 15) as specified below:

"The Plan's proposed density and use changes must be supported by connected systems of sidewalks, paths, bike routes, and streets to make Metro truly accessible. In this relatively small plan area, attention to detail will help create effective connections that are essential to making Twinbrook a functioning residential and commercial transit-oriented community."

MCDOT should consider the impact of potential improvements to address queuing problems on the streetscape. Where operational improvements are needed, they must be under permit and bond before release of any building permits.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed office building. The site is served by public water and sewer. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses, and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) which has determined that the property has adequate access for emergency vehicles. The preliminary plan application does not include any residential uses.

ENVIRONMENT

Environmental Inventory

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the site was approved by staff on February 18, 2011. There are 0.86 acres of stream buffer on the property, of which 0.68 acres are forested. There are no wetlands or floodplains on the project site. Therefore, this plan complies with the Montgomery County Environmental Guidelines.

Forest Conservation

For purposes of Forest Conservation, the net tract area is 16.10 acres, which includes the 12.68-acre site plus 3.42 acres of off-site disturbance. The Preliminary and Final Forest Conservation Plans propose 0.11 acres of forest clearing and 1.03 acres of forest retention out of 1.14 total acres of forest contained on-site and in off-site disturbance areas. The plan requires a combined afforestation and reforestation of 1.45 acres. This requirement is to be satisfied with a combination of on-site reforestation (0.03 acres), off-site reforestation (0.76 acres), credit for landscape tree cover (0.16 acres), and payment of a fee-in-lieu (0.50 acres).

The Applicant is requesting a variance for disturbance of four specimen trees along the western boundary. One tree, a 30-inch diameter black cherry (*Prunus serotina*), will be highly impacted by grading for the nearby parking structure, and will be removed. The location of the parking structure cannot be reasonably altered to save this tree. The remaining specimen trees are on the adjacent Parklawn Cemetery property. The protocol for determining a critical root zone (CRZ) results in a circle drawn from the center of the tree to a diameter equaling 1.5 feet for each inch of trunk diameter. In reality, tree roots do not always grow equally all around a tree. In this case, the area of critical root zone being impacted is all currently covered by existing surface parking. The likelihood of critical root mass existing beneath the surface parking is unlikely. Instead, most of the root systems for these trees are more likely located in the soil of the woodland and lawn on the cemetery property. Therefore, disturbance of the critical root zone on the subject property is not likely to significantly damage these trees. Tree protection measures, including root pruning and tree protection fencing, should be sufficient to allow these trees to be saved. A detailed analysis of the variance request and findings is provided below.

As noted, forest conservation requirements for the hiker-biker trail associated with this development will be satisfied in a separate NRI/FSD and Forest Conservation Plan.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as a national, State,

or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The applicant submitted a variance request on March 17, 2011 for the impacts/removal to trees with the proposed layout. The applicant proposes to remove 1 tree that is 30 inches and greater, DBH, and to impact, but not remove, 3 others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 4: Trees to be removed or potentially removed

Tree Number	Species	DBH	Status
V-1	<i>Prunus serotina</i>	30"	To be removed

Table 2: Trees to be affected but retained

Tree Number	Species	D.B.H	CRZ Impact	Status
V-2	<i>Acer saccharum</i>	36"	22.4%	Save
V-3	<i>Acer saccharum</i>	30"	7.4%	Save
V-4	<i>Juglans nigra</i>	36"	38.8%	Save

Unwarranted Hardship Basis

The proposed development is in accordance with both the intent and recommendations of the Sector Plan and the TMX-2 zone, both of which are intended to create higher density uses in the vicinity of the Twinbrook Metro Station. The Sector Plan recommends both transportation infrastructure and public amenities for this site that impose additional constraints on development here. These recommendations include a large plaza along the building frontage with Fishers Lane, and the master planned right-of-way for B-16 to the west. The site is further constrained by the 25' BRL along the eastern property line, the proposed storm drain, and existing trees along the eastern property line. These factors combine to push back the building and garage on the site to accommodate the plaza and roadway, with the unavoidable consequence of impacting the variance trees. Not allowing the removal of Variance tree No. 1 and the impacts to Variance trees 2-4, would require major changes to the proposed development program which is generally consistent with the Sector Plan. Staff concurs that the Applicant has a sufficient hardship to consider a variance request.

Mitigation for Trees Subject to the Variance Provisions

There is one tree proposed for removal as a result of the proposed development. There will also be some disturbance within the CRZ of another 3 trees but they are excellent candidates for safe retention.

Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 30 caliber inches of trees removed, the required mitigation will be three native canopy trees with a minimum size of 3" dbh. While these trees will not be as large as the trees lost, they will provide some immediate canopy and

will help augment the canopy coverage. Staff therefore recommends the addition of three native canopy trees with a minimum size of 3" dbh to the landscape plan.

The trees subject to this variance to be impacted but retained are excellent candidates for safe retention and will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on May 26, 2011. On June 10, 2011, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

- a. Will not confer on the applicant a special privilege that would be denied to other applicants.
The proposed design has attempted to balance all of the competing factors that constrain the site. While variance tree # 1 will need to be removed, impacts to the other variance trees have been limited and as a result we believe they will be preserved. Given the intensity of the development, impacts to variance trees are minimal. It is staff's opinion that all reasonable steps have been taken to minimize impacts to variance trees, and that granting the variance will not confer a special privilege to the applicant.
- b. Is not based on conditions or circumstances which are the result of the actions by the applicant.
Upon review, staff concurs that the requested variance is based on the constraints of the site and the proposed development density and amenities as recommended in the Master Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.
- c. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.
Upon review, staff concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.
- d. Will not violate State water quality standards or cause measurable degradation in water quality.
DPS has approved a stormwater management concept, dated June 16, 2011 for the proposed project. Currently, there are no stormwater management facilities provided for the site. The SWM Concept Plan incorporates a variety of Environmental Site Design (ESD) practices including micro-biofiltration facilities, grass swales and green roof. Runoff that cannot be captured and

treated using ESD practices will be detained in underground storage vaults, treated and then discharged back into the existing storm drain system. This will dramatically improve the existing condition of uncontrolled and untreated runoff from the site. The topography of the site requires that the proposed storm drain be located between the garage and the variance trees along the eastern property line. Every effort has been made to ensure that this drain is located as close to the garage as possible, thereby minimizing the impact on the variance trees. Therefore, staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

As a result of the above findings, Environmental Planning staff recommends the Board approve the applicant's request for a variance from Forest Conservation Law to remove one tree that is 30 inches and greater, DBH, and to impact, but not remove, three others that are considered high priority associated with the site. The variance approval is assumed into the Planning Board's approval of the final forest conservation plan.

Based on the analysis above and as conditioned by this staff report, staff finds the proposed development satisfies the requirements and meets the intent of the Forest Conservation Law.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on June 16, 2011. The stormwater management proposes to meet required stormwater management goals via five micro-biofilters, four Silva Cells, a partial green roof, and three storage-based structural filtration facilities. Non-rooftop disconnect is being used to treat the offsite bike path.

COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets the requirement and standards of all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for this type of subdivision where the underlying land will stay in common ownership.

The proposed subdivision was reviewed for compliance with the dimensional requirements of the TMX-2 zone as specified in the Zoning Ordinance. The proposed development meets all dimensional requirements for area, frontage, width, and setbacks in that zone. Proposed public use space for the site exceeds the minimum required by the zone on proposed Lot 4 and additional public use space will be provided on Lots 5 and 6 when those properties redevelop. A summary of this review is included in the Project Data Table in the Site Plan Review section. The application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Approval of Preliminary Plan 120110300 pursuant to Chapter 50 of the Montgomery County Subdivision Regulations and subject to the following conditions:

1. Approval under this preliminary plan is limited to 3 lots and 1 outlot for 60,132 square feet of commercial office use to remain, and 520,000 square feet of general office space.
2. To satisfy the APF test and the 2009 approved and adopted *Twinbrook Sector Plan*, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and Montgomery County Department of Transportation (MCDOT) to:
 - a. Implement effective trip reduction measures that would result in limiting the number of site-generated trips by 18% or a maximum of 718 peak-hour trips within the weekday morning peak period and 631 peak-hour trips within the weekday evening peak period.
 - b. Participate in the North Bethesda Transportation Management Organization.
 - c. The Traffic Mitigation Agreement must be executed prior to issuance of any building permits.
3. The Applicant must construct Wilkins Avenue Extended, B-16, that extends through part of the property along the western property line for vehicular access to the proposed parking areas. Construction of Wilkins Avenue Extended must be under construction prior to issuance of any use and occupancy permits with the top coat applied six months afterwards.
4. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by mitigating 215 new peak-hour trips with the following measures:
 - a. Enter into the Traffic Mitigation Agreement described in Condition No. 2a above.
 - b. Construct at least 5,500 linear feet of an 8-foot-wide (or an equivalent of 4,374 linear feet of a 10-foot wide) hiker-biker trail/sector-planned, B-2, shared use path with the final alignment approved by the Department of Parks prior to certified site plan. This shared use path must be under construction (i.e., under permit and bond) prior to issuance of any use and occupancy permits.
 - c. Construct at least 200 linear feet of an off-site 5-foot-wide sidewalk on the opposite/west side of Wilkins Avenue Extended, B-16. The sidewalk would be part of the construction of Wilkins Avenue Extended. As recommended for Wilkins Avenue Extended, the off-site sidewalk must be under construction prior to issuance of any use and occupancy permits. As an alternative, the Applicant may construct an additional 200 linear feet of the 8-foot wide hiker-biker trail/sector-planned, B-2, listed in condition 4.b.
 - d. If the linear feet of the shared use path and/or off-site sidewalk are ultimately less than specified above, the Applicant must mitigate the remaining PAMR trips by paying \$11,300 per PAMR trip based on the required payment in effect when the preliminary plan was filed.

5. The Applicant must work with MCDOT and the Planning Board staff to analyze the queuing of vehicles at the two intersections along Twinbrook Parkway with Fishers Lane and Parklawn Drive and determine if any necessary operational improvements may be required.
 - a. The Applicant must submit a queuing analysis to MCDOT and the Planning Board staff prior to submission of the certified site plan.
 - b. Planning Board staff will determine if implementation of any necessary operational improvements must be initiated prior to release of any building permits.
6. The Applicant must comply with the conditions of approval of the MCDOT letter dated June 18, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
7. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated June 16, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
8. The Applicant must comply with the conditions of the Montgomery County Fire and Rescue (MCF&R) Services approval letter dated June 14, 2011. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the preliminary plan approval.
9. All retained and planted forest areas to be placed in a Category I Conservation Easement. The Category I Conservation Easements must be plat recorded prior to any clearing or grading occurring on site.
10. No clearing, grading, or recording of plats prior to certified site plan approval.
11. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined by the site plan.
12. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
13. The Applicant must provide a ten-foot public utility easement parallel, contiguous and adjacent to the rights-of-way of Wilkins Avenue and Fishers Lane, unless an alternative alignment is agreed upon by the applicable utility companies prior to certification of the site plan and recordation of the plat.
14. All necessary easements must be shown on the Record Plat.

SECTION 4: SITE PLAN REVIEW

SITE AND BUILDING DESIGN

Mixed Uses

The proposed plan is understood in the context of future redevelopment of the entire site, the office building being a first phase. Later phases are expected to provide residential uses on proposed Lot 5 and redevelopment of proposed Lot 6.

Building Layout

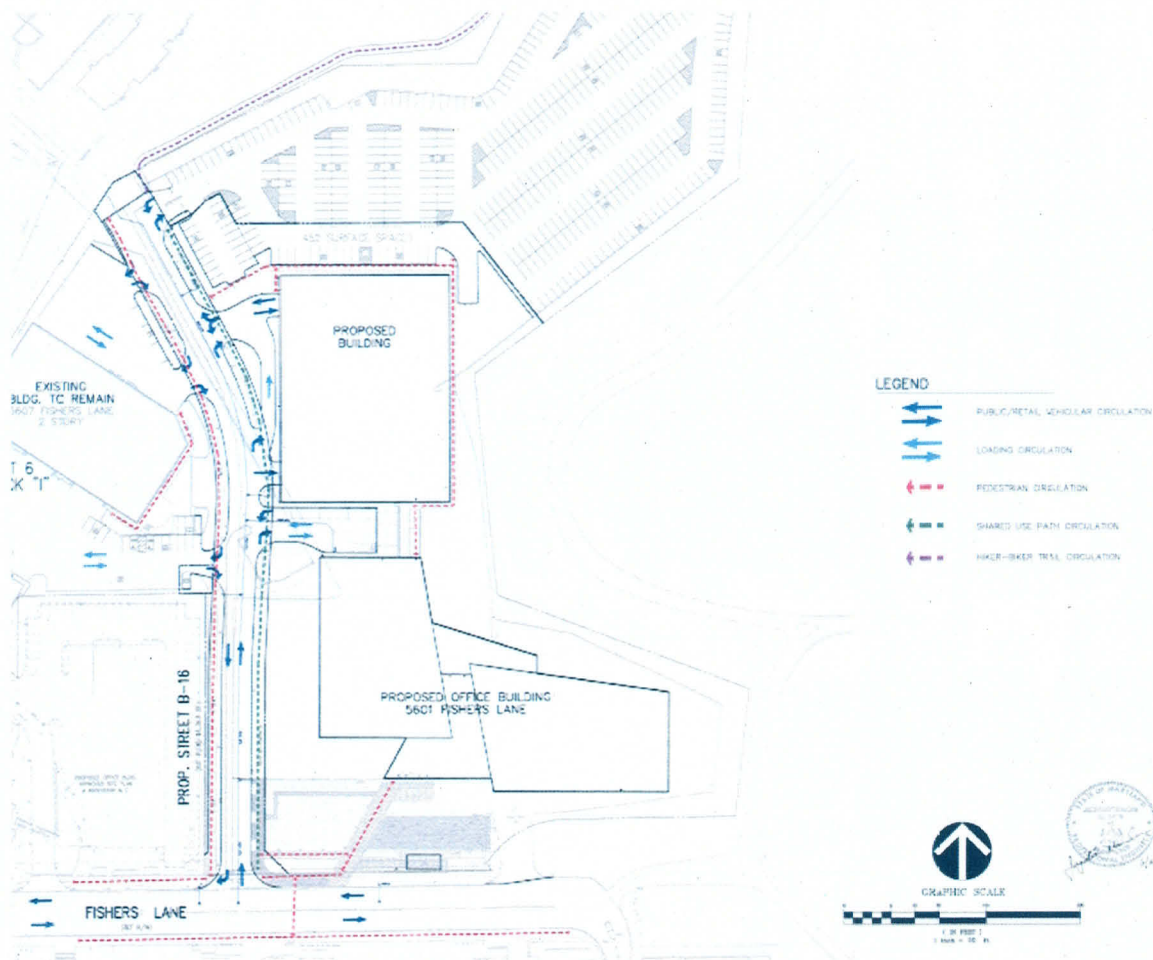
The proposed office building takes advantage of the odd property line boundary to create a floor plan that optimizes both functional and environmental efficiencies. The two wings are elongated to provide light throughout the tenant space and outward views from any office location within the building. The central atrium piece of the design breaks up the mass of the building, provides interest, and clearly marks the entrance to the building. While we may usually want to have a stronger presence of a building wall along the streets, the particular Sector Plan recommendation for open space at the corner of Wilkins Avenue and Fishers Lane coincidentally works hand-in-glove with the setbacks required for security at federal facilities.

The parking structure has been set behind the primary view of the building and will be softened by plantings along the lower levels. Due to security (and density) constraints, the parking structure cannot be mitigated by first floor commercial uses.

Vehicular Circulation

Because both Wilkins Avenue and Fishers Lane are basically dead-ends at this point, vehicular circulation is mostly a matter of access to parking areas. Generally, the construction of Wilkins Avenue will simplify and consolidate access points to the benefit of pedestrians and cyclists. Access to proposed Lot 6 with the retained commercial buildings occurs at two points for the northern parking area and at one point for the interior parking area. Access to the proposed Lot 5 parking area is limited to one point at the far end (for now) of Wilkins Avenue.

The more complicated issue of delivery inspection, loading security, and parking garage access means that a stretch of sidewalk along the eastern edge of Wilkins Avenue is less than optimal for pedestrians and cyclists. As conditioned, this area will have to be addressed by the Applicant to mitigate the open stretches of driveway and loading area prior to approval of the certified site plan. This may entail flush cross-walks, special striping or signage, or other remedies.



Circulation Plan

Parking is currently proposed at 2.1 spaces/1,000 square feet of office development, which equals 1,092 spaces. Additionally, 112 spaces will continue to be provided for the uses remaining on proposed Lot 6. The total number of proposed spaces, 1,204, will be located within the garage (669) and on surface parking facilities on each of the lots. The waiver requested equals a reduction of 156 spaces, which staff supports, as discussed above.

If a government tenant is secured, the parking requirement for the office uses decreases to 1.5 spaces/1,000 square feet. In this case, a waiver will not be needed and the parking garage will only be built to 3 stories.

Pedestrian & Bicyclist Circulation

Pedestrian and bicyclist circulation will be greatly improved by the addition of sidewalks on the western side of Wilkins Avenue and the northern side of Fishers Lane; and a shared use path along the eastern side of Wilkins Avenue. The connection of these facilities to trails in Rock Creek Park will create an important link for recreational and commuting cyclists and hikers.

Building Heights

The proposed 7- to 10-story building (maximum 125 feet) meets the Sector Plan's height recommendations, which allows up to 143 feet at this corner. The garage will be a maximum of 5 stories, in line with the recommendation to step buildings down towards the northern edge of the property.

The TMX-2 zone does not specify a maximum building height for optional method projects.

Landscaping

Turning a collection of driveways and parking lots into a well-landscape street and site with numerous open space amenities will greatly improve the quality of the environment in this area. All streets are lined with street trees, pedestrian lighting, and sidewalks set back behind the tree line. The large open space on the corner of Wilkins Avenue and Fishers Lane meets the 20 percent public use space requirement for proposed Lot 4 and provides a variety of amenities:

- Surfaces: lawn, pavement, plant beds;
- Seating opportunities: amphitheater-style steps, movable seating, benches;
- Shade trees, flowers, ground covers, vines;
- Other amenities, such as a water feature and pavilion.

Further redevelopment of proposed Lots 5 & 6 will require further upgrades to the quality of design and additional public use space on each of the lots.

DEVELOPMENT STANDARDS

The proposed development is located in the TMX-2 zone, which was created to provide a medium-density, mixed-use zone in Transit Station Development Areas. Specifically, under Section 59-C-14.212, the purposes of the TMX-2 zone are to:

- Implement the recommendations of applicable master or sector plans by:
 - Facilitating mixed-used development with a compatible network of interconnecting streets, open squares, plazas, and civic and community oriented uses;
 - Providing flexible development standards;
 - Encouraging designs that produce a desirable relationship among individual buildings, the circulation system, public spaces, and adjacent areas, and that foster use of non-auto forms of transportation, including pedestrian, bicycle, and public transit.
- Encourage land assembly.
- Provide a variety of housing opportunities.
- Promote the effective use of transit facilities.
- Provide for building lot terminations (BLTs).

This site plan proposes a design that provides a great step towards fulfilling the purpose of the zone. As discussed throughout this staff report, the proposal is greatly enhancing the circulation system for pedestrians, bicyclists, and transit users; expands on the open space within the area; and takes advantage of nearby transit opportunities. Further phases of development on this site will most likely fulfill the residential goals of the zone and Sector Plan. Finally, the proposed development will be purchasing or making a payment for 4.96 BLTs.

The table below demonstrates the proposed development's compliance with the Zoning Ordinance.

Project Data Table for the TMX-2 Zone

Development Standard	Permitted/ Required	Proposed for Approval
Min. lot area (sf.)	18,000	96,051
Max. building height ¹ (feet)	N/A (143 per the Sector Plan)	125
Min. public use space (% of net lot area)	20	22 on Lot 4 ²
Max. off-street parking area (% of gross tract area)	45	36
Max. density of development (FAR)	2.0	2.0 ³
Min. building setbacks (ft.)		
Adjacent to a single-family residential zone	25	25
From a public right-of-way	0	5
Min. parking lot setbacks (ft.)		
Adjacent to R-200	12	12
Min. parking (spaces)	1360	1204 (with partial waiver)
Min. parking lot internal landscaping (% of parking lot area)	5	5
BLTs	12.5% of any density above 0.5 FAR = 4.96	4.96

¹ As measured from the building height measurement point established on the certified site plan.

² Public Use Space equal to a minimum of 20% of the net lot area on Lots 5 & 6 must be provided when redevelopment of these lots occurs.

³ The Sector Plan recommendation of a maximum 1.5 FAR for lots 4 & 5 together is also met; the proposed development for the combined lots is 1.14 FAR.

FINDINGS

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. This project has neither a development or diagrammatic plan nor a schematic development plan.*
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.*

The Site Plan is consistent with the recommendations of the Twinbrook Sector Plan. Specifically, the density proposed on the properties is below 1.5 FAR when calculated over the gross tract area; public use space has been provided at the end of Fishers Lane; pedestrian connections have been created; the street grid has been enhanced as much as possible given the limits of the property boundaries; and building heights have been stepped properly. Further recommendations of the Sector Plan concerning additional green space and stream restoration will be addressed with by future redevelopment and are a condition of this approval. The Site Plan meets all of the dimensional requirements of the TMX-2 zone as demonstrated in the project Data Table above. The building height, density, and setbacks conform to the limits of the zone; the requirements for public use space exceed the minimum standards.

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 buildings are located such that they will create an adequate, efficient, and safe area for this sector of Twinbrook. Further redevelopment with a greater mix of uses and open spaces will only enhance these attributes.

- b. Open Spaces

Open space in this site plan is limited to Lot 4 until Lots 5 & 6 redevelop. The proposed park area, however, provides an excellent opportunity to begin the re-envisioning and revitalization of this area. This area will provide efficient seating and aesthetically pleasing open space to serve employees, trail users, and other passers-by. These areas are safely lit and visible. The foreseen additional development at this site will provide greater opportunities and expectations for higher-quality open space.

c. Landscaping and Lighting

The proposed landscaping on the site consists primarily of several landscaped areas and planters around the buildings as well as street trees along Fishers Lane and Wilkins Avenue. The landscaping is adequate, safe, and efficient.

The lighting plan consists of contemporary-style pole and bollard fixtures throughout the open space and along pedestrian ways; additional lights will be provided along the streets. The lighting plan conforms to IESNA standards for site lighting and will provide adequate, safe, and efficient site illumination.

d. Recreation Facilities

This site plan does not have a residential component and is not required to provide recreation facilities.

e. Pedestrian and Vehicular Circulation Systems

The plan will significantly improve pedestrian and bicyclist circulation by providing sidewalks, paths, trails, and bike racks and lockers. All sidewalks will connect to existing sidewalk on adjacent properties providing access to parks, the Metro, bus stops, and area services and amenities. These facilities provide safe, adequate, and efficient pedestrian access.

Vehicular access will be provided solely from the proposed Wilkins Avenue, which will dead-end at the property boundary until the property to the north redevelops; turning movements will be accommodated by the driveways. With minor upgrades for pedestrian use, the access to parking, loading, and inspection areas provides a safe, efficient, and adequate vehicular circulation system.

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

The proposed buildings begin to create the Technology Employment Area envisioned by the Sector Plan. The use and structures are compatible to the similar surrounding buildings and are located at a distance from the multi-family residential buildings to the north; we do not expect any complaints from the property owner of the cemetery to the east.

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 Preliminary and Final Forest Conservation Plans propose 0.11 acres of forest clearing and 1.03 acres of forest retention out of 1.14 total acres of forest contained on-site and in off-site disturbance areas. The plan requires a combined afforestation and reforestation of 1.45 acres. This requirement is to be satisfied with a combination of on-site reforestation (0.03 acres), off-site reforestation (0.76 acres), credit for landscape tree cover (0.16 acres), and payment of a fee-in-lieu (0.50 acres).

SITE PLAN RECOMMENDATION AND CONDITIONS

Approval of 520,000 gross square feet of general office use and 21,000 square feet for storage and mechanical equipment, on approximately 51.8 acres in the I-3 Zone. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on November 24, 2009, are required except as modified by the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan 12002095A, unless amended and approved by the Planning Board.

2. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification, or County-approved equivalent for each of the three proposed buildings. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any building permit, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of any building permit the Applicant must provide to staff a written report from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost.

3. Site and Landscape Plans

- a. Ensure the streetscape details continue the established streetscape in site plan 82001025B and C for Wilkins Avenue Extended (B-16) and Fishers Lane with the following elements:
 - i. Washington Globe pedestrian lights;
 - ii. Canopy trees in tree pits (30' O.C); and
 - iii. 2-3/8" Balcon Uni-Décor Unit Pavers, Tudor Blend and 4"X8"x2-3/8" Balcon, Holland Stone Pavers, stacked bond header
- b. Provide an alternative plant list for substitutions of plant material due to availability.
- c. Provide improved pedestrian crossing of the driveway and loading areas along the east side of Wilkins Avenue per Staff approval.
- d. An alternative design for the retail kiosk must be provided to serve as a gazebo or shelter if a retail tenant cannot be found.

4. Transportation

The Applicant must provide five inverted-U bike racks within 50 feet of the main entrance and 25 secured bike storage units (such as lockers) in the parking garage in a well-lit area near the garage's exit or entrance. The final location and type of bicycle parking must be approved by staff prior to certified site plan.

5. Environment

- a. Applicant to submit and obtain staff approval of a revised final forest conservation plan prior to submission of certified site plan to correct the following deficiencies:
 - i. Correct numbers on Final FCP detail sheets to agree with the numbers on the composite Final FCP.
 - ii. Applicant must sign the Final FCP prior to final approval.
- b. Applicant to submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.
- c. Applicant to include in the landscape plan 3 native canopy trees of at least 3" dbh in mitigation for the removal of variance tree V-1.
- d. When a development application is submitted for Lot 5:
 - i. All impervious surfaces are to be removed from the stream buffer on Lot 5 and the area restored with forest;
 - ii. The applicant must develop and implement off-site stream restoration as recommended in the Twinbrook Sector Plan; and
 - iii. Provide shade trees for any remaining surface parking spaces or drives, as well as permeable pavers, planting strips or bioretention areas to achieve the Sector Plan's environmental recommendations.
- e. Applicant must submit and obtain approval of a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) and Forest Conservation Plan for the hiker/biker trail required for this development.

6. Lighting

- a. All private on-site down-lighting fixtures must be changed, where necessary, to full or partial cut-off fixtures;
- b. Deflectors must be installed on all up-lighting fixtures causing potential glare or excess illumination onto the Parklawn Cemetery site;
- c. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development;
- d. Illumination levels from on-site lighting shall not exceed 0.5 footcandles (fc) at any property line abutting County road rights-of-way or residentially-zoned land;
- e. The height of the light poles, including the mounting base, shall not exceed the height shown in the Certified Site Plan.

7. Clearing and Grading

The Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan.

8. Maintenance

The Applicant is responsible for maintenance of on-site landscaping, hardscapes, and amenities.

9. Performance Bond and Agreement

The Applicant is subject to the following provisions for surety as described in Section 59-D-3.5 of the Montgomery County Zoning Ordinance and Site Plan approval:

- a. The Applicant must provide a cost estimate from the landscape architect or landscape contractor indicating the installed costs of site plan elements such as but not limited to landscaping, lighting, recreation facilities, special paving, art work and site furnishings. The cost estimate should include a 10% inflation factor for the site plan elements to account for changes in price and materials and modifications to the approved plans.
- b. The Applicant must submit a Performance Bond or other satisfactory form of surety as approved by M-NCPPC to cover the installed costs of site plan elements such as but not limited to landscaping, lighting, recreation facilities, special paving, art work and site furnishings as shown and described in the cost estimate.
- c. The Applicant must execute an agreement for site plan elements in conjunction with the performance bond indicating the Applicant's agreement to install, construct and maintain the site plan elements.
- d. The Bond and agreement must be submitted and accepted prior to the release of the first building permit.

10. Parks

Final agreements and staff approval for construction of the hiker/biker trail must be obtained prior to approval of the certified site plan. A final forest conservation plan must be approved prior to clearing and grading and the trail must be constructed prior to issuance of any use-and-occupancy permit for the proposed office building.

11. Development Program

The Applicant must construct the proposed development in accordance with a 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. Sidewalks, paths, and required related improvements within the rights-of-way must be completed prior to issuance of any use-and-occupancy permit;
- b. Site lighting and outdoor hardscaping associated with each structure must be completed before issuance of any use and occupancy permits;
- c. All on-site landscaping associated with each structure must be completed within six months of the issuance of any use and occupancy permits;
- d. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities associated with each building or parking area must be installed prior to release of any building occupancy permit;
- e. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices;

- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

12. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Minor corrections and clarifications to site details and labeling;
- b. Ensure minimum parking lot landscaped area on Lot 6 is at least 5%;
- c. Changes addressing conditions above;
- d. Development Program, Inspection Schedule, Approved Forest Conservation Plan, and Site Plan Resolution.

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APPENDICES

- A. Preliminary Plan
- B. Agency Approval Letters
- C. Tree Variance Documentation
- D. Forest Conservation Plan
- E. Twinbrook Sector Plan pages 26-29, and 34-39



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

June 18, 2011

Mr. Patrick Butler, Planner
Area 2 Team
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120110300
Parklawn North

Dear Mr. Butler:

We have completed our review of the amended preliminary plan dated June 6, 2011. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on May 23, 2011. This letter is intended to address the preliminary plan as well as the applicant's Design Exception requests and proposed Stormwater Management (in the public rights-of-way) Concept Plan. We recommend approval of the Preliminary Plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Design Exception Requests and Stormwater Management Concept Plan

- We support approval of the applicants' request to modify the business district street standard to implement an eight (8) foot wide shared use path on the east side of Wilkens Avenue Extended (B-16). We are amenable to reducing the width of the maintenance strip (between the back edge of the sidewalk/shared use path and the property line) to one (1) foot – but these strips need to be located within the right-of-way; it appears this change can be accommodated within the proposed dedication by adjusting the typical section dimensions. (A similar maintenance strip should be provided along the Fishers Lane site frontage as well.)
- We have accepted the Vehicle Queueing Analysis prepared by Kimley-Horn and Associates, Inc. and the locations of the proposed driveways on the east side of B-16. We understand that the proposed driveway locations on the west side of B-16 have been located to maintain access to the existing buildings (which are not proposed to be removed as part of this project). We have agreed the proposed west side entrances may temporarily be constructed and remain in those proposed locations until that part of the site is redeveloped; at that time, the west side driveway aprons will need to be located in accordance with County policy or subsequent Design Exception.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov



Mr. Patrick Butler
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- Perpendicular parking will not be allowed within the public rights-of-way.
- It appears that special pavement materials are proposed for the shared use path and sidewalk around the northeast corner of the B-16/Fishers Lane intersection. It is possible that such pavement materials may not be allowable: chamfered and cobblestone pavers and stamped concrete may only be used in the public rights-of-way under limited circumstances, in accordance with County Council Resolution 16-931.
- We support approval of the applicants' proposal to construct Silva Cell stormwater management facilities in the right-of-way, on a trial basis - AS A SITE-SPECIFIC APPROVAL, conditioned on the following comments:
 - We recommend enclosed storm drain systems be located behind the curb. Enclosed storm drain systems should be designed and located to handle the 10 year storm event in accordance with the MCDOT Storm Drain Criteria.
 - The location of the proposed Silva Cells (with respect to the face of curb) may necessitate locating streetlights and traffic control signage within those facilities.

General Plan Review and Permitting Comments

1. The plan should delineate the limits of public and private maintenance on Fishers Lane.
2. Full width dedication and construction of Wilkens Avenue Extended (B-16) in accordance with the master plan, as a modified business district street (Standard MC-2005.01 modified as previously noted).
3. Provide a typical section for the proposed improvements across the Fishers Lane site frontage.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. We have reviewed the Color Coded Utility Concept Plan and understand that a gas main already exists within the proposed right-of-way for B-16 as well as an underground electric line at the intersection of B-16/Fishers Lane. We have not received an alternatives analysis (that demonstrates it is infeasible to locate dry utilities on private property). As a result, we do not support allowing additional/new longitudinal dry utilities installations in the public rights-of-way; the applicant should grant Public Utilities Easements along B-16 and Fishers Lane.
6. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
7. The sight distances study for Wilkins Avenue Extended onto Fishers Lane has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

8. In addition to elements already incorporated into the design, we recommend the following measures be considered in the final design to promote multi-modal, transit-oriented development:
- Design parking facilities to provide flexibility in use of parking;
 - Design to promote use of transit: main entrances of buildings should be oriented to transit; design building frontages/lobbies to provide two-way visibility; where port-cocheres (covered entryways) are used, ensure height is adequate to accommodate transit buses; ensure that the height of landscaping selected does not obscure visibility of transit on Fishers Lane; provide displays for transit and other TDM information in employee and visitor entrance areas;
 - Incorporate planning for other modes, i.e, shuttles, taxis
9. Prior to approval of the record plat, we recommend the applicant be required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Department of Transportation. The trip reduction elements should be coordinated with Ms. Sandra Brecher, Chief of our Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.

We believe the trip reduction measures in that Agreement, to achieve the eighteen (18) percent trip reduction, should include:

- Charge market rates for parking in the parking facility, and do not require that tenant leases commit to a minimum number of parking spaces as a precondition to leasing space in the office building.
- Carpool/Vanpool Parking. Provide adequate numbers of carpool and vanpool parking spaces in highly visible, preferentially-located spots.
- Car Sharing Parking. Provide adequate number of car sharing vehicle parking spaces in highly visible, preferentially-located spots
- Electric Car Charging. Provide at least two electric car charging stations on site for each development.
- Bike racks: Provide inverted U-shaped racks for 50 bikes within 50 feet of the main entrance and 25 bike lockers close to the nearest garage entrance/exit.
- Bike Sharing. Provide facilities for bikesharing system.

The TMAg should also include a Security Instrument element (letter of credit or other acceptable performance instrument) to guarantee achievement of trip reduction goals.

10. In lieu of parking waiver, we recommend the applicant reduce parking supply below ratios permitted in TMX2 zone consistent with the provisions of Section 59-E-3.31 (a) (1) of the Zoning Ordinance.
11. Provide an eight-foot wide pedestrian path on the east side of B-16; widen curb-ramps to match 8-foot wide "major pedestrian path."
12. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
13. Record plat to reflect denial of access along Fishers Lane other than for Wilkins Avenue Extended.

14. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
15. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. At the permit stage, the applicant's consultant should submit truck turning templates to the Department of Permitting Services for the proposed truck loading dock aprons and emergency vehicle site access locations.
16. Provide truck loading space as required in accordance with the Executive Branch's "Off-Street Loading Space" policy.
17. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
18. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
19. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
20. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
21. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
22. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
23. Trees in the County rights of way – spacing and species to be in accordance with the applicable DOT standards. Tree planning within the public right of way must be coordinated with Mr. Brett Linkletter with the Division of Highway Services, Tree Maintenance Unit at (240) 777-7651.
24. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

Mr. Patrick Butler
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- A. Street grading, paving, curbs and gutters, concrete sidewalk/shared use path and handicap ramps, enclosed storm drainage and appurtenances, and street trees along (B-16) as a modified business district street (Standard MC-2005.01 modified as previously noted). Construct a temporary turnaround at the end of B-16.
- B. Construct concrete sidewalk and emergency vehicle access, provide street trees, and modify existing enclosed storm drain system (if necessary) along the Fishers Lane site frontage.
- C. At the permit stage, submit Sign and Marking Plan to our Traffic Engineering Studies Section to determine appropriate parking restrictions on B-16 and Fishers Lane.
- D. Relocate the existing handicap ramp on the south side of Fishers Lane to align with a new handicap ramp to be built on northeast corner of the B-16/Fishers Lane intersection.
- E. Additional road improvements may be required as a result of the review of the traffic impact study.
- F. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- G. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- H. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- I. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- J. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this vicinity, at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Mr. Patrick Butler
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Enclosures (2)

cc: Kristi Smith; Parklawn North Lot LLC
Bill Landfair; VIKA Maryland, LLC
Chuck Irish; VIKA Maryland, LLC
Anne M. Mead; Linowes & Blocher, LLP
Ed Papazian; Kimley-Horn and Associates
Eric Moy; HOK
Glenn Kreger; MNCPPC Area 2
Shahriar Etemadi; MNCPPC Area 2
Ed Axler; MNCPPC Area 2
Cathy Conlon; MNCPPC DARC
Preliminary Plans Notebook
Preliminary Plan Folder

cc-e: Marie LaBaw; MCFRS
Amy Butler Stevens; DPS SWFMP
Gene Gopenko; DPS SWFMP
Atiq Panjshiri; DPS RWPR
Rick Brush; MCDPS WRM
Mike Geier; MCDPS WRM
Bruce Johnston; MCDOT DTE
Jerry McCauley; MCDOT DTE
Gail Tait-Nouri; MCDOT DTE
Sande Brecher; MCDOT DTS
Brett Linkletter; MCDOT DHM
Fred Lees; DOT DTEO
Kyle Liang; DOT DTEO
Dan Sanayi; DOT DTEO
David Adams; DOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Parklawn North Preliminary Plan Number: 120110300

Street Name: Fisher Place Master Plan Road Classification: Business

Posted Speed Limit: No Speed Limit Posted mph

Street/Driveway #1 (Fisher Place) Street/Driveway #2 (_____)

Sight Distance (feet) OK?
 Right 266' YES ✓
 Left 400' YES ✓

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

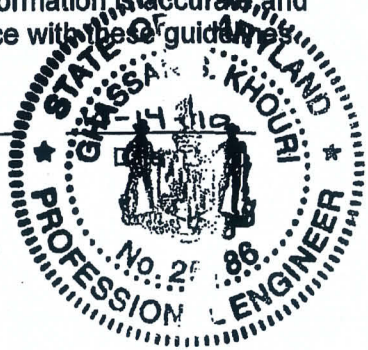
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate, and was collected in accordance with these guidelines.

[Signature]
 Signature
25786
 PLS/P.E. MD Reg. No.



Montgomery County Review:

Approved
 Disapproved:

By: *[Signature]*
 Date: 6/18/11

Form Reformatted: March, 2000



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

June 16, 2011

Ghassan Khouri, P.E.
VIKA Maryland, LLC
20251 Century Blvd., Suite 400
Germantown, Maryland 20874

Re: Stormwater Management **CONCEPT** Request
for Parklawn North
Preliminary Plan #: 120110300
SM File #: 239485
Tract Size/Zone: 12.65 Ac. / TMX-2
Total Concept Area: 6.58 Ac
Lots/Block: 4, 5, 6 & Outlot A, Block 1
Parcel(s): P102
Watershed: Lower Rock Creek

Dear Mr. Khouri:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via five micro-biofilters, four Silva Cells, a partial green roof, and three storage-based structural filtration facilities. Non-rooftop disconnect is being used to treat the off-site bike path.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Outfall improvements and stabilization for the existing and proposed storm drains from the northern parking area will be provided and shown on the detailed plans.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is **not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geler at 240-777-6342.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla CN239485 Parklawn North.mjg.doc

cc: C. Conlon
SM File # 239485

ESD Acres:	4
STRUCTURAL Acres:	2.5
WAIVED Acres:	0



FIRE MARSHAL COMMENTS

DATE: 14-Jun-11
TO: Jagdish Mandavia - mandavia@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: Parklawn North
120110300 820110090

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **14-Jun-11**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

15



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

June 10, 2011

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Parklawn North, DAIC 120110300, NRI/FSD applied for on 1/21/2011

Dear Ms. Carrier:

The County Attorney's Office has advised me that the provisions contained in Section 5-1607 of Title 5 (Natural Resources) of the Maryland Code apply to any application required by Chapter 22A of the Montgomery County Code submitted after October 1, 2009. Since the application for the above referenced request is required to comply with Chapter 22A based on a review by the Maryland National Capital Park & Planning Commission (MNCPPC) and was submitted after this date, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant results in the following findings:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this condition.

Françoise Carrier
June 10, 2011
Page 2

2. Based on a discussion on March 19, 2010 with representatives of the Maryland Department of Natural Resources Forest Service and the MNCPPC, the disturbance of trees, or other vegetation, is not interpreted as a condition or circumstance that is the direct result of the actions by the applicant and, therefore, the variance can be granted under this condition, as long as appropriate mitigation is provided for the resources disturbed.
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this condition.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this condition.

Therefore, I recommend that this applicant qualify for a variance conditioned upon mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law. Until other guidelines are developed, I recommend requiring mitigation based on the area of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Acting Chief

The following elements, shown on the adjoining map, illustrate public facilities and amenities recommended in this Plan.

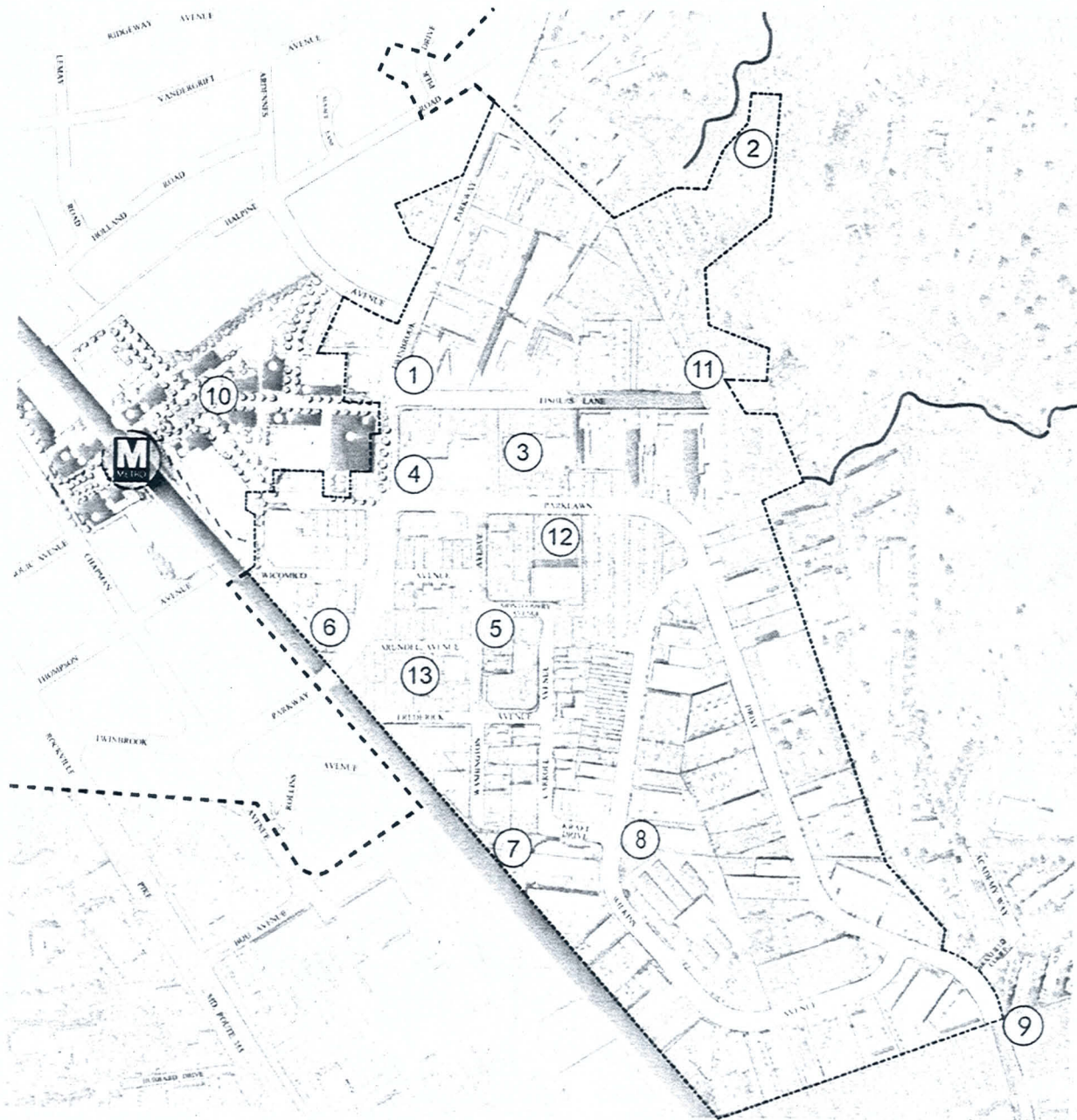
1. **Fishers Lane Streetscaping and Intersection Improvements** – Though this intersection is marked with special paving, redevelopment will increase the number of people crossing to and from Metro. Pedestrian safety issues that can be addressed in design and operations should be examined. Improvements should also be coordinated with Parklawn Drive's intersection with Twinbrook Parkway and should contribute to creating the east side of Twinbrook Parkway between the two streets as a pedestrian environment.
2. **Sidewalk and Trail Connection to Rock Creek Park** – A bike and pedestrian connection to a local and regional park would be a significant asset for this community. It will be necessary to work with property owners to create a short easement between the Plan area and the park.
3. **Parklawn Drive-Fishers Lane Pedestrian Connections** – These routes already exist as a driveway and a somewhat hidden stairway. Both should be made more visible and accessible to create a comprehensive pedestrian route through the area that eventually reaches Metro.
4. **Parklawn Drive Streetscaping and Intersection Improvements** – As with Fishers Lane, the sidewalks, street character, and pedestrian crossing should be upgraded for safety and appearance through redevelopment.
5. **Washington Avenue Sidewalk** – The street is proposed to be extended to the north as a vehicle and pedestrian connection, and anchored at the south with a pedestrian crossing of the CSX tracks that also serves the extended Kraft Drive from the east. A sidewalk along the street, through the Light Industrial Area, will create a complete pedestrian network.
6. **Frederick Avenue-Wicomico Avenue Pedestrian Link** – A desire line path has already been created here to link to Metro, but it is a dangerous route, climbing up an embankment and crossing Twinbrook Parkway at mid-block. A safe route should be established beneath the Twinbrook Parkway overpass through redevelopment of the Wicomico Avenue area.
7. **Kraft Drive-Bou Avenue Pedestrian Link** – Extending Kraft Drive to meet the southern end of Washington Avenue will complete one link in an east-west pedestrian route through the Plan area.
8. **Wilkins Avenue-Parklawn Drive Pedestrian Link** – This route will complete another link in an east-west pedestrian route and create a shorter pedestrian route to the bus stops on Parklawn Drive.
9. **Parklawn Drive-Montrose Parkway Trail Connection** – The Montrose Parkway will have a vehicle connection with Parklawn Drive. The road design should include a safe and separate pedestrian and bike route from existing sidewalks to the proposed shared use path.
10. **Twinbrook Station Green** – Though outside the Plan area, this green is a significant space that marks the Metro station and provides a community focus. It will be mirrored by a similar, green open space at the eastern end of Fishers Lane.

11. Fishers Lane Park – This is one of the large public open spaces proposed in the Plan and while at the intersection of proposed streets and driveways should be large, visible, and predominantly pervious.

12. Parklawn Drive Park – This park is the second large public open space proposed in the Plan, and it will be created at some point along the length of Parklawn Drive. It should coordinate with the pedestrian space at Washington Avenue, and it should be visible and substantially pervious.

13. Higgins Cemetery – This historic site is privately owned and maintained, but it is a significant open space in this largely developed Plan area. Any redevelopment of sites and paths adjacent to it should complement and respect the cemetery's boundaries.

Public Amenities and Community Facilities



Environmental Resources

Rezoning and redevelopment in Twinbrook is an opportunity to improve environmental sustainability, both function—primarily air and water quality—and appearance by incorporating features such as pervious open spaces and tree-planting into land use, transportation, park, and urban design recommendations. Metro station locations such as Twinbrook already create environmental benefits by redeveloping built environments and using existing infrastructure with proximity to transit, thereby containing the impacts of development.

This Plan's environmental goal is to move beyond the benefits of location through green building and site design. Redevelopment of the area should create a recognizably green setting in function and appearance where residents and employees can walk between work and transit, and to community services and retail.

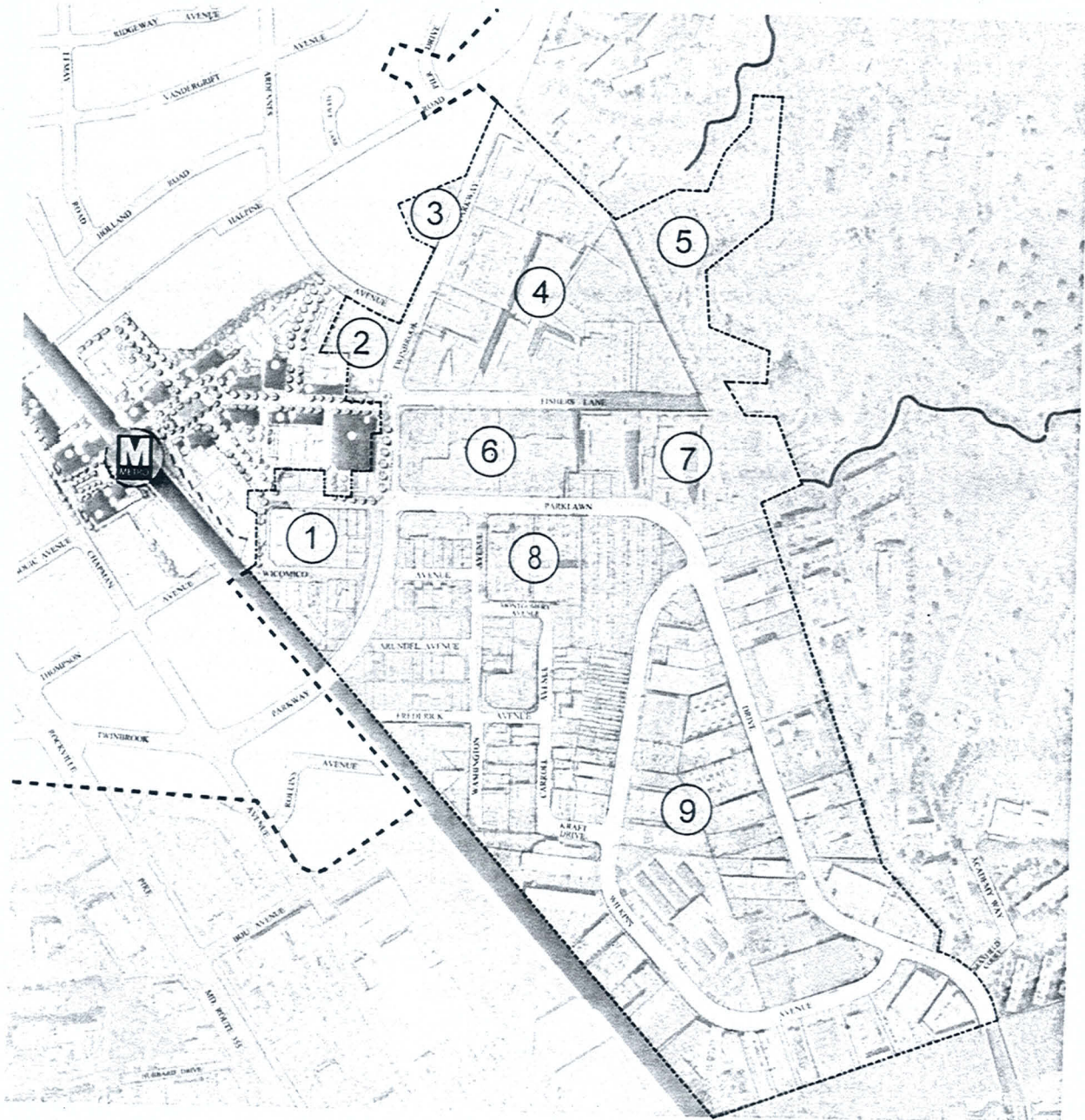
- Increase the amount of pervious surface to improve the quality and reduce the quantity of stormwater run-off, mitigate heat island effects, and contribute to a green and pedestrian-friendly environment.
- A significant portion of paved area should be shaded through trees within five years of occupancy or paved with reflective materials.
- Street trees should be spaced and sized to create 30 percent canopy coverage on redeveloped areas, and open space should be planted and substantially pervious.
- Improve air quality through development decisions that increase tree canopy and pervious surfaces, and the use of reflective materials.
- Encourage public and private projects to use emerging technologies in building, site, and road design that incorporate stormwater treatment features into urban design and streetscape options. They can include, but not be limited to green streets (as defined in the County Road Code), water features that buffer noise and capture stormwater, graywater cisterns, and open spaces that can capture, filter and reuse stormwater.
- Encourage redevelopment that creates connected street patterns that contribute to a safe and pleasant pedestrian and bicycle network that encourages residents and employees to replace auto trips with walking and bicycling options.
- Support a shuttle bus system that encourages residents and employees to replace short auto trips.
- Encourage site and building design that locates public and other occupied spaces away from noise sources. Encourage new development to integrate noise mitigation measures at the earliest possible stage.



TWINBROOK NEIGHBORHOODS

This Plan divides Twinbrook into three neighborhoods that reflect the area's variety of uses and its potential for change. Building on the base of redevelopment around the Metro station, the high technology uses along Fishers Lane, and the light industrial enclave to the south, Plan recommendations create the potential for the neighborhoods to combine into a complete community of connected mixed uses supported by transit and public facilities.

Analysis Areas



Technology Employment Area

(East of Twinbrook Parkway along Fishers Lane and Parklawn Drive)

The Technology Employment Area located east of Twinbrook Parkway includes a mix of office and laboratory uses, some of them recently developed. The National Institutes of Health (NIH) and other federal agencies have located here, near the Metro Red Line, and between the NIH Bethesda campus and the Shady Grove Life Sciences Center.

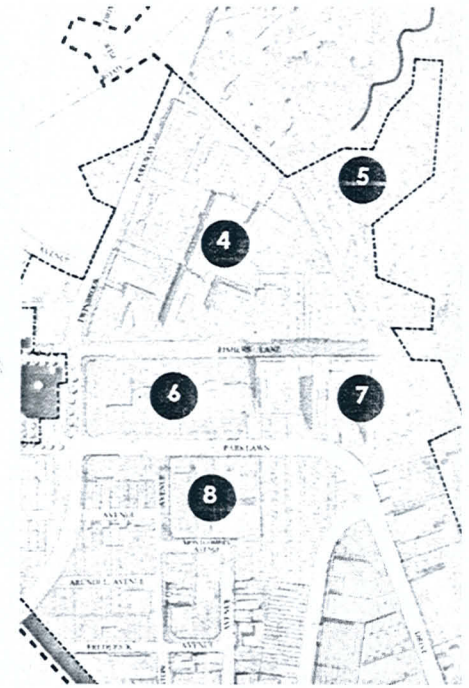
The area's most prominent building is the 1.3-million square foot Parklawn Building. Associated with it are sites to the north and south with significant development potential that have long been used as employee parking lots. These sites combined with redevelopment potential of the Parklawn Building, have the ability to substantially change the area's character.

The small lots surrounding Washington Avenue are the sites of the area's early development—the residential Spring Lake neighborhood, subdivided in 1892. While the 1978 Plan noted 13 remaining residential units, these have all since evolved into commercial and light industrial uses that provide jobs and services to neighboring businesses and residents.

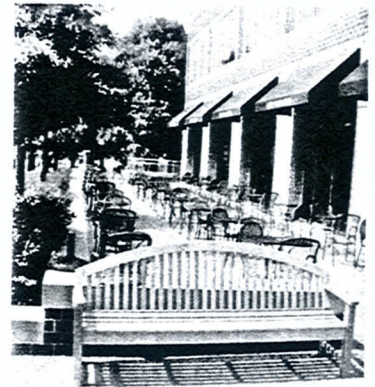
The goal of this Plan is to improve the area's urban environment, build on its existing concentration of technology uses, and create an employment district with a high quality public and private realm that can serve residents and employees. An internal network of streets should make pedestrian and vehicle connections that create safe and pleasant routes to Metro and other destinations. Streetscape should be substantial and public use space requirements can create visible and useful public open spaces, particularly along Parklawn Drive. Buildings of varied height and character should define Fishers Lane and Parklawn Drive.

Design Guidelines

- Locate the tallest buildings along Parklawn Drive and Fishers Lane with a maximum building height of 10 to 12 stories or 143 feet.
- Step buildings down from a maximum of 143 feet along Fishers Lane and Parklawn Drive to approximately 60 feet along the northern edge of the planning area to establish compatibility with the existing garden apartments.
- Buildings should be of varied height and character.
- Streetscapes should be provided along all streets, particularly along Parklawn Drive and Fishers Lane.
- Orient buildings to the street with parking to the rear or side.



- Building heights may be increased to accommodate a permitted density bonus for MPDUs and workforce housing.
- Avoid large open spaces between buildings and significant setbacks from the street to satisfy the public use requirement.
- Improve the safety for pedestrians at the intersections of Twinbrook Parkway with Fishers Lane and Parklawn Drive.
- Provide a major public open space along Parklawn Drive, and at the eastern end of Fishers Lane, to mirror the public open space proposed at the western end in Twinbrook Commons located adjacent to the Twinbrook Metro Station. The public use spaces should include pervious surfaces.
- Create an extension of Washington Avenue across Parklawn Drive to Fishers Lane, lined with street oriented buildings and streetscaping.
- Build the extension of Wilkins Lane with streetscaping and sidewalks.
- Provide a pedestrian connection between Parklawn Drive and Fishers Lane adjacent to the existing Parklawn Building in addition to the connections along the extension of Washington Avenue.



Streets and Street Character

The area's parallel streets, Fishers Lane and Parklawn Drive, are a defining feature and the Plan's recommendations aim to create them as active streets, lined with commercial, retail, and residential uses, making a direct connection to the Metro station. The eastern end of Fishers Lane will be anchored with a public open space and as sites redevelop they should create a connected street system to provide pedestrian access and alternative vehicle routes. Rezoning should create opportunities for re-use of the Parklawn Building, and require design improvements and an urban environment that will serve into the future.

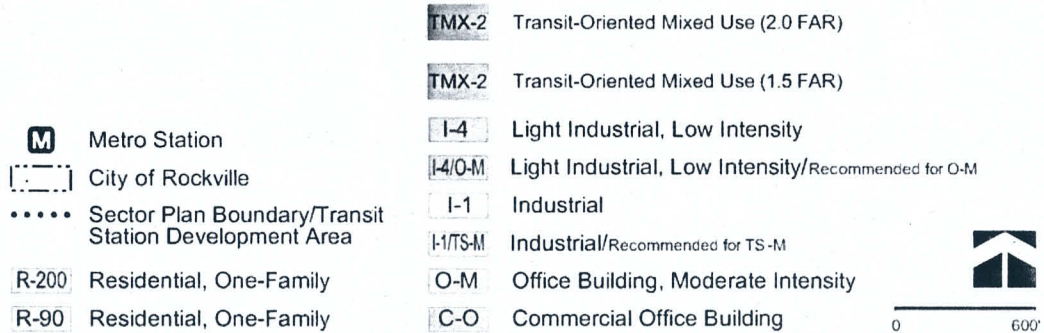
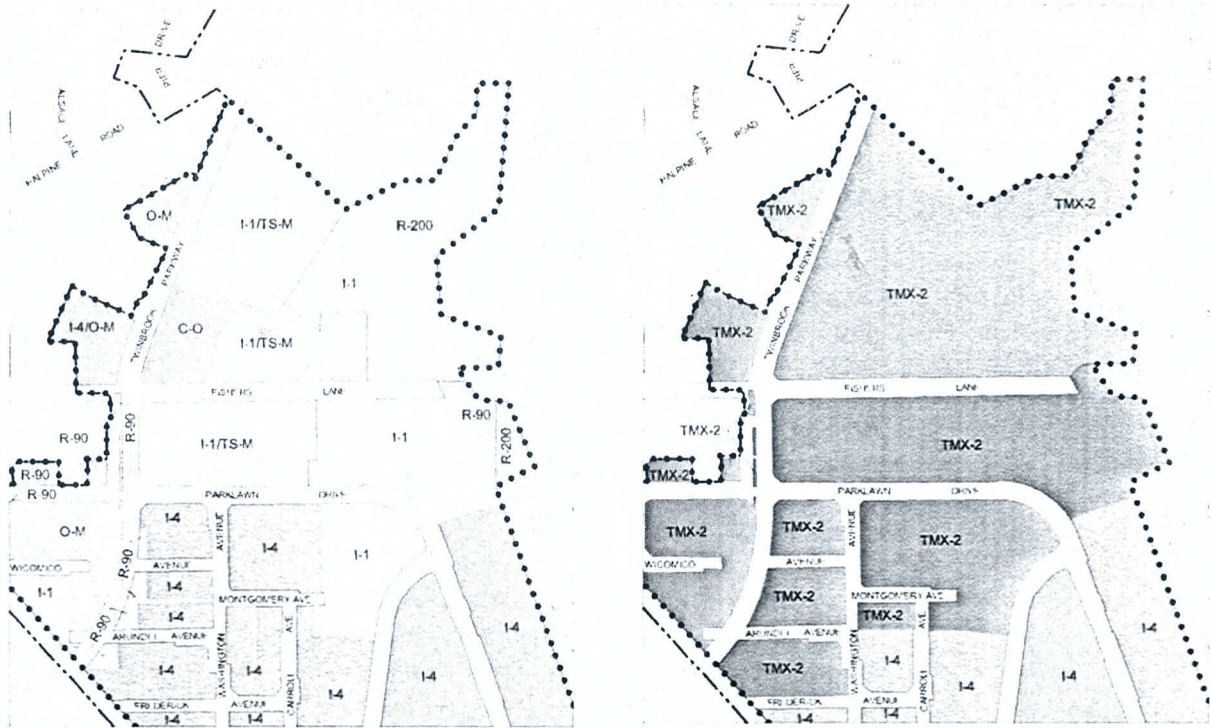
Fishers Lane and Parklawn Drive are the major streets through the Technology Employment Area, with sites fronting on both. The Plan also recommends that Wilkins Avenue be extended north through the Plan area to connect with Twinbrook Parkway. Redevelopment will offer the opportunity to upgrade the street environment, create connections, and coordinate land uses and public spaces. Specific recommendations follow.

Fishers Lane is a business street with an 80-foot right-of-way that should include two vehicle travel lanes, on-street parking, sidewalks, a shared use path, and streetscaping. It is envisioned as a pedestrian-oriented street lined with activating retail and service uses, connecting to the Metro station. The street design should focus on the pedestrian experience. Its intersection with Twinbrook Parkway is a significant pedestrian crossing and should be marked by wide sidewalks.



Illustrative of Fishers Lane with Urban Park

Technology Employment Area Existing and Proposed Zoning



Though Parklawn Drive also serves the Plan's Light Industrial Area, its character is most important in shaping the Technology Employment Area. It should maintain its classification as a four-lane arterial road for its length from Montrose Parkway to the Metro station, but its vehicle and pedestrian function should be improved with four lanes, and include wide sidewalks. Sidewalks on both sides of the street should be set off from the curb edge by a lawn panel and street trees. Pedestrian crosswalks should be provided at Twinbrook Parkway and Wilkins Avenue.

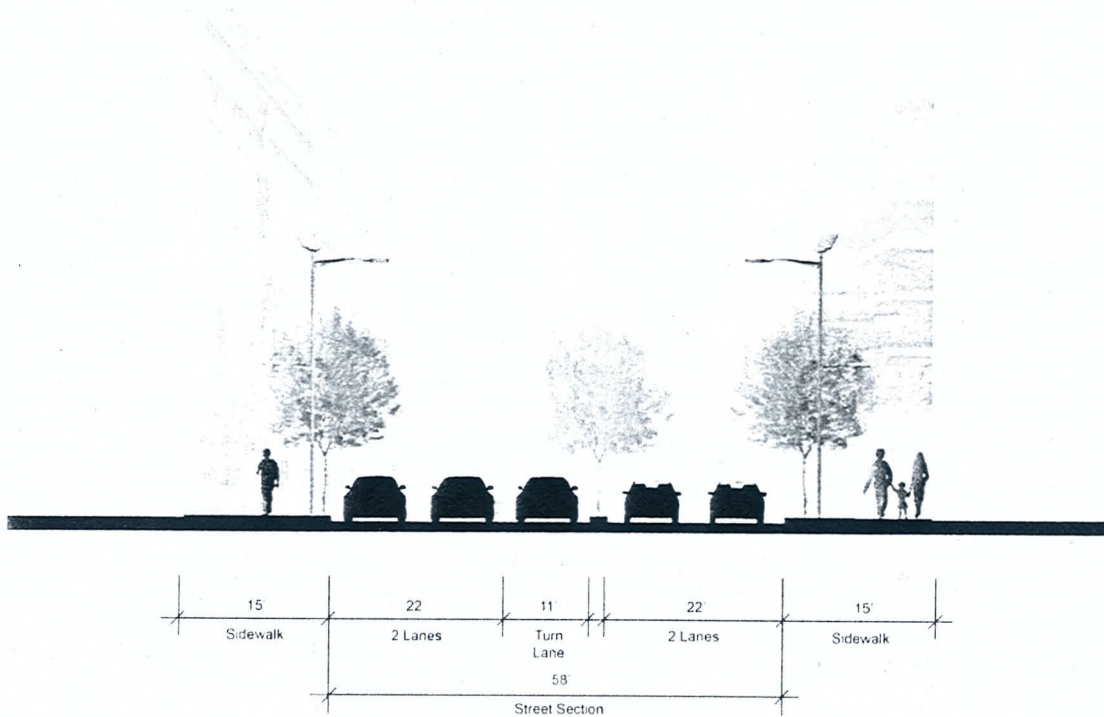
The intersection with Washington Avenue should be marked and landscaped for safe pedestrian crossing and Metro access. With future traffic generated by Montrose Parkway, design recommendations will ensure that the road also serves as a safe and pleasant pedestrian route.

The streetscape of both Fishers Lane and Parklawn Drive should connect with the proposed pedestrian connection between the two streets. Planting patterns, street

furniture, and crossing points should all mark and support this pedestrian space. Street features should include:

- retail, employment, formal public spaces and other activating uses lining the street
- wide sidewalks on both sides of the street using reflective paving materials if possible
- an anchoring feature at the eastern end of Fishers Lane that includes a major green open space incorporating complementary environmental and design features
- on-street parking with single-station parking meters, shared parking facilities, and combined vehicle entrances to minimize curb cuts
- Parklawn Drive could be realigned to the south, away from the Parklawn Building, to improve site security and create a safe pedestrian crossing, if necessary to meet the tenant's security needs
- connections to the extension of Washington Avenue, which should be animated by storefronts and doorways, and should take advantage of the grade change in its design.

Parklawn Drive at Wilkins Avenue Cross Section



Redevelopment will create the need and opportunity for the Wilkins Avenue Extension as an alternate vehicle route through the Plan area. This road extension is envisioned in three sections.

- The southernmost, from Parklawn Drive to Fishers Lane connects Twinbrook Parkway and Parklawn Drive.



- The middle link, from Fishers Lane through the Plan area's northeast corner, should meet any security needs and minimize environmental impacts. It provides access to redevelopment on that site and continues a through connection.
- The northernmost link, from the property line north to Twinbrook Parkway, provides access to the eastern portion of the planning area and completes the bypass of the Twinbrook Parkway and Parklawn Drive intersection.

These sections would be staged to coincide with redevelopment. The northernmost link could be implemented as a private street. Its route should minimize impact on any adjacent residential development and should be outside the recommended stream buffer. All segments of the road should include bicycle and pedestrian facilities and be built using green design elements, such as bio-swales and other techniques to address stormwater management.

A planned extension of **Washington Avenue** runs through this area, connecting the two existing segments of Washington Avenue with a final segment between Parklawn Drive and Fishers Lane. This will add an important connecting element to the expanding grid in Twinbrook. Improvements should recognize its importance as both a vehicle and pedestrian link. Guidance for Washington Avenue is provided in the discussions of Analysis Area 4, 6, and 8 in the Technology Employment Area.

Technology Employment Area 4

The U.S. Pharmacopeia (USP) building and Fishers Place office and laboratory projects were recently developed and under proposed rezoning would have no additional commercial redevelopment potential. Other sites in this 19-acre area are zoned I-1 and are used as parking lots or built with light industrial and laboratory uses. The 1992 Plan also described USP as built out and this Plan recommends rezoning this site capped to reflect the current use and density.

The 1992 Plan recommended the TS-M Zone in this area to create mixed uses, and anticipated nearly 500,000 square feet of new development. Instead, under the I-1 base zone with no FAR limit, Fishers Place was built at 715,200 square feet and an FAR of 1.42.

The remaining sites are recommended for a 1.5 FAR density cap for commercial development, reflecting this location further removed from Metro. The recommendation provides redevelopment incentive for projects that complement the existing offices and would contribute to creating street and pedestrian connections.

Recommendations

- Rezone the USP site from C-O to TMX-2, with a 1.85 FAR cap for commercial development reflecting the existing density of construction completed in 2007.
- Rezone Fishers Place from I-1 to TMX-2, with a 1.5 FAR cap for all development.
- Rezone remaining acres from I-1 to TMX-2, with a 1.5 FAR cap for all development.
- Overcome Twinbrook Parkway's effect as a pedestrian barrier by improving the safety of pedestrian crossings at the intersection with Fishers Lane.

- Fishers Lane should be lined with buildings oriented to the street and treated with streetscape features that connect to the proposed open space at the eastern end of the street.
- Place buildings along Twinbrook Parkway to create a wide and landscaped sidewalk.
- Create a connected grid of new streets throughout this large block that are defined by buildings, streetscaping, and public spaces.
- Development and building heights should be compatible with adjacent garden apartments.

Technology Employment Area 5

This site comprises two properties both in use as parking lots, of nine acres and approximately four acres. The nine-acre property, accessible only from Fishers Lane, is surrounded by a cemetery and garden apartments. It was not included in the 1992 Plan and remains in the R-200 Zone (from earlier development patterns) with a special exception for the parking lot use. The roughly four-acre property is zoned I-1.



This Plan proposes the new TMX-2 Zone on this site. This substantial density increase provides incentive for redevelopment. Redevelopment will provide significant public improvements, including a public space at the end of Fishers Lane, and sidewalk and bicycle connections.

Recommendations

- Rezone this site from R-200 to TMX-2.
- Development limited to 1.5 FAR.
- Route the proposed extension of Wilkins Avenue away from the stream valley buffer.
- Provide stream restoration or off-site mitigation to minimize the impact of redevelopment.
- Create a public space at the eastern end of Fishers Lane to mirror the public open space proposed at the western end in Twinbrook Station.
- Create pedestrian connections through this site that connect with the proposed shared use path connection to the north.
- Contribute to a street grid that serves vehicles and pedestrians.
- Development and building heights should be compatible with adjacent garden apartments.
- Require redevelopment to set aside open space that marks the proposed trail connection, provides green space within the Plan area, and further buffers the adjacent stream.

Technology Employment Area 6

The two sites in this area are highly visible and accessible. They are currently developed with office uses. This Plan continues the 1992 Plan's recommendation for mixed

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